

Lordship, State Formation and Local Authority in Late Medieval and Early Modern England

SPIKE GIBBS



LORDSHIP, STATE FORMATION AND LOCAL AUTHORITY IN LATE MEDIEVAL AND EARLY MODERN ENGLAND

Providing a new narrative of how local authority and social structures adapted in response to the decline of lordship and the process of state formation, Spike Gibbs uses manorial officeholding – where officials were chosen from among tenants to help run the lord’s manorial estate – as a prism through which to examine political and social change in the late medieval and early modern English village. Drawing on micro-studies of previously untapped archival records, the book spans the medieval/early modern divide to examine changes between 1300 and 1650. In doing so, Gibbs demonstrates the vitality of manorial structures across the medieval and early modern era, the active and willing participation of tenants in these frameworks, and the way this created inequalities within communities. This title is part of the Flip it Open Programme and may also be available Open Access. Check our website Cambridge Core for details.

SPIKE GIBBS is Junior Professor for the Economic History of the Middle Ages at the University of Mannheim. His writing on manorial officials, felony forfeiture and managing stray animals has been published in journals such as the *Journal of British Studies* and the *English Historical Review*. This is his first book.

Cambridge Studies in Medieval Life and Thought
Fourth Series

General Editor:

JOHN H. ARNOLD

*Professor of Medieval History, University of Cambridge, and
Fellow of King's College*

Advisory Editors:

CHRISTOPHER BRIGGS

*Associate Professor in Medieval British Social and Economic History, University of Cambridge, and Fellow of
Selwyn College*

HELEN GITTOS

Associate Professor in Early Medieval History, University of Oxford, and Fellow of Balliol College

ADAM J. KOSTO

Professor of History, Columbia University

MAGNUS RYAN

Associate Professor in History, University of Cambridge, and Fellow of Peterhouse

The series *Cambridge Studies in Medieval Life and Thought* was inaugurated by G.G. Coulton in 1921; Professor John H. Arnold now acts as General Editor of the Fourth Series, with Dr Christopher Briggs, Dr Helen Gittos, Professor Adam J. Kosto and Dr Magnus Ryan as Advisory Editors. The series brings together outstanding work by medieval scholars over a wide range of human endeavour extending from political economy to the history of ideas.

This is book 121 in the series, and a full list of titles in the series can be found at:
www.cambridge.org/medievallifeandthought

LORDSHIP, STATE FORMATION
AND LOCAL AUTHORITY IN
LATE MEDIEVAL AND EARLY
MODERN ENGLAND

SPIKE GIBBS
University of Mannheim, Germany



Shaftesbury Road, Cambridge CB2 8EA, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of
education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781009311830

DOI: [10.1017/9781009311847](https://doi.org/10.1017/9781009311847)

© Spike Gibbs 2023

This publication is in copyright. Subject to statutory exception and to the provisions
of relevant collective licensing agreements, no reproduction of any part may take
place without the written permission of Cambridge University Press & Assessment.

An online version of this work is published at doi.org/10.1017/9781009311847
under a Creative Commons Open Access license CC-BY-NC 4.0 which permits
re-use, distribution and reproduction in any medium for non-commercial purposes
providing appropriate credit to the original work is given. You may not
distribute derivative works without permission. To view a copy of this license, visit
CC BY-NC 4.0 Deed | Attribution-NonCommercial 4.0 International | Creative Commons.

All versions of this work may contain content reproduced under license from third
parties. Permission to reproduce this third-party content must be obtained from these
third-parties directly.

When citing this work, please include a reference to the DOI [10.1017/9781009311847](https://doi.org/10.1017/9781009311847)

First published 2023

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

NAMES: Gibbs, Spike, 1992– author.

TITLE: Lordship, state formation and local authority in late medieval and early modern England / Spike
Gibbs, Universität Mannheim, Germany.

DESCRIPTION: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2023. | Series:
Cambridge studies in medieval life and thought: fourth series | Includes bibliographical references and index.

IDENTIFIERS: LCCN 2023019808 (print) | LCCN 2023019809 (ebook) | ISBN 9781009311830 (hardback)
| ISBN 9781009311847 (ebook)

SUBJECTS: LCSH: Manors – England – History – to 1500. | England – Economic conditions – 1066–1485.
| Farm tenancy – England – History. | Peasants – England – History.

CLASSIFICATION: LCC HC254.3 .G53 2023 (print) | LCC HC254.3 (ebook) | DDC 333.3/22094209023–
dc23/eng/20230504

LC record available at <https://lcn.loc.gov/2023019808>

LC ebook record available at <https://lcn.loc.gov/2023019809>

ISBN 978-1-009-31183-0 Hardback

ISBN 978-1-009-31182-3 Paperback

Cambridge University Press & Assessment has no responsibility for the persistence
or accuracy of URLs for external or third-party internet websites referred to in this
publication and does not guarantee that any content on such websites is, or will remain,
accurate or appropriate.

CONTENTS

<i>List of Figures</i>	page vi
<i>List of Maps</i>	vii
<i>List of Tables</i>	viii
<i>Acknowledgements</i>	ix
<i>List of Abbreviations</i>	xi
INTRODUCTION	I
1 THE CHANGING ROLE OF MANORIAL OFFICERS AND MANOR COURTS	34
2 MANORIAL OFFICEHOLDING AND SELECTION PROCESSES: PARTICIPATION OR RESTRICTION?	68
3 MANORIAL OFFICEHOLDING AND UNFREEDOM	117
4 MANORIAL OFFICEHOLDING AND VILLAGE GOVERNANCE: MISCONDUCT AND LANDSCAPE CONTROL	144
5 STATE FORMATION I: THE PARISH	176
6 STATE FORMATION II: QUARTER SESSIONS, VILLS AND CONSTABLES	203
CONCLUSION	227
<i>Appendix 1 Categorising Presentments</i>	239
<i>Appendix 2 Identifying Individuals</i>	241
<i>Appendix 3 Population Estimates</i>	243
<i>Bibliography</i>	247
<i>Index</i>	271

FIGURES

1.1	Average presentments per category across all manors, 1320–1649	<i>page</i> 42
1.2	Presentments per category at Horstead, 1392–1628	43
1.3	Presentments per category at Cratfield, 1401–1649	43
1.4	Presentments per category at Little Downham, 1310–1649	44
1.5	Presentments per category at Worfield, 1327–1649	44
1.6	Presentments per category at Fordington, 1328–1649	45
2.1	Distribution of reeve and messor selections by quartile of individuals	97
2.2	Distribution of bylawmen and fieldreeve selections by quartile of individuals	103
2.3	Distribution of taster and tithingman selections by quartile of individuals	105

MAPS

0.1	Case-study manors	<i>page</i> 22
0.2	Norfolk hundreds with location of villages	23
0.3	Townships of Worfield	29
4.1	Map of Horstead with villages mentioned in the text	158
5.1	Places mentioned for the first time in Worfield's churchwardens' accounts by phase	186
6.1	Places mentioned in Norfolk's quarter sessions' records by category	210

TABLES

0.1	Essential features of case-study manors	<i>page</i> 24
0.2	Officers found on each case-study manor with periods of appearance in court rolls	25
2.1	Reconstruction of careers as messor for individuals named in presentment of 1434 at Little Downham	89
2.2	Individuals serving in manorial office as a proportion of the population	92
2.3	Concentration ratios for presentment jurors	109
3.1	Officers by tenurial status in sample of southern manors	123
3.2	Officers by tenurial status in sample of East Anglian manors	124
3.3	Presentments of servile incidents by presentment juries	137
5.1	Careers of churchwardens in manorial office at Worfield and Cratfield	189
5.2	Comparison of careers of churchwarden-presentment jurors with all presentment jurors at Worfield and Cratfield	191
6.1	Reconstruction of the careers of constables in manorial office	216
A 3.1	Population estimates	244

ACKNOWLEDGEMENTS

This book has been written while studying and working at three different academic institutions, and at each of these I have accumulated many debts, without which this book could not have been completed. The book began as a Ph.D. thesis undertaken at the University of Cambridge. I am very grateful to the Master and Fellows of Trinity College for three years of funding which supported this research. At Cambridge, I was lucky to be part of the Cambridge Group for the History of Population and Social Structure which provided not only a stimulating academic environment in the offices in the History Faculty and at Thursday morning 'Brown Coffee seminars' but also a congenial atmosphere at numerous pubs around Cambridge and the annual summer party. I am grateful to Drs Amy Erickson, Leigh Shaw-Taylor and Xuesheng You, who all provided help, in one form or another, throughout this time. In particular, my office-mate Dr Alex Wakelam provided invaluable comments and encouragement throughout writing the Ph.D. and sat patiently through *many* discussions about manorial officeholding. I also owe a great deal of thanks to Professors Richard Smith and Jane Whittle, who acted as examiners for the Ph.D. thesis. Their probing questions substantially changed the direction and scope of this research, and [chapters 3](#) and [6](#) of this book largely exist to try to respond to their comments.

The Department of Economic History at the London School of Economics, as well as providing a much-needed livelihood, also exposed me to a different approach to economic history. I am grateful to the school for a grant to support research during the Covid-19 pandemic which allowed me to gather additional archival material. I also would like to state my appreciation for my various office-mates in 6.15 Sardinia House, and Drs Mannik Nath and Guillaume Yon, who always provided help and support, especially during the pandemic. I would especially like to thank Drs Jordan Claridge and Karolina Hutkova, who, amongst many other kindnesses, helped me turn my ideas into a coherent book proposal. The

Acknowledgements

book has been finished while beginning a new position at the University of Mannheim. Here I am grateful to my new colleagues in the Historical Institute, who have been so welcoming and made moving to a new country far easier. I would also like to thank Drs Stephan Nicolussi-Köhler and Tanja Skambraks, and Lienhard Thaler, for their advice on the Conclusion.

The book has also benefited from comments on papers given at seminars in Cambridge, the LSE and Kiel, as well as presentations at the Fifteenth Century Society Conference, the British Agricultural History Society Spring Conference, the Economic History Society Annual Conference, the Warwick Symposium on Parish Research, the Experiences and Practices of Freedom in the Late Middle Ages Workshop in Seville, and the German Influence in Medieval Europe Workshop in Mannheim/Heidelberg. I thank audiences at all these events for engaging with this research and their helpful comments. I would also like to acknowledge the help of archivists at Cambridge University Library, King's College Cambridge, the National Archives, Norfolk Record Office, Shropshire Archives, Suffolk Archives: Ipswich Branch and Winchester College Archives. Without their work, and in particular their efforts to allow access to materials, particularly in the extremely difficult circumstances during the Covid-19 pandemic, it would not have been possible to write this book. I am also grateful to Selma Korbach for her research assistance in helping produce [Map 6.1](#). In addition, I am very thankful to Jane Smith, and the rest of the Worfield History Group, who kindly shared their photographs with me. I would also like to thank the editorial board of *Cambridge Studies in Medieval Life and Thought*, and commissioning editor Liz Hanlon and editorial assistant Victoria Phillips, for answering many questions and their patience in guiding me through the editorial process.

My greatest academic debt is to Dr Chris Briggs. Having acted as both supervisor for my Ph.D. and editor for Cambridge University Press, Chris has seen this book from its origins to the final manuscript. Throughout, he has been encouraging, enthusiastic and generous with his time, as well as providing invaluable comments on numerous drafts. I very much hope the book lives up to the high standards he sets in his own work.

Beyond my academic debts, I have been very lucky to benefit from support from friends and family, who knew when (and when not!) to ask how the book was progressing. I am particularly grateful to my parents and sisters, who always supported me throughout my studies and, crucially, fostered my love of history when I was growing up. Finally, I am grateful to my wife, Tabby, who has lived with this project for the past eight years, read numerous drafts and has always been a source of support and encouragement throughout.

ABBREVIATIONS

a	acres
<i>AgHR</i>	<i>Agricultural History Review</i>
BL	The British Library
<i>CIPM</i>	<i>Calendar of Inquisitions Post Mortem</i>
<i>CCR</i>	<i>Calendar of Close Rolls</i>
Cratfield PPs	W. Holland (ed.), J.J. Raven (intro.), <i>Cratfield: a Transcript of the Accounts of the Parish, from AD 1490 to AD 1642, with Notes</i> (London, 1895)
CUL	Cambridge University Library
<i>EcHR</i>	<i>Economic History Review</i>
EDR	Ely Diocesan Records
<i>EHR</i>	<i>English Historical Review</i>
ERO	Essex Record Office
<i>JBS</i>	<i>Journal of British Studies</i>
KCAR	King's College Archives Records
NRO	Norfolk Record Office
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i>
<i>P&P</i>	<i>Past and Present</i>
SA	Shropshire Archives
SAI	Suffolk Archives, Ipswich Branch
SR	<i>Statutes of the Realm</i> , 11 vols. (London, 1810–28).
TNA	The National Archives
UoCL, SCRC	University of Chicago Library, Special Collections Research Centre
<i>VCH Cambs.</i>	L.F. Salzman et al. (eds.), <i>The Victoria History of the County of Cambridgeshire and the Isle of Ely</i> , 10 vols. (London, 1938–2002)
<i>VCH Dorset</i>	W. Page et al. (eds.), <i>A History of the County of Dorset</i> , 2 vols. (London, 1908–68)
WCM	Winchester College Muniments

List of Abbreviations

- Worfield CWAs H.B. Walters (ed.), 'The churchwardens' accounts of the parish of Worfield', Parts I–VII, *Transactions of the Shropshire Archaeological and Natural History Society*, 3rd ser., 3–4, 6–7, 9–11 (1903–4, 1906–7, 1909–10, 1912)

INTRODUCTION

In 1596, the ‘chieffe inabitants’ of Swallowfield (Wilts.) set down the celebrated ‘Swallowfield Articles’, a list of twenty-six resolutions designed to help the community ‘better . . . lyve together in good love . . . to the praise of god and . . . better [serve] her Ma(jes)tie when wee meete together’.¹ This document has been cited by a number of early modern social historians as ‘the merest glimpse of what might well have been an extremely sophisticated system of parish governance’ revealing ‘the extent to which middling groups had emerged as agents of social and political transformation even by the turn of the sixteenth century’.² The articles make many references to quintessentially early modern governance structures, namely the quarter sessions and Justices of the Peace (JPs), which, while operative since the fourteenth century, saw increasingly dynamic usage under the Tudors and Stuarts.³ The geographical framework employed by the inhabitants is undoubtedly the parish, which, while again an ancient administrative unit, was increasingly put to secular use in the sixteenth century.⁴

However, alongside these references to more novel governing apparatuses, the articles are also replete with references to what could be

¹ S. Hindle, ‘Hierarchy and community in the Elizabethan parish: the Swallowfield Articles of 1596’, *Historical Journal*, 42 (1999), 835–51, at 848.

² *Ibid.*, 836, 843–4, 848; P. Collinson, ‘*De republica anglorum*: or history with the politics put back’ in P. Collinson, *Elizabethan Essays* (London, 1994), 1–30, at 23–5; M.J. Braddick, *State Formation in Early Modern England* (Cambridge, 2000), 75; S. Hindle, *The State and Social Change in Early Modern England, 1550–1640* (Basingstoke, 2000), 27–8; E.H. Shagan, ‘The two republics: conflicting views of participatory local government in early Tudor England’ in J.F. McDiarmid (ed.), *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson* (Aldershot, 2007), 19–36, at 19; M. Gaskill, ‘Little commonwealths II: communities’ in K. Wrightson (ed.), *A Social History of England, 1500–1700* (Cambridge, 2017), 84–104, at 92.

³ Hindle, ‘Hierarchy and community’, 848, 849 [9], 850 [15], [21], 851 [25]; J.A. Sharpe, *Crime in Early Modern England, 1550–1750* (London, 1984), 28–30; J.G. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London, 1973), 95–6.

⁴ Hindle, ‘Hierarchy and community’, 848, 849 [8], 850 [13], [20].

Introduction

considered a quintessentially medieval institution, namely that of the manorial court leet and its officers. Article 12 orders that the inhabitants ‘ioyne together in purse, travel and credett’ for any suit that ‘touchethe the whole Tythynges or in any of them’ referencing tithings, traditional divisions of manorial structures responsible for the maintenance of law and order.⁵ Explicit references to officers associated with these tithings are made in articles 10 and 16, in the former that ‘all . . . offycers for the publique affayers of the Tythyngs . . . shalbe countenanced and borne out of us all’ and the latter ‘that the offycers shall not be dislyked . . . in fyrtthynges . . . any other busynesse of the Tythynges’.⁶ Article 25 addresses the specific apparatus of the court leet, stating that ‘tow of us shall be present at Sessions leete & Law days for to use the best means for to keepe downe Synne’.⁷ Such language speaks to the persistence of manorial officeholding as a governing structure in early modern village life, but also suggests a longer continuity. Even in 1596, as the inhabitants of Swallowfield attempted to formulate solutions to new problems, in a meeting that involved participants from across the boundaries of several manors, they still operated, at least in part, within a system of local governance rooted in the manor and leet.

The example of Swallowfield encapsulates, in a rare source generated by village elites, the fundamental subject at the heart of this book. This is the long history of the manor as an institution of local governance. Manor courts, or courts baron, were the most immediate source of law and governance for the rural population of late medieval England. These institutions were established by lords to monitor their rights over, and administer justice to, their tenants. Many manors, as referred to in the Swallowfield Articles, also held courts leet, a specific franchise granted to a lord which allowed courts to oversee the enforcement of petty elements of the royal law within the boundaries of the manor.⁸ While the two types of courts were legally distinct, on the ground they were intertwined as part of the same institution helping structure the political, economic and social life of the village.

To operate, manor courts, and manorial institutions more generally, relied on a set of manorial officers. Devising an appropriate definition for ‘manorial officer’ is difficult, but for the purposes of this study, these offices are defined as specific roles which gave an individual authority within the manorial structure. This includes presentment jurors, who brought cases to the court and amerced (subjected to a financial penalty)

⁵ *Ibid.*, 849 [12]. ⁶ *Ibid.*, 849 [10], 850 [16]. ⁷ *Ibid.*, 851 [25].

⁸ While the terminology ‘court baron’ and ‘court leet’ is slightly anachronistic for the early part of the period covered in this book, the terms are used throughout as a useful shorthand to differentiate the two types of court.

Bridging the Medieval/Early Modern Divide

rule-breakers; reeves, who managed seigniorial property and collected rents; beadles and messors, who helped enforce the court's decisions and monitored common lands and agriculture; ale tasters, who enforced royal legislation concerning the quality of bread and ale; bylawmen, who monitored adherence to specific agricultural ordinances made by village communities; and constables, who enforced royal legislation. Crucially, these offices were filled by individuals drawn from among a lord's tenants. Acting in these roles gave incumbents significant authority within their villages, providing them with the power to use the manorial governing apparatus to meet the varied aims of lord, crown, village community and, of course, themselves.

This book explores this authority and its exercise between 1300 and 1650. It examines the functions of manorial offices, who filled these offices, and the ways in which officeholding systems changed in response to the decline of lordship and the process of state formation. In doing so, manorial officeholding serves as a prism through which to examine political and social change in the late medieval and early modern English village. The rest of this introduction sets up the study. The following survey of the literature examines the way officeholding has typically been explored separately in medieval and early modern scholarship before highlighting a series of historiographical interventions that have increasingly connected processes identified for both periodisations. Subsequently, the study's methodological intervention in the shape of a long-run approach is explained, as well as the key questions it seeks to answer. The [next section](#) describes the five full case studies and complementary evidence subject to investigation, while the [final section](#) briefly outlines the rest of the book and its conclusions.

BRIDGING THE MEDIEVAL/EARLY MODERN DIVIDE

Historians of both the medieval and early modern eras have long been interested in questions of local authority and how this related to officeholding. However, scholars have been divided by the traditional periodisations of historical inquiry, which has led to two separate analyses, in turn creating an overall narrative of transition. Medievalists have recognised the importance of manorial officeholding but have frequently argued that the Black Death and its economic and social effects led to a decay of manorial structures. Meanwhile, early modernists have often stressed that state formation strengthened links between the state and prominent officeholders, creating a novel 'middling sort' of local elites.

This study draws on a newer set of historiographical trends which have increasingly bridged the medieval/early modern divide and emphasised

Introduction

elements of continuity across the period between 1300 and 1650, challenging a model of transition. The following discussion briefly outlines the two literatures, and the corresponding revisionism of continuity-focused approaches, showing how this provides a starting point for a new study of manorial officeholding and local authority which encompasses both the Middle Ages and the early modern era.

Manorial Institutions and Officials

Medievalists have generally focused on manorial officeholding from two different perspectives. These have been guided by the two principal sources generated by lords' estate bureaucracies, namely account and court rolls. The account tradition has examined officers as seigniorial servants and particularly their role in managing their lord's demesne. Early pioneers such as H.S. Bennett and Paul Vinogradoff investigated the expectations lords had of their servants and the type of agricultural techniques used to meet these expectations.⁹ In the past few decades, there has been a resurgence of interest in estate management utilising quantitative approaches, which has largely been focused on examining how far medieval peasant cultivators were rational economic agents.¹⁰ While the debate over peasants' price-responsiveness remains open, it is clear that officials were competent managers by contemporary standards, and at the high point of direct demesne management before the Black Death were able to meet seigniorial expectations as well as profit legitimately and illicitly from their position.¹¹

⁹ P. Vinogradoff, *Villainage in England* (Oxford, 1892), 317–19; H.S.A. Bennett, *Life on the English Manor: a Study of Peasant Conditions, 1150–1400* (Cambridge, 1937), 155–92.

¹⁰ D. Stone, *Decision-Making in Medieval Agriculture* (Oxford, 2005), 13–14, 168–9; B. Dodds, 'Demesne and tith: peasant agriculture in the late Middle Ages', *AgHR*, 56 (2008), 123–41, at 124; E.B. Schneider, 'Prices and production: agricultural supply response in fourteenth-century England', *EcHR*, 67 (2014), 66–91, at 84–5.

¹¹ Stone, *Decision-Making*, 189–203; Stone, 'Medieval farm management and technological mentalities: Hinderclay before the Black Death', *EcHRL*, 54 (2001), 612–38, at 634; Stone, 'The reeve' in S.H. Rigby (ed.) with the assistance of A. Minnis, *Historians on Chaucer: the 'General Prologue' to the Canterbury Tales* (Oxford, 2014), 399–420, at 413–16; P.D.A. Harvey, *Manorial Records*, rev. edn (London, 1999), 6; Harvey, *A Medieval Oxfordshire Village: Cuxham, 1240–1400* (London, 1965), 69–71; C.D. Briggs, 'Monitoring demesne managers through the manor court before and after the Black Death' in J. Langdon, R. Goddard and M. Müller (eds.), *Survival and Discard in Medieval Society: Essays in Honour of Christopher Dyer* (Turnhout, 2010), 179–95, at 180; C.C. Dyer, *Lords and Peasants in a Changing Society: the Estates of the Bishopric of Worcester, 680–1540* (Cambridge, 1980), 114; S. Justice, *Writing and Rebellion: England in 1381* (Berkeley, 1994), 228–9; M. Carlin, 'Cheating the boss: Robert Carpenter's embezzlement instructions (1261x1268) and employee fraud in medieval England' in B. Dodds and C.D. Liddy (eds.), *Commercial Activity, Markets and Entrepreneurs in the Middle Ages: Essays in Honour of Richard Britnell* (Woodbridge, 2011), 183–98, at 184–90.

Bridging the Medieval/Early Modern Divide

While this literature has shed light on previously unappreciated aspects of the medieval economy and management practices, it can only provide a partial picture of manorial officeholding. The focus on accounts only reveals a particular type of manorial official, the reeve, and one aspect of this official's work, namely their role as the agriculturalist running the lord's farm. This excludes a range of officials, such as jurors and capital pledges, and ignores crucial functions performed by reeves for the manor court. Two recent studies have examined the way tenants could pressure officials to get them to act in their interests through reporting on demesne managers, and how a fear of a loss of social status might have encouraged ex-officials to lease demesnes.¹² Yet, typically, studies working in the management tradition have relatively little to say about the social context of officeholding.

The second strand of the historiography, which is more significant for this book, has centred around studying court rolls. For this reason, it has focused far more on the use of officeholding to study the social structure of village communities. While some of the earliest legal historians of court rolls had recognised that manorial officials were of higher social status, the work of sociologist G.C. Homans represented the first real attempt to examine village social structure.¹³ In his study of 1941, he emphasised the importance of manorial officeholding in creating social hierarchies, noting the existence of 'an aristocracy of jurymen'.¹⁴

Homans' ideas were further developed by the so-called 'Toronto School' of medieval village historians: a group of North American scholars led by J.A. Raftis active in the second half of the twentieth century.¹⁵ These scholars attempted to reconstitute the structure of villages, developing a typology for families based on their prominence in certain activities in court rolls, with officeholding being seen as crucial. This statistical approach drew out particular families as having 'A' status, meaning that their members disproportionately held more offices more frequently.¹⁶ Despite discovering this evidence of stratification, the

¹² Briggs, 'Monitoring demesne managers', 90, 194; A.T. Brown, 'The fear of downward social mobility in late medieval England', *Journal of Medieval History*, 45 (2019), 597–617, at 612–13.

¹³ F. Seebohm, *The English Village Community* (London, 1883), 29; F.W. Maitland and W.P. Baildon (eds.), *The Court Baron: Precedents of Pleading in Manorial and Other Local Courts* (London, 1891), 113.

¹⁴ G.C. Homans, *English Villagers of the Thirteenth Century* (Cambridge, MA, 1941), 312.

¹⁵ It should be noted that the grouping 'Toronto School' is rejected by some of the members of this group; for example, see E.B. DeWindt, 'Introduction' in E.B. DeWindt (ed.), *The Salt of Common Life: Individuality and Choice in the Medieval Town, Countryside and Church: Essays Presented to J. Ambrose Raftis* (Kalamazoo, 1995), xi–xvii, at xii–xiv.

¹⁶ J.A. Raftis, 'The concentration of responsibility in five villages', *Mediaeval Studies*, 28 (1966), 92–118; E.B. DeWindt, *Land and People in Holywell-cum-Needingworth: Structures of Tenure and Patterns of Social Organization in an East Midlands Village, 1252–1457* (Toronto, 1972), 206–33; A.R. DeWindt, 'Peasant power structures in fourteenth-century King's Ripton', *Mediaeval*

Introduction

Toronto School largely argued that villages before the Black Death were relatively harmonious and that officials essentially worked to promote the interests of communities as a whole. Offices saw enough turnover and participation to prevent these being controlled by an oligarchy.¹⁷ Individuals from these families were chosen for their suitability and experience by the community at large, often developing a skill-set through serving in a series of positions, and bloodline alone was not a sufficient criterion for office.¹⁸

A second argument of the Toronto analysis focuses on the supposed decline of the village community after the Black Death. The School emphasised several indicators such as the rise of trespass and violence, the breakdown of the pledging system and changes to officeholding as showing a shift from the previously harmonious and communal village to a rise of individualism along more acquisitive lines.¹⁹ Using the Toronto method, Ian Blanchard emphasised that by 1525 bonds between different groups of villagers had changed, with lower groups forming patron–client relationships with elites, while elites themselves increasingly looked beyond the village to create regional powerbases driven by individualistic ambitions.²⁰ Anne DeWindt suggested that this breakdown of community may in part have been caused by new post-Plague officers being less experienced.²¹ Sherri Olson modifies this view, claiming that changes the Plague wrought meant officeholding increasingly became a way for immigrants to establish status in the community through multiple officeholding rather than individuals being chosen for an official role due to pre-existing social standing.²² Offices were now being used for ‘schooling the individual’ to

Studies, 38 (1976), 237–66, at 244–58; E. Britton, *The Community of the Vill: a Study in the History of the Family and Village Life in Fourteenth-Century England* (Toronto, 1977), 98–102; S. Olson, ‘Jurors of the village court: local leadership before and after the Plague in Ellington, Huntingdonshire’, *JBS*, 30 (1991), 237–56, at 238–42; Olson, ‘Families have their fate and periods: varieties of family experience in the preindustrial village’ in DeWindt (ed.), *Salt of Common Life*, 409–48, at 410–28; Olson, *A Chronicle of All that Happens: Voices from the Village Court in Medieval England* (Toronto, 1996), 104–61.

¹⁷ DeWindt, *Land and People*, 213; DeWindt, ‘Peasant power structures’, 247; Olson, ‘Jurors of the village court’, 238–9, 244; Olson, *Chronicle of All that Happens*, 161, 228–9.

¹⁸ Raftis, ‘Concentration of responsibility’, 108; DeWindt, *Land and People*, 216–20, 241; DeWindt, ‘Peasant power structures’, 248; Olson, ‘Jurors of the village court’, 242–54; Olson, ‘Families have their fate and periods’, 436; Olson, *Chronicle of All that Happens*, 141.

¹⁹ J. A. Raftis, ‘Changes in an English village after the Black Death’, *Medieval Studies*, 29 (1967), 158–77, at 163–5, 177; DeWindt, *Land and People*, 263–74; DeWindt, ‘Peasant power structures’, 249; Olson, ‘Jurors of the village court’, 240–2; Olson, *Chronicle of All that Happens*, 229; P. R. Schofield, *Peasants and Historians: Debating the Medieval English Peasantry* (Manchester, 2016), 208.

²⁰ I. Blanchard, ‘Social structure and social organization in an English village at the close of the Middle Ages: Chewton, 1526’ in DeWindt (ed.), *Salt of Common Life*, 307–39.

²¹ DeWindt, ‘Peasant power structures’, 249.

²² Olson, ‘Jurors of the village court’, 251–6; Olson, ‘Families have their fate and periods’, 446–8.

become a better villager as part of a response by the village community to the social pressures brought on by demographic decline and the concomitant rise of violence and decline of personal responsibility.²³

While the detailed statistical work performed by members of the Toronto School is impressive, this work is problematic for reasons of both interpretation and evidence, which have brought its findings into question. On a methodological level, the School's work has been criticised for relying on unstable identifications of families by surname; using an individual's officeholding career as a status marker for their whole family; assuming that court rolls record verbatim the activity of manor courts; and applying statistical techniques to extremely fragmentary court-roll series from one estate.²⁴

On a theoretical level, perhaps the most significant issue with the later work of members of the Toronto School is the way the lord is treated in their narrative. While Homans focused on aspects of the reciprocity of lord-tenant relations, later studies suggested that the lord had little incentive or even ability to exercise power over his tenants, a conception which reaches its apogee in Olson's statement that the Abbot of Ramsey, lord of Ellington and Upwood (Hunts.), 'might be said to appear in the court rolls . . . as a very powerful equal'.²⁵ The contention that the village community declined after the Black Death has also been subject to specific criticism.²⁶ On the one hand, the School presented too positive a view of pre-Plague harmony, which cannot account for bylaws restricting gleaning or the apportionment of common ameracements without regard for the ability of villagers to pay.²⁷ The indicators used

²³ Olson, *Chronicle of All that Happens*, 195–203.

²⁴ K. Wrightson, 'Medieval villagers in perspective', *Peasant Studies*, 7 (1978), 203–16, at 211–13; R. M. Smith, '“Modernization” and the corporate village community in England: some sceptical reflections' in A.R.H. Baker and D. Gregory (eds.), *Explorations in Historical Geography: Interpretive Essays* (Cambridge, 1984), 140–79, at 156; Z. Razi, 'The Toronto School's reconstitution of medieval peasant society: a critical view', *P&P*, 85 (1979), 141–57; Razi, 'Family, land and village community in later medieval England', *P&P*, 93 (1981), 3–36, at 29; J.M. Bennett, *Women in the Medieval English Countryside: Gender and Household in Brigstock before the Plague* (New York, 1987), 212–13; P.L. Larson, 'Village voice or village oligarchy? The jurors of the Durham halmote court, 1349 to 1424', *Law and History Review*, 28 (2010), 675–709, at 678 n. 10; Schofield, *Peasants and Historians*, 208.

²⁵ Homans, *English Villagers*, 339–48; J.A. Raftis, *Tenure and Mobility: Studies in the Social History of the Mediaeval English Village* (Toronto, 1964), 207; J.A. Raftis, *Peasant Economic Development within the English Manorial System* (Montreal, 1997), 11; Raftis, 'Social structures in five East Midland villages: a study of possibilities in the use of court roll data', *EcHR*, 18 (1965), 83–100, at 98; DeWindt, 'Peasant power structures', 252–8; Olson, *Chronicle of All that Happens*, 21–6, 232; J. Hatcher and M. Bailey, *Modelling the Middle Ages: the History and Theory of England's Economic Development* (Oxford, 2001), 101; Schofield, *Peasants and Historians*, 105

²⁶ K. Wrightson, 'The “decline of neighbourliness” revisited' in D.R. Woolf and N.L. Jones (eds.), *Local Identities in Late Medieval and Early Modern England* (Basingstoke, 2007), 19–49, at 20.

²⁷ C.C. Dyer 'The English medieval village community and its decline', *JBS*, 33 (1994), 407–29, at 421–4.

Introduction

to show post-Plague tensions are questionable; the decline of personal pledging may simply represent procedural change in the court rather than the collapse of mutual bonds, while the increasing number of trespass cases were often linked to stray animals, so could be an artefact of more livestock breeding in the land-abundant post-Plague period.²⁸

More recent studies of manorial officeholding from a social perspective have taken more of a middle ground, drawing on the insights provided by the Toronto School of seeing officials as persons of significant social status, but also drawing on the management literature perspective of seeing these men as servants of the lord. The crucial theme is one of negotiation, as officers balanced the demands of the lord and their fellow villagers.²⁹ Their position gave them the ability to side with the lord in order to increase their own standing and power or to side with their fellow tenants by overlooking obligations owed by tenants to their lords.³⁰

Similarly to the Toronto School, this newer literature also presents a narrative of late medieval decline. The post-Black Death period is seen as a key turning point which spelled the end of the important local status of manorial officials. Falling prices after the 1370s in combination with higher wages made demesnes increasingly unprofitable, putting officials in a difficult position. Where lords tried to draw on labour services performed by unfree tenants to replace expensive hired labour, officials also came under pressure from their fellow tenants.³¹ These difficulties made officeholding increasingly unattractive, especially as the lack of skilled labour in the post-Black Death world offered opportunities for capable agriculturalists beyond their home manor.³² In the longer term, in response to the dwindling profits of direct management, lords

²⁸ Razi, 'Toronto School's reconstitution', 149–52.

²⁹ C.C. Dyer, 'The political life of the fifteenth-century English village' in L. Clark and C. Carpenter (eds.), *Political Culture in Late Medieval Britain* (Woodbridge, 2004), 135–58, at 144–6; Dyer, *Lords and Peasants*, 141; P.L. Larson, *Conflict and Compromise in the Late Medieval Countryside: Lords and Peasants in Durham, 1349–1400* (London, 2006), 22–7, 58; M. Müller, 'A divided class? Peasants and peasant communities in later medieval England' in P.R. Coss and C. Wickham (eds.), *Rodney Hilton's Middle Ages: an Exploration of Historical Themes* (Oxford, 2007), 115–31, at 117–18; P.R. Schofield, 'England: the family and the village community' in S. Rigby (ed.), *A Companion to Britain in the Late Middle Ages* (Oxford, 2003), 26–46, at 42; G. Owen, 'A comparative study of rural and urban manorial officialdom in the later medieval period', unpublished Ph.D. thesis, University of Birmingham (2021), 283.

³⁰ P.R. Schofield, *Peasant and Community in Medieval England, 1200–1500* (Basingstoke, 2003), 42–4, 168; R. Evans, 'Merton College's control of its tenants at Thorncroft, 1270–1349' in Z. Razi and R.M. Smith (eds.), *Medieval Society and the Manor Court* (Oxford, 1996), 199–259, at 210; Briggs, 'Monitoring demesne managers', 180.

³¹ R.H. Hilton, *The Decline of Serfdom in Medieval England*, 2nd edn (London, 1983), 44; Stone *Decision-Making*, 221–4; Dyer 'Village community', 416–17, 427–8.

³² Stone, *Decision-Making*, 105, 168; Stone, 'The reeve', 413–16.

increasingly shifted to leasing their demesnes, often to the same men who had once acted as their reeves.³³ This meant that they no longer required demesne-managing officials, leading to the disappearance of these offices from account records.³⁴

The end of direct management was combined with the decay and disappearance of serfdom, meaning that lords no longer needed manorial courts to monitor aspects of unfreedom and direct lordship.³⁵ This in turn led to decline as court rolls became 'shorter, less frequent and less informative', and continued into the sixteenth century as courts increasingly focused only on land transactions, significantly lessening officials' importance and power in rural communities.³⁶ Historians have noted that courts did continue to serve some functions, particularly through the increased use of bylaws to monitor behaviour, although some have seen this as an attempt to prop up weakening manorial authority rather than a true innovation.³⁷ These interpretations argue that village elites tried to fill the gap left by an increasingly distant lordship, and maintain communal bonds in a period of greater social stratification, although how far manorial officeholding fulfilled this need has been disputed.³⁸ Instead, efforts towards community cohesion were increasingly channelled through religious institutions such as via the growth of guilds, reconstruction of parish churches and raising of poor relief through the parish,

³³ B.F. Harvey, *Westminster Abbey and Its Estates in the Middle Ages* (Oxford, 1977), 148–51; M. Bailey, 'Rural society' in R. Horrox (ed.), *Fifteenth-Century Attitudes: Perceptions of Society in Late Medieval England* (Cambridge, 1994), 150–68, at 152–4; Hilton, *Decline of Serfdom*, 33; J. L. Bolton, *The Medieval English Economy, 1150–1500* (London, 1980), 214; C. C. Dyer, *An Age of Transition? Economy and Society in England in the Later Middle Ages*, (Oxford, 2005), 196–7; Dyer, 'Political life', 144–6; Dyer, *Lords and Peasants*, 113, 209–17; S.H. Rigby, *English Society in the Later Middle Ages: Class, Status and Gender* (Basingstoke, 1995), 84–5; B.M.S. Campbell, 'England: land and people' in Rigby (ed.), *Companion to Britain*, 3–25, at 17; E.B. Fryde, *Peasants and Landlords in Later Medieval England, c.1380–c.1525* (Stroud, 1996), 80–1; J. Hare, *A Prospering Society: Wiltshire in the Later Middle Ages* (Hatfield, 2011), 101–2; Brown, 'Downward social mobility', 612–13.

³⁴ K.J. Workman, 'Manorial estate officials and opportunity in late medieval English society', *Viator: Medieval and Renaissance Studies*, 26 (1995), 233–40, at 224.

³⁵ Larson, *Conflict and Compromise*, 235–30; M. Bailey, *The Decline of Serfdom in Late Medieval England: From Bondage to Freedom* (Woodbridge, 2014), 326–9; C.D. Briggs, 'The availability of credit in the English countryside, 1400–1480', *AgHR*, 56 (2008), 1–24, at 14.

³⁶ C.C. Dyer and R.W. Hoyle, 'Britain, 1000–1750' in B.J.P. van Bavel and R.W. Hoyle (eds.), *Social Relations: Property and Power* (Turnhout, 2010), 51–80, at 67; J.S. Beckerman, 'Procedural innovation and institutional change in medieval English manorial courts', *Law and History Review*, 10 (1992), 197–252, at 200; M. Bailey, *The English Manor, c.1200–c.1500* (Manchester, 2002), 186–7.

³⁷ Bailey, *English Manor*, 186–7; Dyer, *Lords and Peasants*, 368–9; R.M. Smith 'Contrasting susceptibility to famine in early fourteenth- and late sixteenth-century England: the significance of late medieval rural social structural and village governmental changes' in M.J. Braddick and P. Withington (eds.), *Popular Culture and Political Agency in Early Modern England and Ireland: Essays in Honour of John Walter* (Woodbridge, 2017), 35–54, at 49–50.

³⁸ Bailey, 'Rural society', 161; Dyer, 'Village community', 428; Dyer, 'Political life', 146–7.

Introduction

activities which Christopher Dyer has interpreted as policies ‘by the village elite . . . to foster a community spirit in danger of being eroded by economic realities’.³⁹

This book seeks to challenge this narrative of decline and demonstrate the continued importance of manorial office into the early modern era. In this endeavour, it builds on an array of studies which have argued for the long-run importance of manor courts, and especially those with leet jurisdiction, in communities after c.1500. Medievalists have long recognised that manor courts had functions beyond simply enforcing aspects of lordship. They acted as a forum for interpersonal litigation, regulated agriculture, policed petty crime and monitored the tenure of landholdings.⁴⁰ While courts did decline as a civil law institution in the fifteenth century, early modernists have emphasised the continued use of manor courts for many communal purposes.⁴¹ Courts leet were used to police crime owing to their provision of a cheap and local form of justice in a period when there were simply not enough magistrates to control disorder heightened by socio-economic problems.⁴² Manor courts remained important for commons’ management as a forum to make and enforce bylaws.⁴³ Brodie Waddell has taken a long view, arguing that manor courts remained important up to the mid-nineteenth century. He has emphasised that the flexibility of the courts made this possible,

³⁹ Dyer, ‘Village community’, 428–9.

⁴⁰ Rigby, *English Society*, 26–7; C.D. Briggs, *Credit and Village Society in Fourteenth-Century England* (Oxford, 2009), 12–13; P.R. Schofield, ‘Peasants and the manor court: gossip and litigation in a Suffolk village at the close of the thirteenth century’, *P&P*, 159 (1998), 3–42, at 17; Bailey, *English Manor*, 168–9; S. Walker, ‘Order and law’ in R. Horrox and W.M. Ormrod (eds.), *A Social History of England, 1200–1500* (Cambridge, 2006), 91–112, at 97–8; M. Bailey, *After the Black Death: Economy, Society, and the Law in Fourteenth-Century England* (Oxford, 2021), 45–6.

⁴¹ C.D. Briggs, ‘Seignorial control of villagers’ litigation beyond the manor in late medieval England’, *Historical Research*, 81 (2008), 399–422, at 421.

⁴² W.J. King, ‘Untapped resources for social historians: court leet records’, *Journal of Social History*, 51 (1982), 699–705; W.J. King, ‘Early Stuart courts leet: still needful and useful’, *Histoire Sociale/Social History*, 23 (1990), 271–99, at 298–9; M.K. McIntosh, ‘Social change and Tudor manorial leets’ in H.G. Beale and J.A. Guy (eds.), *Law and Social Change in British History: Papers Presented to the Bristol Legal History Conference, 14–17 July 1981* (London, 1984), 73–85; C. Harrison ‘Manor courts and the governance of Tudor England’ in C. Wilson Brooks and M. Lobban (eds.), *Communities and Courts in Britain, 1150–1900* (London, 1997), 43–60, at 43, 59; Sharpe, *Crime*, 84–5.

⁴³ King, ‘Early Stuart courts leet’, 278–9; L. Shaw-Taylor, ‘The management of common land in the lowlands of southern England, c.1500–c.1850’ in M. De Moor, L. Shaw-Taylor and P. Warde (eds.), *The Management of Common Land in North West Europe, c.1500–1850* (Turnhout, 2002), 59–85, at 63–8; A.J.L. Winchester, ‘Upland commons in northern England’ in De Moor, Shaw-Taylor and Warde (eds.), *The Management of Common Land*, 33–57, at 40–2; Winchester, *The Harvest of the Hills: Rural Life in Northern England and the Scottish Borders, 1400–1700* (Edinburgh, 2000), 33, 148–51; D. Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England, 1603–1660* (Oxford, 1985), 12–13; C. Watson, ‘“To beare the towne harmles”: manorial regulation of mobility and settlement in early modern Lancashire’, *Rural History*, 28 (2017), 119–35, at 120.

Bridging the Medieval/Early Modern Divide

through a shift from policing crime and disorder to maintaining the fabric of the manor through bylaws and orders to repair hedges and ditches.⁴⁴

Particularly significant is the way that manorial courts were used in the fourteenth to sixteenth century to meet the aims of local elites. Margaret Spufford first raised this argument, positing that increased presentation of leyrwite and childwite by manorial officers around 1300 was designed to reduce the population of the poor in a period of dearth.⁴⁵ A more trailblazing approach has been taken by Marjorie McIntosh who consciously adopts a new periodisation of 1349–1714 in order to explore social control.⁴⁶ Through investigating manor courts, in conjunction with church and common-law jurisdictions, she reveals a broad focus by local communities on policing misbehaviour which began in the south-east soon after the Black Death but became a concern at a national level with the dramatic population increase of the sixteenth century.⁴⁷ This demonstrates that monitoring neighbours was a concern that promoted governance long before the early modern period, and that this was achieved, at least in part, via the manor court.

An even more expansive view has been put forward by Tom Johnson. In examining manorial courts within a far wider set of local legal institutions, he argues that rural courts performed a vital role ‘in framing relations between villagers and authorities’, so ‘thus provided a means of navigating’ a ‘changing and unstable world’.⁴⁸ In doing so, Johnson emphasises that the narrative of decline in the late Middle Ages, and particularly the end of serfdom, has obscured the formation of new forms of common politics operating through legal institutions such as the manor court in the fifteenth century.⁴⁹

Thus, recent literature has questioned the narrative of the decline of the manor court and revealed some of the ways it served important purposes of governance in village communities in the late Middle Ages and into the early modern period. The thorough examination of manorial officials across the medieval/early modern divide undertaken in this study supports this reassessment, showing how manorial structures were put to new purposes in response to wider economic and social changes between 1300 and 1650.

⁴⁴ B. Waddell, ‘Governing England through the manor courts, 1550–1850’, *Historical Journal*, 55 (2012), 279–315, at 280, 301–7.

⁴⁵ M. Spufford, ‘Puritanism and social control?’ in A.J. Fletcher and J. Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985), 41–57.

⁴⁶ M.K. McIntosh, *Controlling Misbehavior in England, 1370–1600* (Cambridge, 1998), 211–12; McIntosh, ‘Response’, *JBS*, 37 (1998), 291–305, at 291–2.

⁴⁷ McIntosh, *Controlling Misbehavior*, 1–18.

⁴⁸ T. Johnson, *Law in Common: Legal Cultures in Late Medieval England* (Oxford, 2019), 52–4.

⁴⁹ *Ibid.*, 272–4.

Introduction

State Formation and the Middling Sort

Early modernists have long identified a vibrant ‘political’ culture in the villages of sixteenth- and seventeenth-century England. Crucially, this developed in part through increased interaction between local communities and the state, as the former were made responsible for maintaining roads, outfitting soldiers, enforcing religious policy, and raising and distributing poor relief to their fellow villagers.⁵⁰ These functions were performed by an array of officers, some pre-existing such as churchwardens and constables, but also new officials such as that of overseer of the poor.⁵¹

The new responsibilities placed on individuals by the state are seen to have had a significant impact on the social structures and political lives of local communities. The key originator of this thesis was Keith Wrightson. In seeking to explain the transition from a relatively undifferentiated medieval community to a nationwide culture of eighteenth-century tenant-farmer elites, Wrightson emphasised how increasing poverty and religious zeal, in combination with greater literacy and the rise of a national market, worked ‘to promote integration nationally, but differentiation locally’ at the

⁵⁰ Collinson, ‘*De republica*’, 23–5; K. Wrightson, ‘The politics of the parish in early modern England’ in P. Griffiths, A. Fox and S. Hindle (eds.), *The Experience of Authority in Early Modern England* (Basingstoke, 1996), 10–46, at 10–12, 35–7; S. Hindle, A. Shepard and J. Walter, ‘The making and remaking of early modern English social history’ in S. Hindle, A. Shepard and J. Walter (eds.), *Remaking English Society: Social Relations and Social Change in Early Modern England* (Woodbridge, 2013), 1–40, at 25–6, 31; J. Healey, ‘The political culture of the English commons, c.1550–1650’, *AgHR*, 60 (2012), 266–87, at 267–8; M.J. Braddick and J. Walter, ‘Introduction. Grids of power: order, hierarchy and subordination in early modern society’ in M.J. Braddick and J. Walter (eds.), *Negotiating Power in Early Modern Society* (Cambridge, 2001), 1–42, at 2–4.

⁵¹ K. Wrightson, ‘Aspects of social differentiation in rural England, c.1580–1660’, *Journal of Peasant Studies*, 5 (1977), 33–47, at 40; Wrightson, ‘Politics of the parish’, 25–8; Hindle, *State and Social Change*, 215–16; Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England, c.1550–1750* (Oxford, 2004), 10–13; Hindle, ‘The political culture of the middling sort in English rural communities, c.1550–1700’ in T. Harris (ed.), *The Politics of the Excluded, c.1550–1850* (Basingstoke, 2001), 125–42, at 136–7; J. Kent, *The English Village Constable, 1580–1642: a Social and Administrative Study* (Oxford, 1986), 16–19, 28–56; R.A. Houston, ‘People, space and law in late medieval and early modern Britain and Ireland’, *PE&P*, 230 (2016), 47–89, at 56–7, 68; Sharpe, *Crime*, 85–7; R. Hutton, *The Rise and Fall of Merry England: the Ritual Year, 1400–1700* (Oxford, 1994), 73; K. Wrightson and D. Levine, *Poverty and Piety in an English Village: Terling, 1525–1700*, rev. edn (Oxford, 1995), 155–7; Braddick, *State Formation*, 59; E.J. Carlson, ‘The origins, function, and status of the office of churchwarden, with particular reference to the diocese of Ely’ in M. Spufford (ed.), *The World of Rural Dissenters, 1520–1725* (Cambridge, 1995), 164–207, at 170–80; B. Kümin, *The Shaping of a Community: the Rise and Reformation of the English Parish, c.1400–1560* (Aldershot, 1996), 243–58; Kümin, ‘The secular legacy of the late medieval English parish’ in E. Duffy and C. Burgess (eds.), *The Parish in Late Medieval England* (Donington, 2006), 95–111, at 105; M.K. McIntosh, *Poor Relief in England, 1350–1600* (Cambridge, 2012), 232–52, 280–3; P. Slack, *Poverty and Policy in Tudor and Stuart England* (London, 1988), 131; V.R. Bainbridge, *Gilds in the Medieval Countryside: Social and Religious Change in Cambridgeshire, c.1350–1558* (Woodbridge, 1996), 125, 150; S. Gunn, *The English People at War in the Age of Henry VIII* (Oxford, 2018), 32–3, 51–2.

turn of the seventeenth century.⁵² Parochial elites increasingly disassociated themselves from the local culture of the village, leading to a 'decline of neighbourliness' as communities became 'more sharply segmented'.⁵³ Instead, these local elites were 'incorporated' into a national polite political culture through serving the state via office. Officeholding provided an opportunity for the elite to identify with this national culture through regulating the behaviour of the poor whose attitudes offended their polite sensibilities and, in some cases, their puritanical beliefs. Officials, sometimes after an internal struggle within the community's elite, became far more 'of the state' rather than 'of the community', and were increasingly willing to cooperate with the crown through presenting offenders to JPs and enforcing statute law in the localities. This transformation led to the emergence of a middling sort of local elites.⁵⁴

Since Wrightson's pioneering work of the 1970s and 1980s, this model of state incorporation and the rise of the middling sort has seen both extensions and modifications but remains an organising principle of much of the early modern literature. Further studies of the operation of village structures of poor relief, which became mandated by legislation from the reign of Edward VI, and especially the far-reaching poor law acts of 1597 and 1601, have revealed how elite communities of ratepayers became concerned with how to control costs and also how to decide who was deserving of stretched resources.⁵⁵ This led officials to introduce policies designed to reduce burdens such as policing vagrancy and ensuring parishes were not burdened with children.⁵⁶ Stephen Gunn has posited that

⁵² Wrightson, 'Social differentiation', 33–45; Wrightson, 'Two concepts of order: justices, constables and jurymen in seventeenth-century England' in J. Brewer and J. Styles (eds.), *An Ungovernable People: the English and Their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), 21–46, at 45–6; Wrightson, *English Society, 1580–1680* (London, 1982), 222–7; Wrightson and Levine, *Poverty and Piety*, 174–84;

⁵³ Wrightson, 'Decline of neighbourliness', 38–9.

⁵⁴ Wrightson, 'Social differentiation', 38–9, 42–5; Wrightson and Levine, *Poverty and Piety*, 175–84; Wrightson, 'Two concepts of order', 39–44; Wrightson, *English Society*, 225–7.

⁵⁵ Hindle, *On the Parish?*, 452–4; Hindle, *State and Social Change*, 216–17, 237; Hindle, 'Exhortation and entitlement: negotiating inequality in English rural communities, 1500–1650' in Braddick and Walter (eds.), *Negotiating Power*, 102–22, at 121–2; Wrightson and Levine, *Poverty and Piety*, 175; S. Hindle and B. Kümin, 'The spatial dynamics of parish politics: topographies of tension in English communities, c.1350–1640' in B. Kümin (ed.), *Political Space in Pre-Industrial Europe* (Farnham, 2009), 151–73, at 166; C. Muldrew, 'The "middling sort": an emergent cultural identity' in Wrightson (ed.), *Social History of England*, 290–309, at 300–1; Braddick, *State Formation*, 116; H. French, *The Middle Sort of People in Provincial England, 1600–1750* (Oxford, 2007), 252–3; A. Wood, *The 1549 Rebellions and the Making of Early Modern England* (Cambridge, 2007), 200–1; Wood, *Faith, Hope and Charity: English Neighbourhoods, 1500–1640* (Cambridge, 2020), 223–36.

⁵⁶ J.R. Kent, 'The rural "middling sort" in early modern England, circa 1640–1740: some economic, political and socio-cultural characteristics', *Rural History*, 10 (1999), 19–54, at 31–2; Wood, *1549 Rebellions*, 201; Hindle, 'Hierarchy and community', 850 [13]; A.L. Beier, *Masterless Men: the*

Introduction

the need to meet increased Tudor military requirements was also significant, as ‘the “better sort” of parishioners . . . had to manage . . . new systems and send their younger, poorer, less secure neighbours to an uncertain fate in Elizabeth’s wars’.⁵⁷ Andy Wood has argued that incorporation changed the notion of popular protest in England, with the 1549 rebellions marking ‘the end of a long tradition of medieval popular revolt’.⁵⁸ As the local elites who held office were ‘incorporated’, they became invested in the status quo, and no longer fulfilled their previous function as the leaders of revolts, working against rather than in alliance with their poorer neighbours.⁵⁹ Recently, Richard Hoyle has restated the longevity of the Wrightson thesis within early modern historiography. However, he emphasises the redefinition of protest against the crown as illegitimate as a cause of incorporation, stating that ‘the village yeomanry . . . cleaved towards the gentry . . . because there was nowhere else for it to go’.⁶⁰

The most significant area of modification has tended to focus on the motivations and position of the middling sort. Steve Hindle has argued that the impetus for the growth of the state was as much about local elites seeking to advance their power through the use of royal authority, as about central government actively reaching out to incorporate the provinces, arguing that ‘order and authority did not merely “trickle down” but “welled up” within society itself’.⁶¹ Moreover, the ability of the state to force officials to comply with its demands has been shown to be limited. Many parishes did not assess poor rates until after the Civil War, while central government religious policy was only partly successful.⁶² While the state sought to limit alehouse sociability as a perceived threat to the social order, many local elites resisted attempts

Vagrancy Problem in England, 1560–1640 (London, 1985), 32; Hindle and Kümin, ‘Spatial dynamics’, 167–8, 172; Braddick, *State Formation*, 201.

⁵⁷ Gunn, *English People at War*, 52, 115; N. Younger, *War and Politics in the Elizabethan Counties* (Manchester, 2012), 173.

⁵⁸ Wood, *1549 Rebellions*, 1.

⁵⁹ *Ibid.*, 187–8, 197–8, 203, 207; Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke, 2002), 88; J. Walter, ‘Authority and protest’ in Wrightson (ed.), *Social History of England*, 221–41, at 228.

⁶⁰ R. W. Hoyle, ‘“Wrightsonian incorporation” and the public rhetoric of mid-Tudor England’, *History*, 101 (2016), 20–41, at 21–2, 40–1. See also J. Watts, ‘The pressure of the public on later medieval politics’ in Clark and Carpenter (eds.), *Political Culture*, 159–80, at 179; Watts, ‘Public or plebs: the changing meaning of “the Commons”, 1381–1549’ in H. Pryce and J. Watts (eds.), *Power and Identity in the Middle Ages: Essays in Memory of Rees Davies* (Oxford, 2007), 242–60, at 252–60.

⁶¹ Hindle, *State and Social Change*, 2–35, 115, 227–37; Hindle and Kümin, ‘Spatial dynamics’, 168; M. J. Braddick, *God’s Fury, England’s Fire: a New History of the English Civil Wars* (London, 2008), 58–60.

⁶² Hindle, ‘Political culture of the middling sort’, 127; Carlson, ‘Office of churchwarden’, 170–80; Kümin, *Shaping of a Community*, 243–5.

to police a recreational space in which they participated.⁶³ Officials, and in particular constables, were also limited in their authority and restrained by the expectations of their neighbours, often having to perform a balancing act between the demands of state and community.⁶⁴ The middling sort was a local elite, but had a more ambivalent relationship with a state which required, but could not always secure, its cooperation.⁶⁵

This book seeks to challenge the idea that a process of transformation occurred in the sixteenth and seventeenth century and that state formation had a highly novel effect in creating a new middling sort. In doing so, it draws on two critical literatures which have questioned this narrative. The first of these literatures has focused on the nature of interaction between state and locality in the medieval period. Richard Smith led the charge in questioning a picture of early modern 'incorporation', criticising a conception of the change from local to state communities as a 'once and for all affair'. He argued instead for an approach that saw the balance between community and state change in 'intensity and degree' rather than a 'major transformation in structure'. He reinforced this view by showing that the state and local communities had always been interrelated in legal terms, with regulations such as the Statute of Labourers being supported by village notables as well as landlords, and information and personnel flowing between royal and manorial courts.⁶⁶ Smith's arguments have been bolstered by empirical and theoretical developments. Investigations into the vill (the geographical unit, as distinct from the manor, by which England was divided for the purposes of royal administration) have emphasised that medieval communities always had obligations to the crown, including to attend royal courts, pay fines, undertake public works, set watches, contribute to armies and pay taxes.⁶⁷ While the power of the state was

⁶³ M. Hailwood, *Alehouses and Good Fellowship in Early Modern England* (Woodbridge, 2014), 223–5.

⁶⁴ Wrightson, 'Two concepts of order', 21–6, 29–33; Braddick, *State Formation*, 72–82; Braddick, *God's Fury*, 63–7; M. Goldie, 'The unacknowledged republican: officeholding in early modern England' in Harris (ed.), *Politics of the Excluded*, 153–94, at 166; J.S. Craig, 'Cooperation and initiatives: Elizabethan churchwardens and the parish accounts of Mildenhall', *Social History*, 18 (1993) 357–80, at 359–70; Kent, *Village Constable*, 21–3, 282–305; Kent, 'The centre and the localities: state formation and parish government in England, circa 1640–1740', *Historical Journal*, 38 (1995), 363–404, at 399–401; Hindle, *State and Social Change*, 183; Sharpe, *Crime*, 76–7; A. Fletcher, *Reform in the Provinces: the Government of Stuart England* (New Haven, CT, 1986), 65–6; Younger, *War and Politics*, 173; Gaskill, 'Little commonwealths', 93.

⁶⁵ Wood, *Faith*, 160–1, 178–9. ⁶⁶ Smith, 'Modernization', 161–77.

⁶⁷ C.C. Dyer, 'Power and conflict in the medieval English village' in Dyer, *Everyday Life in Medieval England* (London, 1994), 1–12, at 4; Dyer, 'Village community', 412; Dyer, 'Taxation and communities in late medieval England' in R.H. Britnell and J. Hatcher (eds.), *Progress and Problems in Medieval England: Essays in Honour of Edward Miller* (Cambridge, 1996), 168–90, at 171; Dyer, 'Political life', 140; Dyer, 'Poverty and its relief in late medieval England', *P&P*, 216 (2012),

Introduction

limited, it was able at least to monitor compliance with these requirements.⁶⁸ Furthermore, historians have increasingly adopted a more nuanced sense of community membership, acknowledging that this was fluid and insecure. They have observed that it was possible for villagers to belong to the communities of family, village, manor, parish and state simultaneously, questioning the idea of a local-community to state-community sea change.⁶⁹

Moreover, medievalists have increasingly noted that royal governance involved the use of offices by the state, including manorial officeholders. The office of reeve developed on behalf of both the vill and the lord, as, before direct management, the two roles were largely the same, allowing the reeve to represent the vill in interactions with the royal law.⁷⁰ The reeve retained a legal role in the later Middle Ages, representing villages in royal courts.⁷¹ He could act politically, and occasionally operated as mainpinner (a provider of surety) to his lord if the latter became a Member of Parliament.⁷² Manorial officers were also used informally to meet vills' obligations to the crown, such as assessing taxation and raising military levies.⁷³ The elites who served the crown acted similarly to the early modern middling sort in that they both softened and utilised state power for their own ends. For instance, in enforcing labour legislation in late fourteenth-century England, it is likely that constables were incentivised by their position as wealthier manorial tenants and employers

41–78, at 55; Dyer, 'Were medieval English villages "self contained"?' in C.C. Dyer (ed.), *The Self-Contained Village? The Social History of Rural Communities, 1250–1900* (Hatfield, 2006), 6–27, at 25–6; R.S. Schofield, *Taxation under the Early Tudors* (Oxford, 2004), 35–45; R.B. Goheen, 'Peasant politics? Village community and the crown in fifteenth-century England', *American Historical Review*, 96 (1991), 42–62, at 45–7; Hoyle, 'Wrightsonian incorporation', 26–7; Schofield, 'Village community', 41; Schofield, *Peasants and Historians*, 203–4; J. Masschaele, *Jury, State and Society in Medieval England* (New York, 2008), 6.

⁶⁸ K.F. Duggan, 'The limits of strong government: attempts to control criminality in thirteenth-century England', *Historical Research*, 93 (2020), 399–419, at 418–19.

⁶⁹ S. Reynolds, *Kingdoms and Communities in Western Europe, 900–1300*, 2nd edn (Oxford, 1997), 1–3; Schofield, *Peasant and Community*, 5–6; Müller, 'A divided class?', 119.

⁷⁰ P.D.A. Harvey, 'The manorial reeve in twelfth-century England' in R. Evans (ed.), *Lordship and Learning: Studies in Memory of Trevor Aston* (Woodbridge, 2004), 125–38.

⁷¹ H.M. Cam, 'The community of the vill' in V. Ruffer and A.J. Taylor (eds.), *Medieval Studies Presented to Rose Graham* (Oxford, 1950), 10–12; W.O. Ault, 'The vill in medieval England', *Proceedings of the American Philosophical Society*, 126 (1982), 188–211, at 192–3; J. Masschaele, 'Town, country, and law: royal courts and regional mobility in medieval England, c.1200–c.1400' in Langdon, Goddard and Müller (eds.), *Survival and Discord*, 127–44, at 139.

⁷² J.R. Maddicott, 'The county community and the making of public opinion in fourteenth-century England', *Transactions of the Royal Historical Society*, 28 (1978), 27–43, at 32–3; Maddicott, 'Parliament and the people in medieval England', *Parliamentary History*, 35 (2016), 336–51, at 340–1.

⁷³ Ault, 'Vill in medieval England', 202; Dyer, 'Taxation and communities', 172–86; Dyer, 'Political life', 140; W.M. Ormrod, 'Henry V and the English taxpayer' in G. Dodd (ed.), *Henry V: New Interpretations* (Woodbridge, 2013), 187–216, at 198.

Bridging the Medieval/Early Modern Divide

as well as to serve the crown.⁷⁴ The parallels between medieval and early modern practices has led David Rollison to argue that ‘the incorporation of “middles” had been a strategy of the . . . state, since the reign of Henry II’.⁷⁵ This literature, therefore, challenges the transformative effect of Tudor and Stuart state formation on communities by demonstrating the long roots of interaction between crown and community elites in the Middle Ages.

The second critical literature complements that stressing the muted effects of early modern state formation. It represents a shift towards seeing medieval village communities as increasingly hierarchical and governed by something akin to a middling sort. This suggests that the social differentiation ascribed to the economic, social and cultural changes of the late sixteenth and early seventeenth century may have actually existed in the late Middle Ages. This is a theme that has been picked up by early modernists. Considering the narrative of the ‘decline of neighbourliness’ in 2007, Wrightson noted that early modernists ‘made too many unwarranted assumptions about medieval society’, especially as ‘since the 1980s, the medievalists have toughened up’.⁷⁶

This ‘toughening up’ can be seen in a range of studies which have emphasised considerable restriction in officeholding and interpreted this as something akin to a governing elite.⁷⁷ One of the earliest studies which represented a direct challenge to the Toronto School was that conducted by Edward Britton. Trained in the methodology of the School, Britton interpreted statistical trends in officeholding at Broughton (Hunts.) as evidence for the development of an ‘oligarchy’ with a ‘class consciousness’, noting a pattern of the passing of office from father to son, and suggested this oligarchic interpretation could hold true for other studies made by the School.⁷⁸ Dyer takes more of a middle ground, arguing that there was an element of oligarchy in the selection of officers, but the number of positions meant that this oligarchy was ‘necessarily broad’ and

⁷⁴ L.R. Poos, ‘The social context of Statute of Labourers enforcement’, *Law and History Review*, 1 (1983), 27–52, at 34–5, 52; Dyer, ‘Village community’, 423.

⁷⁵ D. Rollison, *A Commonwealth of the People: Popular Politics and England’s Long Social Revolution, 1066–1649* (Cambridge, 2010), 425.

⁷⁶ Wrightson, ‘Decline of neighbourliness’, 20.

⁷⁷ R.M. Smith, ‘Some thoughts on “hereditary” and “proprietary” rights in land under customary law in thirteenth and fourteenth century England’, *Law and History Review*, 1 (1983), 95–128, at 106–7, 126–7; F.M. Page, *The Estates of Crowland Abbey: a Study in Manorial Organisation* (Cambridge, 1934), 68; Z. Razi, *Life, Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen, 1270–1400* (Cambridge, 1980), 76–7; Razi, ‘Family, land and village community’, 15; Fryde, *Peasants and Landlords*, 14–15; T. Johnson, ‘Soothsayers, legal culture, and the politics of truth in late-medieval England’, *Cultural and Social History*, 17 (2020), 431–50, at 441–3.

⁷⁸ Britton, *Community of the Vill*, 44–9, 104–5.

Introduction

officeholding 'could not be monopolised by a small elite'.⁷⁹ A recent quantitative study of the jury at Norton and Billingham (Dur.) has confirmed a view of a limited coterie of elites serving.⁸⁰

Ian Forrest has recently provided a new perspective on the issue through examining the way local elites interacted with church authorities as 'trustworthy men': lay individuals who acted as witnesses and jurors to provide information to bishops throughout the period 1200 to 1500.⁸¹ He reveals that trustworthy men were generally wealthier tenants who held a range of roles in manorial administrations, although there was no automatic relationship between wealth and 'trustworthy' status, with significant differences between communities of different sizes and settlement types.⁸² Trustworthy men represented only a small proportion of the population of the wider communities from which they were drawn, and even among this narrow elite a few individuals served a disproportionate number of times.⁸³ Forrest also suggests a significant shift towards greater restriction over the late Middle Ages as a rise in economic and social inequality encouraged bishops to draw on an easily identifiable but narrowing elite.⁸⁴

While Forrest explicitly rejects the term 'middling sort' as 'impressionistic' and having a 'blandness', his results do approximate those found by early modernists looking at elites of their period.⁸⁵ Trustworthy men were useful to external authorities for their local sway and power, but also drew on external authority to bolster their power in the village.⁸⁶ Other studies have drawn explicit parallels between officeholding regimes in late medieval England and those of the early modern era, noting a similar pattern of concentration.⁸⁷ Recently, Smith has argued for an early fourteenth-century 'veritable middling sort' existing through manorial officeholding, emphasising that officers acted 'as potential intermediaries between the local community and the higher tiers of the administrative order'.⁸⁸

Therefore, this shift in the understanding of medieval communities challenges the novelty of an early modern middling sort by showing both a long-run history of interaction of state and locality and that a set of local

⁷⁹ Dyer, 'Power and conflict', 7; Dyer, *Age of Transition*, 65; Dyer, 'Political life', 142–3; Dyer, 'Poverty and its relief', 55.

⁸⁰ Larson, 'Village voice', 702–3.

⁸¹ I. Forrest, *Trustworthy Men: How Inequality and Faith Made the Medieval Church* (Princeton, 2018), 2–3.

⁸² *Ibid.*, 138–57. ⁸³ *Ibid.*, 165–89. ⁸⁴ *Ibid.*, 201–9, 220. ⁸⁵ *Ibid.*, 132.

⁸⁶ *Ibid.*, 141, 189–200, 351.

⁸⁷ Spufford, 'Puritanism and social control?', 49–50; Sharpe, *Crime*, 83–5, 172–3; Dyer, 'Political life', 135–7.

⁸⁸ Smith, 'Contrasting susceptibility', 49.

A Long-Run Approach

elites existed in medieval England which had parallels to those identified in early modern communities. The examination in this book of manorial officials and their role over the long run further supports these arguments, revealing that new responsibilities created by the state had a limited role in disrupting pre-existing manorial governance structures and that manorial officeholding could help create a local elite which exercised authority for its own purposes.

A LONG-RUN APPROACH

A survey of developments within both the medieval and early modern literatures concerning officeholding, manorial structures, the rise of the state and the role of elites in communities reveals a complicated set of narratives. A traditional literature emphasising the decline of manorial structures and officeholding with the end of lordship has been challenged by evidence showing a reorientation of these structures for community purposes in the fifteenth to seventeenth century. A narrative of the creation of a middling sort in village communities via the incorporation of elites into the state has been questioned by demonstrating both a long-run connection between state and local communities and the existence of restrictive sets of local elites who utilised the power of external authorities from at least the fourteenth century.

However, pre-existing studies, and especially those using primary materials, generally share a common flaw. This is that they are only focused on a certain period and tend to begin and end on one side of the medieval/early modern divide. This means that while medievalists and early modernists are able to draw parallels and contrasts with the period either after or before the one on which they work, actual patterns of long-run continuity and change remain underexplored. This study attempts to solve this problem by examining rural governance through exploring one officeholding regime, that of manorial officers, across both the medieval and early modern eras. Historians working on a variety of topics have shown the importance of a cross-boundary periodisation, revealing how it can shed new light on continuities in many aspects of social and economic change.⁸⁹ However, this technique has not yet been

⁸⁹ J. Whittle, 'Tenure and landholding in England, 1440–1580: a crucial period for the development of agrarian capitalism?' in B.J.P. van Bavel and P. Hoppenbrouwers (eds.), *Landholding and Land Transfer in the North Sea Area (late Middle Ages–19th Century)* (Turnhout, 2004), 237–49, at 242; Whittle, *The Development of Agrarian Capitalism: Land and Labour in Norfolk, 1440–1580* (Oxford, 2000), 2; A. T. Brown, 'Estate management and institutional constraints in pre-industrial England: the ecclesiastical estates of Durham, c.1400–1640', *ECHR*, 67 (2014), 699–719, at 701; B.M. S. Campbell and M. Overton, 'A new perspective on medieval and early modern agriculture: six centuries of Norfolk farming, c.1250–c.1850', *P&P*, 141 (1993), 38–105, at 40–9; M. Yates,

Introduction

applied to the topic of manorial officeholding beyond McIntosh's pioneering study of the single issue of misbehaviour.⁹⁰

By taking a longue-durée time frame, it is possible to examine the impact of the economic and social transformations of this period on the exercise of authority and the nature of local governance in village communities. The study begins in 1300, a period of high demographic pressure, in which high prices and low wages are seen to have advantaged landlords and given them the potential to exercise significant authority over their unfree tenants. This was followed by the challenging conditions of the late fourteenth and fifteenth century, when demographic and economic stagnation saw the end of serfdom and withdrawal of lords from direct management of their demesnes.⁹¹ The sixteenth century subsequently saw a new set of trends, with a relatively stable Tudor state following the political turbulence of the Wars of the Roses, which exercised its power on the locality via institutions such as the commissions of the peace and civil parish, and the return to demographic growth.⁹² Finally, the early seventeenth century again saw political crisis leading up to the Civil War and the maturation of a changed tenurial regime of yeoman farmers relying on waged labour which had its roots in the fifteenth century.⁹³

Precisely, this book provides answers to five questions. Firstly, was there a transition of manorial institutions, and the offices that ran them, away from meeting the demands of lord and crown, to being largely used to govern local communities, and, if so, what was the exact timing of this? Secondly, how far were manorial officeholding regimes characterised by openness and participation, or closure and restriction, and how did this change over time? Thirdly, how far were manorial offices bound up with lordship, and particularly the coercive institution of serfdom? Fourthly, what economic and social concerns motivated governance through officeholding, and how far did official responses lead to community cohesion or differentiation? Finally, did processes of state formation lead to the

Town and Countryside in Western Berkshire, c.1327-c.1600: Social and Economic Change (Woodbridge, 2007), 1–23; P.L. Larson, *Rethinking the Great Transition: Community and Economic Growth in County Durham, 1349–1660* (Oxford, 2022), 178–84.

⁹⁰ McIntosh, *Controlling Misbehavior*, 211–12; McIntosh, 'Response', 291–2.

⁹¹ B.M.S. Campbell, *English Seigniorial Agriculture* (Cambridge, 2000), 3–10; Campbell, 'The land' in Horrox and Ormrod (eds.), *Social History of England*, 233–7; Campbell, 'Land and people', 16–19; R.H. Britnell, *Britain and Ireland, 1050–1530: Economy and Society* (Oxford, 2004), 444–5, 496–501; J. Hatcher, 'The great slump of the mid-fifteenth century' in Britnell and Hatcher (eds.), *Progress and Problems*, 237–72, at 270–2; Bailey, *Decline of Serfdom*, 287–98.

⁹² Hindle, *State and Social Change*, 1–36; Sharpe, *Crime*, 169–70; Kümin, *Shaping of a Community*, 247–58.

⁹³ Braddick, *God's Fury*, 49–80; Whittle, 'Tenure and landholding', 237–49; Whittle, *Agrarian Capitalism*, 168–71, 305–10; K. Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain* (New Haven, CT, 2000), 132–41.

Case Studies and Sources

decline of governance regimes through manorial officeholding? Through answering these questions, the study provides a new narrative of the shift from a world dominated by powerful manorial lords to a world dominated by a central state from the perspective of the local village community.

CASE STUDIES AND SOURCES

The evidentiary basis for this book rests on five manorial case studies, representing a compromise between the depth offered by an intensive reconstitution of one manor and the breadth offered by an extensive trawl of multiple court-roll series. It marries a comprehensive examination of typical rather than ‘cherry-picked’ aspects of officeholding, with a comparative approach revealing both local variations and commonalities. The manors are Horstead (Norf.), Cratfield (Suff.), Little Downham (Cambs.), Worfield (Salop.) and Fordington (Dors.) (Map 0.1).

These case studies were selected primarily for the quality of their records over the 350 years studied to allow for a consistent consideration of manorial officeholding across the late medieval and early modern eras. This criterion unfortunately somewhat limited the choice of manors as only a minority of court-roll series survive well over the long run. The manors encompass a range of different sorts of communities and include multiple types of manorial lords (at various times, the crown, aristocrats, a bishop, a Cambridge college and elite gentlemen), environments (fen-land commons, wood pasture, open and enclosed arable fields), locations (East Anglia, the west Midlands and the south-west) and relationships between manor and parish (coterminous borders and multiple manors in one parish). While this naturally does not capture the full range of potentially interesting types of village community, the variety is used throughout the book to consider similarities and differences between manors, and how these were driven by differing local conditions.⁹⁴

Horstead, situated around 7 miles from Norwich, was located in an area of complex boundaries, which were typical of medieval Norfolk.⁹⁵

⁹⁴ For example, there is no case study from the ‘champion’ midlands, which was characterised by standardised landholding and open field agriculture, nor any manors held by the minor gentry, who were by far the most typical type of manorial lord. Similarly, the population at none of the manors had seemingly recovered to its pre-Black Death level by the late sixteenth century, suggesting these were locations with lower demographic growth than the national average, perhaps because none of the manors was proto-industrial. It is hoped that future studies can address these gaps.

⁹⁵ B.M.S. Campbell, ‘The complexity of manorial structure in medieval Norfolk: a case study’, *Norfolk Archaeology*, 39 (1986), 225–61, at 227–42; M. Bailey, *A Marginal Economy?: East Anglian Breckland in the Later Middle Ages* (Cambridge, 1989), 45–6.

Introduction



Map 0.1 Case-study manors

Notes: Boundary data from A.E.M. Satchell, P.K. Kitson, G.H. Newton, L. Shaw-Taylor, E.A. Wrigley and G. Stanning, *1831 England and Wales Ancient Counties* (UK Data Archive, 2018).

The vill of Horstead-with-Stanninghall was divided between two lordships in 1316, corresponding to the separate manors of Horstead and Stanninghall, and also seems to have contained a separate fee called Cattes manor.⁹⁶ By the sixteenth century, the civil parish contained both Horstead and Stanninghall while the ecclesiastical parish just included Horstead.⁹⁷ Moreover, Horstead manor had a separate portion

⁹⁶ W.J. Blake, 'Norfolk manorial lords in 1316: part II', *Norfolk Archaeology*, 30 (1952), 263–86, at 280; P. Millican, *A History of Horstead and Stanninghall, Norfolk* (Norwich, 1937), 89–92.

⁹⁷ *The Diocesan Population Returns for 1563 and 1603*, eds. A. Dyer and D.M. Palliser, *Records of Social and Economic History*, 31 (Oxford, 2005), 441 n.111.

Case Studies and Sources

within the neighbouring area of Coltishall, this will be split between four lords.⁹⁸ The two different portions led to a mismatch between manorial and leet boundaries. Horstead's leet authority, which included Stanninghall, was confined to the Hundred of Taverham, while its Coltishall portion lay within the Hundred of South Erpingham, bounded by the River Bure, and was therefore subject to the leet authority of the hundred court since the crown retained the view of frankpledge in this locality (Map 0.2).⁹⁹ The manor was valued at £20 in 1428.¹⁰⁰ Horstead's population saw a dramatic decline after the Black Death, becoming the smallest community under examination, although it is vital to remember that this estimate only covers the vill, not the detached portion in Coltishall or other tenants who may have lived in neighbouring townships. The population appears to have been static in the fifteenth century, before rising during the sixteenth century by about a third (Table 0.1). Unfree heritable



Map 0.2 Norfolk hundreds with location of villages

Notes: Boundary data from A.E.M. Satchell, P.K. Kitson, G.H. Newton, L. Shaw-Taylor, E.A. Wrigley and G. Stanning, *1831 England and Wales Census Hundreds and Wapentakes* (UK Data Archive, 2018).

⁹⁸ Blake, 'Manorial lords', 274.

⁹⁹ See Millican, *Horstead and Stanninghall*, appendix 111, 201–3; F. Blomefield, *An Essay towards a Topographical History of the County of Norfolk*, 2nd edn, 11 vols. (London, 1805–10), vol. vi (1807), 303–10.

¹⁰⁰ *CIPM*, xxiii, 46–7 [96].

Introduction

Table 0.1 *Essential features of case-study manors*

	Horstead	Cratfield	Little Downham	Worfield	Fordington
<i>A Key characteristics</i>					
County	Norfolk	Suffolk	Cambridgeshire	Shropshire	Dorset
Type of lord	Aristocratic/		institutional		
Aristocratic/gentry			Ecclesiastical	Aristocratic	Royal
Date range	1392–1628	1401–1649	1310–1649	1327–1649	1328–1648
Number of manor court sessions examined	549	402	557	1,853	1,327
Structure	Nucleated	Nucleated	Nucleated	Dispersed	Nucleated
<i>B Population estimates</i>					
1327	727–969	475–627	442–589	855–1,140	1,008–330
1377–9	127–40	–	185–204	–	–
1524–5	94–125	175–236	350–472	384–518	415–560
1563	–	–	380–400	637–70	–
1603	154–200	308–400	–	–	555–722

Note: See [Appendix 3](#) for the methodology and sources behind the population data.

tenure mutated into copyhold-by-inheritance, typical of the secure entitlement to customary land seen throughout Norfolk, which in turn facilitated an active land market.¹⁰¹

Horstead's lords changed in the period under investigation. The manor had been confiscated by the crown from the Abbey of Caen in 1339 and was held in 1392 by Thomas of Woodstock.¹⁰² After seizure, presumably on Woodstock's attainder, the manor was granted to various Plantagenet and then Lancastrian allies in the county, before, in 1462, being granted by Edward IV in perpetuity to King's College, in whose hands it remained until the twentieth century.¹⁰³ The manor was subject to drastic enclosure of its common fields in the post-Black Death period, but maintained common pastures down to 1599, when

¹⁰¹ J. Whittle and M. Yates, "'Pays réel or pays légal'? Contrasting patterns of land tenure and social structure in eastern Norfolk and western Berkshire, 1450–1600", *AgHR*, 48 (2000), 1–26, at 8; Whittle, *Agrarian Capitalism*, 82.

¹⁰² Millican, *Horstead and Stanninghall*, 80; KCAR/6/2/87/1/1/HOR/27, 28 Oct. 1392.

¹⁰³ Millican, *Horstead and Stanninghall*, 80–2; H. Castor, *The King, the Crown and the Duchy of Lancaster: Public Authority and Private Power, 1399–1461* (Oxford, 2000), 72, 80–1.

Case Studies and Sources

these were abolished and enclosed by petition of the tenants.¹⁰⁴ In 1586 the manor contained about 1,600a of farmland, of which only 230a were demesne, which was leased through most of the study period.¹⁰⁵

The court rolls for Horstead survive for 1392–1628, and only contain significant gaps of more than three years for 1494–1510, 1562–5, 1600–6 and 1622–4. There was a downward trend in sessions per year, from three or four for the 1390s–1490s, to two or three for the 1510s–1620s, with courts baron generally falling in number while leets continued to be held. Horstead had the fewest officials of the case studies, with the ‘reeveship’ being nominal, in that, while men were selected, they always paid a fine not to serve (Table 0.2).

Table 0.2 *Officers found on each case-study manor with periods of appearance in court rolls*

Office	Horstead	Cratfield	Little Downham	Worfield	Fordington
Capital pledge/ jury leet	1395–1628	1402–1649	1310–1649	1327–1649	1345–1648
Jury baron/ named suitors	1392–1628	1401–1649	1310–1649	1350–1649	1483–1648
Reeve/collector	1392–1472 (nominal)	1402–1527	1314–1435, 1472–1508	1327–1649	1338–1648
Messor/beadle	–	(same as reeve/ collector)	1316–1439, 1472–1503	1327–1649	1329–1648
Taster	1395–1492	1401–1531	1311–1648	1327–1649	–
Bylawman	–	–	1311–1414	–	–
Fenreeve/ fieldreeve	–	–	1326–1648	–	1573–1648
Constable	1439–1628	1451–1649	1329–1648	1384–1649	1356–1648
Affeeror	1392–1597	1401–89	1311–1575	1327–1649	1329–1647
Tithingmen/vills	–	–	–	1327–1649	1328–1648

Notes: Dashes refer to officers that did not appear on the relevant manor. Nominal refers to the fact that, while candidates for the reeveship were selected for Horstead, these individuals did not serve in the office. These dates do not necessarily imply the officer was not present outside these time periods, but only indicate when such officers can be found in the documentary record. Officers were also not always regularly recorded in the years between their first and last appearance.

Sources: K CAR/6/2/087/1/1/HOR/26–41, 45, 48–57, K CAR/6/2/38/1/1/COL/376; CUL, Vanneck Box/3–4; CUL, EDR, c 11/1/1–3, c 11/2/4–6, C II/3/7–11, c 11/8–10; SA, p 314/w/1/1/1–838, 5586/1/257–306; TNA, SC 2/169/25–47, SC 2/170/1–16.

¹⁰⁴ B.M.S. Campbell, ‘The extent and layout of commonfields in eastern Norfolk’, *Norfolk Archaeology*, 38 (1981), 5–31, at 10–11.

¹⁰⁵ Millican, *Horstead and Stanninghall*, 83.

Introduction

The split fees at Horstead, however, did create two separate juries baron, with a general jury covering the main manor and a separate, often smaller jury, for the Coltishall fee.

Cratfield, located around 5 miles west of Halesworth, shared many similarities to Horstead. The manor was the largest of three which split the same village community. It was also one of two manors (the other being Cratfield Roos) within the parish of Cratfield, occasionally leading to confusion over boundaries.¹⁰⁶ The village had a predominantly enclosed field system by 1300 and underwent a process of further piecemeal enclosure of remaining open fields and greens down to 1550.¹⁰⁷ Cratfield's farmland consisted of meadows and pastures with a focus on dairying, and by the seventeenth century the economy was heavily specialised in cheesemaking.¹⁰⁸ The manor was of relatively low value after the Plague, being worth £12 per annum in 1353, but had climbed to a value of £22 10s 7d in 1543.¹⁰⁹ While smaller than Horstead in the early fourteenth century, Cratfield's population seemingly recovered faster after the Black Death, the manor being more populous than the Norfolk manor by the early sixteenth century. The population had grown by at least two-thirds by 1603, but still remained below its pre-Plague level (Table 0.1).

Cratfield was held by the Uffords as earls of Suffolk in the late fourteenth century, but by 1406 at the latest it was in the hands of the dukes of Norfolk, being held by the widowed Constance, Earl Marshall.¹¹⁰ It then remained largely in the hands of the Mowbrays and later Howards as dukes of Norfolk, with a short period in the hands of the Ratcliffes as dukes of Suffolk, although with regular confiscations by the crown on attainders. In 1609, it was sold to Sir Edward Coke, in whose family it remained for the remainder of the period under study.¹¹¹ Similarly to Horstead, Cratfield had an active land market by the fifteenth century, a process supported by secure heritable tenures which became copyholds-by-inheritance.¹¹²

¹⁰⁶ K. Farnhill, *Guilds and the Parish Community in Late Medieval East Anglia, c.1470–1550* (York, 2001), 129 n. 14; CUL, Vanneck Box/3, Henry VIII roll, m.44, 16 Jun. 1546.

¹⁰⁷ M. Bailey, 'The form, function and evolution of irregular field systems in Suffolk, c.1300 to c.1550', *AgHR*, 57 (2009), 15–36, at 29–32.

¹⁰⁸ M. Bailey, *Medieval Suffolk: an Economic and Social History* (Woodbridge, 2007), 224–5; *Churchwardens' Accounts of Cratfield, 1640–1660*, ed. L.A. Botelho, Suffolk Records Society, 42 (Woodbridge, 1999), 1–4.

¹⁰⁹ A.I. Suckling, *The History and Antiquities of the County of Suffolk*, 2 vols. (London, 1846–8), vol. 11, 210–11.

¹¹⁰ *CIPM*, x1x, 112 [310]; CUL, Vanneck Box/3, Henry IV roll, m.9, 21 Jun. 1406.

¹¹¹ Suckling, *Antiquities of the County of Suffolk*, vol. 11, 209–12; Blomefield, *Topographical History*, vol. 1, 228–41.

¹¹² See, for example, CUL, Vanneck Box/3, Henry IV roll, m.11, c. 6 Oct. 1406, Henry VIII roll, m.20, 22 May 1532, Edward VI and Mary I roll, m.7, 11 Jul. 1552, Elizabeth I roll (1), m.17, 10 Jun. 1579; Bailey, *Decline of Serfdom*, 213.

Case Studies and Sources

Cratfield's court rolls survive for 1403–1649, and only contain significant gaps of more than three years for 1586–91, 1598–1602, 1607–13 and 1631–4. There is a downward trend in sessions per year from regularly two for the 1400s to 1560s to only one for the 1570s onwards. Cratfield had a similar set of officials to Horstead, although on this manor, individuals selected as reeve (also sometimes called a collector and messor) actually served (Table 0.2). The parish's churchwardens' accounts also survive patchily from 1490 and are virtually complete from 1533 onwards.

Little Downham was located in the Cambridgeshire fenland, 2½ miles north-west of Ely.¹¹³ The manor was held by the Bishop of Ely as part of his powerful liberty within the Isle of Ely. This placed the manor within a larger framework of the bishop's jurisdiction, with the prelate controlling aspects of governance that elsewhere would be performed by crown officials, and bolstered his authority as a manorial lord.¹¹⁴ The inhabitants lived in a nucleated settlement, with the smaller hamlet of Downhamhythe to the west providing access to navigable waterways.¹¹⁵ The village lay within three open fields, following a three-field system of cultivation, but was bounded on the northern side by the bishop's residential palace and 250a deer park.¹¹⁶ In 1251, 444½a consisted of demesne, 294a were held by thirty-three customary tenants, 158½a by four free tenants and 24a by twenty-four cottars.¹¹⁷ Beyond cultivated land, tenants had access to large fen commons which provided pasture lands for livestock, but also important resources such as turves and sedge.¹¹⁸ The prosperity of the manor changed with the Black Death; while in the years 1286–1345 its value ranged from £10 18s 11d to £21 9s 1d, by 1356 a survey reveals the demesne had shrunk, being worth £2 13s 4d and rents only £2.¹¹⁹ However, Clare Coleman suggests recovery by the 1360s, with seigniorial policies increasing the amount of demesne under plough and attempting to let holdings on old terms.¹²⁰ Conservatism in land tenures continued, with the language of villeinage and bondage dropped after the 1360s in favour of 'at the will of the lord', but experiments in leasing were largely confined to the late fourteenth century and ultimately disappeared in favour of heritable tenure, thus conforming to the second of Mark Bailey's four categories

¹¹³ M.C. Coleman, *Downham-in-the-Isle: a Study of an Ecclesiastical Manor in the Thirteenth and Fourteenth Centuries* (Woodbridge, 1984), 1, 4.

¹¹⁴ *VCH Cambs.*, 8–27. ¹¹⁵ Coleman, *Downham*, 4–5.

¹¹⁶ *Ibid.*, 4; C. Taylor, "'A place there is where liquid honey drops like dew': the landscape of Little Downham, Cambridgeshire, in the twelfth century", *Landscape History*, 31 (2010), 5–23, at 12.

¹¹⁷ Coleman, *Downham*, 13. ¹¹⁸ *Ibid.*, 20–1. ¹¹⁹ *VCH Cambs.*, 90–5.

¹²⁰ Coleman, *Downham*, 95–6.

Introduction

of tenurial change.¹²¹ Even in the second half of the fifteenth century, lands continued to owe labour services along with rents and heriots, a reversal of an earlier trend towards commutation into cash payments.¹²²

The manor was leased from 1430/1 until 1478/9, after which it came back under direct management.¹²³ The manor was apparently leased again by the 1540s, when it was valued at £27 17s 9½d to £37 7s excluding arrears.¹²⁴ At Downham, population halved between 1327 and 1377 as a result of Plague mortality (Table 0.1). Substantial recovery had occurred by 1524, a pattern that fits with the general buoyancy of fen-edge settlements in Cambridgeshire over the fifteenth century.¹²⁵ However, the population remained static or perhaps even decreased by 1563, probably due to the poor harvests and epidemics of the mid-Tudor population crisis.¹²⁶

The court rolls for the manor survive for 1310–1582, but contain significant gaps of more than three years for 1317–22, 1336–61, 1475–83 and 1509–51. Court books then survive for 1605–49. The trend in sessions per year was downwards, from between two and eight for the 1320s–1360s, to between two and four for the 1370s–1430s, and a final fall to generally two until the 1640s. The manor's accounts also survive for much of the periods 1319–75 and 1411–1509. As Table 0.2 displays, Downham had by far the largest set of officials among the case studies. The period of leasing changed the officeholding structure, with the reeveship and messorship abandoned from 1444 to 1471, apart from in 1455/6, in favour of a seigniorial bailiff, before being reintroduced.

Worfield was situated 3½ miles from Bridgnorth, and the coterminous parish and manor extended over 10,000a. The manor had a different structure to the others studied, in that it consisted of a dispersed settlement pattern, with around twenty-five hamlets all part of the same lordship (Map 0.3). This created a leet which was structured differently to the other case studies. Each of these villis presented separately, or in smaller combinations, with the jury leet then presenting more serious business as

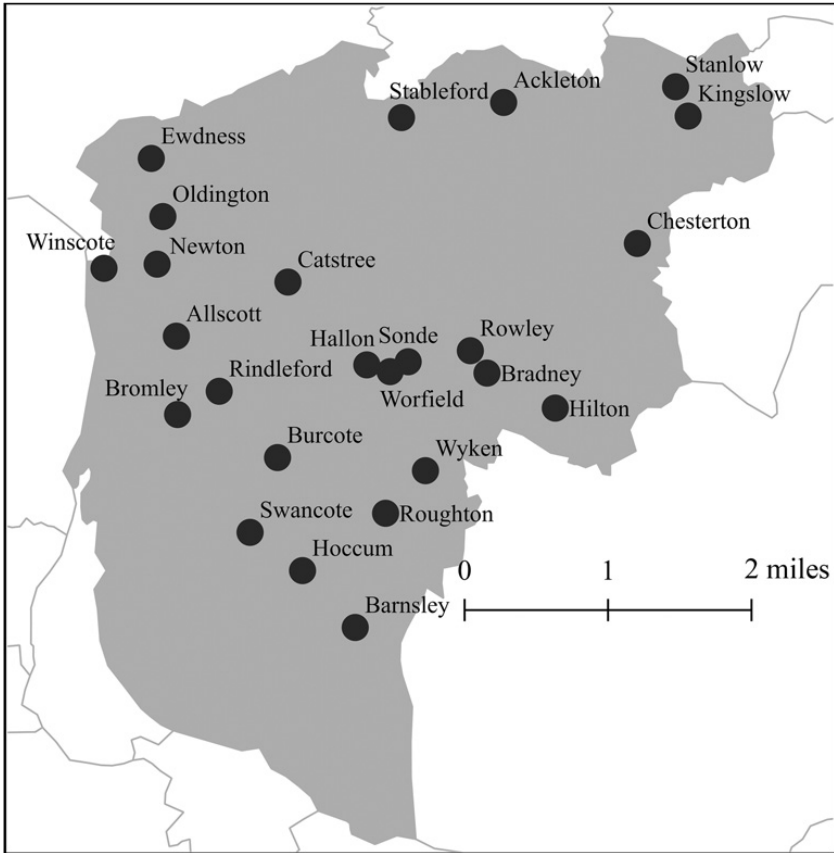
¹²¹ See, for example, CUL, EDR, C11/1/2, m.11, 16 Mar. 1362; C11/1/2, m.21, 4 Mar. 1370; C11/2/4, m.1, 23 Mar. 1400; C11/2/4, m.2, 7 Jul. 1400; M. Bailey, 'The transformation of customary tenures in southern England, c.1350 to c.1500', *AgHR*, 62 (2014), 210–30, at 216.

¹²² See, for example, CUL, EDR, C11/3/7, m.4, 16 May 1464; C11/3/7, m.17, 24 Sep. 1473; C11/3/10, 24 Feb. 1487.

¹²³ CUL, EDR, D10/3, m.9, 1430–1; D10/3, m.46, 1478–9. ¹²⁴ *VCH Cambs.*, 90–5.

¹²⁵ J.S. Lee, 'Tracing regional and local changes in population and wealth during the later Middle Ages using taxation records: Cambridgeshire, 1334–1563', *Local Population Studies*, 69 (2002), 32–50, at 48.

¹²⁶ E.A. Wrigley and R.S. Schofield, *The Population History of England, 1541–1871: a Reconstruction* (London, 1981), 332–6.



Map 0.3 Townships of Worfield

Notes: Boundary data from A.E.M. Satchell, P.K. Kitson, G.H. Newton, L. Shaw-Taylor and E.A. Wrigley, *1851 England and Wales Census Parishes, Townships and Places* (UK Data Archive, 2018).

well as affirming the presentments of the townships, meaning that the jurors were one step removed from presentment. The manor was originally held by the crown, giving it ancient demesne status, before being held by a succession of aristocratic lords from 1238.¹²⁷ These consisted of the Hastings family up to 1389, the Beauchamps up to 1436, and then the Neville family for the later period under investigation.¹²⁸ The lords enjoyed

¹²⁷ J. Randall, *Worfield and Its Townships: Being a History of the Parish from Saxon to Norman Times* (Madeley, 1887), 7.

¹²⁸ J. Smith, *Worfield: the History of a Shropshire Parish from Earliest Times* (Perton, 2017), 38; W. M. Ormrod, 'Leybourne, Juliana, countess of Huntingdon (1303/4–1367)', *ODNB* (Oxford,

Introduction

extensive powers on the manor as a liberty, including rights to the goods of felons and judicial immunity for their tenants, although the south part of the manor lay within royal forest, and thus was subject to some crown control.¹²⁹ The vill of Ackleton also formed a separate submanor, but was subject to the leet's jurisdiction.¹³⁰ In 1436, the manor contained 100a of arable demesne, a 40a wood, and 6a of pasture in the lady's hand.¹³¹ Commons existed on the manor, with at least 100a of pasture subject to common rights in 1436, although these were regulated by individual hamlets, with seven having access to common within the forest of Morfe.¹³²

The manor's value did not fall drastically after the Black Death, being assessed at £44 9s 10d annually in 1283, £51 10s 9d in the early fourteenth century and £40 in 1375.¹³³ However, by the early fifteenth century a severe decline had taken place, with the manor worth only £26 13s 4d in 1411 and £20 13s 4d in 1436.¹³⁴ Customary tenures remained heritable after the Plague, and had transformed into copyholds-by-inheritance by 1602, following Bailey's first categorisation of this shift, a preference over leasehold and copyhold-by-lives unusual for the Midland region.¹³⁵ Tenants, however, used fixed-term subleases, and a market for reversions of lands after failures of patrilineal lines is visible, while widows had the right of 'free bench'.¹³⁶ In terms of population, demographic decline seems to have been prolonged, with the inhabitants in 1524 numbering fewer than half those of 1327. However, the sixteenth century saw recovery, with population increasing by perhaps a third between 1524 and 1563, despite the severe effects of the mid-Tudor population crisis on Shropshire as a whole (Table o.1).¹³⁷

2004); R.I. Jack, 'Hastings, John, thirteenth earl of Pembroke (1347–1375)', *ODNB*; R.I. Jack, 'Grey, Reynold, third Baron Grey of Ruthin (c.1362–1440)', *ODNB*; C. Carpenter, 'Beauchamp, William (V), first Baron Bergavenny (c.1343–1411)', *ODNB*; T.B. Pugh, 'Neville, Edward, first Baron Bergavenny (d. 1476)', *ODNB*; A. Hawkyard, 'Neville, George, third Baron Bergavenny (c.1469–1535)', *ODNB*; A. Hawkyard, 'Neville, Sir Edward (b. in or before 1482, d. 1538)', *ODNB*.

¹²⁹ Smith, *Worfield*, 22–3, 29; S. Gibbs, 'Felony forfeiture at the manor of Worfield, c.1370–c.1600', *Journal of Legal History*, 39 (2018), 253–77, at 256–60.

¹³⁰ Smith, *Worfield*, 18; *CIPM*, xviii, 326 [958]. ¹³¹ *CIPM*, xxiv, 363–4 [514].

¹³² Smith, *Worfield*, 195 map 2b.

¹³³ R.W. Eyton, *Antiquities of Shropshire*, 12 vols. (London, 1854–60), vol. 111, 110; TNA, SC 12/14/24; *CIPM*, xiv, 149 [148].

¹³⁴ *CIPM*, xix, 304 [853]; xxiv, 363–4 [514].

¹³⁵ See, for example, SA, P314/w/1/1/33, 11 May 1351; P314/w/1/1/78, 4 Jul. 1370; P314/w/1/1/215, 22 Mar. 1400; P314/w/1/1/469, 10 Aug. 1487; P314/w/1/1/526, 11 Dec. 1515; P314/w/1/1/775, 28 Feb. 1572; 2028/1/5/8; Bailey, 'Customary tenures', 216–18.

¹³⁶ See, for example, SA, P314/w/1/1/298, 15 Nov. 1446; P314/w/1/1/688, 12 Apr. 1553; 5586/2/1/42; 2028/1/5/8. Free bench allowed widows to retain land formerly held by their husbands unless they remarried.

¹³⁷ J.S. Moore, 'The mid-Tudor population crisis in midland England', *Midland History*, 34 (2009), 44–57, at 54 tables 3 and 4.

Case Studies and Sources

Worfield's court rolls survive for 1327–1649, but with significant gaps of greater than three years for 1467–71 and 1542–7, as well as very patchy survival pre-Black Death. The trend in sessions a year is the inverse of the other manors, with an increase from typically between three and seven for the 1320s–1540s, to frequently more than ten for the 1550s–1640s, although many of these sessions simply record a single land transfer. The parish's churchwardens' accounts survive for most of the sixteenth and seventeenth centuries. Worfield had a substantial set of officials, although a crucial contrast with the East Anglian manors is that it had jurors leet rather than capital pledges (Table 0.2).

Fordington was located around a mile from Dorchester and had suburban elements owing to its proximity to the town. It was again a larger manor, containing an estimated 4,000a of unenclosed arable, pasture and meadow in the nineteenth century.¹³⁸ In 1321/2, the manor contained 313a of demesne arable, pasture and parkland, and tenanted land comprising eleven free tenements, sixteen villein virgates, eight villein half virgates, forty-two 'furlong' holdings of various sizes, thirteen cottages and two mills.¹³⁹ The manor was split into two tithings, each of which had a separate tithingman to present in court and also included a separate hermitage, which had distinct obligations and made separate presentments to the court leet through a homage or a woodward.¹⁴⁰ As at Worfield, jurors leet then affirmed and added to these initial presentments. Significantly, the manor was part of the Duchy of Cornwall in the thirteenth century and was then held by the crown throughout the period under study, typically being granted to the king's first-born son as Duke of Cornwall and Prince of Wales, although it was also granted out to favoured courtiers.¹⁴¹ Much like at Worfield, as a royal liberty the manor's lords enjoyed significant privileges and the settlement was a commercial centre, having the right to hold both a market on Tuesdays and a three-day fair on St George's day.¹⁴² It was also an ancient demesne. The manor was highly valued, being assessed with other appurtenances at £69 18s 2¾d in 1301 and seemingly alone at £43 13s

¹³⁸ J. Hutchins, cont., W. Shipp and J. Whitworth Hodson, *The History and Antiquities of the County of Dorset/Compiled from the Best and Most Ancient Historians, Inquisitions Post Mortem, and other Valuable Records and mss. in the Public Offices, and Libraries, and in Private Hands. With a Copy of Domesday Book and the Inquisitio Gheldi for the County: Interspersed with some Remarkable Particulars of Natural History; and Adorned with a Correct Map of the County, and Views of Antiquities, Seats of the Nobility and Gentry, &c.*, 4 vols. (London, 1861–73), vol. 11, 792.

¹³⁹ TNA, E 142/23. A virgate typically consisted of around 30a of land.

¹⁴⁰ TNA, SC 2/170/8, m.5, 23 Oct. 1572.

¹⁴¹ R.G. Bartelot, *The History of Fordington: a British Battleground, a Roman Suburb, a Royal Manor and a Prebendal Church* (Dorchester, 1915), 56–62.

¹⁴² *VCH Dorset*, 229; Hutchins, *County of Dorset*, 791.

Introduction

3½d in 1321/2, although being farmed at £70 in the same year.¹⁴³ However, its value fell after the Black Death, with the manor being farmed at £26 in 1461/2 and £33 2s 1d in 1573.¹⁴⁴ Following the pattern typical of the south-west, customary tenures transformed into copyhold-by-lives, with widows having the right of 'free bench' throughout the period studied.¹⁴⁵ Land was also sublet under licence.¹⁴⁶ Fordington's population mirrors the trends of Worfield, with a halving of its substantial pre-Plague population by the early sixteenth century. It continued to grow slowly during the sixteenth century, increasing by around a quarter by the start of the seventeenth century (Table 0.1).

Fordington's court rolls survive for 1328–1648, but with significant gaps of greater than three years for 1339–43, 1392–5, 1458–62, 1465–70, 1473–82, 1498–1503, 1512–17, 1525–36, 1558–65 and 1590–1624. Courts were seemingly held every three weeks throughout the period studied, leading to a flat level of sessions a year of more than ten sessions for well-evidenced years, although for most years fewer sessions survive. Fordington had a wide array of officials, although unlike the other manors, annually elected suitors acted as a presentment jury from 1483 and were only replaced by the more typical jurors baron in the seventeenth century.¹⁴⁷ There were also no tasters (Table 0.2).

Beyond the central manors, a range of smaller case studies and other evidence is used to shed light on certain issues. The quarter sessions records for Norfolk are compared with several manorial records to examine the relationship between these institutions. Lists of free and servile tenants from rentals, surveys and fealty lists are combined with court rolls from a range of manors in East Anglia and the south-west to consider whether officials were drawn solely from the ranks of the unfree. Finally, a wide range of qualitative evidence is drawn from printed and manuscript court rolls and custumals to illuminate specific issues throughout the book. As a final note on scope: while in many cases lords also relied on other officials such as stewards and bailiffs to run their manors – who, rather than being drawn from the tenants, were instead salaried

¹⁴³ CCR, IV, 419–33; TNA, E 142/23. ¹⁴⁴ Hutchins, *County of Dorset*, 573.

¹⁴⁵ See, for example, TNA, SC 2/169/27, m.12, 22 Oct. 1348; SC 2/169/43, m.1, 13 Dec. 1440; SC 2/169/43 m.16, 29 Apr. 1443; SC 2/170/4, m.6, 11 Nov. 1549; SC 2/170/15, m.11, 2 Apr. 1639. Bailey, 'Customary tenures', 211, 217–18.

¹⁴⁶ TNA, SC 2/170/7, m.1 22 Nov. 1569; SC 2/170/16, m.6, 5 Apr. 1642.

¹⁴⁷ The switch to a list of annually chosen suitors may be explained by the introduction of property qualifications for suitors in sheriff's tourns which were introduced in 1483, with Fordington's leet paralleling this development. J. McGovern, *The Tudor Sheriff: a Study in Early Modern Administration* (Oxford, 2022), 144.

Plan of the Book

appointees – these have been largely excluded from this account owing to their differing connection to the village communities explored.¹⁴⁸

PLAN OF THE BOOK

The substantive chapters of the book are as follows. **Chapter 1** provides a quantitative assessment of changes in the functions of officials to see how far their work was driven by the relative needs of the lord, crown and community. **Chapter 2** explores who served in office, examining selection processes and patterns of service to discover whether offices were dispersed among village inhabitants or concentrated in a few hands. **Chapter 3** zeroes in on the particular issue of unfreedom and officeholding, to examine how far officers were forced to maintain aspects of personal servility and whether serving was an obligation forced upon unfree tenants. **Chapter 4** looks at how manorial office was used to govern local communities and what this suggests about intra-community dynamics. The last chapters pivot to examine the way manorial officeholding regimes and the social structures they created were affected by, and impacted on, state formation. **Chapter 5** examines this from the perspective of the co-optation of the parish and its officials by the political centre, looking at the way churchwardens interacted with manorial offices. **Chapter 6** looks at law and order, investigating the changing role of the office of constable and how the rise of county quarter sessions affected manorial structures.

The **final chapter** draws together the four core theses of the book. It argues, firstly, that flexible manorial structures remained important across the late medieval and early modern eras; secondly, that this was achieved through the active participation of the community of tenants; thirdly, that these governance structures could also create inequality; and, fourthly, that manorial structures were not disrupted by, but instead worked alongside, early modern processes of state formation. It then explores the wider ramification of these arguments for understanding the transition between the medieval and early modern eras, the nature of lord–tenant relations, the impact of state formation on the creation of local social differentiation and the growth of English state capacity.

¹⁴⁸ The role of stewards and bailiffs in late medieval and early modern village communities is currently significantly understudied and it is hoped that future research can draw contrasts between these officials and the tenant-officials studied here. A step in this direction is seen in the recent edited volume: C. Beardmore, S. King and G. Monks (eds.), *The Land Agent in Britain: Past, Present and Future* (Cambridge, 2016).

THE CHANGING ROLE OF MANORIAL OFFICERS AND MANOR COURTS

Historians investigating manorial officeholding and manor courts currently present two very different pictures for the medieval and early modern eras. For many medievalists, focused on the period before the Black Death, manor courts were primarily an instrument for the lord to control his tenants and extract rents and services from them, allowing lords to dramatically increase their incomes over the thirteenth century.¹ This is particularly true of manorial officers; while tenants did use courts for their own non-seigniorial functions in terms of interpersonal business, the role of officials is seen as having been mainly to the benefit of the lord.² Although the device of presentment (where sworn jurors had to return information about offences committed within the manor) was first used for public business in leets, most interpretations agree that it was co-opted by seigniorial administrators to provide a more effective way of managing seigniorial rights. While acknowledging some successful resistance, Ralph Evans notes that at Thorncroft ‘the manorial court . . . consistently secured eventual compliance’ to the desires of the lord.³ Officers acting in the court were used to monitor lords’ rights over unfree

- ¹ R.H. Hilton, ‘Peasant movements in England before 1381’, *ECHR*, 2 (1949), 117–36, at 121; Hilton, *The English Peasantry in the Later Middle Ages: the Ford Lectures for 1937 and Related Studies* (Oxford, 1975), 231–4; Hilton, *Decline of Serfdom*, 18–19; Dyer, *Age of Transition*, 86–9; Dyer, *Lords and Peasants*, 52, 265; R. Faith, *The English Peasantry and the Growth of Lordship* (London, 1997), 256; Beckerman, ‘Procedural innovation’, 199–200; R. Evans, ‘Whose was the manorial court?’ in Evans (ed.), *Lordship and Learning*, 155–68, at 155–8; Bolton, *Medieval English Economy*, 20, 112–13; Rigby, *English Society*, 25–8; Briggs, ‘Availability of credit’, 14; Briggs, *Credit*, 13; J. Whittle and S.H. Rigby, ‘England: popular politics and social conflict’ in Rigby (ed.), *Companion to Britain*, 65–86, at 75; M. Bailey, ‘Peasant welfare in England, 1290–1348’, *ECHR*, 51 (1998), 223–51, at 224; P.V. Hargreaves, ‘Seigniorial reaction and peasant responses: Worcester Priory and its peasants after the Black Death’, *Midland History*, 24 (1999), 53–78, at 54.
- ² Bailey, *English Manor*, 169–74; Schofield, *Peasant and Community*, 48; Z. Razi, ‘Serfdom and freedom in medieval England: a reply to the revisionists’ in Coss and Wickham (eds.), *Rodney Hilton’s Middle Ages*, 182–7, at 186.
- ³ Evans, ‘Merton College’s control of its tenants’, 254.

The Changing Role of Manorial Officers and Courts

tenants, protect seigniorial property, manage customary land and ensure suitors attended the court. Although nearly all modern scholars note the flexibility in application of these obligations occasioned by the fact that officers were drawn from the tenants and so could protect their interests, and that sometimes lords and tenants' interests could be aligned, this does not detract from the fact that the role of officials was in essence to enforce the lord's rights.⁴

This view of courts as largely seigniorial institutions has been questioned and modified by various arguments but has not yet been overturned. The Toronto School provided a more positive picture, with its depiction of the court and its officers as primarily working to regulate the village in a quasi-democratic way. However, later work has challenged the Toronto view owing to issues of both evidence and interpretation, meaning that this community-focused view of manorial courts has had limited traction within more recent scholarship of the manor court.⁵ Revisionism in the understanding of medieval serfdom has similarly questioned the rapaciousness of lords, emphasising that their power over their tenants was bounded by custom, and that prevailing economic conditions led to lords commuting labour services in favour of waged labour.⁶ Such approaches have also emphasised the facilitative role of courts for peasant agriculture and commerce, with lords providing legal services in return for the fees these generated.⁷ Yet, even if lords were not incentivised to squeeze tenants, their courts and officers were still utilised to meet seigniorial interests, and were fundamentally structured around the relationship between lord and tenants.⁸

A second part of the established narrative is that a change occurred after the demographic collapse of the Black Death and further resurgences of plague. This led, after an 'Indian summer' of high prices, to the increasing unprofitability of demesne farming, triggering a shift in seigniorial policy from direct management to the leasing of agricultural land, meaning that lords sought less control over their tenants through courts and officers.⁹ Simultaneously, serfdom declined and then disappeared across England, meaning that manor courts were no longer required to monitor personal

⁴ Schofield, *Peasant and Community*, 42–4, 168; Evans, 'Merton College's control of its tenants'; Briggs, 'Monitoring demesne managers', 180; C.C. Dyer, 'The ineffectiveness of lordship in England, 1200–1400' in Coss and Wickham (eds.), *Rodney Hilton's Middle Ages*, 69–86, at 77.

⁵ See pp. 7–8. ⁶ For a detailed discussion, see p. 118.

⁷ Bailey, *After the Black Death*, 44–6; J. Claridge and S. Gibbs, 'Waifs and strays: property rights in late medieval England', *JBS*, 61 (2022), 50–82, at 54–6, 76–7.

⁸ Evans, 'Whose was the manorial court?', 168.

⁹ Harvey, *Westminster Abbey*, 148–51; Bailey, 'Rural Society', 152–4; Hilton, *Decline of Serfdom*, 33; Bolton, *Medieval English Economy*, 214; Dyer, *Age of Transition*, 96–7; Dyer, 'Political life', 144–6; Dyer, *Lords and Peasants*, 113; Rigby, *English Society*, 84–5; Campbell, 'Land and people', 17.

The Changing Role of Manorial Officers and Courts

unfreedom.¹⁰ These changes have led many medievalists to suggest that manor courts, and thus manorial officeholding, were in terminal decline by the sixteenth century and increasingly became simply fora to register the transfer of copyhold land.¹¹

The early modern reinterpretation of the vitality of manorial courts provides a very different picture. These studies have emphasised the role of courts in fulfilling a wide range of community functions, including maintaining law and order, controlling misbehaviour, managing common land and maintaining communal infrastructure.¹² The role of manorial lords is almost entirely absent in these accounts, and the picture edges towards a view of courts similar to that of the Toronto School.¹³ So, the early modern interpretation differs from that typical of the medieval, in that courts appear as 'little commonwealths', with officers acting to govern their local community, rather than a tool largely for enforcing the rights of a powerful lord over their tenantry. Where early modernists have focused on the functions of courts in meeting the needs of external authorities, they have emphasised courts' role in meeting the needs of the crown. Hindle has highlighted that studies have 'associated the late Elizabethan period not so much with a decline but with a flourishing of the activity of manorial courts leet' as 'Tudor parliaments increased rather than diminished' leets' powers.¹⁴ Therefore, early modern accounts describe the success of the development of manorial courts as public bodies without the perspective of decline from a fourteenth-century, seigniorially focused high-point.

Clearly a change occurred at some point between 1270–1350 and 1550–1850, with a shift from manorial officers being focused on seigniorial concerns, to a new focus on community and law and order concerns. However, the nature and timing of this shift has been subject to little attention. Few works have explored the intermediate fifteenth- and

¹⁰ Larson, *Conflict and Compromise*, 235–50; Bailey, *Decline of Serfdom*, 326–9; Briggs, 'Availability of credit', 14.

¹¹ Dyer and Hoyle, 'Britain, 1000–1750', 67; Beckerman, 'Procedural innovation', 200; C.D. Briggs and P.R. Schofield, 'The evolution of manor courts in medieval England: the evidence of personal actions', *Journal of Legal History*, 41 (2020), 1–28, at 23–4.

¹² M. Griffiths, 'Kirtlington manor court, 1500–1650', *Oxoniensia*, 45 (1980), 260–83; Whittle, *Agrarian Capitalism*, 28–84; J. Healey, 'The northern manor court and the politics of neighbourhood: Dilston, Northumberland, 1558–1640', *Northern History*, 51 (2014), 221–41; P. Sharpe, *Population and Society in an East Devon Parish: Reproducing Colyton, 1540–1840* (Exeter, 2002), 211–12; Watson, 'Towne harmles', 119–35.

¹³ Hoyle and French's sceptical view on early modern manor courts provides an exception to this, in that they argue the manor court of Earls Colne declined precisely because of its limited use to the manor's lord: H. French and R. W. Hoyle, *The Character of English Rural Society: Earls Colne, 1550–1750* (Manchester, 2007), 165–71, 295.

¹⁴ Hindle, *State and Social Change*, 207.

Categorising Presentments

sixteenth-century period in detail and specifically looked at change using the same methodologies applied to the same places over time, partly due to the decreasing detail in many fifteenth-century court rolls.¹⁵

This chapter applies a quantitative methodology to examine the changing work of officials through categorising various presentments made by manorial officials and then seeing how the share of these various categories changed over the period under study and between the case-study manors. This demonstrates that the role of manorial officers went through two transitions between *c.*1300 and *c.*1650. Firstly, there was a change from a seigniorially and royally focused manorial court, with officers acting primarily as the lord's and crown's servants, to a community-focused 'little commonwealth', with officers acting as community elites to maintain structures and keep order. A further change occurred later, with officials increasingly not meeting public-order requirements but simply helping to monitor the transfer of land. However, these changes occurred within the context of significant variation between manors, and a wider East Anglian versus western/south-western divide. These changes in the foci of officials' work show the flexibility of manorial structures, which allowed manor courts to be put to different uses over time and space in a period of political, economic and social change. In turn, this reveals the sustained importance of manorial officers in governing the late medieval and early modern English countryside.

The first section of the chapter explains the process by which jurors made presentments to demonstrate their value as a metric for the changing functions of manorial officials. The following section examines the overall patterns of presentments, while the subsequent section explores categories of presentment to analyse the changes behind the wider patterns. The final section looks at the relatively few presentments made by officials other than jurors.

CATEGORISING PRESENTMENTS

This chapter adopts a statistical approach to measure evolutions in the work of manorial officials over time, utilising the presentments made by the full complement of officers which are recorded in the court rolls of each manor. Presentments were made by several different types of officers, but overwhelmingly came from the two types of jury for the courts leet and baron seen at all the manors.¹⁶ Thus, the analysis of presentments is better at tracking the role of juries than other officials, presumably

¹⁵ Dyer, 'Political life', 139.

¹⁶ See [Appendix 1](#) for a fuller discussion of the officials presenting at each manor.

The Changing Role of Manorial Officers and Courts

capturing the totality of their role within the manorial system, as the office expressly existed to meet the need of presenting infractions. Even though the work of some other officials is not necessarily perfectly recorded in presentments, counting them remains the best way of tracking change in officials' function over time. This is partly owing to their consistency, but also because they were exactly the type of officers' business that the surviving records of court rolls were designed to capture.

The presentment procedure was driven by lists of articles that would be delivered to the jury by the steward at the court session preceding that at which the presentments would be made.¹⁷ The jury would then investigate and present all breaches of the articles at the following session, where they are recorded in the surviving rolls.¹⁸ Aspects of this process are occasionally glimpsed in the records of the case-study manors. At Downham, in 1410, John Deye and Simon Cok as jurors were amerced for 'not coming at the appointed time to receive their charge', presumably an order to respond to the articles, as was a capital pledge in 1411.¹⁹ Worfield's jury in 1430 was described as having been 'charged and sworn to examine and return'.²⁰ In 1502 the jury of the same manor asked for a delay until the next session 'of all matters touching or pertaining to the lord', making no presentments.²¹

The method by which jurors gathered information to answer the charges is largely invisible in the records. For aspects involving the physical environment, jurors are recorded as going to view specific sites in order to make their judgement. For instance, at Downham in 1503 an ordinance was made that each capital pledge would view a common drain on St Blaise's day, with each in default surrendering 12d.²² At Horstead in the 1420s the capital pledges were ordered to measure the depth of the water in the common river to see if it was at the customary level, while jurors at Cratfield in 1548–9 were given until subsequent courts to view various encroachments, hedges and roads.²³ The pains system, by which offenders were ordered to correct faults by a certain date or face an

¹⁷ Lists of articles survive in guidance literature on how to hold a court: Harvey, *Manorial Records*, 48; Bailey, *English Manor*, 193, 223–6. For a summary, see F.J.C. Hearnshaw, *Leet Jurisdiction in England: Especially as Illustrated by the Records of the Court Leet of Southampton* (Southampton, 1908), 43–64. John Beckerman has also identified a list of articles in English from c.1400: J. S. Beckerman, 'The articles of presentment of a court leet and court baron, in English, c.1400', *Bulletin of the Institute of Historical Research*, 47 (1974), 230–4.

¹⁸ Beckerman, 'Procedural innovation', 228–50; Evans, 'Whose was the manorial court?', 164.

¹⁹ CUL, EDR, C111/2/4, m.24, 5 Mar. 1410, m.27, 15 Jul. 1411.

²⁰ SA, P314/W/1/1/275, 25 Jan. 1430. ²¹ SA, P314/W/1/1/501, 7 Nov. 1502.

²² CUL, EDR, C111/3/10, m.20, 31 Jan. 1503.

²³ KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1423, 23 Sep. 1423, 11 Jan. 1424, 24 Mar. 1424, 11 Jun. 1424; CUL, Vanneck Box 3, Roll of Edward VI and Mary I, m.1, 13 Sep. 1548; m.3, 25 Nov. 1549.

Categorising Presentments

amercement, must have also guided information gathering, with jurors presumably either going to view the fault or inquiring about it on the deadline set by the court when the pain was given. Other information was clearly given by the victims of the wrongs presented, although how jurors evaluated the veracity of this is unclear.²⁴

How jurors themselves retained the articles they received and the information they gathered and then organised this into presentments is also obscure. Presumably the list of articles to which officials responded at any court were familiar to at least some of the jurors in any panel, who may have heard them many times as they served at multiple sessions.²⁵ The slim evidence of the commonplace book of Robert Reynes and the *Book of Brome* suggests that by the later fifteenth century, prominent jurors may have possessed written copies of articles which they could perhaps consult and share with their fellows.²⁶ Amercements of jurors for failure to keep deliberations secret show that presentment juries clearly met at some point either before or during the court session, presumably to discuss the information they had gathered and turn this into a set of presentments.²⁷ Writing likely had a role in this process. Michael Clanchy has emphasised that many medieval villagers even by 1300 were 'pragmatically literate', while Johnson has emphasised a 'documentary revolution' in the fifteenth century as written materials became deeply entrenched in the legal culture of the commons.²⁸ In the St Albans *Modus Tenendi Curias*, the capital pledges are specifically directed 'to inquire among yourselves [about the articles] and if you wish for a clerk you shall have one', suggesting the possibility of making notes of offences, or combining information from various jurors into a common set of presentments.²⁹ The survival of a written set of presentments in English along with a Latin fair copy for the court leet at Peterborough may be an example of this process.³⁰

An illuminating case seen at Horstead in 1492, where the jury asked to change their presentment of a deathbed land transfer, shows how the information used to create a presentment could be later deemed

²⁴ Beckerman, 'Procedural innovation', 247–8.

²⁵ See Gibbs, "'Open" or "closed"? Participation in English manorial presentment juries, c.1310–c.1600: a quantitative approach', *EHR*, 137 (2022), 1003–52, for the large numbers of jurors serving session-on-session.

²⁶ *The Commonplace Book of Robert Reynes of Ayle: an Edition of Tanner MS 407*, ed. C. Louis, Garland Medieval Texts, 1 (London, 1980); 144–5; Yale University Library, Beinecke MS 365, ff.51–9.

²⁷ S. Gibbs, 'Lords, tenants and attitudes to manorial officeholding, c.1300–c.1600', *AgHR*, 62 (2019), 155–74, at 164–5; Johnson, 'Soothsayers', 442.

²⁸ M. Clanchy, *From Memory to Written Record: England, 1066–1307*, 3rd edn (Chichester, 2013), 48–54; Johnson, *Law in Common*, 243–54.

²⁹ Bailey, *English Manor*, 226.

³⁰ M. Bateson, ed., 'The English and Latin versions of a Peterborough court leet, 1461', *EHR*, 75 (1904), 526–8.

The Changing Role of Manorial Officers and Courts

incorrect. The jury had presented in a June court of the previous year that Katherine Dalgate had surrendered her land in favour of two executors from Beeston and Norwich who did not come to take the land, meaning it was seized into the lord's hand. However, they now said that the truth 'without fraud or evil contrivance' was that Katherine had surrendered the land in favour of Nicholas Kempe, who proceeded to take on the land.³¹ Why the jury received imperfect information in the first place is unclear, although in the case of a deathbed transfer, the jurors were entirely dependent on the account of the witnesses at the tenant's demise, while in other instances it was presumably easier to gather other accounts or see offences in person. A similar case of incorrect information occurred at the manor in 1526. At the previous leet the capital pledges had presented Thomas Rede, a mercer of Norwich, and therefore likely not in attendance at the session, for obstructing a common path with a new watercourse. However, Thomas appeared in the court with charters, which, being read to the capital pledges and homage, proved the path lay on his land. This led to the previous presentment being nullified, although this was explicitly done with the consent of the capital pledges, suggesting that written evidence alone was not sufficient to overturn the jury's decision, and that the officers had to confirm what the written evidence claimed.³² Generally, however, a presentment acted as a summary judgement, and the information occasioning it was undisputed, a process which unfortunately obscures how jurors operated.³³

The structure of the presentment system meant that juries were restricted in what they could present. The first bound was that created by 'reality', the actual activity occurring within the manor. While jurors' judgements were sometimes challenged and called false, it is unlikely that officials completely fabricated presentments on a regular basis, and their presentments likely accorded with the real actions of the individuals they presented.³⁴ A second, concentric bound was placed by the articles to which jurors responded, which were delivered by the steward. Occasionally, specific areas of inquiry related to particular cases are recorded. Typical examples include viewing seigniorial property, inquiring into heirs of dead tenants and whether they died seised, establishing boundaries, and deciding matters of custom in response to particular disputes.³⁵ However, no records of the general

³¹ KCAR/6/2/87/1/1/HOR/41, m.8, 7 May 1492.

³² KCAR/6/2/87/1/1/HOR/45, m.20, 30 Oct. 1526.

³³ Beckerman outlines the high threshold of proof needed to challenge a presentment, which in practical terms required documentary evidence and thus was clearly inappropriate for the vast majority of presentments made: 'Procedural innovation', 237–40.

³⁴ For protests against juries' presentments, see Gibbs, 'Lords, tenants and attitudes', 171–2.

³⁵ See, for example, SA, P3 14/W/1/1/1, 1 May 1327; P3 14/W/1/822, 5 Oct. 1592; KCAR/6/2/87/1/1/HOR/36, 10 Aug. 1407; KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1424; KCAR/6/2/87/1/

Overall Pattern

articles, which guided the vast majority of presentments, are available for the case-study manors. Within these articles, jurors were able to exercise some discretion over what business they focused on. Evidence of amercements for concealment display that jurors did not automatically present all offences against the articles they were given.³⁶ At the same time, however, they reveal these men did not have free rein, with the fear of punishment by stewards again influencing their choice over what to present.³⁷

Changes in presentments as a subset of 'real' activities could therefore be affected by both the lord's representative and manorial officers. The former could potentially choose to formally add or remove articles, or perhaps informally stress or relax to which articles he directed juries to respond. Officials could exercise a constrained choice in which real incidents to report according to the articles. They could also perhaps interpret articles either narrowly or broadly. This makes interpretation difficult. For instance, the disappearance of a form of presentment may have been driven by the ceasing of that activity on the manor, the steward choosing to remove a specific article of inquiry, or the jurors illicitly choosing not to respond to an article. However, even if it is impossible to assign agency for the appearance and disappearance of specific presentment types, the involvement of both lord and officials means changing patterns can be used as an index both of who was using manorial structures and of the priorities of the tenants who filled manorial offices.

OVERALL PATTERN

For each manor, all surviving presentments made by all types of officer can be organised into five key categories:³⁸

- 1 'Lord', which contains all business directly pertinent to the lord and his authority on the manor;
- 2 'Royal', which contains all business related to the leet functions of the court that met the needs of the crown;
- 3 'Community', which contains all presentments concerned with the maintenance and protection of communal infrastructure;

I/HOR/49, m.9, 24 Mar. 1533; TNA, SC 2/170/8, m.6, 3 Mar. 1573; CUL, Vanneck Box/3, Henry VII roll, m.24, 13 Jun. 1508; Henry VIII roll, m.24, 19 May 1535; Vanneck Box/4, James I (2) roll, m.7, 8 Jun. 1625.

³⁶ Gibbs, 'Lords, tenants and attitudes', 165.

³⁷ How a steward would discover concealment is unfortunately largely unclear. Evans plausibly suggests that stewards relied on aggrieved tenants who may not have benefited from a concealment or had a pre-existing score to settle with a neighbour: Evans, 'Whose was the manorial court?', 164.

³⁸ See [Appendix 1](#) for a detailed description of the procedure by which presentments are categorised and examples of the type of business in each category.

The Changing Role of Manorial Officers and Courts

- 4 'Land', which contains all presentments relating to tenants' management of land; and
- 5 'Misconduct', which contains petty misbehaviour not covered by the royal category.

There are also two smaller categories: 'monitor', where jurors leet confirmed the presentments of other officials, and 'nothing', where officials explicitly said they had no business to present. The results of this analysis, exploring changes by decade, are shown in Figures 1.1–1.6. Figure 1.1 shows the average percentage of business in each of the four largest categories across all manors, while the subsequent figures show changes in the proportion of presentments by each manor.

Five central patterns emerge from this analysis. Firstly, there was a significant diversity between different manors. One obvious contrast is the difference in the pattern of community presentments between Downham and Horstead, on the one hand, and Cratfield, Fordington



Figure 1.1 Average presentments per category across all manors, 1320–1649
Notes: The graph displays an average of the proportion of each type of business seen at each manor individually by decade. Not all manors provide data for each decade.

Sources: See Figures 1.2–1.6.

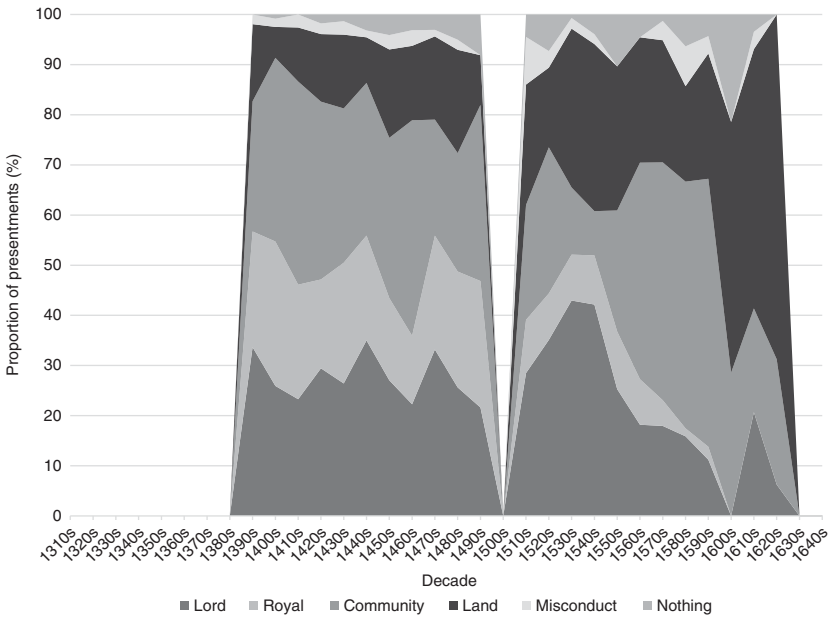


Figure 1.2 Presentments per category at Horstead, 1392–1628

Notes: Officials presenting: ale tasters, jurors baron for Horstead, jurors baron for Coltishall fee and capital pledges. Number of presentments: 3,441.

Sources: KCAR/6/2/87/1/1/HOR/26-4I, 45, 48-58; KCAR/6/2/38/1/1/COL/376.

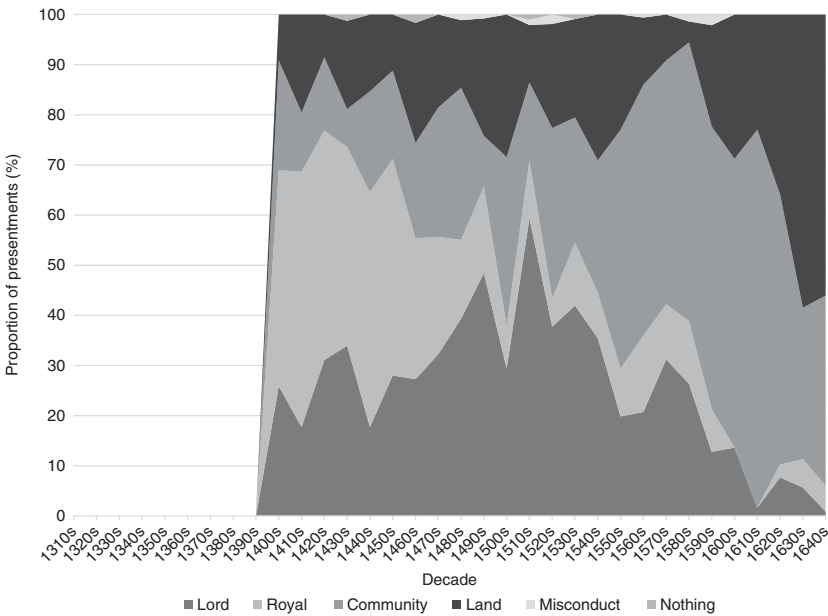


Figure 1.3 Presentments per category at Cratfield, 1401–1649

Notes: Officials presenting: ale tasters, jurors baron and capital pledges. Number of presentments: 3,004.

Sources: CUL, Vanneck Box/3-4.

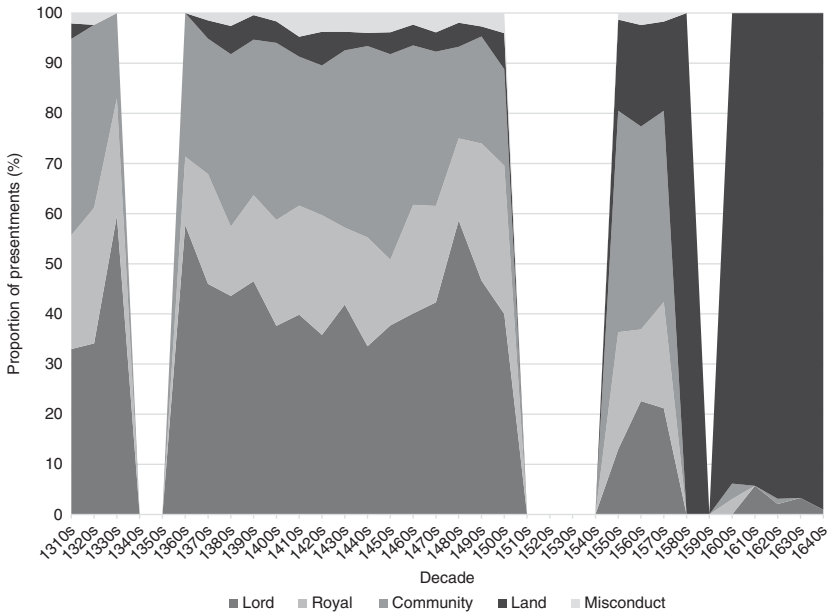


Figure 1.4 Presentments per category at Little Downham, 1310–1649
 Notes: Officials presenting: reeves, messors, bylawmen, fenreeves, jurors baron and capital pledges. Number of presentments: 3,882.
 Sources: CUL, EDR, CII/1/1–3, CII/2/4–6, CII/3/7–11, CII/8–10.

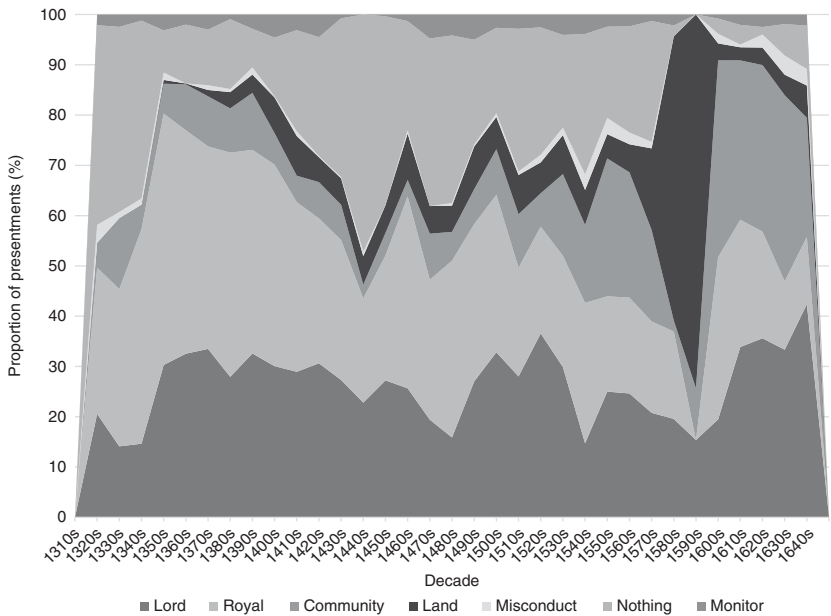


Figure 1.5 Presentments per category at Worfield, 1327–1649
 Notes: Officials presenting: reeves, beadles, ale tasters, jurors baron, jurors leet and townships. Number of presentments: 12,505.
 Sources: SA, P 314/w/1/1–838, 5586/1/257–306.

Overall Pattern

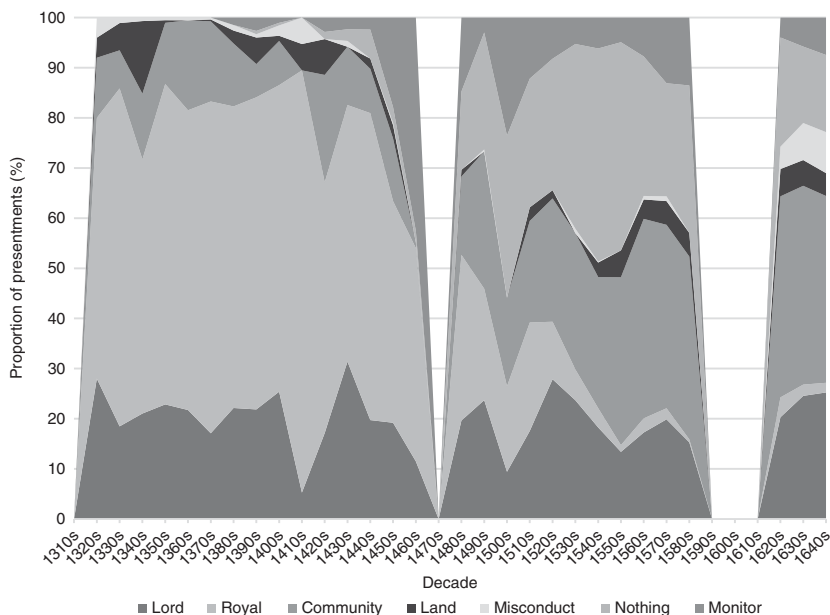


Figure 1.6 Presentments per category at Fordington, 1328–1649

Notes: Officials Presenting: messors, fieldreeves, hermitage representatives, jurors baron, jurors leet and tithingmen. Number of presentments: 6,626.

Sources: TNA, SC 2/169/25–47, SC 2/170/1–16.

and Worfield, on the other. While community management always constituted a significant category at the former manors, at the latter three this category was initially a lot smaller. At Cratfield and Fordington, community presentments only began to rival seigniorial and royal presentments from the 1490s onwards, and at Worfield from the 1550s onwards. Another obvious area of difference is the land category. This type of business was almost never presented at Fordington across the whole period examined, and was also not seen at pre-Plague Downham and Worfield, even though land transfers were, of course, made and recorded by other means.³⁹ Land presentments grew at Worfield to account for a regular amount of business from the 1380s but remained a relatively minor category. Similarly, at fifteenth-century Downham, while the number of land presentments had grown, they represented a relatively small proportion in comparison with other types of business. At Cratfield and Horstead, by contrast, land

³⁹ It is essential to note that presentments only represent a subset of all land transactions and therefore cannot be used as an index of the land market at these manors. See [Appendix 1](#) for more detail.

The Changing Role of Manorial Officers and Courts

business accounted for a substantial part of the total presentments throughout the period, driven by East Anglia's developed market in customary land.⁴⁰ These differences reveal the large extent to which the role of manorial officials was driven by the specific regional situation of the community.

Secondly, the late sixteenth and seventeenth century did see the work of manorial officials converge towards a focus on land transfers at the three East Anglian manors. After the gap in court records for the early sixteenth century, Downham's presentments for the 1550s–1570s show land presentments, while still the smallest category other than nuisance, accounting for a higher proportion of total presentments. From the 1580s onwards, they accounted for almost all presentments. This brings Downham closer to the situation seen at Horstead and Cratfield. At the former manor, land was the second highest category for nearly all decades of the sixteenth century and was the highest category from 1600 onwards. Similarly, at Cratfield, land became the second highest category from the 1590s and the highest category in the 1630s and 1640s. This picture of an increasingly myopic focus on land transfers accords well with the view that copyhold was the main vestige of the manorial system that survived into the early modern period. However, Fordington and Worfield show a different trend. At the Dorset manor, even by the seventeenth century land presentments were a relatively small category of business, while at Worfield, a growth in the proportion of land presentments in the 1580s and 1590s was not sustained into the seventeenth century when this again became a minor category of presentment. Therefore, it is clear that at least some manorial courts and their officers had functions beyond simply monitoring landholding even after 1600.

Thirdly, seigniorial presentments continued to be significant beyond the late Middle Ages. They remained important up to the mid-sixteenth century at all manors, with 'lord' being one of the top two categories of business. Similarly, an ultimate decline in the proportion of seigniorial presentments only occurred in the mid- to late sixteenth century at the three East Anglian manors, with presentments at a far smaller proportion from the 1550s at Downham and Cratfield and from the 1560s at Horstead. At Worfield and Fordington, seigniorial presentments remained important even up to the 1640s.

Fourthly, there was a more universal decline in royal presentments. These declined as a proportion at Cratfield from the 1480s, at Fordington

⁴⁰ Whittle, *Agrarian Capitalism*, 173–7; B.M.S. Campbell, 'Population pressure, inheritance and the land market in a fourteenth-century peasant community' in R.M. Smith (ed.), *Land, Kinship and Life-Cycle* (Cambridge, 1985), 87–134, at 120–6; Bailey, *Medieval Suffolk*, 55, 230–1; C.C. Dyer, 'A Suffolk farmer in the fifteenth century', *AgHR*, 55 (2010), 1–22, at 11.

Overall Pattern

from the 1490s, at Horstead from the 1510s and at Downham from the 1550s (and especially 1600s). Worfield saw decline in the late sixteenth century, but interestingly this trend was then reversed in the seventeenth century, suggesting royal presentments remained important across the period under study at this manor.

Finally, the lack of presentments of nothing, or *omne bene* (all well), is testament to the sustained importance of manorial officers. While these presentments did rise at both Worfield and Horstead around the turn of the sixteenth century, both manors saw them decline from this point onwards. Moreover, at the former manor, this pattern is slightly misleading as it includes vills that presented nothing, within sessions where other townships may have presented. At Fordington, these presentments became more common over the sixteenth and seventeenth centuries, but officials continued to make similar numbers of presentments in other categories. Even when officials made these reports, they may well have been deliberate choices to conceal information for officers' own purposes, rather than literal reports that nothing had happened.⁴¹ Therefore, a straight line cannot be drawn between *omne bene* and official irrelevance: officers may have seen periods when they had less to present, but ultimately this was not a one-way process towards redundancy.

Overall, the analysis of officer presentments demonstrates that manorial officers' functions remained relatively static for much of the fifteenth and early sixteenth century. While patterns of presentments varied locally, and there were some changes after the Black Death as land presentments grew in significance at Downham and Worfield, broadly the mix of presentments at any manor in c.1500 is similar to that of c.1400, and for Fordington, even as far back as the early fourteenth century. Changes begin to occur at the three East Anglian manors in the sixteenth century, with officers at several manors being divested of presentments in the royal and lord categories and eventually becoming focused largely on tenurial issues. At Horstead this involved a terminal decline in royal presentments from the 1510s onwards followed by lord presentments from the 1560s, leaving officers focused on community and land presentments. Community presentments then declined in the seventeenth century, leaving officials to focus on land. At Downham, a similar pattern occurred, with a decline in royal and lord presentments by the 1550s in favour of community and land presentments, followed by a virtually sole focus on land presentments in the seventeenth century. At Cratfield, royal presentments declined even earlier, in the 1490s, followed by lord presentments

⁴¹ Johnson, *Law in Common*, 208–9.

The Changing Role of Manorial Officers and Courts

in the 1550s. Land presentments also began to predominate from the 1630s, although here community presentments remained more important.

At Fordington and Worfield there was less change over time. Fordington did see a dramatic decline in royal presentments from the 1490s, and a rise in community presentments from the 1540s, although officials continued to present low levels of lord presentments as they had in the fourteenth century. At Worfield, a brief period when officials largely concentrated on land presentments in the late sixteenth century was replaced by a return to significant numbers of lord and royal presentments in the seventeenth century. However, there was a more sustained rise in community presentments from the 1550s.

CHANGES IN CATEGORIES: PRESENTMENT JURIES, TITHINGMEN, VILLS AND TASTERS

Breaking down the macro-categories outlined above allows for the exploration of what drove these significant changes across time in the focuses of manorial officials. For the following sections, only the presentments of capital pledges, jurors leet and baron, tithingmen, vills and tasters have been examined, with other officers' presentments considered collectively afterwards.

Lord Presentments

Quantitative analysis reveals that seigniorial concerns were still drivers of manorial jurors' presentments up until the last decades of the sixteenth century. However, examining the business making up this macro-category allows for consideration of which seigniorially directed functions would set officers against the interests of the community of tenants at large, and which functions would be less divisive. Methodological problems mean that this evidence must be treated carefully. Officers could only present an infraction if it had been made by an offender. Therefore periods of relatively few presentments can represent either lack of seigniorial pressure on officers to present infractions or, alternatively, a high level of conformity by the tenant body at large, meaning there were no offences to present.⁴²

Despite these concerns, it is clear that the majority of seigniorial presentments made by jurors do not seem to have had a particularly

⁴² Presentments concerning personal servility are treated separately in [Chapter 3](#) owing to their ability to provide insights into the relationship between officeholding and unfreedom. However, quantitatively these presentments were a small category even of seigniorial business across all manors, with presentments per decade rarely rising above ten.

negative impact on the community of tenants. There are three areas which are exceptions to this. The first was the role of capital pledges and tithingmen at Cratfield, Downham and Fordington in presenting collective annual payments to lords at each leet. This payment was fixed at 6s 8d at Cratfield, 6s at Downham and 5s at Fordington.⁴³ Tenants at Downham also paid an additional recognition on the establishment of a new bishop as lord.⁴⁴ However, while these payments may have been onerous, much like tallage they were at least routine and fixed and thus a predictable levy for the tenants.⁴⁵

More significant is the second area, the regular presentment of customary tenants for having dilapidated tenements, and the frequent imposition of pains or even orders to seize which accompanied these. Presentments and orders to repair property accounted for approximately 15–57% of seigniorial presentments from the 1400s to 1570s at Cratfield.⁴⁶ Similarly, these presentments accounted for around 10–26% of seigniorial presentments at Downham from the 1380s to 1570s.⁴⁷ The frequency of these presentments is testament to their ineffectiveness, yet they also show jurors acting to at least attempt to control landholding and presumably prevent engrossment, therefore acting directly against the desires of elite tenants and engaging in one of the few areas where lords attempted to increase the costs of customary tenure.⁴⁸ However, these presentments should also be seen in the context of negotiation with the lord, and by the seventeenth century tenants at Cratfield appear to have frequently been able to pull down property in exchange for paying the lord a licence fee.⁴⁹ Similarly, Johnson has argued that repairing property, while seigniorially directed, was part of the wider aims of maintaining community and thus may have met the objectives of tenants holding office alongside those of the lord.⁵⁰

The third issue was the role of officials in ensuring tenants paid fines to the lord for transferring their land. This was particularly prominent at Horstead and Cratfield, where active land markets led to a large

⁴³ CUL, Vanneck Box/3–4; CUL, EDR, C11/1/1–3, C11/2/4–6, C11/3/7–11; TNA, SC 2/169/25–47, SC 2/170/1–16.

⁴⁴ CUL, EDR, C11/1/2, m.11, 16 Mar. 1362; C11/2/6, m.9, 19 Jul. 1426, m.30, 17 Jul. 1438, m.36, 1 Apr. 1444, m.50, 4 Mar. 1455.

⁴⁵ M. Bailey, 'Tallage-at-will in later medieval England', *EHR*, 134 (2019), 25–58, at 31–2.

⁴⁶ CUL, Vanneck Box/3. ⁴⁷ CUL, EDR, C11/1/3, C11/2/4–6, C11/3/7–11, C11/8–10

⁴⁸ E.N. McGibbon Smith, 'Reflections of reality in the manor court: Sutton-in-the-Isle, 1308–1391', unpublished Ph.D. thesis, University of Cambridge (2006), 149–50; Hargreaves, 'Seigniorial reaction', 63–5; Whittle and Yates, 'Pays reel', 9; Harvey, *Manorial Records*, 52; Bailey, *After the Black Death*, 88.

⁴⁹ CUL, Vanneck Box/4, James I roll (1), m.3, 30 May 1604; James I roll (2), m.5, 23 May 1621, m.8, 17 May 1627, m.9, 4 Jun. 1628.

⁵⁰ Johnson, *Law in Common*, 48–9, 172.

The Changing Role of Manorial Officers and Courts

proportion of seigniorial presentments being focused on the illicit alienation, demising and occupation of land without the court's licence. These accounted for a mean of 37% of seigniorial presentments per decade at Horstead and 15% at Cratfield.⁵¹ In comparison, at Worfield and Fordington only eleven and seven cases were recorded respectively, while at Downham these presentments rose from 1–4 in the 1370s–1450s to 4–11 in the 1460s–1500s, before falling to 1–2 in the 1550s and 1560s.⁵² Such payments to transfer property were presumably onerous to tenants and worked to reduce their flexibility in the land market, although correct transfer through the court did ensure ownership could be demonstrated.

Nearly all other aspects of the work of officials was less obviously disadvantageous to tenants. For instance, juries had a consistent role in monitoring non-agricultural seigniorial resources at each manor. At Worfield, juries monitored trespasses and foraging in the lord's woodland, waste and fishing places. These accounted for a substantial 41–48% per decade of the admittedly few recorded pre-Plague seigniorial presentments, before dropping to a modest but consistent 1–12% of presentments down to the 1570s, although rising slightly in the 1580s to 1640s, in part thanks to new concerns about squatter settlement.⁵³ Fordington saw similar patterns, with monitoring of seigniorial pasture, woodland and fishing places accounting for a consistent 3–24% of seigniorial presentments from the 1320s to 1640s.⁵⁴ Downham's function as a hunting estate with a 250-acre deer park drove 1–16% of lord presentments for the 1430s onwards, with offenders presented for hedgebreaking and poaching, along with trespasses in the lord's fen and fishing places.⁵⁵ At Horstead, the existence of a rabbit warren and private fishing places accounted for some lord presentments, but at the relatively low level of 0–8% from the 1420s onwards, while at Cratfield a rabbit warren led to only ten presentments across the period studied.⁵⁶ While such presentments do represent the lord using officers to guard resources from local inhabitants, these presentments differ from those of collective fines, ruined tenements and illicit land transfers. The latter were directly linked to the status of inhabitants as tenants, requiring them to pay fines and controlling their

⁵¹ KCAR/6/2/87/1/1/HOR/26–41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48–54, KCAR/6/2/38/1/1/COL/376; CUL, Vanneck Box/3.

⁵² SA, P314/W/1/1/118, 13 Jul. 1379; P314/W/1/1/119, 14 Sep. 1379; P314/W/1/1/121, 22 Mar. 1380; P314/W/1/1/274, 1 Apr. 1429; CUL, EDR, C11/1/3, C11/2/4–6, C11/3/7–11.

⁵³ SA, P314/W/1/1/4–822; 5586/1/257–306. ⁵⁴ TNA, SC 2/169/25–47; SC 2/170/1–10

⁵⁵ CUL, EDR, C11/1/1–3, C11/2/4–6, C11/3/7–11; Coleman, *Downham*, 4.

⁵⁶ KCAR/6/2/87/1/1/HOR/26–41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48–58, KCAR/6/2/38/1/1/COL/376; CUL, Vanneck Box/3–4.

ability to accumulate and dispose of their land freely, whereas resource presentments focused on the lord's separately held property.

Even less disadvantageous was jurors' continued role in monitoring the lord's rights to stray animals, found items and goods forfeited by felons as part of all manors' leet jurisdictions.⁵⁷ These generally accounted for 1–25% of seigniorial presentments at Cratfield, Horstead, Downham and Fordington, but were significantly more important at Worfield, accounting for a mean 50% of all seigniorial presentments from the 1350s to 1640s.⁵⁸ This was a result of the large size of the manor, giving the lord extensive rights to strays, along with the decentralised leet structure which led to every hamlet presenting stray animals and found items separately. This in turn led to this type of presentment being the core driver of seigniorial presentments at Worfield, with low numbers leading to low numbers of seigniorial presentments overall.

At Downham and Horstead, jurors had a further role in monitoring seigniorial livestock, with jurors at Horstead for 1412–40 and at Downham from the 1360s to 1420s routinely presenting if animals had died due to defect of custody of officials.⁵⁹ However, on no occasion did either jury actually present an offender, even though at Horstead presentments were very detailed, describing deaths by common murrain, dogs and even a storm of 22 June 1412.⁶⁰ At Downham, jurors also presented the names of those who owed agistment for pasturing their animals on seigniorial land.⁶¹ At Horstead, the monitoring role of jurors was sometimes even more significant, with jurors providing detailed reports on farmers of the manor on two occasions.⁶² Officials at other manors also presented misuse of seigniorial resources by officials.⁶³ These monitoring roles show manorial officers still serving the lord, but in a way unlikely to directly conflict with the tenants' interests.

Officials consistently made presentments of non-attendance at court and licence for freedom from suit of court, with virtually all decades

⁵⁷ For a detailed discussion of the benefits to tenants of lords' franchisal rights to felony forfeiture and stray livestock, see Gibbs, 'Felony forfeiture', 77; Claridge and Gibbs, 'Waifs and strays'.

⁵⁸ CUL, Vanneck Box/3; CUL, EDR, C11/1/1–3, C11/2/4–6, C11/3/7–11; KCAR/6/2/87/1/1/HOR/34–41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48–57; TNA, SC 2/169/25–47; SC 2/170/1–10; SA, P314/W/1/1/34–838; 5586/1/257–306.

⁵⁹ CUL, EDR, C11/1/2–3, C11/2/4–6; KCAR/6/2/87/1/1/HOR/33–36.

⁶⁰ KCAR/6/2/87/1/1/HOR/33, m.9, 23 Sep. 1412; KCAR/6/2/87/1/1/HOR/34, 30 Dec. 1419; KCAR/6/2/87/1/1/HOR/37, 9 Sep. 1427.

⁶¹ CUL, EDR, C11/1/2, m.12, 8 Sep. 1362; C11/1/3, m.5, 13 Feb. 1380; C11/2/4, m.32, 11 Apr. 1413; C11/2/6, m.49, 24 May 1452; C11/3/10, m.5, 23 Aug. 1491.

⁶² KCAR/6/2/87/1/1/HOR/26, 29 Oct. 1393; KCAR/6/2/87/1/1/HOR/39, m.10, 9 Oct. 1465.

⁶³ CUL, Vanneck Box/3, Henry IV roll, m.2, 16 May 1402; TNA, SC 2/170/14, m.16, 27 Oct. 1634.

The Changing Role of Manorial Officers and Courts

seeing at least one presentment on each manor. Suit-related presentments are difficult to interpret. Although theoretically suit of court could be a liability for tenants, the fact that licences could be purchased to avoid amercements presumably lessened any disability, while sometimes presentments for non-attendance look more like a way to generate regular small payments as a source of income for the lord rather than actual efforts to enforce suit.⁶⁴ For example, at Downham the fact that both the Prior of Ely and the Master of St John's hospital held land meant that they frequently appeared in default of suit.⁶⁵ At several manors, the proportion of suit-related presentments rose as the diversity of seigniorially driven business declined. At Worfield, the proportion of suit presentments grew across the period, from a mean of 16% for the 1370s–1490s, to 52% for the 1500s–1640s.⁶⁶ Horstead and Cratfield followed a very similar trend to Worfield, transitioning from suit presentments averaging 13% and 8% respectively for the 1390s–1490s, to 41% and 26% in the sixteenth century.⁶⁷ From the 1580s, suit presentments were the crucial driver of the few seigniorial presentments at the Norfolk manor, accounting for more than half of the total lord category.⁶⁸

A second observation further reinforces the case that generally the work of officials did not act against the objectives of the wider tenantry. This is that over time there was a reduction in the amount of seigniorial business presented by jurors, due to changes in the way lords exploited their manors. One clear pattern seen at both Downham and Horstead was the reduction in presentments for damaging and trespassing in the lord's crops.⁶⁹ These fell from around 6–12% of lord presentments at Horstead for the 1390s to 1400s, to only being presented once, in 1439, and at Downham falling from approximately 9–15% for the 1360s–1390s, to around 1–4% for the 1400s–1420s before disappearing completely.⁷⁰ This reflects the move away from direct management to leasing, which at Downham occurred from the accounting year 1430/1.⁷¹

⁶⁴ M.K. McIntosh, *Autonomy and Community: the Royal Manor of Havering, 1200–1500* (Cambridge, 1986), 188–9.

⁶⁵ *VCH Cambs.*, 90–5. ⁶⁶ SA, P 314/W/1/1/75–838, 5586/1/257–306.

⁶⁷ KCAR/6/2/87/1/1/HOR/26–41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48–54, KCAR/6/2/38/1/1/COL/376.

⁶⁸ KCAR/6/2/87/1/1/HOR/53–7, KCAR/6/2/38/1/1/COL/376.

⁶⁹ This does not include presentments discussing damage to both seigniorial and tenant crops, which have been categorised as community.

⁷⁰ KCAR/6/2/87/1/1/HOR/26–33, KCAR/6/2/87/1/1/HOR/36, KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1439; CUL, EDR, C11/1/2–3; C11/2/4–6.

⁷¹ CUL, EDR, D10/3, m.9, 1430–1.

Changes in Categories

This trend also appears for presentments which potentially conflicted with the tenants' interests. Presentments concerning illicit transfers disappeared at all manors between the 1570s and 1590s while land presentments remained high. This may suggest a withdrawal of seigniorial interest in using jurors to monitor illicit transfers in the late sixteenth century, but also a general acceptance by tenants of using the manor court to exchange land. At Downham, presentments surrounding dilapidated tenements disappear after 1576, while at Cratfield numbers fell from the 1570s until they disappeared after 1637, suggesting gradual seigniorial disengagement from this issue.⁷² Interestingly, Fordington sees the opposite trend, with an absolute increase of presentments for having ruined tenements between the 1560s and 1640s, which accounted for around a third of all seigniorial presentments in these decades. Similarly, suit presentments declined and disappeared at several manors. At Fordington, these declined absolutely and proportionally in the sixteenth and seventeenth centuries, as presentments about dilapidated tenements began to account for a larger share of the lord category. At Downham, no presentments in this category were made from the 1580s.⁷³ At Cratfield, suit presentments disappeared in the 1630s.⁷⁴

The overall pattern of lord presentments suggests that lords remained invested in manorial officeholding and the functions of officers long after the Black Death. Sometimes this does seem to have been prejudicial to tenants' interests, suggesting seigniorial demands guided officers' presentments, as seen in the routine presentment of collective fines, dilapidated tenements and alienating land without licence down to the late sixteenth century and beyond. However, much other work for the lord was relatively unobtrusive, focused on maintaining lords' non-agricultural property and ensuring they profited from franchisal rights. Moreover, two phases of disengagement can be seen. The first was the disappearance of presentments concerning seigniorial agriculture due to the end of direct management by *c.*1440 at Downham and Horstead, with the second being the wider reduction (and in some cases disappearance) of presentments concerning dilapidated property, illicit alienation of land and suit of court at Downham, Cratfield and Horstead by *c.*1600. It is this gradual winnowing of the variety of seigniorial presentments that explains the decline seen at the macro-category level. This reflects a wider transition from courts as an active tool to manage seigniorial land and resources to a more passive source of routine revenues.

⁷² CUL, Vanneck Box/3-4; Vanneck Box/4, Charles I roll, m.3, 31 May 1637; CUL, EDR, C11/3/11, 29 Mar. 1576.

⁷³ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11, C11/8-10. ⁷⁴ CUL, Vanneck Box/4.

The Changing Role of Manorial Officers and Courts

Royal Presentments

The overall decline of royal presentments at most manors was due to the gradual reduction and disappearance of certain types of business within this category, as officials simply stopped punishing offenders for certain activities in manorial courts. Moreover, even though many sixteenth- and seventeenth-century statutes allowed for new types of offence to be punished within leets, on the ground prosecution was very sporadic, meaning that new categories of offence never emerged. These changes presumably occurred as other royal jurisdictions, such as the quarter sessions, increasingly became the forums where these offences were monitored. Worfield, however, stands out as an exception to these trends, as it witnessed continued attention to royal issues across the period studied, and a new focus on maintaining archery practice in the seventeenth century.

Two areas of activity dominated the presentment of royal business by manorial jurors in the late Middle Ages. The first of these was peacekeeping, incorporating presentments about petty theft, using the hue and cry, housebreaking and nuisances, but overwhelmingly concerning interpersonal violence. These accounted for around 15–43% of presentments at Horstead, 20–60% at Downham, 6–40% at Cratfield and 12–51% at Fordington throughout the fourteenth and fifteenth centuries.⁷⁵ At all these manors there was an absolute decline in peace-breaking presentments in the sixteenth century which drove a decline in royal presentments. At Cratfield, they fell to 0–4 a decade in the 1480s to 1570s before disappearing, while at Horstead they fell to 0–1 a decade in the 1550s to 1590s before disappearing.⁷⁶ Downham saw a less drastic decline to 2–9 presentments per decade for the 1550s–1600s, suggesting officers still had an important role in keeping order, although from the 1610s these presentments disappear.⁷⁷ Fordington's officials also presented infrequently in the 1520s to 1640s, making 0–6 presentments per decade.⁷⁸ An exception to this trend was at Worfield, where peacekeeping remained a focus of manorial juries into the seventeenth century, helping explain the persistently high level of royal presentments at this manor.⁷⁹

Enforcing the assize of bread and ale was the other dominant driver of royal presentments at all manors. At Horstead, Cratfield and Downham, presentments concerning the assize, which included naming brewers, bakers and regrators who broke the assize, fining tasters for not performing

⁷⁵ KCAR/6/2/87/1/1/HOR/26–41; CUL, EDR, C11/1/1–3, C11/2/4–6, C11/3/7–10; CUL, Vanneck Box/3; TNA, SC 2/169/25–47.

⁷⁶ CUL, Vanneck Box/3–4; KCAR/6/2/87/1/1/HOR/51–57, KCAR/6/2/38/1/1/COL/376.

⁷⁷ CUL, EDR, C11/3/10–11, C11/8–11. ⁷⁸ TNA, SC 2/170/1–16.

⁷⁹ SA, P 3 14/W/1/1/1–838; 5586/1/257–306.

their office and monitoring measures, accounted for approximately 33–92% of presentments in the fourteenth and fifteenth centuries, showing persistent enforcement of this aspect of royal legislation.⁸⁰ In the sixteenth century, several manors began to see less enforcement of the assize. At Cratfield, presentments against the assize fell to 3–5 per decade in the 1500s and 1510s, before disappearing in 1517, while at Horstead, presentments fell to 3–7 a decade for the 1510s to 1540s, and then disappeared entirely after the last presentment in 1545.⁸¹ At both these manors, the trigger for this decline was justified by lack of necessity, as the capital pledges did not choose tasters because there were no brewers inside the precincts of the leet.⁸² At Downham, presentments concerning the assize disappeared from the 1580s onwards.⁸³ Fordington saw continued enforcement surrounding the sale of alcohol down to the mid-seventeenth century. However, the number of presentments fell from 13–148 for the 1330s–1500s, to 0–14 for the 1510s–1640s, and this was accompanied by a qualitative change in the seventeenth century, as offenders were amerced for ‘serving beer without licence’ rather than ‘against the assize’.⁸⁴ Much of this decline was likely due to wider changes in the organisation of brewing, as a large number of small-scale rural ale producers were replaced by larger-scale urban producers of hopped beer. This meant there were simply fewer brewers to monitor within these villages.⁸⁵

Worfield’s enforcement of the assize differed in that ale tasters presented directly in court rather than through other officials, although the vills and jury leet did present a significant number of offenders alongside the tasters in the late fourteenth century. Moreover, from 1457 onwards the tasters also began to monitor the pricing of meat and fish.⁸⁶ This seems likely to have been a result of local impetus, mirroring policies seen in the leets of small market towns.⁸⁷ Worfield’s assize presentments did decline in the sixteenth century, falling from a range of 13–95 per decade for the 1350s–1500s, to a range of 0–13 for the 1510s–1570s.⁸⁸ However, the seventeenth

⁸⁰ KCAR/6/2/87/1/1/HOR/26–41; CUL, EDR, C11/1/1–3, C11/2/4–6, C11/3/7–10.

⁸¹ CUL, Vanneck Box/3; Vanneck Box/3, Henry VIII roll, m.5, 3 Jun. 1517; KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48; KCAR/6/2/87/1/1/HOR/48, m.16, 21 Apr. 1545.

⁸² KCAR/6/2/87/1/1/HOR/41, m.7, 11 Jun. 1492, m.9, 11 Jun. 1493, m.10, 11 Jun. 1494; CUL, Vanneck Box/3, Henry VIII roll, m.5, 3 Jun. 1517, m.6, 26 May 1518.

⁸³ CUL, EDR, C11/3/10–11, C11/8–11.

⁸⁴ TNA, SC 2/169/25–47, SC 2/170/1–16; SC 2/170/8, m.5, 23 Oct. 1572; SC 2/170/16, m.4, 7 Oct. 1641.

⁸⁵ J.M. Bennett, *Ale, Beer and Brewsters in England: Women’s Work in a Changing World, 1300–1600* (New York, 1996), 43–51.

⁸⁶ SA, P 314/W/1/1/311, 21 Apr. 1457.

⁸⁷ J. Davis, *Medieval Market Morality: Life, Law and Ethics in the English Marketplace, 1200–1500* (Cambridge, 2012), 144–52.

⁸⁸ SA, P 314/W/1/1/32–774.

The Changing Role of Manorial Officers and Courts

century saw a resurgence of presentments in this category made by a combination of tasters and vills, suggesting a return to regularly enforcing the assize, which again explains the persistency of royal presentments at Worfield.⁸⁹

Other types of royal presentment were far less significant across all manors. In all cases, presentments concerning royal roads comprised up to 20% of royal presentments in the late fourteenth and fifteenth century.⁹⁰ These presentments then declined or even disappeared during the fifteenth and early sixteenth century, before re-emerging in the final decades of the sixteenth century and the early seventeenth century.⁹¹ This early modern resurgence at some locations may have been driven by new attention to highways in statute legislation.⁹² The tithing system also generated royal presentments. Men over twelve were presented as either being sworn in a tithing or being amerced for remaining in the lordship without being sworn for more than a year, as sometimes were their employers or capital pledges. Officers may have been incentivised to maintain the system even after its peacekeeping role had diminished, as capital pledges paid collective but fixed fines with their tithings. The larger the tithing, the further the burden could be spread.⁹³ Indeed, at Horstead in 1404 and 1426, capital pledges amerced men for refusing to surrender their tithing penny.⁹⁴ At Downham, Cratfield and Fordington, this requirement continued down to the seventeenth century, explaining the continued, if irregular, presentments concerning tithings.⁹⁵ At Horstead, however, where leet-cert of 4s was surrendered directly to the crown, payments ended after 1495.⁹⁶ The fact that at sixteenth-century Horstead capital pledges continued to making tithing presentments, including eight in the 1510s and five in the 1550s, while paying no leet-cert is harder to explain, unless as perhaps a method to control a mobile population.⁹⁷ A similar concern perhaps explains the occasional

⁸⁹ SA, 5586/1/257–306.

⁹⁰ CUL, EDR, C11/1/2–3, C11/2/4–6; KCAR/6/2/87/1/1/HOR/26–39; SA, P314/W/1/1/32–253; TNA, SC 2/169/32–47, SC 2/170/1.

⁹¹ CUL, EDR, C11/3/10, 8 Oct. 1552, 12 Mar. 1554, 2 May 1555, 19 Jun. 1557, 5 Mar. 1558; C11/3/11, 21 Feb. 1572, 24 Mar. 1574; KCAR/6/2/87/1/1/HOR/52, m.4, 24 Apr. 1567; KCAR/6/2/87/1/1/HOR/51, m.7, 12 Apr. 1575; KCAR/6/2/38/1/1/COL/376, m.2, 29 Mar. 1598; TNA, SC 2/170/15, m.8, 3 Mar. 1638, m.15, 31 Mar. 1640; CUL, Vanneck Box/3.

⁹² 2–3 Philip and Mary, c.8, SR, vol. 4 part 1, 284–5; 5 Elizabeth I, c.13, SR, vol. 4 part 1, 441–3; 18 Elizabeth I, c.10, SR, vol. 4 part 1, 620–1.

⁹³ L.R. Poos, 'The rural population of Essex in the later Middle Ages', *EcHR*, 38 (1985), 515–30, at 518–19.

⁹⁴ KCAR/6/2/87/1/1/HOR/36, 6 Aug. 1404; KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1426.

⁹⁵ CUL, EDR, C11/3/10–11; CUL, Vanneck Box/3. ⁹⁶ KCAR/6/2/87/1/1/HOR/26–41.

⁹⁷ KCAR/6/2/87/1/1/HOR/45, m.2, 11 Jun. 1511, m.4, 11 Jun. 1512, m.7, 4 May 1514, m.9, 11 Jun. 1516, m.11, 7 Jul. 1517, m.13, 11 Jun. 1518, m.14, 4 Jul. 1519; KCAR/6/2/87/1/1/

Changes in Categories

presentments concerning the maintenance of tithings at Worfield, where a lack of tithing payments means there was never a financial incentive behind this monitoring.

Leets were also given some new responsibilities by the central state via new statutes in the sixteenth and seventeenth centuries. Traces of enforcement of a wide range of legislation can be seen throughout all the court rolls examined, showing that manorial officials were aware of new state initiatives. While delays between promulgation and presentments may suggest that awareness was not immediate, the sheer range of legislation points to relatively high transmission into local courts.⁹⁸ However, this enforcement was generally very short lived, meaning that it did not trigger a renewal in royal presentments in the context of the decline of the more traditional functions of courts leet.

One key area which did see enforcement was periodic gaming legislation. Early presentment can be seen in 1508 at Downham when Robert Leche was amerced 2d as common gamer at cards and tables, presumably under legislation of 1495.⁹⁹ A wider wave of enforcement can be seen between 1566 and 1580, during which men at Worfield, Fordington and Cratfield were all amerced for playing bowls 'against the statute', presumably a reference to the gaming legislation of 1541–2.¹⁰⁰ Another significant area was labour legislation. Several day labourers were presented in a single session of 1384 at Worfield.¹⁰¹ Downham saw irregular presentment between 1420 and 1508.¹⁰² Later enforcement can be seen at Horstead between 1552 and 1554, although this was achieved through special petty sessions where servants were retained for a year and day labourers were admitted to labour within the lordship.¹⁰³ Meanwhile, at Fordington the Statute of Artificers triggered a short period of presentments of bachelors for working in proscribed trades or not having masters in 1566–7.¹⁰⁴ This pattern of short-run enforcement is explained by the fact that manor courts were not the principal forum for prosecution, with the various iterations of the labour legislation being enforced by county

HOR/49, m. 5, 21 Apr. 1550, m.8, 21 Apr. 1552, m.9, 21 Apr. 1553; KCAR/6/2/87/1/1/HOR/50, m.1, 7 Apr. 1554, m.8, 21 Apr. 1557.

⁹⁸ McIntosh, *Controlling Misbehavior*, 40.

⁹⁹ CUL, EDR, C11/3/10, m.24, 20 Mar. 1508; McIntosh, *Controlling Misbehavior*, 99.

¹⁰⁰ SA, P314/w/1/1/763, 26 Sep. 1566; TNA, SC 2/170/9, m.4, 8 Jun. 1574, m.6, c.1574; CUL, Vanneck Box/3, Elizabeth I roll (1), m.17, 19 May 1580; 33 Henry VIII, c.11, SR., vol. 3, 840.

¹⁰¹ SA, P314/w/1/1/142, 24 Apr. 1384.

¹⁰² CUL, EDR, C11/2/5, m.13, 16 Jan. 1420; C11/2/6, m.25, 14 Jan. 1434, m.46, c.10 Jan. 1450, m.52, 10 May 1456, m.56, 3 Jan. 1459; C11/3/10, m.24, 20 Mar. 1508.

¹⁰³ KCAR/6/2/87/1/1/HOR/49, m.8, 21 Apr. 1552; KCAR/6/2/87/1/1/HOR/50, m.1, 21 Apr. 1553, m.2, 7 Apr. 1554.

¹⁰⁴ TNA, SC 2/170/6, m.2, 22 Oct. 1566, m.3, 13 May 1567; 5 Elizabeth I, c.4, SR, vol. 4 part 1, 414–22.

The Changing Role of Manorial Officers and Courts

commissions.¹⁰⁵ A wide variety of other pieces of legislation were also enforced on odd occasions at the manors studied, including requirements about the height of horses, tracing hares in snow, owning handguns, keeping fish, sumptuary regulations, making the oath of allegiance and repairing highways.¹⁰⁶

An exception to the limited enforcement of new statutes is concern over the practice of archery.¹⁰⁷ At Fordington, only very short-lived monitoring of requisite equipment by the jury is seen between 1626 and 1636, with presentments of all the tenants for defect of bows and arrows and shooting butts being in decay.¹⁰⁸ However, Worfield's vills made consistent presentments concerning archery between the 1600s and 1630s, amercing specific individuals for failing to practise and whole vills for failing to maintain shooting butts.¹⁰⁹ This statutory requirement thus had a significant role in maintaining high levels of royal presentments into the seventeenth century on this manor, although these presentments likely represent a regular fine rather than a concerted effort at enforcement, reflecting the national decline of archery practice from the mid-sixteenth century.¹¹⁰

The general pattern is that manorial officials did not respond in a sustained way to new statutes. This was due to lack of investment in statutory enforcement from both officials and crown. McIntosh, discussing misbehaviour specifically, has emphasised that parliamentary legislation largely followed local initiative, explaining why jurors may have felt little compulsion to govern through adherence to statute rather than local custom and bylaws.¹¹¹ From the perspective of government, it is hard to argue that there was significant effort to incorporate leets into royal governance. While several new statutes

¹⁰⁵ B.H. Putnam, *The Enforcement of the Statutes of Labourers during the First Decade after the Black Death, 1349–1359* (New York, 1908), 220–2.

¹⁰⁶ K C A R / 6 / 2 / 8 7 / 1 / 1 / H O R / 5 1, m.3, 23 Apr. 1572; 14–15 Henry VIII, c.10, SR, vol. 3, 217; CUL, EDR, C 1 1 / 3 / 10, 10 Oct. 1556, C 1 1 / 3 / 11, 19 Mar. 1571; 33 Henry VII, c.5, SR, vol. 3, 832–5; 2–3 Philip and Mary, c.8, SR, vol. 4 part 1, 284–5; 5 Elizabeth I, c.13, SR, vol. 4 part 1, 441–3; SA, 5586/1/264, 10 Apr. 1606; 5586/1/268, 8 Apr. 1611; 5586/1/270, 10 Oct. 1611; 5586/1/274, 5 Oct. 1615; 5586/1/275, 10 Oct. 1616; 5586/1/276, 16 Apr. 1618; 5586/1/278, 20 Apr. 1620; 5586/1/279, 2 Oct. 1620, 19 Apr. 1621; 5586/1/282, 8 Apr. 1624; 5586/1/281, 11 Oct. 1624; 5586/1/283, 13 Apr. 1626; 5586/1/285, 18 Apr. 1628; 5586/1/287, 17 Apr. 1629; 5586/1/289, 12 Oct. 1630; 5586/1/290, 7 Oct. 1631; 5586/1/291, 11 Oct. 1632; 5586/1/292, 10 Oct. 1633; 5586/1/296, 13 Apr. 1637; 5586/1/299, 29 Apr. 1641; 32 Henry VIII, c.13, SR, vol. 3, 758–60; 1 Elizabeth I, c.17, SR, vol. 4 part 1, 378–9; CUL, Vanneck Box/3, Elizabeth I roll (1), m.14, 25 May 1575; 24 Henry VIII, c.13, SR, vol. 3, 430–2.

¹⁰⁷ S. Gunn, 'Archery practice in early Tudor England', *PE&P*, 209 (2010), 53–81, at 53–4.

¹⁰⁸ TNA, SC 2/170/14, m.2, 7 Apr. 1626, m.9, 28 Mar. 1631, m.12, c.1632; SC, 2/170/15, m.4, 3 Oct. 1636.

¹⁰⁹ SA, 5586/1/257–299. ¹¹⁰ Gunn, 'Archery practice', 68–73, 80–1.

¹¹¹ McIntosh, *Controlling Misbehavior*, 39–40; Watson, 'Towne Harmles', 124, 128, 133.

Changes in Categories

were promulgated in the sixteenth century that could explicitly be enforced by stewards in leets, these were normally named alongside other jurisdictions such as the tourn, assizes and, more significantly, the quarter session.¹¹² Thus a relatively wide net was cast, incorporating both royally appointed and seigniorially appointed officials, suggesting that either structure could be used. One act, which did actually in some detail direct how royal law was to be enforced in leets, was the 1559 act laid out to preserve the spawn of fish.¹¹³ This legislation detailed how, if juries leet were suspected of not making presentments about the act, the steward should empanel a second jury to inquire if the first jury were concealing anything. However, this level of detail was exceptional, and largely it was stewards who could be prosecuted in royal courts for not enforcing legislation. This presumably was part of the reason leets were not attractive to royal governments as forums for the enforcement of statutes; using them required relying on the mediating role not only of local jurors themselves, but of the steward as a non-royally commissioned presider over the court.

Overall, the sharp decline in royal presentments seen at all manors bar Worfield was due to the diminution, and in some cases disappearance, of peacekeeping and assize presentments in the sixteenth century. Assize enforcement declined across the late fifteenth and sixteenth century, disappearing in the first half of the sixteenth century at Horstead and Cratfield, and by the end of that century at Downham, while presentments diminished in number at Fordington, leaving the manor to focus specifically on licensing from the 1580s onwards. Similarly, manors increasingly saw a decline in presentments of petty crime over the sixteenth century, and this disappeared as a category of presentment in the three East Anglian manors between the 1570s and 1590s. Thus, much like for seigniorial presentments, a loss of functions explains the overall transition in the role of officials away from meeting obligations to the crown between 1480 and 1600.

¹¹² For example, 14–15 Henry VIII, c.10, *SR*, vol. 3, 217 (Act against tracing of hares); 24 Henry VIII, c.13, *SR*, vol. 3, 430–2 (Act for reformation of excess in apparel); 33 Henry VIII, c.6, *SR*, vol. 3 (Act concerning crossbows and handguns); 33 Henry VIII, c.9, *SR*, vol. 3 (Act for maintenance and debarring of unlawful games); 2–3 Edward VI, c.10, *SR*, vol. 4 part 1, 51–2 (Act for true making of malt); 2–3 Edward VI, c.5, *SR*, vol. 4 part 1, 58–9 (Act touching victuallers and handicraft men); 7 Edward VI, c.5, *SR*, vol. 4 part 1, 168–70 (Act to avoid the great price and excess of wines); 2–3 Philip and Mary, c.8, *SR*, vol. 4 part 1, 320–2 (Act for the taking of musters); 13 Elizabeth I, c.19, *SR*, vol. 4 part 1, 555 (Act for the making of caps); 23 Elizabeth I, c.10, *SR*, vol. 4 part 1, 672–3 (Act for preservation of pheasants and partridges); 31 Elizabeth I, c.7, *SR*, vol. 4 part 2, 804–5 (Act against erecting and maintaining of cottages).

¹¹³ 1 Elizabeth I, c.17, *SR*, vol. 4 part 1, 378–9.

The Changing Role of Manorial Officers and Courts

Community Presentments

The management of communal matters was an important aspect of the work of jurors across the fifteenth and sixteenth centuries. However, in the late sixteenth century, this category of business began to decline at some manors, although it continued to be significant in other localities. At the three East Anglian manors, Horstead, Downham and Cratfield, a range of community matters drove presentments from the fourteenth century onwards. These focused on three key areas. Firstly, the maintenance of infrastructure accounted for between around 13% and 95% of community presentments in the fifteenth and sixteenth centuries.¹¹⁴ Typical concerns included the scouring of ditches, the maintenance of fences and the upkeep of common paths. Secondly, presentments focused on common rights, targeting offenders for overburdening pasture, illicit enclosure or using commons without having tenure.¹¹⁵ Finally, presentments were continually used to identify and punish trespasses in the crops and pastures of the tenants and vill as a collective.¹¹⁶

The years around 1600 saw a withdrawal of officials from monitoring communal matters at Horstead and Downham. For Horstead, this is partly explained by the enclosure of the common in 1598, which led to the disappearance of presentments concerning common rights. However, the end of presentments about common rights at Downham after 1605, despite remaining unenclosed commons, is more difficult to explain. Moreover, the sharp reduction of presentments concerning infrastructure at both Horstead and Downham from the 1600s onwards has no obvious trigger.¹¹⁷ Presumably the underlying problems these presentments were meant to address remained, and therefore village communities must have monitored these concerns in alternative forums.

Community matters remained significant at the other manors studied. At Cratfield, presentments concerning infrastructure and common rights remained important until 1649, reflecting a continued use of manorial structures to manage the local community since the fifteenth century.¹¹⁸ At Worfield and Fordington, moreover, this area of jurors' work actually increased in significance from the mid-sixteenth century onwards, after

¹¹⁴ CUL, Vanneck Box/3-4; CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11; KCAR/6/2/87/1/1/HOR/26-41, HOR/45, HOR/48-52.

¹¹⁵ KCAR/6/2/87/1/1/HOR/26-41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48-54, COL 376; CUL, Vanneck Box/3; CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11.

¹¹⁶ See, for example, KCAR/6/2/87/1/1/HOR/29, 11 Jun. 1399; CUL, EDR C11/2/6, m.40, 3 Sep. 1447; CUL, Vanneck Box/3, Henry VII roll, m.2, 5 Jun. 1487.

¹¹⁷ KCAR/6/2/87/1/1/HOR/51, KCAR/6/2/87/1/1/HOR/53-58, KCAR/6/2/38/1/1/COL/376; CUL, C11/8, f.22, 9 Oct. 1607; C11/9, f.122, 13 Oct. 1624.

¹¹⁸ CUL, Vanneck Box/3-4.

Changes in Categories

a relative lack of attention in the fourteenth and fifteenth centuries. Community presentments at Worfield were driven mainly by an increase in presentments concerning trespassing animals in tenants' parks and fields and broader concerns around common rights and infrastructure from the 1530s onwards.¹¹⁹ For instance, from the 1600s, offenders were routinely presented for soaking hemp in the river, which accounted for between 26% and 38% of community presentments.¹²⁰ These presentments were typically made by individual vills to police their own concerns over access to commons and pasture rights, which were organised at the sublevel of the individual hamlet rather than the manor.¹²¹ While the jury leet did make some presentments concerning infrastructure, these focused on tasks that required significant coordination such as the repair of bridges which crossed the River Worfe.¹²²

The increase in community presentments at Fordington in the mid-sixteenth century was driven by a combination of an intensification of existing concerns and new categories of business. Officials had long been concerned about common rights, agriculture and infrastructure, but absolute numbers of presentments increased from a range of around 1–52 for the 1320s to 1550s to approximately 12–139 for the 1560s to 1640s.¹²³ More significant were novel concerns. From the 1480s, officials regularly presented offenders for having their animals at large.¹²⁴ In the 1630s and 1640s, juries also began to police concerns about fire, presenting tenants for lighting fires in dwellings without proper chimneys, creating an additional new category of community-focused business.¹²⁵

The make-up of community presentments at Cratfield, Downham and Horstead remained broadly similar over time. Thus, the dominance of community presentments at the close of the sixteenth century was due to a continuation of concerns about infrastructure, commons and protecting crops seen at these manors from their earliest surviving court rolls. Worfield, in contrast, saw a growth of community presentments in the 1530s–1570s due to an innovation in the use of presentments, with vills increasingly using them to police local community concerns. Fordington also saw an intensification of interest, largely through more presentments being made about traditional matters such as encroaching on commons and not scouring ditches, but also by way of new issues such as not

¹¹⁹ SA, P 314/W/1/1/1–275, P 314/W/1/1/642–797. ¹²⁰ SA, 5586/1/257–306.

¹²¹ Smith, *Worfield*, 22.

¹²² SA, P 314/W/1/1/64, 26 Oct. 1366; P 314/W/1/1/67, 25 Oct. 1367; P 314/W/1/1/324, 7 Jun. 1464.

¹²³ TNA, SC 2/169/25–47, SC 2/170/1–16. ¹²⁴ TNA, SC 2/169/47, SC 2/170/1–16.

¹²⁵ SC 2/170/14, m.8, 25 Oct. 1630, m.15, 27 Mar. 1634, 8 Jul. 1634, m.16, 27 Oct. 1634, m.17, 13 Apr. 1635; SC 2/170/15, m.2, 12 Apr. 1636, m.4, 3 Oct. 1636, m.5, 30 Mar. 1637, m.7, 3 Mar. 1638; SC 2/170/16, m.1, 6 Oct. 1640, m.6, 5 Apr. 1642.

The Changing Role of Manorial Officers and Courts

allowing livestock to roam and the risk of fire. This led to greater similarity across all manors in the late sixteenth century. However, in the seventeenth century, officials at Horstead, and especially Downham, withdrew from presenting community concerns, while officials at Cratfield, Fordington and Worfield continued to make these sorts of presentments into the 1640s.

Land Presentments

The majority of presentments concerning land fall into three categories, namely those recording grants of land by the lord to tenants, those detailing the deaths of tenants and the inheritance of their land, and those focusing on *intervivos* transfers between living tenants made outside the court (designated as *extra curia*), remembering that *intervivos* transfers made inside court did not require presentment to be valid so were not in the jury's remit. The last category includes both transfers made by tenants as part of the land market, and those made on deathbeds as part of inheritance strategies.¹²⁶ However, these categories were not presented in the same way in different manors and over time. At both Downham and Worfield no inheritances were presented before the Black Death, with entries concerning inheritance providing no information about how the transfer to an heir was reported to the court. Inheritances appear to have been systematically recorded via the procedure of presentment only from the 1380s onwards. Similarly, while jurors at the other manors routinely presented extra-curial *intervivos* transfers, at Worfield these were virtually never recorded by the jury, but instead, to be valid, had to be made through the reeve and the beadle as seigniorial agents.¹²⁷ At Fordington, there is little evidence of transfers made outside court sessions, meaning that the jury was not required to present and ratify these. Therefore, any treatment of these presentments must be very careful, remembering that they were taking place in a context of other procedures to transfer and inherit land.

This concern aside, a pattern does emerge, which is that extra-curial *intervivos* transfers drove increasing land presentments. At Cratfield, this can be seen throughout the surviving records, with transfers on average accounting for two-thirds of land presentments per decade from 1400 to 1650.¹²⁸ This trend is also visible at Horstead from the 1410s onwards,

¹²⁶ P.D.A. Harvey, 'Introduction' in Harvey (ed.), *The Peasant Land Market in Medieval England* (Oxford, 1984), 1–28, at 24–5; Whittle, *Agrarian Capitalism*, 85–177; L. Bonfield and L.R. Poos, 'The development of deathbed transfers in medieval English manor courts' in Razi and Smith (eds.), *Medieval Society*, 117–42, at 134–41.

¹²⁷ This is confirmed in an inquiry of 1405: SA, p 314/w/1/1/232, 6 Apr. 1405.

¹²⁸ CUL, Vanneck Box/3–4.

Changes in Categories

when transfers grew from around one to ten per decade, and then became the most dominant type of presentment from the 1430s until the end of the period.¹²⁹ A high number of deathbed transfers partly drove this trend. These allowed tenants to circumvent customary inheritance in favour of greater personal discretion in settling their land on heirs.¹³⁰ An increase in extra-curial transfers also accounts for the increase in land presentments seen for the 1550s–1640s at Downham, suggesting a greater openness in the land market.¹³¹ Certainly, in earlier periods tenants may have been disincentivised to make transfers; in 1328 the jury presented that custom dictated that not only should the lord collect a heriot in cases of inheritance but also in *intervivos* transfers.¹³²

At Worfield, the fact that *intervivos* transfers were generally not made via the presentment procedure, but instead passed through officials' hands, means that the vast majority of land presentments were for inheritance. Similarly, Fordington only saw presentments concerning inheritance which were few in number, barring the exceptional period of the Black Death which led juries to report thirty-seven cases of inheritance within the space of a month.¹³³

Land presentments reveal that officials had an important role in allowing increasing flexibility by tenants to manage their land, especially outside the court.¹³⁴ This can be seen in more unusual presentments showing officials monitoring deathbed transfers and inheritances to ensure the rights of landholders and of those making bequests. For instance, in 1474, the Coltishall jury presented that Idonia Smyth's deathbed request to her executors to sell her land for the betterment of her soul had not been followed. The executors then explained that this was because the land had been unjustly occupied for two years by John Selot, who claimed he had acquired the land from Idonia in her lifetime and held it through his manor of Hakeford in Coltishall. The jury then replied that this was untrue and so ordered the land to be seized into the lord's hand.¹³⁵ While it is unclear whether the lord would then grant the land so it could be sold, fulfilling Idonia's desires, the presentment at least shows the jurors had a role in monitoring the later status of deathbed transfers.

¹²⁹ KCAR/6/2/87/1/1/HOR/33–41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48–54, KCAR/6/2/38/1/1/COL/376.

¹³⁰ Bonfield and Poos, 'Deathbed transfers', 134. ¹³¹ CUL, EDR, CII/3/10–11.

¹³² CUL, EDR, CII/1/2, m.1, 7 Jul. 1328.

¹³³ TNA, SC 2/169/27, m.12, 22 Oct. 1348, m.13, 18 Nov. 1348.

¹³⁴ For the significance of land transfers made outside the manorial court, see Whittle, *Agrarian Capitalism*, 102.

¹³⁵ KCAR/6/2/87/1/1/HOR/39, m.30, 1 Aug. 1474.

The Changing Role of Manorial Officers and Courts

OTHER OFFICIALS

Reeves, beadles and messors also made a small number of presentments at these manors, which reveals that these officers primarily worked for the lord at Worfield and Downham. Of the fourteen presentments made by Worfield's beadle between 1327 and 1477, all but two concerned seigniorial business, as did all six made by the reeve from 1331 to 1398.¹³⁶ For the beadle, few of these were directly in conflict with the tenants' interests, with three concerning strays and the other nine concerning trespasses on seigniorial property. The pattern for the reeve is slightly different, with two concerning non-performance of labour services, while the other four monitored the management of strays. For the reeve at Downham, fifty-six presentments are recorded stretching from 1330 across the gap in the records to 1412.¹³⁷ Again the emphasis is seigniorial, with all but two presentments being placed in this category. Again, however, most business is non-conflictual, concerning damage to crops and property and managing strays, with only one presentment for the poor performance of a harvesting labour service in 1363.¹³⁸ Similarly, of the sixty presentments made by the messor between 1312 and 1410, all except five concerned seigniorial business.¹³⁹ Of these fifty-five, five were about labour services, while the rest concentrated on damage to the lord's crops and property. Overall, these officials at both manors were seigniorially focused, but they only performed this role in the fourteenth and early fifteenth century, after which seigniorial business was presented by jurors and capital pledges alone.

At Fordington, a more balanced picture is present. Here the reeve only made two presentments. Both of these focused on the lord's interests by monitoring a forfeit piece of cloth and the reeve's seizure of a tenant's goods for failure to pay his rent.¹⁴⁰ However, messors presented over a longer period than at the other manors discussed, making 453 presentments between 1357 and 1648. These primarily focused on business relevant to both the lord and tenants, with messors frequently presenting strays and breaking of the lord's pound, but also commoning animals outside communally mandated places and times.¹⁴¹ Thus the messor at Fordington seems to have been both 'lord's man' and 'community servant', demonstrating the way that manorial officers could be used to meet the needs of lord and tenant in tandem.¹⁴²

¹³⁶ SA, P314/W/1/1/4-384. ¹³⁷ CUL, EDR, C11/1/1-3, C11/2/4.

¹³⁸ CUL, EDR, C11/1/2, m.10, 27 Jul. 1363. ¹³⁹ CUL, EDR, C11/1/1-3, C11/2/4.

¹⁴⁰ TNA, SC 2/169/44, m.13, 19 Sep. 1452; SC 2/170/8, m.4, 23 Oct. 1572.

¹⁴¹ TNA, SC 2/169/30-47, SC 2/170/1-16.

¹⁴² M. Thornton, 'Lord's man or community servant? The role, status, and allegiance of village haywards in fifteenth-century Northamptonshire' in S. Turner and R.J. Silvester (eds.), *Life in*

Conclusion

CONCLUSION

The work of manorial officials as measured by presentments went through two transitions between *c.*1300 and *c.*1650. The first phase of change was occasioned by a reduction in royal presentments in the mid-sixteenth century and in lord presentments in the late sixteenth century. These reduced as the variety of business presented in these categories fell. For royal presentments, the diminished attention paid to the assize of ale from *c.*1500 onwards was key, as was a further decline in attention to peacekeeping from *c.*1550 onwards. While statutes provided new royal offences to present, this never generated numbers of presentments to rival those for the assize and peacekeeping which had been a key category of business in the fourteenth and fifteenth centuries. Similarly, lord presentments diminished as juries stopped making presentments about agricultural resources from *c.*1420 and those around suit of court, dilapidated tenements and illicit alienation of land in the late sixteenth century. These declines were combined with a rise of community-focused presentments on manors where they had previously been presented in smaller numbers, with new focuses on roaming animals and pasturing rights from *c.*1550. This first phase of transition had the effect of making manors broadly more similar in terms of the functions of their manorial officials.

The second phase led to greater dissimilarity as some manors began to focus almost exclusively on matters of land transfer and registration in the seventeenth century. This was occasioned by a diminution, and in some cases virtual disappearance, of functions to do with lord, crown and community between the 1580s and 1620s. These processes occurred according to different chronologies and to different extremes at the manors studied. Manorial officials at Worfield continued to present far more seigniorial and royal business, and those at Fordington more lord and community business, than at the other three case-study manors. Moreover, while officials at Downham almost exclusively presented land business by 1600, those at Cratfield and Horstead continued to present some business in other categories, even though they did become more land focused.

To some extent, therefore, the pessimistic medievalists are right: the work of manorial officers, and the courts that gave them authority, did decline from the heights of *c.*1300. For seigniorial business, officers were likely presenting less owing to an actual withdrawal of direct lordship by *c.*1550 onwards, which meant categories of offence linked to directly managed land, controlling land transfers and dilapidated tenements simply

Medieval Landscapes: People and Places in the Middle Ages. Papers in Memory of H.S.A. Fox (Oxford, 2012), 213–24, at 223.

The Changing Role of Manorial Officers and Courts

ceased to exist. For royal presentments, however, the decline in presentments linked to the assize of ale and peacekeeping likely represents a change in the jurisdictions used to control the sale of alcohol and violence towards the increasingly dominant quarter session, rather than an actual decline in these sorts of offences, meaning that a substantial part of manorial officers' work had likely been lost.¹⁴³ Yet, this view of diminution does not give enough weight to the sustained role of officers in policing communities in the sixteenth century seen at Horstead, Cratfield and Downham, and a new role in this area at Worfield and Fordington which continued into the seventeenth century.

These findings have two wider implications. Firstly, they challenge the decline narrative, which has often been associated with late medieval manorial courts. Johnson has recently highlighted that a narrative of the decline of serfdom has obscured the important roles played by courts in community building in the late Middle Ages.¹⁴⁴ This study strengthens this position and extends it to the realm of royal governance. While officials shed some of their responsibility for enforcing aspects of seigniorial and royal control, this occurred in the sixteenth century rather than in the fifteenth. More importantly, community- and land-focused matters remained a key driver of the work of officials at least until 1600, and in some cases into the seventeenth century. These concerns challenge unidirectional narratives of the decline of the manor court. Instead, courts remained a vital institution thanks to their adaptability, as seen in the variety of local trajectories in terms of the business officials presented in court. This allowed communities to use courts to address a wide range of local concerns, proving their utility to village communities beyond meeting obligations to higher authorities of lord and crown.

Secondly, this picture of local utility and continued usage of manorial courts for community- and land-focused purposes supports a wider reconceptualisation of the role of manorial institutions and their place in relations between lord and tenants. Whatever their initial purpose as tools of lordship, manorial courts were significantly adapted through their usage by officials on the ground, being shaped to meet purposes beyond those of manorial lords.¹⁴⁵ In this way, courts and officialdom acted to create a link between lords and tenants, as they collaborated through courts to create mutually beneficial objectives around community

¹⁴³ Whittle, *Agrarian Capitalism*, 54–7; Sharpe, *Crime*, 24–6; M. Mulholland, 'The jury in English manorial courts' in J. W. Cairns and G. McLeod (eds.), *The Dearest Birth Right of the People: the Jury in the History of the Common Law* (Oxford, 2002), 63–73, at 73.

¹⁴⁴ See p. 11.

¹⁴⁵ For a similar argument for the interpersonal suits made in manorial courts, see Briggs and Schofield, 'Evolution of manor courts', 23–4.

Conclusion

management. Tenants generally do not seem to have resented manorial institutions, as seen through their continued usage of manorial courts even as the amount of business focused on seigniorial requirements declined. Of course, this argument must not be overstated and lords seen as entirely benevolent equals as is sometimes suggested in literature of the Toronto School, but the fact that much of the work performed by officials even for their lords did not conflict with tenants' interests supports this perspective.¹⁴⁶ The focus of manorial courts on the local needs of the community shows that manorial governance was not necessarily a top-down institution. It may even have been this significant degree of latitude available for officials which made courts less unattractive as a tool of state building under Tudor and Stuart monarchs. The sporadic enforcement of new statutes suggests that the state could not rely on courts to routinely enforce its policies. The individuals who made manorial courts work through their role in office were generally doing so because they saw the benefits of functioning manorial institutions for their own purposes.

¹⁴⁶ Olson, *Chronicle of All that Happens*, 21–6, 232.

MANORIAL OFFICEHOLDING AND SELECTION PROCESSES: PARTICIPATION OR RESTRICTION?

A vital part of the narrative of the rise of the middling sort has rested on the argument that institutions of local government were controlled by a set of ‘chief inhabitants’ in early modern England. Historians have attempted to show this in two ways. The first has been to demonstrate the relationship between wealth and officeholding by using a range of tax, landholding and rate-paying records.¹ Secondly, and more pertinent for this study, several historians have established that parochial officeholding and vestry attendance in many early modern communities were monopolised by select groups.² Steve Hindle has demonstrated this from an institutional perspective, demonstrating the spread of the ‘select’ or ‘close’ vestry in the late sixteenth and seventeenth century that formally restricted membership to a small number, along with the more informal oligarchic tendencies of the so-called ‘open’ vestry.³ Wrightson and Levine identified monopolisation through their detailed study of Terling, demonstrating that parochial office, quarter-session jury service and manorial jury service were dominated by ten to fifteen men in any quinquennium, and in turn five of these were especially prominent.⁴ Studies of early modern manor courts have often similarly argued that manorial jury service was concentrated in the hands of wealthier tenants, suggesting that middling sorts operated through a wide variety of institutions in the early modern era.⁵

Other studies have tended to downplay the degree of elite control of early modern local institutions. Several have argued that churchwardens

¹ Wrightson and Levine, *Poverty and Piety*, 103–6; French, *Middle Sort of People*, 111–19; French and Hoyle, *Earls Colne*, 254–66; Kent, ‘Rural “middling sort”’, 24; Kent, *Village Constable*, 82.

² French, *Middle Sort of People*, 119–24; French and Hoyle, *Earls Colne*, 253–66; Wood, *Faith*, 220–3.

³ Hindle, *State and Social Change*, 207–15. ⁴ Wrightson and Levine, *Poverty and Piety*, 106–7.

⁵ Healey, ‘Northern manor court’, 227; Shaw-Taylor, ‘Management of common land’, 65; Winchester, ‘Upland commons’, 40; Winchester, *Harvest*, 40–2; Harrison, ‘Manor courts and governance’, 50; M.K. McIntosh, *A Community Transformed: the Manor and Liberty of Havering-ate-Bower, 1500–1620* (Cambridge, 1991), 364–6.

and collectors of the poor were not the wealthiest men in the parish, especially before the Reformation.⁶ Jan Pitman has argued that local traditions of inclusion prevented parochial offices being controlled by oligarchies in several communities in late sixteenth- and early seventeenth-century Norfolk.⁷ Mark Goldie has emphasised that officeholding was 'remarkably socially extensive', although this assessment is made as part of a larger contrast of the 'republicanism' of officeholding with monarchical authority, rather than in terms of the communities themselves.⁸ Therefore, while historians of early modern villages generally stress the concentration of officeholding in the hands of select groups of wealthier residents, local studies emphasise significant regional and temporal variations within this wider schema.

Medievalists of all stripes have noted a degree of concentration in the community-governing structures of the late Middle Ages. While the early studies of manorial structures associated with the Toronto School recognised that some 'A class' families monopolised officeholding, they interpreted this as community-minded leadership by experienced managers rather than domination of government by an oligarchy.⁹ However, other studies have challenged this idea of open village governance, as part of the process of a 'toughening up' in the historiography discussed earlier.¹⁰ Although historians of fifteenth- and early sixteenth-century parishes have outlined significant local differences in the balance of power and responsibilities of officials such as churchwardens, on the one hand, and larger groups of masters and entire parish assemblies, on the other, they have generally stressed that small rural parishes in particular were dominated by elites who made decisions about church building and the distribution of charity.¹¹ In his study of trustworthy men as another organ of church government, Forrest has demonstrated through quantification that these individuals both typically represented a very small part of the

⁶ Carlson, 'Office of churchwarden', 194–200; Kümin, *Shaping of a Community*, 32–8; McIntosh, *Poor Relief in England*, 279–8.

⁷ J. Pitman, 'Tradition and exclusion: parochial officeholding in early modern England, a case study from north Norfolk, 1580–1640', *Rural History*, 15 (2004), 27–45, at 37–43.

⁸ Goldie, 'Unacknowledged republic', 153–4, 161.

⁹ Raftis, 'Concentration of responsibility', 92–118; DeWindt, *Land and People*, 206–33; DeWindt, 'Peasant power structures', 244–58; Olson, 'Jurors of the village court', 238–54; Olson, 'Families have their fate and periods', 410–28, 436; Olson, *Chronicle of All that Happens*, 104–61, 228–9. 'A class' refers to the Toronto School's methodology of dividing families into three hierarchical categories based on a range of attributes including officeholding. See the above literature for a more detailed explanation.

¹⁰ See p. 17–18.

¹¹ G.T.G. Byng, *Church Building and Society in the Later Middle Ages* (Cambridge, 2017), 22–4, 137–9, 172–3, 212–13, 278–80; K.L. French, *The People of the Parish: Community Life in a Late Medieval English Diocese* (Philadelphia, 2001), 77–81, 97–8; Dyer, 'Poverty and its relief', 55–8; Forrest, *Trustworthy Men*, 164–5.

population in pre-Black Death England and tended to be drawn from the wealthier inhabitants of the villages they represented across the late medieval period.¹² From a manorial perspective, a statistical study by Peter Larson has shown that juries in two Durham manors after the Black Death were characterised by little turnover and long tenures of service, suggesting concentration of this office in the hands of a local elite.¹³

This shift towards seeing medieval villages as controlled by a narrower set of elites has also been the result of a more sceptical conception of the language of broad-based community representation found in sources associated with the instruments of late medieval local governance.¹⁴ Johnson has recently emphasised that fifteenth-century courts were deployed by rural inhabitants in a process of community building.¹⁵ However, this was a process that was largely led by the local elites who controlled courts and sought to maintain the ‘rhetoric of corporate unity’ while wielding their authority ‘in ways that reinforced the patriarchal and oligarchical tierings of village society’.¹⁶ Thus, while the rhetoric of community undeniably does show that elites could certainly not ignore a culture of communal decision-making without threatening the legitimacy of governing institutions, and this did give the potential for more marginalised voices to exercise limited power, in reality much day-to-day control of governing institutions is seen to have rested in relatively few hands.¹⁷ In summary, the scholarship has increasingly edged towards the position that governing institutions in the medieval village were controlled by an elite of local inhabitants, and that the situation was similar to that of early modern England.

Much like studies of the function of manorial courts and their officers explored in [Chapter 1](#), the key limitation of the pre-existing historiography is the lack of long-term studies, and particularly those that cross the boundary between medieval and early modern. This chapter explores manorial officeholding through examining both the processes by which officials were chosen and patterns of service in office. Specifically, it asks whether manorial officeholding regimes were characterised by wide participation, with offices spread equitably among those who served and accessible to large parts of the population living in the village community, or characterised by restriction to elite groups, with officeholding concentrated in a few hands. Furthermore, how did this change over time? For this analysis, officials are split into two types. The first are ‘selected officials’ who were explicitly chosen in court rolls and served for terms of a year or longer,

¹² Forrest, *Trustworthy Men*, 138–89. ¹³ Larson, ‘Village voice’, 706.

¹⁴ Forrest, *Trustworthy Men*, 166. ¹⁵ Johnson, *Law in Common*, 51–4. ¹⁶ *Ibid.*, 52.

¹⁷ Johnson, *Law in Common*, 33–45; Johnson, ‘Soothsayers’, 10; G. Rosser, ‘Going to the fraternity feast: commensality and social relations in late medieval England’, *JBS*, 33 (1994), 430–46, at 443–6.

Selection Methods

such as reeves, beadles, messors, tasters and bylawmen. The second type, 'empanelled officials', are the presentment officials who were named for a single session, such as jurors and capital pledges.

The results demonstrate that communities of tenants typically had significant power over the selection of officials. This provided a capacity for 'political' activity within the community itself to shape tenure in office as lords and their representatives played a limited role in deciding who would serve. In practice, this led to a two-tier system of participation and restriction: while a large proportion of adult males would serve in office during their lifetime, a core subset of frequently serving individuals dominated manorial offices, suggesting that manorial institutions were to some extent monopolised by an elite. Moreover, there is no clear evidence for a greater degree of restriction in manorial office in the early modern period, challenging the narrative of the emergence of a new middling sort in the late sixteenth and early seventeenth century.

The first section of this chapter explores evidence for the systems by which officials were chosen, to see how far these allowed for monopolisation by elites. Next, the actual patterns of service at the case-study manors are examined in two ways. Firstly, the second section reconstructs the proportion of the residents in a village community who participated in manorial office, by examining numbers serving in relation to population estimates. The subsequent section considers inequality among those who served in office. This allows for the exploration of how equitably opportunities to serve were distributed among those who served, and how this changed between manors. Finally, the last section directly investigates the formation of elite groups within the officeholding community, by looking at the most prominent individuals for well-documented periods.

SELECTION METHODS

An examination of selection systems reveals substantial variety in the way manorial officials were chosen. However, within this variety, manorial customary obligations frequently led to official positions being concentrated in the hands of wealthier individuals owing to tenancy being a criterion for service. Moreover, cultures of collective liability often gave communities a significant role in choosing who served and also helped create a corporate identity among those who were regularly empanelled as presentment jurors and especially capital pledges. This allowed for the potential for monopolisation of office and to create a division between an officeholding elite and an excluded majority.

Manorial Officeholding and Selection Processes

Selected Officials

The key criterion to be a candidate as a selected official was to hold certain lands as a tenant. Manorial customals provide early evidence for the pool of individuals liable to serve. As part of larger statements of the various obligations of tenants associated with certain parcels of land, these documents make clear the association of particular types of holding with the requirement to serve in office. On manors throughout England, tenants of standard virgates or ferlings were liable to serve as reeves, messors and beadles.¹⁸ Sometimes different types of officials were associated with different sizes of lands, with liability to serve as reeve associated with full virgates or ferlings, and messor or beadle associated with half virgates.¹⁹

Court rolls reveal the persistence of these systems of connecting holdings with serving in particular offices.²⁰ At Downham, three selections for 1484–7 indicate that the obligation to act as reeve was linked to holding half and full virgates. In 1484, John Dunstable and Simon Jenny were selected ‘for one full virgate of land formally Colsens’ and Richard Tailour and Simon Jacob ‘for one full virgate formally John Bateman’. In 1485 Robert Burdon, Richard Tailour and Simon Jacob were selected ‘for a full virgate of land called Bukkys’, along with John Jennys, with Burdon and Jennys sworn for a half virgate each. The sole candidate in 1487, Clement Clidehowe, was selected ‘for one double customary virgate of land which he holds of the lord called

¹⁸ For examples, see the customals of the manors of Willingdon, Amberley, Bishopstone and Preston (Suss.), Stokes under Hamedon and Taunton (Som.), Brixton Deverill and Ogbourne St Andrew (Wilts.), Felsted (Essex), Minchinhampton (Glos.), Wantage, Swyncombe and Islip (Oxon.), Quarley (Hants.), Ruislip (Middx.), Combe (Berks.). *Customals of the Manors of Laughton, Willingdon and Goring*, ed. and trans. A.E. Wilson, Sussex Record Society, 60 (Lewes, 1961), 27; *Two Registers Formerly Belonging to the Family of Beauchamp of Hatch*, ed. H.C. Maxwell-Lyte, Somerset Record Society, 35 (London, 1920), 17–19, 37–40; *The Medieval Customs of the Manors of Taunton and Bradford on Tone*, ed. T.J. Hunt, Somerset Record Society, 60 (Frome, 1962), 41–76; *Thirteen Customals of the Sussex Manors of the Bishop of Chichester: And Other Documents from Libri P. and C. of the Episcopal Manuscripts*, trans. and ed. W.D. Peckham, Sussex Record Society, 31 (Cambridge, 1925), 47, 90; *Charters and Customals of the Abbey of Holy Trinity, Caen*, ed. M. Chibnall, *Records of Social and Economic History*, 5, 22 (Oxford, 1982), 99, 109–26; *Select Documents of the English Lands of the Abbey of Bec*, ed. M. Chibnall, Camden Society, 73 (London, 1951), 38–9, 50, 59–60, 72, 75, 85, 87, 91; B.F. Harvey, ed., ‘Customal [1391] and bye-laws [1386–1540] of the manor of Islip’, *Oxfordshire Record Society*, 40 (1959), 80–119, at 85. Owen has recently highlighted that the connection between landholding size and liability for officeholding was very flexible on some Glastonbury Abbey manors, with smallholders liable to serve. Owen, ‘Rural and urban manorial officialdom’, 39–40.

¹⁹ For example, at the manors of Ogbourne St Andrew (Wilts.) and Hevingham Bishops (Norf.). *Select Documents*, ed. Chibnall, 38–9; M. Forrest, ‘Women manorial officers in late medieval England’, *Nottingham Medieval Studies*, 57 (2013), 47–67, at 51.

²⁰ For instance, at Haddeston in Bunwell (Norf.) the court rolls state the landholdings for which tenants served as reeves. CUL, Buxton Papers, 68/9, 18 Oct. 1347, 18 Oct. 1348.

Selection Methods

Purdies Ground'.²¹ The names of two of the virgates reflect the surnames of former reeves. Thomas Colleson and John Colleson were selected frequently between 1385 and 1435 and Robert Buk and John Buk Bateman were selected between 1378 and 1435, suggesting a level of continuity between these virgate holdings and the selection of reeves.²² Similar evidence can be seen at Cratfield, where landholdings were chosen whose tenant, or sometimes tenants, were liable to serve as reeve. That the size of a potential officer's landholding was significant is seen in the consistent recording between 1414 and 1489 that those chosen held at least 16a of customary land, the size of a half virgate.²³ As at Downham, the chosen tenements shared the names of former reeves, demonstrating continuity in selection patterns.²⁴

The connection between land and serving as an official had significant advantages from a seigniorial perspective. Firstly, officials who were tenants rather than simply inhabitants of village communities could be rewarded through rent reductions, incentivising those holding office to perform their tasks effectively.²⁵ For instance, at manors of the Abbey of Glastonbury, rent quittances were one of the most common forms of official remuneration.²⁶ Secondly, while officials were typically punished through amercement, land seizure represented an ultimate sanction against failure in official roles, and tenants with greater landholdings had more to lose.²⁷ For instance, at Wakefield (Yorks.) in 1316, Thomas de Wadesworth was rejected as grave (the equivalent of the reeve) because he had 'not sufficient property to serve in that office', and instead paid a 40s fine, showing seigniorial reluctance to have officials who did not hold enough land and thus for whom seizure was presumably less of a threat.²⁸ Tenant-officials

²¹ CUL, EDR, C11/3/8, m.1, 29 Jan. 1484; C11/3/10, m.2 [date indecipherable]; C11/3/10, 24 Feb. 1487.

²² CUL, EDR, C11/1/3, C11/2/4–6. ²³ CUL, Vanneck Box/3.

²⁴ For example, the tenement of Flyntard: CUL, Vanneck Box/3, Henry VI roll, m.30, 24 Oct. 1442; Edward IV roll, m.5, 12 Oct. 1465; Henry VII roll, m.15, 17 Dec. 1498.

²⁵ Briggs, 'Monitoring demesne managers', 180. SA, P314/w/1/1/1350–5, P314/w/1/1/1356, P314/w/1/1/1359–60; CUL, EDR, D10/3. See, for example, the customals of the manors of Bishopstone, Brightwalton and Alciston (Suss.), Bromham (Wilts.), Islip (Oxon.), Felsted (Essex). *Thirteen Customals*, ed. and trans. Peckham, 90; *Abbey of Holy Trinity*, ed. Chibnall, 99; *Customals of Battle Abbey, in the Reigns of Edward I and Edward II (1283–1312): from MSS. in the Public Record Office*, ed. S.R. Scargill-Bird, Camden Society, 41 (London, 1887), 27, 66–7, 81; Harvey, 'Customal', 85.

²⁶ Owen, 'Rural and urban manorial officialdom', 155.

²⁷ CUL, Davidson 33, Grey Box 3, Document 33, 4 Jul. 1308; SA, P314/w/1/1/775, 25 Oct. 1571; CUL, EDR, C11/2/6, m.25, 14 Jan. 1434; C11/3/11, 9 May 1571; *Monks Eleigh Manorial Records, 1210–1683*, ed. V. Aldous, Suffolk Record Society, 65 (Woodbridge, 2022), 130; Larson, *Conflict and Compromise*, 61; Owen, 'Rural and urban manorial officialdom', 38–9, 85.

²⁸ *Court Rolls of the Manor of Wakefield*, ed. W.P. Bailey, J. Lister and J.W. Walker, 5 vols. (Leeds, 1901–45), vol. III: 1313 to 1316, and 1286, ed. J. Lister (Leeds, 1919), 110.

provided some benefits over alternative outsiders, such as salaried bailiffs, who needed to be paid a wage and were less tied to the manor and its community so more likely to abscond.²⁹ However, this connection between large tenancies and officeholding also restricted official positions to a socio-economic elite within the village community, creating a link between status and access to governing authority. This can be seen at Fordington, where a fealty list from 1441 allows named reeves to be connected to their landholdings. Unfortunately, the names of Fordington's reeves are not consistently recorded in the same period, but of the names of eight individuals who either served as reeves or were candidates for this office recoverable for 1440–5, all but one were recorded as holding a full virgate.³⁰ Before the Black Death, holding a virgate would undoubtedly put a tenant in the economic elite of most villages and these tenants could likely make a surplus.³¹ After the Black Death, with land being more abundant, a greater proportion of tenants would hold a virgate, or even multiple virgates through engrossment, but holding this amount of land would still typically place a tenant within the wealthiest half of the village community.³²

The process by which any particular individual was drawn from a manor's pool of substantial tenants to serve in office varied between communities and even between types of official at the same manor. While systems were localised, five archetypes can be identified.³³ The first, selection by specific landholding, was a relatively uncommon method and was generally used for lower-status officials such as collectors, beadles and pinders.³⁴ In this system, the tenant of a specific single piece of land performed the office as a part of their rent, meaning that the same person served in the role continuously. For instance, the 1353 customal of Drungewick (Suss.) describes the 'Beddellond . . . which [Richard de] Malham was wont to hold for doing the office of Bedell'.³⁵

²⁹ Evans, 'Merton College's control of its tenants', 211–19.

³⁰ TNA, SC 2/169/43, m.1, 22 Nov. 1440, m.5, 13 Jun. 1441, m.8, 4 Oct. 1441, m.22, c.1445. The final man, Thomas Dewfyt, cannot be found holding any land in the fealty list. As he was a candidate for the reeveship in 1445, and thus four years after the fealty list was made, it is possible he had taken on a virgate in the intervening period.

³¹ C.C. Dyer, *Standards of Living in the Later Middle Ages: Social Change in England, c.1200–1520* (Cambridge, 1989), 110–20.

³² *Ibid.*, 141–3; L.R. Poos, *A Rural Society after the Black Death: Essex, 1350–1525* (Cambridge, 1991), 18–20; Whittle, *Agrarian Capitalism*, 182–3.

³³ This typology of selection methods and their prevalence is based on both primary sources and use of the secondary literature. It is important to note that secondary works are not always entirely clear on selection processes.

³⁴ This practice was used at the manor of Climsland (Corn.) and in the Palatinate of Durham. J. Hatcher, *Rural Economy and Society in the Duchy of Cornwall, 1300–1500* (Cambridge, 1970), 41–2; Larson, *Conflict and Compromise*, 61.

³⁵ *Thirteen Customals*, ed. Peckham, 66.

Selection Methods

A second more common land-based system of selection was that of rotation. For lower-status officials, rotation was often effectively an extension of selection by specific landholding, as candidacy was restricted to a subset of tenants, often drawn from one settlement within a larger manor. At Worfield, providing the beadle was incumbent on Hallon, one of the manor's constituent townships.³⁶ Tenants of relevant lands were required to serve, and in 1380 an inquisition determined that Roger Aldith had to serve for land he held in the township.³⁷ As documented in a 1557 note detailing 'the appoytin\g/ & true cessyng of the byddell of halon by the consent of the township for ev(er) aft(u)r', the office rotated around twelve lands in a fourteen-year cycle.³⁸ For higher-status positions such as reeves, rotations generally included a large set of lands on the manor.³⁹ Much like the general connection between landholding and service, rotational systems were persistent over time. For instance, at three manors centred at Ufford (Suff.) a rental dated to 1441/2 states the office of collector would rotate annually among eleven to forty-two separate holdings per manor.⁴⁰ This system persisted across time as identical lists of holdings were made for the manors of Ufford and Kettleborough in 1431 and 1470/1, respectively.⁴¹

The third system, selection by lord alone (in reality by the steward as the lord's representative), was often implied in customals, which emphasise that the lord could select any tenant holding the requisite type of tenancy to serve.⁴² For instance, the 1292 customal of Laughton (Suss.) stated that the 'lord can choose from all the aforesaid customaries of Leighton anyone he shall wish for the office of reeve and beadle', while that of Felsted (Essex) noted that 'each man who holds half a virgate of land to work ought to be reeve if the lady abbess will desire it'.⁴³ In reality, however, lords and their estate managers rarely seem to have actually selected their officials directly from the full pool of tenants. This practice

³⁶ SA, P314/W/1/1/246, 2 Nov. 1417; P314/W/1/1/289, 3 Oct. 1438; P314/W/1/1/292, 1 Oct. 1440.

³⁷ SA, P314/W/1/1/121, 2 May 1380. ³⁸ SA, 2028/1/5/8.

³⁹ This practice was used at the manor of Ash (Surr.) and Wynondham Grishagh (Norf.). Forrest, 'Women manorial officeholders', 54; Workman, 'Manorial estate officials', 227 n. 24. Rotation for significant officials may have been more common in East Anglia, but certainly not all manors in this region used a rotational system.

⁴⁰ SAI, HA96/5/1, m.36. ⁴¹ SAI, HA96/5/1, m.23.

⁴² See, for examples, the customals of the manors of Brightwalton and Rackham (Suss.), Stokes under Hamedon (Som.), Ogbourne St Andrew (Wilts.), Felsted (Essex), Minchinhampton (Glos.), Wantage and Swyncombe (Oxon.), Quarley (Hants.), Ruislip (Mid dx.), Donden and Milburne (county/ies unknown). *Two registers*, ed. Maxwell-Lyte, 17–19, 37–40; *Thirteen Customals*, ed. Peckham, 109–21; *Abbey of Holy Trinity*, ed. Chibnall, 99, 109–23; *Select Documents*, ed. Chibnall, 38–9, 50, 59–60, 75, 87, 91; *Customals of Battle Abbey*, ed. Scargill-Bird, 66–7.

⁴³ *Customals*, trans and ed. Wilson, 20; *Abbey of Holy Trinity*, ed. Chibnall, 99.

Manorial Officeholding and Selection Processes

is only noted for a few officials at select manors, such as choosing the reeve at Cuxham (Oxon.) and the bailiff at Havering (Essex) prior to 1465, the latter of whom performed some functions more typical of a manorial reeve but was paid a salary rather than granted a remission of rent.⁴⁴

The fourth and fifth methods of selection were most common. In these systems, tenants had significantly more influence over the choice of officials. In the simplest of the two, the community of tenants had entirely free choice over who served. While this choice was seemingly always from a set of tenants holding larger landholdings, there was a variation between manors where an individual was selected⁴⁵ and those where a specific landholding was selected whose tenant then served.⁴⁶ The fifth system allowed lords more control. In this mixed system, tenants would choose either two or three candidates for an office, and the lord would choose one of them to be sworn.⁴⁷ The concept behind this system was presumably to allow the lord more choice over the officer, and perhaps to prevent the same people being selected year on year if the lord was unhappy with their performance. The 1309 election of the reeve at Coltishall describes this well, stating that the lord could choose 'the better' of two candidates to act as reeve.⁴⁸ In some places, this system seems also to have developed as a way to monetise the selection process for lords, with the candidates who were not chosen paying a fine.⁴⁹ At Horstead, even once reeves were no longer used, the tenants of three landholdings continued to be selected as 'nominal reeves', with all paying a fine not to serve.⁵⁰ Paying a fine may also have been a tactic by lords to maintain their right to compel service in office by selected tenants if they chose to exercise this later, with annual payment serving as a regular customary recognition of this right.

⁴⁴ Harvey, *Medieval Oxfordshire Village*, 65; McIntosh, *Autonomy and Community*, 205.

⁴⁵ This method is found at Thormcroft (Surr.), the Palatinate of Durham and the Duchy of Cornwall. Evans, 'Merton College's control of its tenants', 221; Larson, *Conflict and Compromise*, 59; Hatcher, *Rural Economy*, 38.

⁴⁶ This method was used at Cratfield along with Hevingham Bishops and Cattes (Norf.) and Thorpe (Surr.). Forrest, 'Women manorial officeholders', 52–3.

⁴⁷ This method was used at Upwood and Ellington (Hunts.), Buckby (Northants.) and Alrewas (Staffs.). Thornton, 'Lord's man', 213–14; Olson, *Chronicle of All that Happens*, 115; J. Birrell, 'Confrontation and negotiation in a medieval village: Alrewas before the Black Death' in Langdon, Goddard and Müller (eds.), *Survival and Discord*, 197–211.

⁴⁸ KCAR/6/2/38/1/1/COL/360, 6 Aug. 1309.

⁴⁹ Bailey, *After the Black Death*, 88. This practice was used at the manors of the Abbey of Tavistock (Devon), the Duchy of Cornwall and Hevingham Bishops (Norf.). H.P.R. Finberg, *Tavistock Abbey: a Study in the Social and Economic History of Devon* (Cambridge, 1951), 80; Hatcher, *Rural Economy*, 38; Whittle, *Agrarian Capitalism*, 51; Forrest, 'Women manorial officeholders', 51–2. In Cornwall, tenants on some manors appear to have entered a bidding process not to serve.

⁵⁰ See pp. 130–31 for more detail. A similar practice developed at Wymondham Grishagh (Norf.). Workman, 'Manorial estate officials', 227.

Selection Methods

While mixed systems can be found at some manors from the early fourteenth century,⁵¹ at other places, including Worfield and Downham, the process of selection switched from purely tenant selection to a mixed system in the post-Black Death period.⁵² At Worfield, this system first appears in 1393, when two candidates were chosen and one was sworn.⁵³ It then became the more common form of choosing the reeve for the fifteenth and sixteenth centuries, although there continued to be occasional years when only one individual was named and then immediately sworn, and the manor returned to choosing a single individual in the seventeenth century.⁵⁴ At Downham, the system appears in the first surviving courts after the Black Death, with two candidates for the reeveship and messorship selected in 1364.⁵⁵ This was replaced with a three-candidate selection for both officers from 1378 onwards, a system largely maintained down to the 1510s, and thus across the break in selections occasioned by the use of bailiffs in the mid-fifteenth century.⁵⁶ It also heralded a change to an annual selection system. The reason for the switch is not clear from the records, but the lord insisted on three candidates. When, in 1410, only two candidates for reeve and one candidate for messor were chosen, the whole homage was amerced 20s for refusing to choose three candidates for each office as they had been ordered.⁵⁷ One potential explanation may be provided by the economic dislocation of the Black Death and the ‘crisis of management’ which put pressure on demesne farms.⁵⁸ This may have led lords to seek greater control over the choice of officials and to have multiple options every year to replace failing agricultural managers.

Unfortunately, the actual mechanics of the process by which tenants chose the individuals who would serve or be candidates is obscure. Worfield’s custumals are typical of the level of detail. That of 1602 states that ‘the homage ought yearly to choose a reive’ and that of 1403 claims

⁵¹ For example, at the manors of Coltishall and Hevingham Bishops (Norf.), Alrewas (Staffs.) and Worlingworth (Suff). KCAR/6/2/38/1/1/COL/360, 6 Aug. 1309; Forrest, ‘Women manorial officeholders’, 51; Birrell, ‘Confrontation’, 197–211; SAI, HA116/3/19/1/2, m.20, 16 Sep. 1325, m.37, 15 Oct. 1332.

⁵² For example, at the manors of Fordington, Crowland Abbey (Cambs.), Holywell-cum-Needingworth (Hunts.) and Wakefield (Yorks.). TNA, SC 2/169/26, m.17, 4 May 1346; SC 2/169/37, m.8, 13 Dec. 1390; Page, *Crowland Abbey*, 69–70; DeWindt, *Land and People*, 220 n. 142; *The Court Rolls of the Manor of Wakefield*, ed. S.S. Walker et al., 21 vols. (Leeds, 1974–2021), vol. 111: 1331 to 1333, ed. S.S. Walker (Leeds, 1983), 4, 146; vol. XV: 1433 to 1436, ed. C.M. Fraser (Leeds, 2011), 4–7, 72; vol. IX: 1537 to 1539, ed. A. Weikel (Leeds, 1993), 104.

⁵³ SA, P 314/W/1/1/187, 29 Oct. 1393. ⁵⁴ SA, P 314/W/1/1/187–837; 5586/1/257–306.

⁵⁵ CUL, EDR, C11/1/2, m.11, 28 Sep. 1364.

⁵⁶ CUL, EDR, C11/1/3, m.2, 21 Sep. 1378; C11/1/3, C11/2/4–6, C11/3/7–10.

⁵⁷ CUL, EDR, C11/2/4, m.25, 22 Sep. 1410.

⁵⁸ Stone, *Decision-Making*, 168–9, 216–24; Briggs, ‘Monitoring demesne managers’, 195.

that the tenants yearly ought to choose from among themselves a reeve.⁵⁹ Court rolls rely on routine and terse formulas, but show some variation in the bodies choosing officials. Examples include phrases stating that the whole community chose (such as ‘all the customers’ or ‘all the tenants’,⁶⁰ ‘the soke’,⁶¹ ‘the vill’,⁶² ‘the homage’ or ‘the whole homage’⁶³) and those suggesting presentment officials (such as ‘the jury’ or ‘the capital pledges’).⁶⁴ On some manors, electors seem to have included tenants who held relatively small amounts of land along with larger tenants. In an exceptionally detailed example from Rickinghall (Suff.) in 1336, fifteen men were presented for refusing to ‘attend the choosing of the reeve’, as ‘all who hold by the rod’ were meant to attend by custom. The presentment details each man’s customary holdings, which ranged from seven men who held three to four acres and a messuage to Bartholomew Natyl who only held half an acre, suggesting that even the smallest customary landholders were involved in some capacity with the process of selection.⁶⁵

The court rolls of both Worfield and Downham suggest a transition from a wider body to a more select franchise over time, as selections typically made by the ‘homage’ in the earlier period were replaced by choices decided by the jurors or capital pledges.⁶⁶ At Worfield, this transition occurred between the periods 1328–1407 and 1409–1599. At Downham, it occurred between 1316–1440 and 1472–1574, although a paucity of information about selecting bodies after 1411 may mean it started at an earlier date.⁶⁷ A similar pattern may have occurred at

⁵⁹ SA, 2028/1/5/8; 5586/2/1/42.

⁶⁰ See Aldham (Suff.), Haddeston in Bunwell (Norf.) and Wimbleton (Surr.). CUL, Vanneck Box/1, 29 Dec. 1329; CUL, Buxton Papers, 68/7 m.3, 9 Oct. 1335; *Extracts from the Court Rolls of the Manor of Wimbleton Extending from 1 Edward IV to AD 1864*, ed. P.H. Lawrence (London, 1866), 33–5.

⁶¹ See Coltishall (Norf.). KCAR/6/2/38/1/1/COL/362, 26 Mar. 1303; KCAR/6/2/38/1/1/COL/360, 17 Jul. 1307.

⁶² See Redgrave (Suff.). UoCL, SCRC, Bacon MS 1, m.4, 4 Aug. 1260

⁶³ See Fordington, Haddeston in Bunwell (Norf.), Holywell-cum-Needingworth, Upwood and Ellington (Hunts.), Buckby (Northants.), Foxton (Cambs.), and Rickinghall and Worlingworth (Suff.). TNA, SC 2/169/27, m.11, c.1348; SC 2/170/6, m.10, 30 Sep. 1568; CUL, Buxton Papers, 68/7, m.19, 1 Aug. 1329; Olson, *Chronicle of All that Happens*, 115–16; Thornton, ‘Lord’s man’, 220; DeWindt, *Land and People*, 220 n. 142; BL, Add. MS 63437, 21 Sep. 1326, Add. MS 63439, 31 Aug. 1328; SAI, HA 116/3/19/1/2, m.21, 8 Nov. 1323.

⁶⁴ See the manors of the Abbey of Tavistock (Corn.), Bradford (Yorks.), Accrington (Lincs.), Havering (Essex) and Crowland Abbey (Cambs.). Finberg, *Tavistock Abbey*, 80; Page, *Crowland Abbey*, 69; McIntosh, *Autonomy and Community*, 202; *The Court Rolls of the Honor of Clitheroe in the County of Lancaster*, trans. and ed. W. Farrer, 3 vols. (Manchester, 1897–1913), vol. III, 135; TNA, DL 30/129/1957 m.48, 6 Nov. 1359.

⁶⁵ BL, Add. MS 63449, 4 Sep. 1336.

⁶⁶ At both manors, the bodies selecting the officials were named in about half of election presentments. This transition mirrors the wider change from presentments by the ‘whole homage’ to jurors outlined by Beckerman. See Beckerman, ‘Procedural innovation’, 242–3.

⁶⁷ SA, P 3 14/W/1/1/5–837; CUL, EDR, C 11/1/1–3, C 11/2/4–6, C 11/3/7–11.

Selection Methods

Wakefield.⁶⁸ However, care needs to be taken in interpreting this evidence of increased restriction. At Cratfield, the terms jury and whole homage seem to have been used interchangeably with no clear chronological pattern.⁶⁹ It is possible that statements that the homage selected officials were simply used to give an impression of consent to decisions made by a more influential subgroup of tenants, or, equally, that stating selections were made by the jury was used to give a more official slant to a decision made communally before the court session took place.

The seigniorial logic behind collective selection by tenants is more easily uncovered. The key principle was that of collective liability: by making the tenants choose the official, they could also be held responsible for their actions. *Walter of Henley* suggests that reeves should be chosen 'by the election of your homagers <tenants> for if they doe amysse you shall recover it of them'.⁷⁰ That these ideas informed actual selection processes is seen in customals. For example, at the manor of Bradford-on-Tone (Som.), the tenants had to 'choose a reeve from amongst themselves competent at their own peril . . . for whose acts they should accept responsibility'.⁷¹ Similarly, the customal of Stoneleigh (Warks.) describes how 'each sokeman is to be reeve when he is elected by his equals . . . And if . . . the same reeve will be in arrears or withdraws the lord's rent the same equals and electors of him will satisfy the lord by distraint for the total rent of that . . . year'.⁷² Occasionally court rolls provide similar details.⁷³ An early election of 1260 at Redgrave (Suff.) states that William Ogod was elected 'by the whole vill' and that 'if he in any way should transgress, the aforesaid vill will respond openly for his deeds'.⁷⁴ Communities of tenants could be made liable for shortfalls in demesne managers' accounts, and allowing them to select the official was a way of justifying this practice.⁷⁵ This notion of collective liability also drew on early practices in royal justice, where tithings and communities were made liable for the behaviour of their members through practices such as the hue and cry.⁷⁶

From a more positive perspective, lords and tenants actually had many of the same objectives in ensuring officials performed their roles correctly,

⁶⁸ *Wakefield: 1331 to 1333*, ed. Walker, 4, 146; *Wakefield: 1433 to 1436*, ed. Fraser, 4–7, 72; *Wakefield: 1537 to 1539*, ed. Weikel, 104.

⁶⁹ CUL, Vanneck Box/3.

⁷⁰ *Walter of Henley and Other Treatises on Estate Management and Accounting*, ed. D. Oschinsky (Oxford, 1971), 316–17.

⁷¹ *Medieval Customs*, ed. Hunt, 89.

⁷² *The Stoneleigh Leger Book*, ed. R.H. Hilton, Dugdale Society, 24 (Oxford, 1960), 106.

⁷³ For example, those of Aldham (Suff.). CUL, Vanneck Box/1, 29 Dec. 1329.

⁷⁴ UoCL, SCRC, Bacon MS 1, m.4, 4 Aug. 1260.

⁷⁵ Thornton, 'Merton College's control of its tenants', 211, 219–20; Page, *Crowland Abbey*, 70.

⁷⁶ Duggan, 'Limits of strong government', 409–10.

and thus allowing tenants to choose officials actually helped in selecting competent officers.⁷⁷ As Briggs has highlighted, the key value of a tenant-official over an externally hired bailiff was that they were acquainted with local conditions and their ability was known by their neighbours.⁷⁸ Again this idea can be seen in estate literature. The *Seneschaucy* states that the reeve 'ought to be . . . presented by the common assent of the whole township as the best husbandman . . . and as the most suitable person'.⁷⁹ Allowing tenants to choose officials also had the effect of potentially incentivising the community to help monitor the officials' activities and ensure the person selected fulfilled the role without protest. Tenant inquests provided an important system by which lords could scrutinise the work of officials and these inquests may have been better motivated to collaborate with the lord if they chose the official.⁸⁰

Similarly, refusals to serve could be presented as offences against the community rather than against the lord. This is well demonstrated in a dispute in which Robert Rote was chosen but refused to act as messor at Downham. Rote's first refusal occurred in a court of January 1434.⁸¹ He maintained this refusal to serve in the following session and that this was perceived as an affront to seigniorial authority is clearly noted, with the clerk stating that this took place 'in the presence of Walter Grene steward . . . and the supervisor of the lord and others of the lord's council'.⁸² However, the communal nature of Rote's selection is also heavily emphasised in presentments surrounding his refusal to serve, with it noted in the same session that he had been 'selected by the whole homage to do office', a phrase echoed in the statement that Rote had 'refused to do the office . . . just as he was chosen by the homage' which was repeated in the following two sessions.⁸³ While Rote was ultimately not compelled to serve, this series of presentments implies that his censure was as much due to his refusal to follow the role given to him by the tenants as to his failure to serve the lord.

The ways in which tenants were also heavily invested in their right to choose officials and how this could cause tensions with the lord are seen in an unusual petitionary letter written by the lord of the manor of Stokenham (Devon) to Star Chamber in 1556.⁸⁴ This describes a dispute in which the manor's jury choose one of their number, Thomas Cole, as reeve. The steward refused to confirm this choice, claiming that it was the lord's

⁷⁷ Gibbs, 'Lords, tenants and attitudes', 161–5. ⁷⁸ Briggs, 'Monitoring demesne managers', 180.

⁷⁹ *Walter of Henley*, ed. Oschinsky, 274–7. ⁸⁰ Briggs, 'Monitoring demesne managers', 194–5.

⁸¹ CUL, EDR, C111/2/6, m.25, 14 Jan. 1434. This incident is discussed in detail on p 128.

⁸² CUL, EDR, C111/2/6, m.25, 7 Apr. 1434.

⁸³ CUL, EDR, C111/2/6, m.26, 30 Sep. 1434, m.27, 13 Jan. 1435.

⁸⁴ W.A. Roberts, ed., 'Uprouar in court, 1556', *Stokenham Occasional Papers*, 2 (1981), 43–7.

Selection Methods

prerogative alone to choose officeholders. The jury responded by causing a mass walkout of tenants of the court which continued into the following session. The resistance is presented as being largely led by a coercive set of jurors, the tenants leaving ‘partly through menacing and threatening and partly through fear of Thomas Cole and his complices’, these men ‘having daggers and other weapons’.⁸⁵ This suggests that it was the local elite that selected officials, rather than necessarily the community as a whole, who were committed to maintaining tenant selection of office. However, this evidence needs to be treated carefully, since the forum of Star Chamber incentivised the lord to emphasise the public order threat of this event, a tactic seen in the claim that Cole and his accomplices ‘set an evil and naughty example of wrongful behaviour and assembly’.⁸⁶ Moreover, it seems likely that the right to select the reeve may have been a flashpoint in part of a larger dispute. Arthur Stourton, the relevant lord, was leasing the manor from the crown and that this may have been at issue is seen in Cole’s apparent justification of the protest: ‘We have another lord, and therefore we will pay Stourton no rent.’⁸⁷ Despite these important caveats, this incident at least shows that the tenants who selected officials did see this right as important, and were willing to disrupt the running of the manor to defend it.

Empanelled Officials

Examining evidence available for presentment jurors reinforces some of the trends seen for selected officials, in terms of both restriction of office to an elite group and also significant diversity between manors. This section asks whether presentment jurors should be understood as individuals empanelled for specific sessions or do they represent more of a body of men with a corporate identity? Uncovering this is important, as it is crucial to considering how far juries represented a closed elite of officers in a qualitative sense.

Despite presentment jurors being the officials whose role is most easily investigated through court rolls, contemporary sources are reticent concerning how jurors were chosen.⁸⁸ It is clear that jurors were typically empanelled in the session preceding that at which they would present, so

⁸⁵ *Ibid.*, 45–6.

⁸⁶ *Ibid.*, 47. B. McDonagh, ‘Disobedient objects: material readings of enclosure protest in sixteenth-century England’, *Journal of Medieval History*, 45 (2019), 254–75, at 259.

⁸⁷ Roberts, ‘Uproar’, 46; C.C. Cross, *The Puritan Earl: the Life of Henry Hastings, Third Earl of Huntingdon, 1536–1595* (London, 1966), 85–106.

⁸⁸ Beckerman, ‘Procedural innovation’, 228 n. 138; Mulholland, ‘The jury’, 68; Larson, ‘Village voice’, 685–6.

they could hear the set of articles to which they would respond and swear to present honestly.⁸⁹ This is seen in guidance literature on how to hold courts. For example, in the St Albans *Modus Tenendi Curias*, the first charge ordered the ‘presenters’ at the court leet to return ‘whether the presenters be all here as they should be’, suggesting a designated group was operative prior to the session’.⁹⁰ Similarly, court rolls reveal punishments for capital pledges who were not present to hear the charge or did not appear at a future specified session.⁹¹ At Horstead, in 1437 Nicholas Charles was punished as a capital pledge ‘of the last leet’ who did not come to make his verdict and had not done his perambulation, suggesting he had been selected in the previous session but then had failed to perform his role in the intervening term.⁹² A clear statement about the mechanics of this system, at least by the seventeenth century, is seen at Fordington in 1639. Here it is noted that individuals were ‘yearly sworne to be of the grand jury’, suggesting that individuals were selected to this group outside the specific panels recorded at each session.⁹³ Those chosen were then to ‘give there attendance to make there p(re)sentm(en)t att such tymes and places as the foreman shall appoynt w(i)thin one houre after the tolling of the bell’ and those who failed to attend were to be amerced 3s 4d.⁹⁴

While panels were separately created for each court session, the work of jurors stretched across multiple sessions. Presentments were frequently delayed as jurors and capital pledges asked to be allowed to have until the next session to respond to a charge, and therefore there must have been ways to ensure continuity of information between courts. Partly this was achieved by the fact that while the entire set of jurors was not usually the same between sessions, many individuals did serve session after session, meaning that there was a core of continuous jurors. For instance, at Worfield, Downham and Horstead, from the 1360s to 1590s on average typically four out of every five individuals who served in either type of jury in a given year had served in the preceding year, and an even higher seven out of every eight had served at some point in the preceding three years.⁹⁵ Sometimes jurors from a previous session presented specific cases even if they were not a member of the jury in the current session. Thus at Worfield, in 1477, Richard Billingsley, a juror of the previous leet, incurred a pain of 20d for not coming with his fellows to render a verdict verifying the presentments made by two vills, as they had been ordered at the last leet

⁸⁹ Beckerman also finds evidence that some presentments were immediately made by jurors in the session in which they were empanelled. See Beckerman, ‘Procedural innovation’, 228–9.

⁹⁰ Bailey, *English Manor*, 223. ⁹¹ KCAR/6/2/87/1/1/HOR/37, 14 Sep. 1424.

⁹² KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1437. ⁹³ TNA, SC 2/170/15, m.11, 2 Apr. 1639.

⁹⁴ TNA, SC 2/170/15, m.14, 22 Oct. 1639. ⁹⁵ See Gibbs, “Open” or “closed”.

Selection Methods

when they had made their presentments.⁹⁶ Therefore, jurors had a role in making presentments in courts even when they are not mentioned in the jury list, suggesting a continuity in office that went beyond a single session. At Horstead, and less continuously Cratfield and Downham, this became the norm for capital pledges through the development of 'residual' leets, where the court baron session directly following the annual leet would include presentments made by capital pledges which they had not been able to present in the preceding 'full' leet. While occasionally a second list of capital pledges would be given, on most occasions the rolls refer to the capital pledges as those of the previous leet, suggesting a panel serving over two consecutive sessions.⁹⁷

Thus the evidence suggests that empanelled officials formed a distinct group. However, the pool from which these men were drawn, and how far they represented a collective, varied across manors as a result of different institutional structures. While evidence of the mechanics by which jurors baron were chosen is lacking, these men were clearly drawn from among the lord's tenants. As emphasised by John Beckerman, presentment juries represented an innovation by lords in enforcing their lordship on the manor, and therefore the individuals filling these panels were drawn from among the tenantry.⁹⁸ Similarly to the selected officials explored above, land seizure could also be used as an ultimate sanction against individuals who refused to serve or present.⁹⁹

Some more detail is provided about Fordington's suitors. These panels of officials were selected on an annual basis between 1483 and 1588, rather than being named at each session, and were replaced by jurors baron in the seventeenth century.¹⁰⁰ The suitors' role was supervisory, much like this manor's jurors leet, in that they were 'to determine all and singular things presented in the same place by the tithings',¹⁰¹ but they were specifically to attend every three weeks rather than just at leet sessions.¹⁰² While there is very little record of their activities, interestingly they were specifically 'chosen by the steward' on the two occasions when a selecting body is mentioned.¹⁰³ This may suggest limited choice by the community over their appointment, although alternatively the steward

⁹⁶ SA, P3 14/W/1/1/384, 10 Apr. 1477; P3 14/W/1/1/387, 7 Oct. 1477.

⁹⁷ See, among many examples, KCAR/6/2/87/1/1/HOR/32, 10 Aug. 1405; KCAR/6/2/87/1/1/HOR/37, 9 Sep. 1427; CUL, Vanneck Box/3, Edward IV roll, m.3, 9 Dec. 1463; m.15, 11 Nov. 1474.

⁹⁸ Beckerman, 'Procedural innovation', 231–6.

⁹⁹ *Ibid.*, 234; KCAR/6/2/87/1/1/HOR/37, 21 Sep. 1428.

¹⁰⁰ TNA, SC 2/170/2, m.11, 24 Oct. 1541; SC 2/170/4, m.4, 22 Oct. 1548.

¹⁰¹ TNA, SC 2/169/46, m.5, 7 Oct. 1483; SC 2/169/47, m.1, 24 Oct. 1486; m.19, 1 Dec. 1505.

¹⁰² TNA, SC 2/170/1, m.3, 16 Nov. 1518; m.4, 28 Oct. 1523

¹⁰³ TNA, SC 2/169/46, m.5, 7 Oct. 1483; SC 2/169/47, m.19, 1 Dec. 1505.

may have officially confirmed a selection process undertaken by the manor's tenants.

The differences between the various types of jury seen in courts leet also have significance in considering selection processes. Jurors leet at Worfield and Fordington, owing to their supervisory role, seem to have acted more like jurors baron, with relatively free choice over their selection. Conversely, capital pledges had their origins in the tithing system, a structure for criminal responsibility where males over twelve were placed into groups, who were then collectively responsible for ensuring their members obeyed the law.¹⁰⁴ Capital pledges were the heads of these tithings, who had traditionally represented the other men in legal assemblies, a system that informed the way views of frankpledge had been set up in places where lords had been granted the franchise.¹⁰⁵ The policing and surety aspects of the tithing system were undoubtedly in abeyance in the late Middle Ages.¹⁰⁶ However, collective tithing payments continued to be made and men were still sworn into tithings on many manors.¹⁰⁷ Thus the twelve capital pledges listed in any session should theoretically be drawn from the subset of tithing heads.¹⁰⁸

The case-study manors reveal differences in how this operated in practice. At Horstead, there is no indication that a system of tithing heads was being maintained from which juries of capital pledges were drawn. However, at Downham and Cratfield tithings do seem to have been maintained rigidly in the fifteenth century, creating a specific, collective group of capital pledges. At Downham, for the period 1379 to 1446, lists of the names of capital pledges were not given in the court rolls, but instead this body of individuals was described with the formula 'whose names are put in the tithing rolls'.¹⁰⁹ The existence of such rolls suggests that full tithings of twelve men, each headed by a capital pledge, were being maintained. Moreover, that the capital pledges acted as a collective is seen in an arrangement of 1447, in which the twelve capital pledges, and those who would be capital pledges in future, collectively rented a watercourse from the lord for an annual rent of 12d along with an

¹⁰⁴ These were theoretically groups of ten, although in reality numbers varied significantly. See Duggan, 'Limits of strong government', 4; D.A. Crowley, 'The later history of frankpledge', *Bulletin of the Institute of Historical Research*, 48 (1975), 1–15, at 1–5.

¹⁰⁵ P.R. Schofield, 'The late medieval view of frankpledge and the tithing system: an Essex case study' in Razi and Smith (eds.), *Medieval Society*, 408–49, at 408; Bailey, *English Manor*, 178–9.

¹⁰⁶ Duggan, 'Limits of strong government', 4–11; Crowley, 'Later history of frankpledge', 8–11.

¹⁰⁷ See pp. 56–7; Crowley, 'Later history of frankpledge', 15; Schofield, 'Late medieval view', 408–9, 426–7; Schofield, *Peasant and Community*, 167.

¹⁰⁸ Poos, 'Rural population', 518–19.

¹⁰⁹ See, among many examples, CUL, EDR, C11/1/3, m.14, 19 Dec. 1385; C11/2/5, m.3, 7 Dec. 1414.

Selection Methods

agreement to clean and maintain it.¹¹⁰ This lease presupposes significant longevity, suggesting a collective identity for capital pledges that existed beyond the panels given at the heading of any court. At Cratfield, in all leets between 1402 and 1461, between nineteen and thirty-five men were named as capital pledges in each session, suggesting a full set of tithing heads made the presentments. However, from 1462 onwards, this was replaced by a set of twelve men, suggesting that now only a subset of tithing heads were presenting in court as capital pledges.¹¹¹ Yet, tithings themselves were seemingly maintained, as men continued to be sworn into them.¹¹²

How were tithing heads chosen? Much like with selected officials, capital pledges seem to have been chosen through either landholding or selection by the tenants. Before the Black Death, although it was linked to the peacekeeping system rather than directly to lordship, the liability to serve as capital pledge or tithingman was associated either with specific landholdings or generally with being a tenant on some manors.¹¹³ Crowley suggests this process intensified after the Black Death, but argues that it was more common on manors where the importance of courts leet diminished faster owing to manors not being coterminous with villages or generally being small. Schofield found that any tenant who owed suit of court for their land could act as a capital pledge at Birdbrook.¹¹⁴ On larger manors with more powerful leets (much like those at the core of this study), capital pledges were selected according to principles similar to those employed before the Black Death. While these men were typically landholders, this was because of the status tenancy gave through being a permanent and powerful member of the community rather than because they were tenants in and of itself.

On some manors, capital pledges appear to have been chosen by the tenants.¹¹⁵ At Alrewas (Staffs.), the customal explains that 'the tenants . . . are to be frankpledges . . . when they are chosen. And there shall be in the manor 16 frankpledges of whom one shall always be for the tenants of the church; they shall present at two views [of frankpledge].'¹¹⁶ Selections are also occasionally recorded in court rolls. At Cratfield, a hint is given in the

¹¹⁰ CUL, EDR, C11/2/6, m.39, 3 Jan. 1447. ¹¹¹ CUL, Vanneck Box/3-4.

¹¹² See, for example, CUL, Vanneck Box/3, Edward IV roll, m.5, 27 May 1466; Henry VII roll, m.24, 13 Jun. 1508; Edward VI and Mary I roll, m.6, 11 Jul. 1552.

¹¹³ Crowley, 'Later history of frankpledge', 7. This is seen in the customals of Brixton Deverill (Wilts.), Minchinhampton (Glos.) and Alrewas (Staffs.). *Select Documents*, ed. Chibnall, 72; *Abbey of Holy Trinity*, ed. Chibnall, 110, 126; 'An Alrewas Rental of 1341', ed. J. Birrell and D. Hutchinson, in *A Medieval Miscellany: Collections for a History of Staffordshire*, 4th ser., 26 vols. (Burton upon Trent, 2004), vol. xx, 59-81, at 81.

¹¹⁴ Schofield, 'Late medieval view', 427-8. ¹¹⁵ *Ibid.*, 432-3.

¹¹⁶ 'Alrewas rental', ed. Birrell and Hutchinson, 71.

presentment made against Thomas Walsh, who was 'rebellious and disobedient' against the steward through refusing to be sworn as capital pledge, highlighting that capital pledges were sworn to their office in court like other manorial officials, although this is never again recorded in the rolls for the manor.¹¹⁷ At Downham, a single selection survives for September 1465, when on the day of the court, Richard Whitepayn was described as chosen and sworn as capital pledge in the place of Richard Cok.¹¹⁸ Cok's last appearance as a capital pledge was in the previous leet and he was deceased by April 1465.¹¹⁹ Thus Whitepayn's election suggests that being a capital pledge was confined to a relatively small group, with the possibility to serve only emerging with the death of an officer, when another man from his tithing perhaps took his place.

While the origins of capital pledges in the tithing system sets them apart from jurors baron and leet, the distinction between them and jurors baron increasingly broke down from the fifteenth century onwards at Horstead and Downham. While previously courts leet had separate juries for capital pledges and jurors baron, at Horstead in 1472, 1482 and 1484 the two juries were elided into a single panel. This became the norm in leets from 1539 onwards, recognising the breakdown of the division between functions performed by both officers.¹²⁰ A similar process began to occur from the mid-sixteenth century at Downham, with a single list entitled 'capital pledges and homage'.¹²¹ This was accompanied by a change in nomenclature from 1574 onwards, when the term capital pledge was replaced by 'capital pledges and jury for the lady queen', and from 1575 onwards, just 'the jury for the lady queen', suggesting an end date for the tithing system determining jury selection.¹²²

Three key conclusions can be drawn from this study of the processes of selecting manorial officials. The first is that the very nature of the pool from which officials were drawn restricted officeholding to those of higher economic status. Linkage with landholding seems to have largely arisen for selected officials owing to lords requiring service as a tenurial obligation and had the added benefit from a seigniorial perspective of providing the carrot of rent remission, and the stick of land seizure, to try to ensure officials performed their roles correctly. However, from the perspective of the village community and governance, restricting office to

¹¹⁷ CUL, Vanneck Box/3, Henry VI roll, m.48, 23 May 1458.

¹¹⁸ CUL, EDR, C11/3/7, m.8, 27 Sep. 1465.

¹¹⁹ CUL, EDR, C11/3/7, m.7, 16 May 1464; C11/3/7, m.9, 1 Apr. 1465.

¹²⁰ KCAR/6/2/87/1/1/HOR/39, m.26, 4 Aug. 1472, m.42, 11 Jun. 1482; KCAR/6/2/87/1/1/HOR/40, m.2, 3 Aug. 1484; KCAR/6/2/87/1/1/HOR/48-54, KCAR/6/2/38/1/1/COL/376.

¹²¹ CUL, EDR, C11/3/10, c.1553; C11/3/11, 12 Apr. 1570; C11/3/11, 21 Sep. 1579.

¹²² CUL, EDR, C11/3/11, 24 Mar. 1574; C11/3/11.

Officials in the Wider Population

landholdings of a particular size had the effect of limiting office to wealthier and more powerful tenants. While the connection between landholding and office was not as strong for empanelled officials, jurors baron were chosen from among tenants, and on many manors, candidacy for capital pledge and juror leet was *de jure* or *de facto* linked to landholding.

Secondly, selection processes varied between manors and officers. These have important *a priori* implications for how far officeholding could be monopolised by elites, with rotational systems suggesting that office by necessity had to be spread widely. However, on many manors, tenants, or at least a subgroup of them, did have significant potential to choose who would serve in office. Much like with the connection to landholding, this arose at least in part as a result of advantages to lords. By making the community of tenants choose officials, lords could hold them collectively liable for official failures, much as the crown created collective responsibility for peacekeeping through the tithing system. Lords could also draw on tenants' knowledge of who would be an effective manager and co-opt their authority to ensure the individual selected actually served or else risk alienating the wider community. However, from the perspective of the community of tenants, collective responsibility presumably allowed more freedom in choosing officers, allowing dynamics below the level of lord–tenant relationships to shape this decision, and plausibly making it more 'political'.

Thirdly, while the exact process by which empanelled officials were selected is more opaque, it is clear that these offices did have a somewhat corporate identity. The work of jurors extended across multiple sessions and turnover was slow. Capital pledges had their roots in the tithing system, which created a distinct group of tithing heads. This corporate identity created further potential for some monopolisation of power in the manorial officeholding system.

OFFICIALS IN THE WIDER POPULATION

The previous section focused on qualitative evidence about how officials were selected. This section turns to considering the results of these selection processes by examining what proportion of the population resident in any community served in manorial office. It argues that while officeholding was by no means democratic, with women and the landless being excluded, a relatively wide range of adult males living in a given community likely served in their lifetime, meaning that at this level office was not restricted to a narrow elite.

Manorial Officeholding and Selection Processes

The connection between officeholding and substantial landholding already excluded a proportion of the population who either held smaller pieces of land or may have been entirely landless. Moreover, increasing subletting of customary land in the sixteenth and seventeenth centuries created a group of subtenants who did not hold their land directly from the lord and thus may have been excluded from serving in official positions.¹²³ A culture of patriarchy also prevented women serving. At Downham and Horstead, no woman ever appears in office. On the other manors, where there was a connection between certain holdings and service in some offices, women are more apparent, but even here their agency was limited. At Fordington, women who were chosen for any office on the basis of their landholdings were always replaced with a deputy.¹²⁴ When their lands were chosen, women did actually serve as reeves on five occasions at Cratfield and similarly on two occasions as beadle at Worfield.¹²⁵ However, they continued to be excluded from all other offices, reflecting Mark Forrest's argument that while service in these positions did give women political authority, this very rarely gave them access to the most powerful roles such as constable, capital pledge and juror.¹²⁶ This in turn reflects a wider trend of excluding women from official positions in the royal courts and episcopal visitations.¹²⁷

Even among the body of men liable to serve in particular offices, there was the potential for certain individuals to be excluded, a pattern that explains the frequent selection of the same candidates for positions at manors such as Downham. A dispute over the selection of the messor at this manor in 1434 provides a rare insight into the population 'at risk' of being messor in the selection of that year. On this occasion, the rolls name eleven tenants of full and half virgates who 'out of antiquity did the office of lord's messor', although as men not on this list were selected as candidates for this office in 1435 and 1439, this may not be a complete list of all potential messors.¹²⁸ Table 2.1 shows the number of times each

¹²³ See Gibbs, "'Open" or "closed"".

¹²⁴ TNA, SC 2/170/6, m.5, 8 Oct. 1567; SC 2/170/14, m.15, 1 Oct. 1633; SC 2/170/15, m.6, 2 Oct. 1637; SC 2/10/16, m.13, 6 Oct. 1646. While deputies also served when men were chosen, the consistency of this practice when women were selected for any office reveals a pattern of gender discrimination.

¹²⁵ CUL, Vanneck Box/3, Henry VI roll, m.4, 16 Oct. 1425; m.12, 9 Oct. 1431; m.22, 9 Oct. 1438; m.51 30 Oct. 1459; Henry VII roll, m.5, 13 Dec. 1490; m.23, 7 Nov. 1505; Henry VIII roll, m.6, 22 Feb. 1518; P 3 14/w/1/1/284, 1 Oct. 1433; P 3 14/w/1/1/782, 6 Sep. 1574.

¹²⁶ Forrest, 'Women manorial officers', 49–52, 59, 62–4. Forrest only notes two examples of manors with women jurors in his study: Sutton Poyntz (Dors.) and Hanley (Berks.).

¹²⁷ Masschaele, *Jury, State and Society*, 128–31; Forrest, *Trustworthy Men*, 182, 199–200.

¹²⁸ CUL, EDR, C 1 1/2/6, m.25, 14 Jan. 1434.

Officials in the Wider Population

Table 2.1 *Reconstruction of careers as messor for individuals named in presentment of 1434 at Little Downham*

Name	Number of times chosen as messor	First appearance in any office	Last appearance in any office
John Buk jnr	7	1423	1438
John Jennnys	6	1423	1450
John Colleson jnr	2	1422	1434
Nicholas Bateman	2	1394	1434
John Wright	1	1434	1474
Thomas Stephenson	0	1426	1434
Nicholas Colleson	0	1428	1434
Henry Warrener	0	1415	1434
Thomas Wright	0	1429	1450
John Warener	0	1432	1444
Robert Rote	0	1434	1434

Sources: CUL, EDR, CII/1/3, CII/2/4–6, CII/3/7.

of these men is visible as a messor candidate through the surviving court rolls.¹²⁹ The pattern is striking, with six of these eleven men never being recorded as candidates for the messorship. These included individuals such as Henry Warrener and Thomas Stephenson, who first appear as officers in 1415 and 1426, respectively, and thus have a similar longevity to John Colleson jnr and John Buk jnr. The evidence hints at the possibility that there was a large group of half- and full-virgaters who were never selected as candidates for the office of messor although they clearly did serve in other offices.

Exploring the relationship between those who served in office compared with the wider population from which they were drawn involves calculating a participation rate, considering the number of individuals serving in office as a proportion of those living within the community

¹²⁹ This data must be treated carefully as the rolls for 1435–8 are very fragmentary for Downham, meaning that the selection of messors is only recorded in 1435 and 1439, before the office of messor was removed in exchange for a bailiff. This means that some of the messor candidatures of these individuals may be missing, and others may never have had the potential to serve, with the candidates recorded being biased towards those who had begun serving in office at an early date.

these officers governed. This approach has been used in several studies of officeholding in both medieval and early modern England. However, studies have differed significantly in methodology, making it hard to draw comparisons across time and space.

Utilising rich lists of male ratepayers and households from the seventeenth and early eighteenth century, Henry French suggests figures ranging from 23% of male ratepayers serving as officers and vestrymen at Beaminster (Dors.) to 63% of male resident household heads serving at Newport Pond (Essex), arguing that around 40–50% of resident male householders typically served in parochial official roles in seventeenth-century communities.¹³⁰ Medievalists have taken two distinct approaches. Those drawing on family reconstitution approaches, such as the Toronto School, have examined the proportion of families who supplied at least one manorial official. As a rule, these have suggested relatively high rates of participation. This methodology produces figures ranging from 51% of families serving as jurors (rising to 56% if looking at all officials) at Holywell-cum-Needingworth (Hunts.) to 39% and 40% at Upwood and Ellington, respectively, for the late thirteenth to mid-fifteenth century.¹³¹ Concentrating purely on the period before the Black Death, Britton also suggests a relatively high 47% of families produced at least one juror.¹³² A more recent study by Larson of the Durham manors of Norton and Billingham in the post-Black Death period suggests a smaller proportion of the population served as jurors, estimating that a minimum of 27% and 37% of families on these manors respectively were represented by at least one juror.¹³³ The limitation of this methodology is that it only considers families that can be reconstructed and therefore may ignore parts of the population who do not appear in manorial records. Furthermore, it makes an assumption that surnames are stable identifiers of families and that one family member serving in an official role represents inclusion of the whole family in the officeholding group.¹³⁴

A second approach involves comparing lists of individuals serving in office for a specific period against reconstructed population estimates from taxation sources. Using this methodology, Forrest has demonstrated that individuals acting as trustworthy men between 1337 and 1349 represented between 16% and 88% of households and between 4% and 20% of

¹³⁰ French, *Middle Sort of People*, 119–21.

¹³¹ DeWindt, *Land and People*, 229; Olson, *Chronicle of All that Happens*, 150.

¹³² Britton, *Community*, 73–4.

¹³³ Larson's figures represent minimum estimates as they are based on families recorded in one land survey rather than a full reconstitution. See Larson, 'Village voice', 696.

¹³⁴ Razi, 'Toronto School's reconstitution'.

the total population of seven villages in Lincolnshire.¹³⁵ The approach adopted here employs very similar techniques to Forrest, but uses average numbers of individuals serving in all offices over specific periods to allow comparison across time.¹³⁶

Table 2.2 presents the results of this analysis. It shows the number of officers recorded as serving over a year, and over a five-year period, as a proportion of the adult male and total population of the case-study communities. Data availability improves over time, with more estimates for the sixteenth and seventeenth centuries than for the fourteenth century. However, a clear set of chronological patterns emerges, which can be described over three phases of transition in the fourteenth, fifteenth and sixteenth centuries.

Firstly, before the Black Death, the limited evidence suggests that manorial officeholding was at its least inclusive level. At Downham and Worfield, only around one in ten adult males served in any year and this rises to only one in six over five years. However, the later fourteenth century saw a dramatic increase in the proportion of the population serving, with around a third to a half of men serving per year (rising to between a half and four-fifths over five years) by c. 1400 at Downham and Horstead.

Secondly, the fifteenth century saw varying trends between manors. Downham saw a small reduction in the proportion of men serving in any year, to around one in four, with a concomitant decline in men serving over five years to one in three. Fordington, which first provides data in 1524–5, saw an even lower level of around one in seven men serving in a year and one in four over five years. However, the other manors saw higher levels and different trends. At Cratfield, which again only has sixteenth-century data, around two in five men served in a year and more than half over five years. Worfield saw a dramatic increase from its pre-Black Death level, with around three in ten men serving annually, rising to more than half over five years. Horstead also saw a continued increase from the early fifteenth century, with around six in ten men serving annually and an estimation that nearly all men on the manor would have served in a five-year period.

Thirdly, the sixteenth century again saw differing trends. The most common pattern was a moderate decline in participation rates. At Worfield, around one in five men served annually, and one in three served over five years, by 1563. By c. 1600, at Cratfield, around one in four men served annually, and two in five over five years, a pattern also

¹³⁵ Forrest, *Trustworthy Men*, 169–70.

¹³⁶ For more on this methodology as applied to jurors, see Gibbs “Open” or “closed”.

Table 2.2 *Individuals serving in manorial office as a proportion of the population*

Manor	Period	Officials recorded	Annually serving			Serving over five years		
			Mean individuals	Proportion adult males %	Proportion total population %	Mean individuals	Proportion adult males %	Proportion total population %
A Population estimate of 1327								
Little Downham	1325–30	Capital pledges, reeves, messors, tasters, bylawmen, constables	15	9–12	3	28	16–21	5–6
Worfield	1327	Jurors leet, reeves, beadles, affeerors	22	6–9	2–3	–	–	–
B Population estimate of 1377–9								
Little Downham	1384–95	Jurors baron, reeve candidates, messor candidates, tasters, bylawmen	18	29–32	9–10	32	53–8	16–17
Horstead	1412–17	Capital pledges, jurors baron, tasters, affeerors	29	50	20–2	49	85	35–8
C Population estimate of 1524–5								
Little Downham	1494–1503	Capital pledges, jurors baron, reeve candidates, messor candidates, tasters, bylawmen, constables	27	19–26	6–8	39	27–37	8–11
Horstead	1512–38	Capital pledges, jurors baron, constables, affeerors	21	55–74	17–22	33	86–116	26–35
Cratfield	1514–34	Capital pledges, jurors baron, reeve/collector candidates, tasters, constables	25	36–48	11–15	40	56–75	17–23

Worfield	1514–35	Jurors leet, jurors baron, reeve candidates, beadles, tasters, constables, affeerors	40	26–34	8–10	69	44–60	13–18
Fordington	1538–45	Jurors leet, suitors, tithingmen, representatives of hermitage, constables, affeerors	22	13–18	4–5	39	23–31	7–9
D Population estimate of 1563								
Little Downham	1554–77	Capital pledges, jurors, constables	27	22–3	7	49	41–3	12–13
Worfield	1561–73	Jurors leet, jurors baron, beadles, tasters, constables, affeerors	38	19–20	6	62	31–3	9–10
E Population estimate of 1603								
Horstead	1587–99	Capital pledges, jurors baron, constables, affeerors, pig reeves	17	29–37	9–11	27	45–59	14–18
Cratfield	1592–1620	Capital pledges, jurors baron, constables	24	20–6	6–8	41	34–45	10–13
Fordington	1626–40	Jurors leet, jurors baron, tithingmen, representatives of hermitage, reeves, messors, fieldreeves, constables, affeerors	38	18–23	5–7	59	29–35	9–11

Sources: CUL, EDR, CII/1/1–3, CII/3/10–11; KCAR/6/2/87/1/1/HOR/33–35, KCAR/6/2/87/1/1/HOR/37, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/53–54, KCAR/6/2/38/1/1/COL/376; SA, P314/W/1/1/1–4; P314/W/1/1/514–649; P314/W/1/1/725–799; CUL, Vanneck Box/3–4; TNA, SC 2/170/2–3; SC 2/170/14–16; Table A3.1.

seen at Horstead, where one in three men served annually and around half of men served over five years. However, Downham and Fordington buck this trend, with an increase in the proportion of individuals serving. While the proportion of men serving annually at Downham remained the same by 1563, at just less than one in four, the proportion serving over five years grew to half. At Fordington, the change was even more dramatic, with an increase to one in five men serving per year and one in three over five years.

These trends reveal a significant amount of variation in terms of both trajectories over time and absolute differences in proportions of the population serving in office between localities. For instance, throughout the three centuries under study, Horstead saw around twice the proportion of men serving in office that Downham and Cratfield did. However, despite this high degree of local idiosyncrasy, four inter-related conclusions can be drawn. Firstly, there is no clear trend of a new level of social exclusivity in officeholding in the early modern period. While some manors did see a decline in the proportion of the population serving over the sixteenth century, other manors saw the opposite trend. More importantly, participation rates throughout the era after the Black Death remain higher than those seen in the early fourteenth century. This suggests it was the years around 1300, rather than around 1600, which saw the most restricted, and ‘oligarchical’, period of local governance.

Secondly, much of the change over time and between communities seems to have been driven by differing population sizes around fixed requirements to fill all offices on the manor. All the communities examined saw at least twelve men regularly empanelled for each type of jury, following the legal principle that twelve men were required to make a lawful judgement.¹³⁷ The minimum requirement to staff these juries, as well as other offices, did not change significantly across time or between different sizes of communities, even as underlying population numbers varied. This helps explain the dramatic increase in the proportion of the population serving after the Black Death, with populations at the manors explored declining by more than half by the late fourteenth century or remaining at half their pre-Plague level by the early sixteenth century. It similarly explains the decline in the proportion of the population serving over the sixteenth century at several of these manors as part of the demographic recovery of this era.¹³⁸

¹³⁷ Gibbs, “Open” or “closed”.

¹³⁸ S. Broadberry, B.M.S. Campbell, A. Klein, M. Overton and B. van Leeuwen, *British Economic Growth, 1270–1870* (Cambridge, 2015), 29–30.

Officials in the Wider Population

Thirdly, however, it would be inaccurate to see proportions of the population serving as being entirely a result of demographic dynamics. Proportions serving were a function not just of the population denominator, but also of changes in the numbers-serving numerator. Both Downham and Worfield saw increases in the average number of individuals serving over the fourteenth and fifteenth centuries, which in part explains the rise in the proportion of men serving after the Black Death and why this did not dramatically decline even as population recovered in the later fifteenth century. Similarly, even though Fordington's population grew over the sixteenth century, the number of individuals serving grew faster, in part owing to the emergence of new officers such as jury baron and fieldreeve in the 1570s. Conversely, while at Horstead the proportion of the population serving increased even as numbers serving declined over the fifteenth century, thanks to an even sharper demographic decline in this community, in the sixteenth century the drop in proportion serving was a factor of not only population growth but also a continued fall in numbers serving. This suggests some role for human agency to affect entitlement to office, and that these trends show an aim to adjust officeholding in relation to population changes.

Finally, in absolute terms, after the Black Death it is hard to see manorial officeholding as highly restricted in terms of the proportion of the *adult male* population serving. Even at an absolute minimum, one in eight men served in office in any given year, and this rises to one in five over five years. This broadly suggests that many men living in village communities would have served in manorial office at some point during their lifetimes. While drawing comparisons with other estimates is difficult owing to the wide range of methodologies utilised, the evidence for officeholding seems to compare favourably with French's estimates for seventeenth-century parochial officials: if 40–50% of male householders would serve at least once in their *whole lifetime*, similar proportions for manorial office over *only five years* suggest a more open institution. Similarly, greater proportions of the population served as manorial officeholders after the Black Death at approximately 7–38% *over five years* than served as trustworthy men in Lincolnshire at 4–20% *over the twelve years between 1337 and 1349*. Before the Black Death, manorial officials at Downham seem more in line with the estimates for trustworthy men at 5–6% over five years. In summary, post-Black Death manorial officeholding, from the viewpoint of the proportion of men serving, seems to have been a relatively open institution.

Examining officeholding against population provides evidence of a pattern of relative openness after the Black Death. However, even if a large proportion of adult men could expect to serve in office across their lifetimes, suggesting widely dispersed access to manorial office, it is important to consider inequality in officeholding among this wide pool of individuals. Doing so provides a corrective to an optimistic picture of wide participation. While many men may have served, a core group held office a disproportionate amount of times at several of the case-study manors.

Selected Officials

Firstly, the distribution of service is explored for selected officials who served year-long terms after being chosen in court. For this analysis, these officials are divided into three different categories. The first, including reeves, messors and beadles, encompasses officials whose role was to meet seigniorial requirements and obligations, such as managing the demesne and collecting rents. The second, including bylawmen and fieldreeves, encompasses officials created through the efforts of the community of tenants (or at least an elite subset of them) to monitor specific rules about common resources and agriculture. The third category is made up of tasters and tithingmen, who had their origins in meeting royal obligations around peacekeeping and the assize of ale. This division is very loose, with reeves, messors and beadles often enforcing restrictions around communal concerns, and the tithingmen at Fordington also presenting business connected to the lord and community.¹³⁹ However, categorisation provides a crude way to assess whether officers meeting different purposes saw different patterns of selection. It reveals that patterns seemingly varied more by locality than by type of office, but that even at the same manor, different types of office could see radically different inequality in selection. This suggests local cultures around officeholding, rather than the function or selection method of specific offices, governed how far they were dominated by a few individuals.

The graphs in [Figures 2.1–2.3](#) look at the distribution of officeholding in various roles among individuals who served at least once in these roles. All individuals are divided into quartiles, with those serving the most times in quartile 1 and those serving the least number of times in quartile 4. This

¹³⁹ See p. 64.

Patterns of Service

provides a graphical representation of the equality in the distribution of office: the more equal the bars, the greater the equality.

Figure 2.1 shows the distribution in service in the reeveship and messorship at Little Downham, the reeveship at Cratfield, and the reeveship and beadleship at Worfield. The most obvious conclusion to be drawn from this evidence relates to the dramatic differences in patterns of selection between different manors. While at Worfield (Figure 2.1d) there was some inequality in those chosen to serve as reeve, with the top quartile of servers representing 40% of selections, this largely disappears when examining those who were actually sworn in office, with the top quartile accounting for only 29% of selections. Selections to the beadleship in the same manor saw slightly more inequality, in terms of those chosen to be beadles and those who actually served in the office either for their own lands or as deputies. In both cases, the top quartile accounted for 47% of selections (Figure 2.1e). Similarly, the top quartile of both those chosen to serve and those who were actually sworn as reeve at Cratfield represented 41% of selections (Figure 2.1c). Unfortunately, while Cratfield's and Worfield's court rolls record both those chosen as

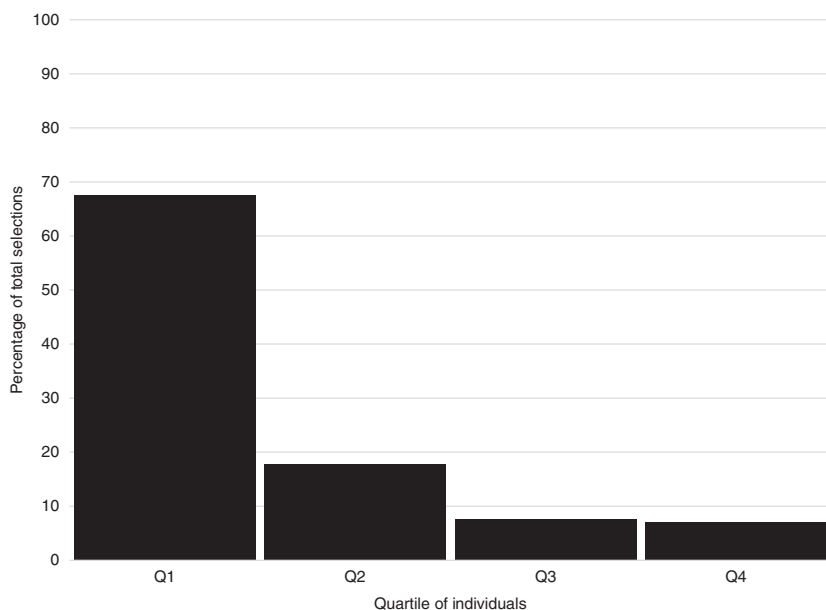


Figure 2.1 Distribution of reeve and messor selections by quartile of individuals

Figure 2.1a Little Downham reeves, 1316–1508

Manorial Officeholding and Selection Processes

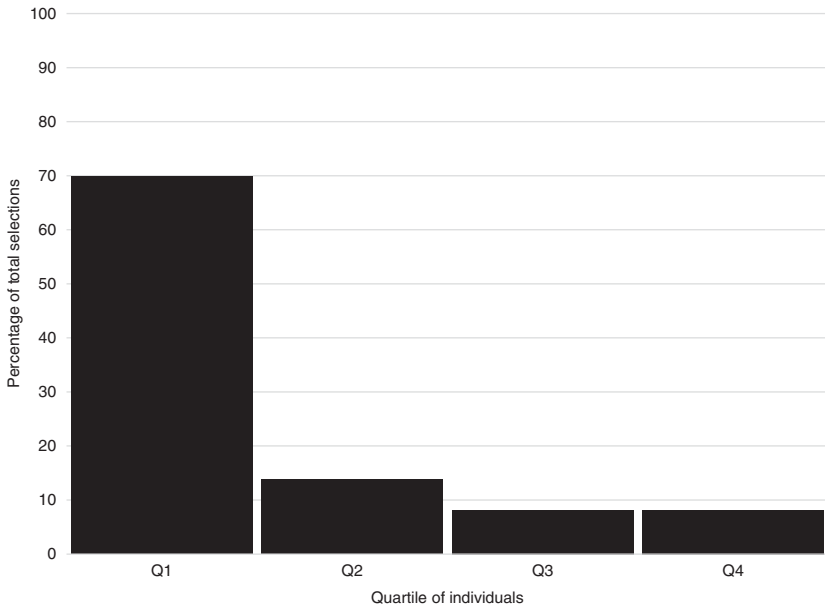


Figure 2.1b Little Downham messors, 1316–1503

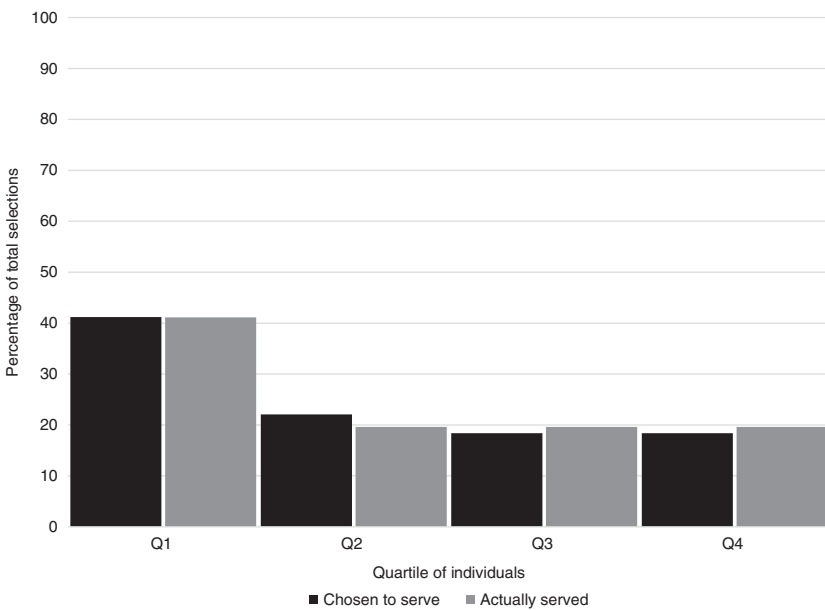


Figure 2.1c Cratfield reeves, 1402–1527

Patterns of Service

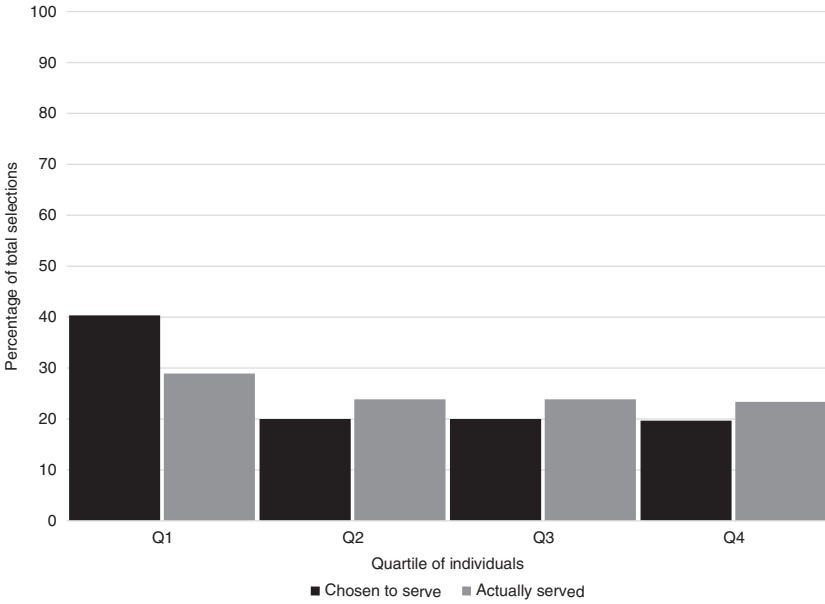


Figure 2.1d Worfield reeves, 1328–1649

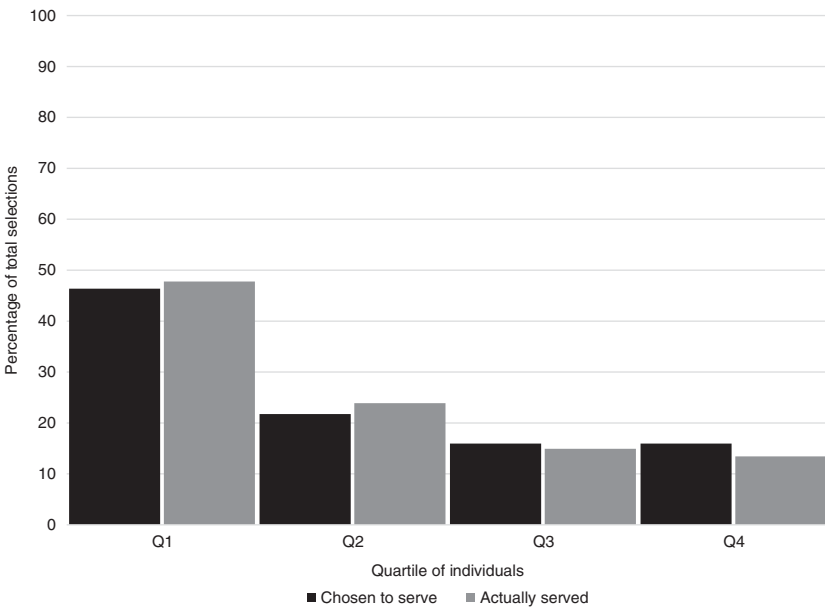


Figure 2.1e Worfield bealdes, 1571–1649

Sources: CUL, EDR, C111/1/1–3, C111/2/4–6, C111/3/7–10; CUL, Vanneck Box/3, SA, P314/w/1/1/5–837, 5586/1/257–306.

candidates for these offices and those who actually served, Downham's records do not consistently record those who actually served as reeve in a given year. However, looking at candidates alone (Figure 2.1a–b) shows a significantly more unequal pattern compared with the other manors, with the top quartile of candidates representing 68% of reeve candidates and 70% of messor candidates. Moreover, the combination of evidence from Downham's surviving account rolls, along with the names of reeves in incidental entries within court rolls, suggests that frequent selection as a candidate often led to frequent actual service as reeve. Simon Kede served at least five times, from among his eleven candidate selections, while Thomas Colleson served at least eleven times, from among his forty-one selections.¹⁴⁰ These are minimum figures, and the actual number of times these men served was likely significantly higher.

What explains these different patterns? In the case of Cratfield, selection via choice of different tenements seems to have been significant in constraining the number of times any individual tenant could serve. For example, Robert Teysard, the most frequently serving reeve at four selections, was chosen for three different tenements.¹⁴¹ Two of these, named as 'Teysard' and 'Spynk', he held directly, while in 1502 he was chosen in conjunction with William Cook and Robert Smyth as an executor of the tenement of 'Boches', whose tenant had just died. While Teysard was chosen twice for the same tenement of 'Spynk', these selections in 1489 and 1503 were fourteen years apart, suggesting that generally an effort was made to distribute service widely among the different tenements which owed this office. This prevented monopolisation, and that Teysard served frequently was due to his longevity rather than ability to dominate the office. At Worfield, there is no evidence that serving as reeve was linked to particular tenements, but there was a similar effort to distribute office widely. Here, the most frequently selected reeve (at three selections) was John Bradeney, who served when selected in 1427 and 1429, and then again in 1445, suggesting longevity was significant in him serving more than twice.¹⁴²

Slightly higher levels of concentration of service for Worfield's beadle-ship are linked to the fact that candidates were supplied by rotating the

¹⁴⁰ Kede: CUL, EDR, D10/3 m.4, 1428–9; D10/3 m.5, 1429–30; D10/3 m.9, 1430–1; D10/3 m.10, 1431–2; D10/3 m.11, 1434–5; Colleson: C11/2/4, m.2, 7 Jul. 1400; C11/2/4, m.33, 27 Jun. 1407; C11/2/4, m.23, 22 Nov. 1409; C11/2/4, m.26, 4 Dec. 1410; D10/3 m.1, 1411–2; D10/3 m.2, 1412–3; D10/3 m.6, 1414–5; D10/3 m.7, 1415–6; D10/3 m.8, 1418–9; D10/3 m.3, 1423–4.

¹⁴¹ CUL, EDR, Vanneck Box/3, Edward IV roll, m.7, 7 Oct. 1467; Henry VII roll, m.4, 26 Oct. 1489; m.19, 3 Dec. 1502; m.21, 10 Nov. 1503.

¹⁴² SA, P314/W/1/1/272, 3 Oct. 1427; P314/W/1/1/275, 4 Oct. 1429; P314/W/1/1/297, 9 Oct. 1445.

Patterns of Service

office among the landholders within the specific hamlet of Hallon. This meant that the same individual was often selected as beadle multiple times in succession (as they had engrossed several lands which owed the obligation) and with gaps of a few years (as they were selected across multiple rotations). For instance, William Davenport was selected annually in 1612–14, and then again in 1620, 1627 and 1635.¹⁴³ Concentration was also seen among those actually sworn in office owing to the frequency of deputisation, sometimes for specific reasons such as being ‘deaf’ or ‘beyond the seas’, but also in many cases because tenants with honorifics such as gentleman presumably did not want to serve.¹⁴⁴ The deputies chosen to replace such men were frequently other landholders in the vill, and perhaps even subtenants of these men who created engrossed holdings through a combination of direct tenancy and subtenancy.¹⁴⁵ For example, William Warter was selected twice in respect of his own half virgate in 1580 and 1596, presumably reflecting one complete cycle of the beadleship rotation.¹⁴⁶ However, he also served as deputy in 1582, 1583 and 1590, holding the office three times more in the rotation.¹⁴⁷ While earlier selections of the beadle are only patchily recorded, the longevity of a pattern of more concentration is evident in three periods in the rolls when beadle selections are well recorded, namely 1326–9, 1429–54 and 1506–20, with at least one individual serving twice in each of these time-frames.¹⁴⁸

At Downham, a more extreme pattern emerges, with a few men dominating the offices of reeve and messor. Most prominent is Thomas Colleson, who appeared an outlying forty-one times as a reeve candidate, thus accounting singlehandedly for 21% of total selections. Year-on-year selection of the same individuals for the reeveship and messorship facilitated this pattern. For instance, Thomas Colleson was a candidate for reeve forty-one times between 1385 and 1435, in forty-four recorded selections, while William Scut was a candidate in every recorded selection for 1386–1407.¹⁴⁹ Thus, for certain periods, the same candidates were chosen in an overwhelming majority of years.

¹⁴³ SA, 5586/1/271, 15 Oct. 1612; 5586/1/272, 11 Oct. 1613; 5586/1/273, 10 Oct. 1614; 5586/1/279, 2 Oct. 1620; 5586/1/285, 4 Oct. 1627; 5586/1/294, 8 Oct. 1635.

¹⁴⁴ SA, P3 14/w/1/1/797, 14 Oct. 1579; 5586/1/296, 6 Oct. 1636.

¹⁴⁵ J. Thirsk, *English Peasant Farming: the Agrarian History of Lincolnshire from Tudor to Recent Times* (London, 1957), 14; S. Hipkin, ‘The structure of landownership and land occupation in the Romney Marsh region, 1646–1834’, *AgHR*, 51 (2003), 69–94, at 93–4.

¹⁴⁶ SA, P3 14/w/1/1/799, 27 Sep. 1580; P3 14/w/1/1/831, 16 Sep. 1596.

¹⁴⁷ SA, P3 14/w/1/1/804, 27 Sep. 1582; P3 14/w/1/1/806, 3 Oct. 1583; P3 14/w/1/1/818, 14 Oct. 1590.

¹⁴⁸ SA, P3 14/w/1/1/1–8, 275–309, 502–659. ¹⁴⁹ CUL, EDR, C11/1/3, C11/2/4–6

Manorial Officeholding and Selection Processes

While Fordington's reeve and messor selections are recorded too infrequently for a thorough quantitative analysis to be undertaken, reeve selections here look to have been similar to those at Worfield and Cratfield, with little evidence of year-on-year selection until the end of the period examined, when William Miller was chosen four times between 1643 and 1647.¹⁵⁰ However, messor selections at the same manor were radically different, with year-on-year selection of Robert Cosens for 1626–32 and 1644–7 and William Dilly for 1633–43.¹⁵¹ This warns against a simple classification of manors into more restrictive and more distributive regimes, suggesting both types of selection patterns could exist for different offices at the same manor.

Shifting attention to officials instituted by bylaws, a different pattern might be expected. Such officers were more focused on tenants' requirements rather than on those of the lord, and thus may have been subject to more inclusive selection practices. [Figure 2.2](#) shows distribution patterns for the two best recorded of these types of offices, namely bylawmen at fourteenth-century Downham and fieldreeves at late sixteenth- and seventeenth-century Fordington. The results suggest that, despite their more communal focus, bylaw offices were also unequally distributed, with a few prominent officials monopolising opportunities to serve. While at Downham patterns of service were slightly more equal than for Reeves and messors, the most prominent quartile of servers still accounted for 54% of total selections ([Figure 2.2a](#)). Again, this pattern was largely the result of repeated selections of the same individuals to office. John Rote was selected in nine of fifteen selections for 1398–1414, and William Scut was chosen in eight of sixteen selections for 1376–1402.¹⁵² Changes in the number of bylawmen operative also concentrated the office. While between 1311 and 1328 eight to twelve bylawmen were chosen in selections, preventing extreme concentration, from 1334 onwards this dropped to between two and six bylawmen.¹⁵³

The patterns of selection of those chosen to be fieldreeves at Fordington saw a more equal distribution, with the top quartile representing 38% of total selections ([Figure 2.2b](#)). However, when looking at the patterns of those who actually served, a more inequitable pattern emerges, with the top quartile representing 49% of total selections. The reason for this difference is a process of deputisation in which those chosen to serve were replaced by another tenant. While selection to the

¹⁵⁰ TNA, SC 2/170/14–16. ¹⁵¹ TNA, SC 2/170/14–16.

¹⁵² CUL, EDR, C11/1/3, C11/2/4–5.

¹⁵³ CUL, EDR, C11/1/1–3, C11/2/4–5. In 1402, the whole jury were named bylawmen, increasing the number serving to twelve, but this was not a permanent change. CUL, EDR, C11/2/4, m.7, 25 Jul. 1402.

Patterns of Service

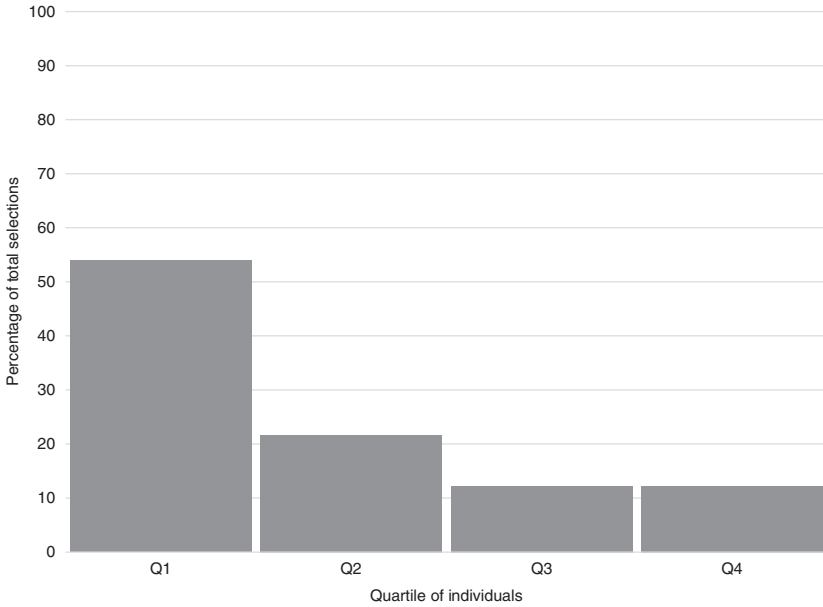


Figure 2.2 Distribution of bylawmen and fieldreeve selections by quartile of individuals

Figure 2.2a Little Downham bylawmen, 1311–1414

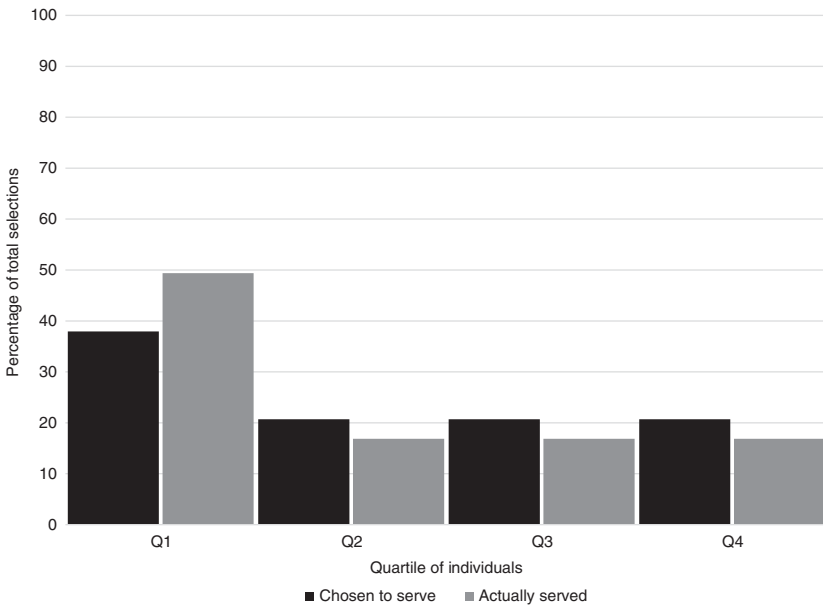


Figure 2.2b Fordington fieldreeves, 1574–1648

Sources: CUL, EDR, C11/1/1–3, C11/2/4–5; TNA, SC 2/170/9–16.

position of fieldreeve was relatively widely distributed among eligible candidates, with only two individuals being chosen three times (the maximum of any individual), deputisation was far more concentrated. For instance, Robert Cosens acted as deputy for one of the two fieldreeves in nine of seventeen recorded selections between 1625 and 1646, and William Dilly acted as deputy in six of ten selections between 1633 and 1643.¹⁵⁴ While this process of deputisation did concentrate the position of fieldreeve in fewer hands, this is likely not an example of monopolisation of office by an elite, as it occurred through the preference of a wider set of appointees not to serve. Instead, especially as those deputised frequently served simultaneously as reeves, this is probably more a sign of professionalisation in officeholding as would occur for various parochial offices in the late seventeenth and eighteenth century.¹⁵⁵

Finally, examining the selection of tasters at Downham, Cratfield, Worfield and Horstead reinforces the same picture of differences in distribution of service across manors seen for the other sets of officials (Figure 2.3). Despite the fact that, at least in theory, tasters performed their office to meet royal obligations, patterns mirror those of other manorial offices. Cratfield, Horstead and Worfield (after 1409) saw a similar pattern of largely equal distribution of service, with the highest serving quartile only accounting for between 33% and 37% of all selections (Figure 2.3b–d). This was due to a wide rotation of office, and those who served multiple times tended to do so several years apart. For instance, at Cratfield, Robert Walhaugh was sworn in 1437, 1442, 1450 and 1461, while at Horstead, John Humfrey was sworn in 1452, 1468 and 1473, with neither of these relatively prominent tasters serving more than once in five years.¹⁵⁶

This pattern can be contrasted with Downham, where the top quartile of servers represented 49% of total selections for this office (Figure 2.3a). Again, this was due to continuous year-on-year service.¹⁵⁷ For example, John Gysles held office in two near-continuous periods of service, being chosen four times in 1409–14 and a further eight times in 1418–26.¹⁵⁸ Interestingly, before 1409 the method of selection at Worfield followed a similar pattern to Downham, leading to a similar concentration of

¹⁵⁴ TNA, SC 2/170/14–16.

¹⁵⁵ Goldie, 'Unacknowledged republic', 169–70; J. Miller, 'Touch of the state: stop and search in England, c.1660–1750', *History Workshop Journal*, 87 (2019), 52–71, at 62.

¹⁵⁶ CUL, EDR, Vanneck Box/3, Henry VI roll, m.18, 23 May 1437; m.28, 22 May 1442; m.40, 26 May 1450; m.51, 26 May 1461; KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1452; KCAR/6/2/87/1/1/HOR/39, m.17, 11 Jun. 1468; m.29, 11 Jun. 1473.

¹⁵⁷ CUL, EDR, C11/1/2–3, C11/2/4–6. ¹⁵⁸ CUL, EDR, C11/2/4–6.

Patterns of Service

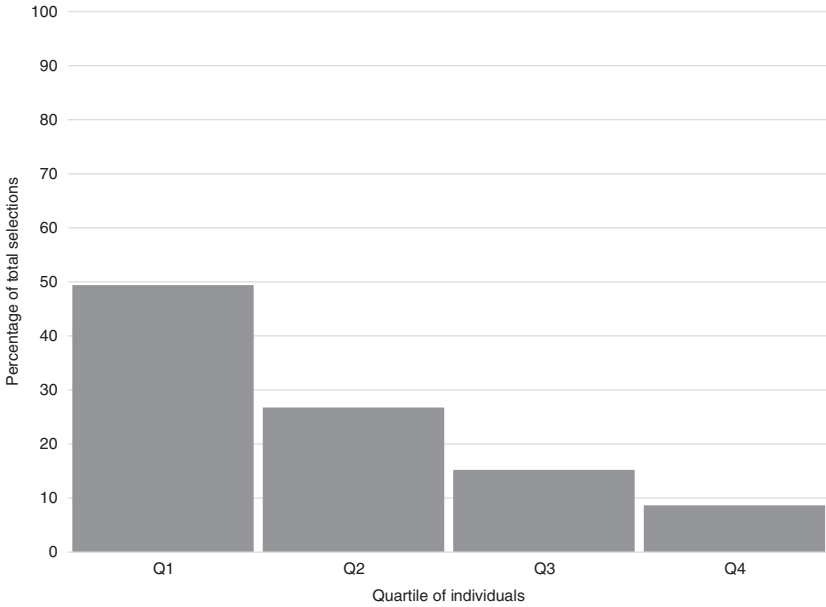


Figure 2.3 Distribution of taster and tithingman selections by quartile of individuals

Figure 2.3a Little Downham tasters, 1311-1508

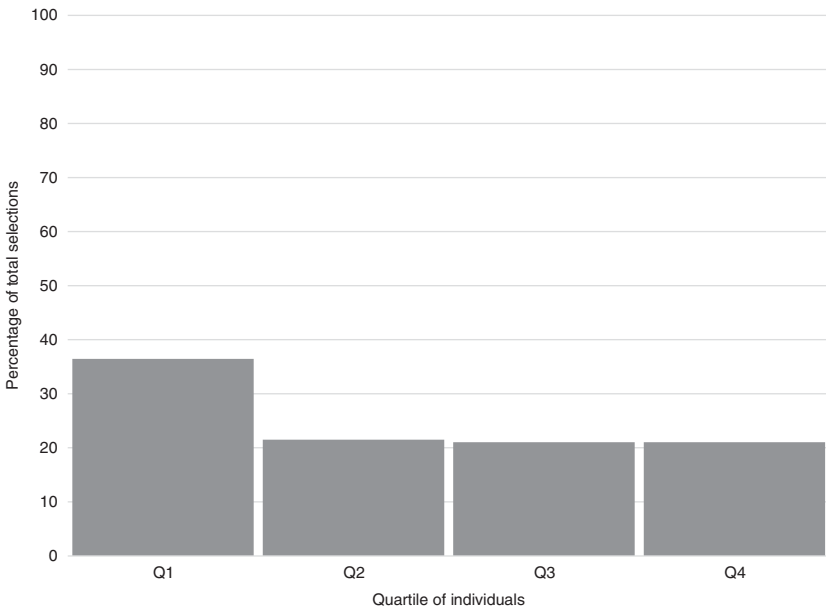


Figure 2.3b Cratfield tasters, 1401-1531

Manorial Officeholding and Selection Processes

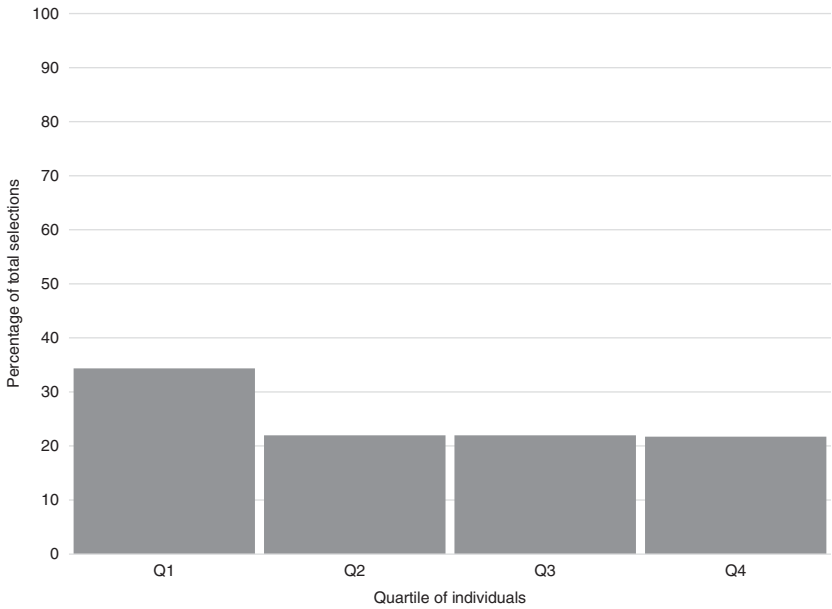


Figure 2.3c Worfield tasters, 1409–1649

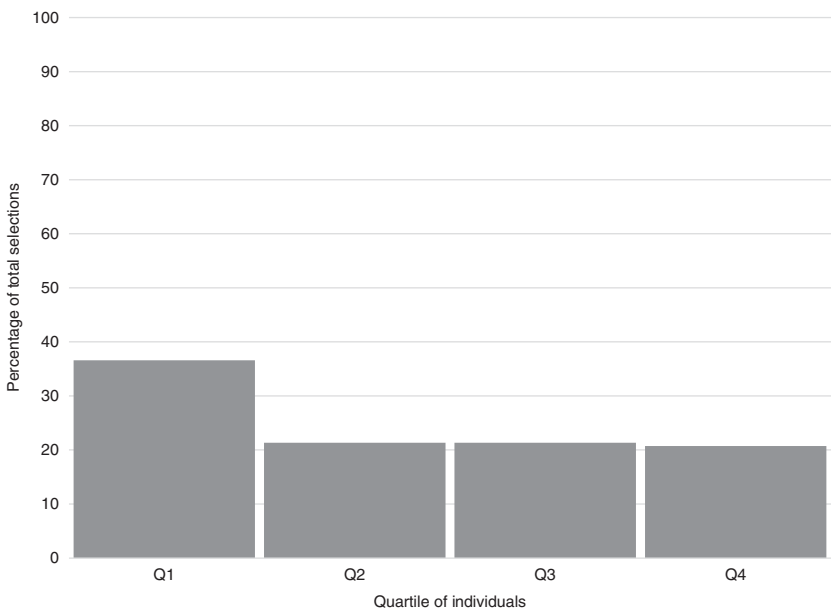


Figure 2.3d Horstead tasters, 1395–1491

Patterns of Service

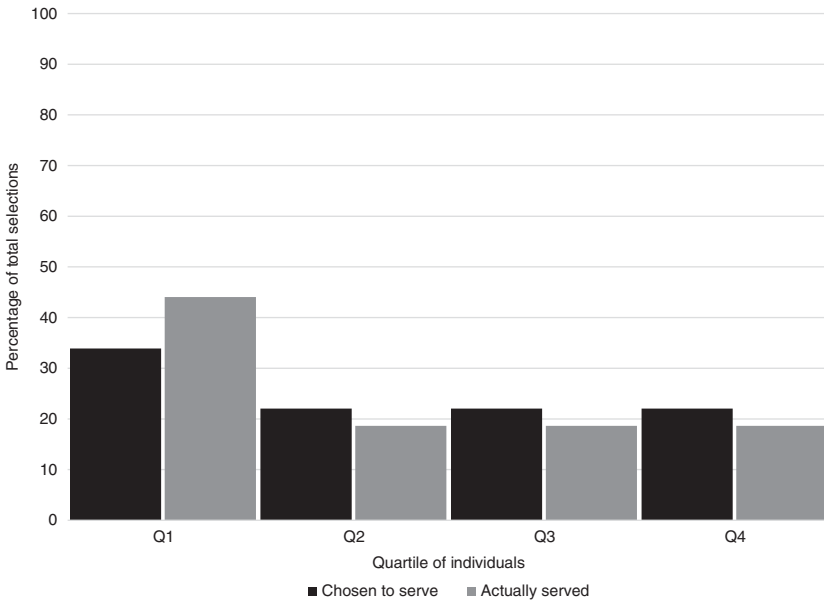


Figure 2.3e Fordington tithingmen, 1566–1647

Sources: CUL, EDR, C11/1/1–3, C11/2/4–6, C11/3/7–10; CUL, Vanneck Box/3; KCAR/6/2/087/1/1/HOR/26–41; SA, P314/W/1/1/238–837, 5586/1/257–306; TNA, SC 2/170/6–16.

officeholding. Tasters often served for long terms when chosen, meaning that only fifty individuals are recorded as serving between 1328 and 1405.¹⁵⁹ These men served in continuous blocks. For instance, Roger Hitchcocks and William Huggen served continuously between 1362 and 1368, and it is probable that Adam Swancote and William Heyne did between 1328 and 1336.¹⁶⁰

For tithingmen, as an alternative royal office present at Fordington, the pattern reflects that for the manor's fieldreeves, again suggesting locality rather than type of office was significant in determining the distribution of service. Tithingmen were seemingly freely chosen by each of the eastern and western tithings, as revealed by an occasion in 1366 when the entire western tithing was amerced for failing to choose a tithingman.¹⁶¹ Looking at the pattern of selections, while individuals in the top quartile represented only 34% of selections of those chosen to serve, their share

¹⁵⁹ SA, P314/W/1/1/5–233. ¹⁶⁰ SA, P314/W/1/1/52–68; P314/W/1/1/5–19.

¹⁶¹ TNA, SC 2/169/31, m.9, 21 Dec. 1366.

Manorial Officeholding and Selection Processes

jumps to 44% of those who actually served (Figure 2.3e). This concentration was driven by a process of deputisation and professional office-holders again appear at the fore, with Robert Cosens acting as a deputy for one of the two tithingmen in five of ten selections between 1628 and 1639 and John Lawrence in four of seven selections between 1634 and 1640.¹⁶²

An examination of selected officials suggests that local cultures of officeholding, rather than differences in the mechanisms of selection, or whether an officer more obviously served lord, tenants or crown, determined how far office was concentrated in the hands of a few. While no office in any manor was distributed entirely evenly, Horstead saw a relatively equal distribution among those serving as taster and Worfield saw similar patterns among those serving as reeve and taster after 1409. Little Downham, conversely, saw radically unequal distribution of office among those serving as reeve, bylawman and taster. Cratfield and Fordington saw different patterns among different types of office, with the former seeing a relatively equal distribution of service among those serving as taster but a more unequal (if not at the same levels as at Downham) distribution of the office among those serving as reeve. Fordington similarly saw relatively equitable distribution among those serving as reeve, but more inequality in service between those serving as messor, fieldreeve and tithingman, although this was driven by a process of optional deputisation rather than restriction. Worfield also saw slightly more unequal distribution of the beadleship owing to it being provided by a subset of the community. If the patterns outlined defy a simple relationship between selection system or purpose of office and selection patterns, they at the same time demonstrate that tenants themselves seemingly had significant impacts over patterns of selection. Therefore, it was at least possible for subsets of the population to dominate particular offices in a way that prefigures the monopolisation of parochial office by early modern middling sorts.

Empanelled Officials

Examining the distribution of service among presentment juries provides more universal evidence for manorial offices being concentrated in the hands of an elite group. Table 2.3 summarises the distribution of service amongst capital pledges, jurors leet and jurors baron for select five-year periods between 1300 and 1650. The table provides ‘concentration ratios’

¹⁶² TNA, SC 2/170/14–16.

Patterns of Service

Table 2.3 *Concentration ratios for presentment jurors*

Period	Horstead	Cratfield	Little Downham	Worfield	Fordington
A Capital pledges and jurors leet					
Early fourteenth century	–	–	0.88 (1310–14)	–	–
Mid-fourteenth century	–	–	0.76 (1365–9)	–	–
Early fifteenth century	0.84 (1400–4)	0.96 (1405–9)	–	0.79 (1400–4)	–
Mid-fifteenth century	0.86 (1450–4)	0.88 (1450–4)	0.90 (1460–4)	0.76 (1450–4)	–
Early sixteenth century	0.87 (1490–4)	0.83 (1500–4)	0.85 (1500–4)	0.58 (1500–4)	–
Mid-sixteenth century	0.83 (1550–4)	0.85 (1550–4)	0.79 (1555–9)	0.71 (1550–4)	0.70 (1545–9)
Early seventeenth century	0.67 (1595–9)	0.87 (1615–19)	0.57 (1610–14)	0.66 (1600–4)	–
Mid-seventeenth century	–	0.81 (1645–9)	0.54 (1645–9)	0.58 (1635–9)	0.73 (1640–4)
B Jurors baron					
Mid-fourteenth century	–	–	0.82 (1365–9)	–	–
Early fifteenth century	0.52 (1410–14)	0.57 (1400–4)	0.88 (1400–4)	0.76 (1400–4)	–
Mid-fifteenth century	0.60 (1450–4)	0.74 (1450–4)	0.66 (1465–9)	0.58 (1450–4)	–
Early sixteenth century	0.59 (1490–4)	0.64 (1500–4)	–	0.60 (1500–4)	–
Mid-sixteenth century	0.78 (1535–9)	0.64 (1550–4)	–	0.71 (1550–4)	–
Early seventeenth century	0.84 (1590–4)	–	0.62 (1605–9)	0.71 (1595–9)	–
Mid-seventeenth century	–	–	0.59 (1645–9)	0.66 (1645–9)	0.53 (1635–9)

Notes: Precise quinquennia used in each case are given in brackets.

Sources: Gibbs, ““Open” or “closed””; CUL, EDR, C I I / 8, C I I / 10; SA, 5586/1/257–62, 5586/1/293–98, 5586/1/301–6; CUL, Vanneck Box/3–4; TNA, SC 2/170/3–4, SC 2/170/14–16.

for each of these periods. This is a standardised measurement between 0 and 1, with 0 representing the most equal possible distribution of jury service and 1 representing the most unequal distribution of jury service.

Manorial Officeholding and Selection Processes

Thus the higher the number, the less equally acting as juror was distributed among those serving in a given five-year period.¹⁶³

The data reveals two key patterns. Firstly, and most significant, there was consistently a relatively high level of inequality in service among presentment jurors at the case-study manors. In all quinquennia, concentration ratios stood above 0.5, demonstrating that jury service was always closer to the most unequal rather than equal pattern possible. Generally, jury service was dominated by a core group who served in the majority of lists across the five-year period, with other individuals tending only to serve once or twice.

Secondly, there is no universal shift towards a more unequal distribution in the early modern period as the theory of the rise of the middling sort would predict. Within the context of significant variation between periods, the only presentment jury which saw a clear upward trajectory in inequality was Horstead's jury baron, which shifted from a ratio ranging between 0.52 and 0.6 in the fifteenth century, to one reaching between 0.78 and 0.84 in the sixteenth century. However, Downham saw the opposite trend. For capital pledges, there was a fall in ratios from between 0.76 and 0.9 for the fourteenth to sixteenth century, to between 0.54 and 0.57 for the seventeenth century, and for jurors baron, ratios fell from between 0.82 and 0.88 for the fourteenth and early fifteenth century to between 0.59 and 0.66 for the late fifteenth to seventeenth century. Worfield also saw a small fall in inequality for jurors leet between the fifteenth and sixteenth centuries and for jurors baron from the early fifteenth century. Cratfield saw little change over time, with high ratios for its capital pledges throughout the period studied, while juries baron remained at a more equal level.

OFFICEHOLDING ELITES

The previous analysis has demonstrated that there was a degree of inequality in the distribution of all manorial offices across all manors. This inequality was universal for manorial juries, although there is some evidence for a move to more equality in service in the late sixteenth and seventeenth century. For selected officials, different manors saw different patterns, suggesting an important role for local cultures of officeholding in creating more or less unequal distributions of service in office.

A different perspective is given by examining those individuals that seem particularly prominent across various offices, rather than all

¹⁶³ For a detailed discussion of this methodology, see Gibbs "Open" or "closed", appendix D.

Officeholding Elites

officeholders. Here, the top fourteen or fifteen most prominent men have been studied at each manor for two time-frames, one a period of relatively high numbers involved in officeholding per year, and one a period of relatively low numbers. For each period, the total proportion of recorded services in each type of office held by these fourteen or fifteen men, as opposed to all other individuals, has been calculated.¹⁶⁴ Through contrasting these specific periods, it is possible to see some differences between manors and change over time, but also that generally the most prominent individuals served a disproportionately large number of times.

Beginning with Downham, the periods 1373–1434 and 1552–82 have been examined.¹⁶⁵ The former reflects an era of low annual participation in officeholding. Unfortunately, the second period is less complete, with six years of missing data, but provides a comparator, being an era of significant increase in the number of individuals holding office annually. The picture for 1373–1434 is one of domination by a small set of individuals of all offices excepting that of taster, with these fourteen men taking more than half of services as bylawman, messor, reeve and juror baron. Interestingly, while men could serve across all offices, the reeveship and messorship seem to have been split up between two groups, with prominent men specialising in one of these offices, although John Lovechild and Simon Kede do buck this trend. While lists of capital pledges were only made infrequently in this period, the fact that nine of the fourteen most prominent men appear in this role suggests the possibility of monopolisation.

The picture for 1552–82 is slightly different. Even though the number of offices to fill had reduced to three, meaning that even more concentration in the remaining offices might be expected, the most prominent men in this period held a smaller 36% of the total juror baron services, and an only moderately larger 38% of capital pledge services. More significantly, this group did not dominate the, admittedly slight, nine selections of fenreeves. However, this reduction in the number of services held by the most prominent group was relatively minor, and in absolute terms, the greatest-serving individuals were still serving disproportionately despite increases in the total number serving per year.

For Worfield, the same exercise was performed for 1400–40 and 1559–1600, again encompassing a period of lower and higher numbers of individuals per year in officeholding, respectively.¹⁶⁶ For 1400–40,

¹⁶⁴ This measure expresses the number of times the most commonly named officeholders appear in each office as a proportion of the total number of opportunities to serve in each office ('services') recorded in a specific time-frame.

¹⁶⁵ CUL, EDR, C11/1/2–3, C11/2/4–6, C11/3/10–11.

¹⁶⁶ SA, P314/W1/1/215–292, P314/W1/1/725–838.

Manorial Officeholding and Selection Processes

a similar pattern to Downham for 1373–1434 can be seen in terms of jury service, with the top fifteen individuals again holding more than 50% of juror baron services, and exactly 50% of juror leet services. However, the pattern for the reeveship is very different, with only five of the fifteen appearing and only making up 10% of services, reflecting the contrast in the distribution of this office between the manors (Figure 2.1). Furthermore, in the admittedly small sample of six selections to the beadleship, only William Wermod and Roger Gerbod appear, with the other four services held by men not in the top fifteen.

As at Downham, the growth of the number of those serving as officials does seem to have reduced the share of the most prominent men, with the top fourteen for 1559–1600 holding 43% of jury baron services and 33% of jury leet services, a reduction on the previous period. Conversely, however, this group's service as reeves and tasters was significantly higher (at 15% and 17%, respectively), though still well below that of Downham at the turn of the fifteenth century. Only one of the fourteen, Richard Rowlowe, served as beadle; however, he did serve in nearly 30% of opportunities to hold this office. Thus, much like at Downham, the increase in the number of individuals serving seems to have had a very modest effect in reducing the influence of a core group of officeholders.

Cratfield provides a picture of less dominance of office than at Downham and Worfield. In the first period examined, 1402–50, the most prominent individuals held a slightly smaller share of jury services, at 31% of capital pledge services and 45% of juror baron services.¹⁶⁷ In a similar picture to that of fifteenth-century Worfield, these men also did not dominate the reeveship, and the nine prominent men who served in this office only accounted for 19% of services, reflecting the wide distribution of this office (Figure 2.1). Interestingly, even though Cratfield saw the opposite trend, with a reduction in the number of men serving per year in the sixteenth century, the period 1530–85 saw a modest decline in the share enjoyed by the most prominent men. While the share of capital pledge services remained similar for the most prominent men, their share of jury baron services dropped to 35%. No prominent men served as taster before the office disappeared in 1531.

The two periods examined for Horstead, 1442–94 and 1510–61, differ from the patterns seen previously owing to the existence of the separate juries baron for the Horstead and Coltishall fees.¹⁶⁸ No individual was able to dominate both juries in either period, and the only man whose prominence was a result of service across both was William Mowtyng.

¹⁶⁷ CUL, Vanneck Box/3

¹⁶⁸ KCAR/6/2/87/1/1/HOR/36–41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48–51

Officeholding Elites

Contrasting the two periods, a decrease in the total numbers serving per year caused a greater proportion of services to be held by the most prominent individuals. This increase is most drastic in terms of the jury for the Coltishall fee, rising from 29% to 37%, which suggests that this office was becoming considerably more concentrated in a few hands. However, the picture for capital pledges and Horstead jurors is again one of modest change, with increases in proportion of only a few percentage points (from 38% to 40% and from 34% to 35%, respectively).

Fordington apes Horstead in that there was some movement towards greater dominance of office by prominent officials over time. However, this occurred in a period of increase in numbers serving per year between the two periods of 1537–79 and 1625–48.¹⁶⁹ The proportion for jurors leet climbed modestly from 43% to 50% and the prominent individuals moved from holding 43% of suitor services to more than half of juror baron services. While only two of these men served as fieldreeves in 1537–79, fourteen served in this position in 1625–48, leading them to control a significantly larger share of services. However, the proportion of reeve and tithingman services held by this group did decline modestly (from 29% to 23% and from 27% to 19%, respectively).

The data presented here reinforces the clear difference between Downham, where in the earlier period significant jury baron service was strongly correlated with monopolisation of other annually selected offices, and Worfield, Cratfield and Fordington, where service as reeve by these elites was far more modest. However, in other ways it suggests commonalities. At all manors, being a taster was a less attractive office, with the most prominent officeholders seeing relatively low service in this office, even when they monopolised other positions.

A more striking similarity provides a valuable corrective to some of the approaches seen above. At all manors in all time periods, there was a core group who did serve a disproportionate number of times in office. The fourteen or fifteen most prominent individuals, who made up between 6% and 13% of all individuals serving in office in these periods, never held less than 30% of available services as juror baron, juror leet or capital pledge. Increasing participation at Worfield and Downham did reduce the dominance of this group, which saw its share drop by 10–20%. However, this seems to signal a potential moderate reduction in influence rather than a sea change, and at Fordington, as numbers serving increased, so did the elite's share of services. Thus, even as a large proportion of adult males served as part of the manorial officeholding group, the internal dynamics of this group retained a strongly unequal character.

¹⁶⁹ TNA, SC 2/170/2–10, 14–16.

CONCLUSION

Detailed examination has revealed that a single designation of 'participatory' or 'restrictive' cannot be applied to manorial officeholding in the late Middle Ages or early modern period. Even though selection practices varied between rotation, free choice and hybrid systems, communities of tenants typically had significant power over who they selected as officials. This was rooted in systems of collective responsibility which made tenants nominally responsible for the failures of demesne managers working for lords and adult males responsible for breaches of the peace by men from their tithing. Who in the community actually had power in these decisions is harder to uncover: it seems likely that juries whose responsibilities stretched beyond sessions and were characterised by low rates of turnover had some sort of corporate and exclusive identity, while descriptions claiming that the 'whole homage' or 'all the customary tenants' chose officials must be treated with care. Thus, it is likely that an elite group had some capacity to monopolise office through controlling selection systems.

Examination of actual patterns of selection reveals that officeholding regimes defy simple characterisation as open or closed, but instead combined both elements in a two-tier system. Officeholding was undoubtedly restricted to a narrow segment of the population owing to the exclusion of the landless (as many offices were tied to specific landholdings) and the very limited participation of women even if they held land. However, among adult men, officeholding looks to have been relatively open in the post-Plague era, with at least one in eight men serving in office in any given year and one in five over five years. This supports the observation by members of the Toronto School that many families were represented in manorial offices and compares favourably to estimates for early modern parochial officeholding and medieval trustworthy men, suggesting a participatory governing system.

However, within the relatively high proportion of adult males who served in manorial office, there was significant inequality in the amount of times each man served, creating polarisation between an elite of frequent servers and a wider group who served far fewer times. For selected officials, this varied significantly between locations and was seemingly due to differences in cultures of officeholding rather than whether these offices, at least nominally, met signiorial, communal or royal functions. While selection practices played a part in explaining differences, with processes of deputisation increasing restriction while rotation among landholdings could increase dispersion, ultimately it is hard to find obvious patterns. The evidence for empanelled jurors is clearer cut, with

Conclusion

a consistent pattern of inequality in service. Moreover, in any given period, a small elite of fourteen or fifteen men served disproportionately, paralleling the dominant men found by Wrightson and Levine at Terling. This evidence thus supports the recent 'toughening up' in historians' attitudes seen in studies of medieval governance, showing that a core of elites could dominate village political institutions.

However, this two-tier system also reflects some of the limitations on village elites imposed by manorial structures which worked against the outright domination of office and the wider village community more generally. On the simplest level, as Dyer has previously highlighted, there were simply a lot of positions to fill with a markedly reduced population after the Black Death, meaning that a substantial proportion of men, and likely a large proportion of tenants, were required in order to maintain manorial governance structures.¹⁷⁰ More fundamentally, monopolisation was constrained to some extent by social expectations and late medieval political culture. The pioneering work of John Watts has emphasised the 'pressure of the public' in English politics, highlighting the wide spread of political ideas and engagement among lower social groups, and the way this shaped the activity of ruling elites.¹⁷¹ Johnson has suggested that this phenomenon can be seen 'in microcosm' within rural courts, as institutional conduits that allowed villagers beyond officials to contribute to court processes meant that elites had to justify their work as acting in the wider interests of the village community.¹⁷² Moreover, the high degree of tenant choice in the selection of officials had its origins in collective liability as imposed by crown and lord, and this likely again fostered a popular element to officeholding. The two-tier system thus perhaps worked as a compromise between two impulses: on the one hand, that of a set of 'chief inhabitants' to monopolise office and, on the other, a need for genuinely wide participation among the community. Many adult males had the opportunity to contribute to manorial governance through holding office, but through frequent service, a few elites could still ensure they shaped this governance towards their own objectives.

This system, moreover, seems to have survived relatively intact into the early modern period. In terms of manorial office, the later sixteenth and early seventeenth century cannot be seen as a period of transformation, when office increasingly became restricted to a few 'chief inhabitants'. By c.1600, officeholding had seemingly become *de facto* more closed than any period since the Black Death at several of the manors studied here, if one measures closure in terms of the proportion of the

¹⁷⁰ Dyer, 'Power and conflict', 7; Gibbs, "'Open" or "closed"'.

¹⁷¹ Watts, 'Pressure of the public', 164–79. ¹⁷² Johnson, *Law in Common*, 44–5.

Manorial Officeholding and Selection Processes

total male population involved in officeholding. However, this was not a universal trend, with Downham and Fordington seeing increases in the proportion of men serving. Moreover, only at Horstead did numbers serving decline, while at Cratfield and Worfield declines in the proportion serving were driven by demographic increase. Similarly, there was no universal pattern of greater inequality in jury service, with Downham and Worfield seeing small declines in concentration ratios over time. Such a picture may not apply to parochial officeholding, but it does fundamentally question the novelty of the sixteenth and seventeenth centuries as the age of great social stratification, and the limited evidence for the pre-Black Death era suggests this may have been a far more closed period. This comprehensively challenges any simple narrative of the rise of the middling sort which both simplifies the political structures of medieval village communities and mischaracterises the degree of change between medieval and early modern.

MANORIAL OFFICEHOLDING AND UNFREEDOM

Serfdom as an element of the relationship between lords and tenants has long played a crucial role in interpretations of late medieval economic and social history. It is generally estimated that serfs made up about half of tenants in pre-Black Death England, but this proportion was often higher on manors held by great landlords or institutions.¹ An approach inspired by Marxist theories of economic development has emphasised that the relationship between lords and tenants in the medieval period was fundamentally one of exploitation.² Lords engaged in a process of ‘surplus extraction’ before 1349, using the coercive powers they held through the institution of serfdom to draw an income from the productive class of peasants.³ This income took the form of rents in cash but also in labour provided by serfs on the lord’s demesne. Serfs also made payments according to a range of feudal incidents, including tallages, a tax paid by tenants to their lord; entry fines and heriots in inheriting land; and fines and amercements applied to servile women for licence to marry and for sex and childbirth outside wedlock.⁴ Particularly crucial in the work of economists on serfdom was the ability of lords to restrict the movement of serfs, as this prevented the unfree from seeking elsewhere better alternatives to the arrangements on their manor.⁵

¹ B.M.S. Campbell, ‘The agrarian problem in the early fourteenth century’, *P&P*, 188 (2005), 3–70, at 24–36; Bailey, *Decline of Serfdom*, 97–8.

² R.H. Hilton, ‘Introduction’ in T.H. Aston and C.H.E. Philpin (eds.), *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe* (Cambridge, 1985), 2–5; Hatcher and Bailey, *Modelling*, 66–120; Schofield, *Peasants and Historians*, 84–116.

³ M. Dobb, ‘From feudalism to capitalism’ in R.H. Hilton (ed.), *The Transition from Feudalism to Capitalism* (London, 1976), 158–71, at 165; Hilton, ‘Peasant movements’, 118; R.H. Hilton, *Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381* (London, 1973), 42; R. Brenner, ‘Agrarian class structure and economic development in pre-industrial Europe’, *P&P*, 70 (1976), 30–75, at 31–2.

⁴ Hilton, *Decline of Serfdom*, 24; Bailey, *Decline of Serfdom*, 37–59.

⁵ E. Domar, ‘The causes of slavery or serfdom: a hypothesis’, *Journal of Economic History*, 30 (1970), 18–32, at 20–1.

Manorial Officeholding and Unfreedom

As serfdom was fundamentally about a political relationship, historians working in this perspective have argued that the level of extraction was dependent on the relative strength of peasants and lords.⁶ This concept is fundamental to the traditional interpretation of the end of serfdom in England in the late fourteenth and fifteenth century. It is argued that after the Black Death, lords faced both a decline in prices and an increase in wages, leading to their demesne farms being less profitable. These challenges led to a 'seigniorial reaction' in which lords intensified serfdom both to draw greater revenues from servile incidents and to increase labour services to replace costly waged labour.⁷ However, serfs resisted these impositions, most prominently in the 1381 Peasants' Revolt, and ultimately serfdom decayed in a drawn-out process in the fifteenth century.⁸

However, revisionist perspectives have challenged this narrative, by suggesting both that serfdom was not as significant a disability in reality as it has sometimes been presented and that the end of serfdom came relatively quickly after the Black Death. While the common law allowed lords significant powers over their serfs, these approaches argue that on the ground custom bounded the power of lords and routinised various forms of exaction.⁹ Moreover, an abundant labour supply prior to 1349 led to lords commuting serfs' labour services in exchange for cash payments which could be used to pay cheap but more flexible waged labour.¹⁰ By economic standards, although perhaps not from a more politico-cultural viewpoint, unfree tenants may even have been in an advantageous position in comparison with the free, as it is possible that land hunger due to demographic pressure increased market rents beyond those of villeins which were fixed by custom.¹¹

⁶ Hilton, 'Introduction', 5; Hilton, 'Peasant movements', 118–19; Hilton, *Bond Men Made Free*, 61–2.

⁷ Larson, *Conflict and Compromise*, 14–17; Hargreaves, 'Seigniorial reaction', 53–5, 73–4; R. H. Britnell, 'Feudal reaction after the Black Death in the Palatinate of Durham', *P&P*, 128 (1990), 28–47, at 28–9, 46–7.

⁸ Hilton, *Decline of Serfdom*, 25–6; Rigby, *English Society*, 113–17; Fryde, *Peasants and Landlords*, 32, 39–41; Bailey, *Decline of Serfdom*, 69–75; C. C. Dyer, 'Villeins, bondmen, neifs, and serfs: new serfdom in England, c.1200–1600' in M. Bourin and P. Freedman (eds.), *Forms of Servitude in Northern and Central Europe: Decline, Resistance and Expansion* (Turnhout, 2005), 419–35, at 426–34.

⁹ J. Z. Titow, *English Rural Society, 1200–1350* (London, 1969), 58–60; J. Hatcher, 'English serfdom and villeinage: towards a reassessment', *P&P*, 90 (1981), 3–39, at 8–14; M. Bailey, 'Villeinage in England: a regional case study, c.1250–c.1349', *EcHR*, 42 (2009), 430–57, at 451–4; Bailey, 'Tallage-at-will', 57; Rigby, *English Society*, 29; Hatcher and Bailey, *Modelling*, 105.

¹⁰ Britnell, *Britain and Ireland*, 235–6; Campbell, 'The land', 210–12; Campbell, 'Land and people', 17.

¹¹ Campbell, 'Agrarian problem', 63–70; J. Kanzaka, 'Villein rents in thirteenth-century England: an analysis of the Hundred Rolls of 1279–80', *EcHR*, 55 (2002), 593–618, at 617; Dyer, 'Villens, bondmen', 427–8.

Manorial Officeholding and Unfreedom

Recent work by Bailey has also demonstrated that serfdom declined far earlier on many manors than previously suggested, disappearing in the second half of the fourteenth century.¹² This rapidity was because many lords did not engage in a process of seigniorial reaction but instead quickly dropped aspects of serfdom in order to retain tenants in a period of population scarcity.¹³ While lords in theory could restrict servile movement, in reality manor courts had no obvious way of compelling individuals living beyond a manor's bounds to return.¹⁴ Some aspects of serfdom did linger on into the fifteenth and sixteenth centuries, especially as seigniorial administrations increasingly distinguished between villein tenure, which mutated into different forms of copyhold, and personal unfreedom, where the unfree were identified 'by blood'.¹⁵ Some conservative landlords did try to keep track of serf families and occasionally this was used later to generate one-off fees for freedom, but such cases were rare and even then were hardly an attempt to reimpose serfdom.¹⁶

Thus the literature on serfdom has shifted from seeing unfreedom as a significant element in a conflictual relationship between lords and tenants which led to unrest in the post-Black Death period, to a picture of routine payments from tenants to lords with unfreedom disappearing relatively quickly under the pressure of changed socio-economic conditions after 1349. However, the role of manorial officeholding remains underexplored in this debate. Officers were key to the imposition of unfreedom. They presented those liable for servile incidents in court, organised labour services on the demesne, and collected rents and community-wide payments owed to lords. When officials have been considered, it is normally in their role as intermediaries between lords and tenants. On the one hand, they were pressured by lords to raise revenues by providing information to enforce aspects of unfreedom, but on the other, the community of tenants could lobby them to ignore and conceal servile obligations.¹⁷ Studies have also highlighted that officials played

¹² Bailey, *Decline of Serfdom*, 306.

¹³ M. Bailey, 'The myth of "seigniorial reaction" in England after the Black Death' in M. Kowaleski, J. Langdon and P.R. Schofield (eds.), *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce Campbell* (Turnhout, 2015), 147–72, at 164–7; Bailey, *Decline of Serfdom*, 326–9.

¹⁴ Britnell, 'Feudal reaction', 48–9; Bailey, 'Myth of "seigniorial reaction"', 160–3; Bailey, *After the Black Death*, 106–7.

¹⁵ Bailey, *Decline of Serfdom*, 56–7, 293, 316–26; Bailey, 'Transformation of customary tenures', 228–30; Dyer, 'Villeins, bondmen', 424.

¹⁶ Bailey, *Decline of Serfdom*, 5, 7–9, 306; D. MacCulloch, 'Bondmen under the Tudors' in C. Cross, D. Loades and J.J. Scarisbrick (eds.), *Law and Government under the Tudors: Essays Presented to Sir Geoffrey Elton on His Retirement* (Cambridge, 1988), 91–110, at 100–8; Dyer, 'Villeins, bondmen', 434.

¹⁷ Müller, 'Divided class', 117–18; Schofield, *Peasant and Community*, 42–4, 168; Larson, *Conflict and Compromise*, 22–7; Dyer, 'Villeins, bondmen', 427, 432.

a crucial role as rebels in the Peasants' Revolt of 1381, and likely the 1549 revolt, which both had the removal of aspects of unfreedom as part of their broad sets of aims.¹⁸

Yet the routine operation of officials, particularly in the period of the decline of serfdom, has attracted relatively little comment. Understanding this is vital to exploring how governance via office-holding fitted with the aims of the lords for whose courts these positions were ultimately created and which gave them at least part of their authority. This chapter looks at the identity of officials to see how far office was associated with unfreedom and examines how far officials upheld serfdom through their presentments. It finds that serving as an official was not generally an onerous obligation which had to be imposed on villein and serf tenants. Officers were drawn from among both customary and free tenants, changes in tenurial practices eroded the connection between status and holding office, and there is little evidence of resisting service in office both at an individual and at a collective level. Furthermore, while officials at some manors did have a role in maintaining elements of serfdom, this had little concrete effect in terms of restricting their own activities or those of their fellow villagers. These findings further support the argument made in [Chapter 1](#) that governance through manorial structures was achieved through collaboration between the lord and members of the community of tenants rather than through pressure by seigniorial authorities. The local elites identified in [Chapter 2](#) chose to serve in office and recognised that manorial institutions served their purposes to a significant extent as well as those of their lords.

The first part of this chapter examines how far serving in office was directly associated with servility by comparing lists of customary and free tenants with lists of officeholders to examine which types of tenants served. The [next section](#) examines examples of resistance to selections of officials to consider how far serving was a form of obligation. The final section interrogates the presentments around serfdom made by officials to explore what aspects of unfreedom they helped enforce and how this changed with the decline of serfdom.

¹⁸ C.C. Dyer, 'The social and economic background to the rural revolt of 1381' in Dyer, *Everyday Life*, 191–221, at 197; Dyer, 'The rising of 1381 in Suffolk: its origins and participants' in Dyer, *Everyday Life*, 221–39, at 225; H. Eiden, 'Joint action against "bad" lordship: the Peasants' Revolt in Essex and Norfolk', *History*, 83 (1998), 5–30, at 26–9; J. Whittle, 'Lords and tenants in Kett's Rebellion, 1549', *PE&P*, 207 (2010), 3–52, at 24; Wood, *1549 Rebellions*, 181–2. For more recent scepticism on the importance of resistance to unfreedom as a motivation for the Peasants' Revolt, see M. Xu, 'Analysing the actions of the rebels in the English Revolt of 1381: the case of Cambridgeshire', *EcHR*, 75 (2022), 881–902, at 899–900.

The Status of Officials

THE STATUS OF OFFICIALS

The existing literature on serfdom and officialdom is surprisingly reticent on the legal status of manorial officials. Some accounts see serving in manorial office as fundamentally an obligation placed on unfree tenants. For instance, Beckerman argues that manorial jury service was largely an imposition on the unfree, highlighting the example of the resistance of tenants at Barnet (Herts.) who claimed (unsuccessfully) that their free status prevented them serving in office.¹⁹ He thus claims that double presentment procedures were introduced to allow free tenants to separately confirm the business brought by unfree juries.²⁰ David Stone, while acknowledging that freemen did serve as reeves in the fourteenth century, argues that this 'was an office intimately associated with unfreedom'.²¹ Evidence supporting this connection can also be seen in court rolls detailing the selection of officials. At Wakefield, Henry de Coppeley refused to serve as a grave for villein land he held, stating he was a free man. He thus surrendered his villein land and one of the lord's *nativi* was chosen in his place.²² Sometimes, choosing freemen for manorial offices seems to have acted as a form of protest for tenants, as free candidates were deemed unacceptable by lords. For example, in 1335 at Haddeston in Bunwell (Norf.), the whole homage was amerced for not electing the messor as they had instead 'chosen a certain freeman in privation of the lord'.²³ Similarly, conflict between lord and tenants at Alrewas (Staffs.) in the 1330s led to the tenants choosing ineligible freemen as candidates for office.²⁴ That officials were often rewarded through being excused from customary works must partly explain why villeins were the key pool for these roles, and Grace Owen argues that this was one of the most valuable forms of remuneration for supervisory officials at the estate of Glastonbury Abbey.²⁵

However, work on the post-Black Death period provides a less clear picture. Faced with a confused tenurial situation, lords after 1349 attempted to make the distinction between free and customary tenants clearer and to identify families of blood serfs (*nativi de sanguine*).²⁶ Yet, several authors have noted that officials were nonetheless drawn from the ranks of both the free and unfree. Larson finds that jurors at manors held by the Bishopric of Durham were both free and unfree in status.²⁷ Frances

¹⁹ Beckerman, 'Procedural innovation', 232–4. ²⁰ *Ibid.*, 229. ²¹ Stone, 'The reeve', 401–2.

²² *Wakefield: 1313 to 1316, and 1286*, ed. J. Lister, 9.

²³ CUL, Buxton Papers, 68/7, m.4, 8 Dec. 1335.

²⁴ 'Alrewas Rental', eds. Birrell and Hutchinson, 64.

²⁵ E. Miller, *The Abbey and Bishopric of Ely: the Social History of an Ecclesiastical Estate* (Cambridge, 1951), 254; Owen, 'Rural and urban manorial officialdom', 155.

²⁶ Bailey, *After the Black Death*, 106–10. ²⁷ Larson, *Conflict and Compromise*, 61.

Manorial Officeholding and Unfreedom

Page, examining the estates of Crowland Abbey (Cambs.), demonstrates that for the practical purpose of choosing officials the distinction was entirely ignored, with John Pepiz of Cottenham serving as a reeve, free juror and villein juror as he held both free and customary land.²⁸ Thus, the actual relationship between serfdom and officeholding may have been different after the Black Death and varied between different types of official positions.

To explore the status of those serving in manorial offices, this section largely moves away from the case-study manors to utilise a new sample which allows for the comparison of lists of tenants with those serving in office. It focuses on rentals and surveys, which record the land held by tenants and sometimes divide this into free land, villein/customary land, and leasehold.²⁹ By exploring the land held by various officials, it is possible to see whether they were drawn from freeholders or customary tenants. This analysis is performed on a set of manors from two sample regions in the period 1330 to 1553. [Table 3.1](#) focuses on four manors held by Winchester College in southern England (Durrington (Wilts.), Vernams Dean (Hants.), Ash (Surr.) and Andwell (Hants.)), while [Table 3.2](#) looks at five manors in East Anglia (Birdbrook (Essex), Ufford (Suff.), Branfield (Suff.), Earls Colne (Essex) and Braisworth (Suff.)).³⁰ While these samples are not fully representative, they are sufficient to explore the status of officials on manors held by large landlords in two regions which roughly correspond with the case-study manors in this book. In each table, officials are divided between those who held at least some customary land (either solely or in combination with freehold and leasehold land) and those who held no customary land (holding either freehold or leasehold land or a combination of both).³¹ It thus divides tenants between those who held at least some land on what historically had been non-contractual terms and those who held land only on contractual terms.³²

The tables reveal that in both regions individuals who held at least some customary land made up the majority of officials at nearly all

²⁸ Page, *Crowland Abbey*, 70–1.

²⁹ For definitions of the differences between these types of tenure, see Bailey, ‘Transformation of customary tenures’, 213–16.

³⁰ The data for Birdbrook utilises Schofield’s study which relies on a full reconstitution of landholding and thus is more comprehensive than for the other case-study manors. See Schofield, ‘Late medieval view’, 428–9.

³¹ Defining leasehold as either free or customary is not straightforward as leases could include customary requirements. However, as these tenures were generally created to be more attractive to customary tenants, here they have been classified in the non-customary section. See Bailey, *Decline of Serfdom*, 319–20.

³² Bailey, *After the Black Death*, 301–17.

Table 3.1 *Officers by tenurial status in sample of southern manors (date of rental/survey in brackets)*

	Durrington, Wiltshire (1441)		Vernhams Dean, Hampshire (1450)		Ash, Surrey (1492)		Durrington, Wiltshire (1552)		Andwell, Hampshire (1553)	
Types of official	Free jurors, tasters, tithingmen		Free jurors, tasters, tithingmen		Jurors, tasters, affeerors, beadles, constables, tithingmen		Jurors, affeerors, tithingmen		Jurors, affeerors	
Type of landholding	No.	%	No.	%	No.	%	No.	%	No.	%
Single – customary	9	100	2	33	5	56	20	100	3	50
Mixed – customary/free	–	0	2	33	1	11	–	0	–	0
Mixed – customary/lease	–	0	–	0	–	0	–	0	–	0
Mixed – customary/free/lease	–	0	–	0	–	0	–	0	–	0
Total held some customary land	9	100	4	66	6	67	20	100	3	50
Single – lease	–	0	–	0	–	0	–	0	–	0
Single – free	–	0	2	33	–	0	–	0	3	50
Mixed – lease/free	–	0	–	0	–	0	–	0	–	0
Total held no customary land	–	0	2	33	–	0	–	0	3	50
Unclassified	–	0	–	0	3	33	–	0	–	0
Full total	9	100	6	100	9	100	20	100	6	100

Notes: For each manor, every individual named as serving in any office in all surviving court rolls within five years of the relevant survey or rental was recorded. These were then compared with the lists of individuals included in the relevant rental and survey. There are also a few individuals whose landholdings could not be classified. Officials who could not be matched to a particular recorded tenant are absent from the table.

Sources: WCM, 3239, 3331, 5603, 5603A, 5655, 5666, 2919, 9147, 9156.

Table 3.2 *Officers by tenurial status in sample of East Anglian manors (date of rental/survey in brackets)*

	Birdbrook, Essex (1330)		Birdbrook, Essex (1340)		Birdbrook, Essex (1361)		Birdbrook, Essex (1377–1412)	Ufford, Suffolk (1441/2)	Bramfield, Suffolk (1448)	Earls Colne, Essex (1455)	Earls Colne, Essex (1468)	Braise-worth, Suffolk (1526)	Earls Colne, Essex (1533/4)						
Types of official	Capital pledges	Capital pledges	Capital pledges	Capital pledges	Capital pledges	Capital pledges	Capital pledges, jurors, tasters, affeerors, collectors	Jurors, affeerors	Capital pledges, jurors, tasters, affeerors, constables	Capital pledges, jurors, tasters, affeerors, constables	Capital pledges, jurors	Capital pledges, jurors							
Type of landholding	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
Single – customary	16	73	14	93	14	88	28	9	41	1	4	20	61	23	68	6	38	23	68
Mixed – customary/free	–	0	–	0	–	0	0	2	9	2	8	3	9	8	24	–	0	9	26
Mixed – customary/lease	–	0	–	0	–	0	0	3	14	2	8	4	12	–	0	7	44	–	0
Mixed – customary/free/lease	–	0	–	0	–	0	0	1	5	1	4	1	3	–	0	2	13	–	0
Total held some customary land	16	73	14	93	14	88	28	15	69	6	24	28	85	31	92	15	95	32	94
Single – lease	–	0	–	0	2	13	36	2	9	14	56	–	0	–	0	1	6	–	0
Single – free	3	14	–	0	–	0	13	1	5	1	4	5	15	3	9	–	0	2	6
Mixed – lease/free	–	0	–	0	–	0	0	4	18	4	16	–	0	–	0	–	0	–	0
Total held no customary land	3	14	–	0	2	13	49	7	32	19	76	5	15	3	9	1	6	2	6
Unclassified	3	14	1	7	–	0	22	–	0	–	0	–	0	–	0	–	0	–	0
Full total	22	100	15	100	16	100	100	22	100	25	100	33	100	34	100	16	100	34	100

Notes: See Table 3.1. For Birdbrook, for 1377–1412 an average of the percentage of individuals in each tenurial category per year has been used meaning the column denoting ‘Number’ is blank.

Sources: Schofield, ‘Late medieval view’, 431, table 12.3; SAI, HA96/5/1, HD1538/395/1; SAI, HB26:371/72, HB26:371/43; SAI, HA411/2/1/22/3/1, HA411/2/1/22/1/1, HA119/1/4/1/1; ERO, D/DP1 105–7, D/DP1 68–9, D/DP1 71.

The Status of Officials

manors, suggesting that it was those who held by villein tenure, and its later mutations, who were required to serve in manorial office. This is particularly clear for the southern manors, with all officials at Durrington in 1441 and 1553 being drawn from the customary tenants and potentially all those at Ash (if one assumes the unclassified tenants held villein land). However, in both regions at least a small minority of officials appear not to have held any unfree land, with this varying between 6% and 76% on the East Anglian manors and 0% and 50% on the southern manors. This suggests that while customary tenure was clearly linked to holding office, it was not a prerequisite, and those who held free tenure could, and did, serve as officials. Schofield's findings for Birdbrook even suggest this was the case before the Black Death, implying that the demise of villein tenure cannot fully explain this change.³³ At most manors, these patterns extended across different types of official, with freemen being found serving as afferors, tasters and jurors baron alongside capital pledges and jurors leet.

The tables also reveal significant differences between the two regions which were driven by different evolutions in tenurial practices. At the southern manors, officials typically held either free or unfree land, with only officials at Vernhamsdean and Ash holding a combination of types of tenure. However, at the East Anglian manors tenurial arrangements, typically of this region, were more complex and many tenants held combinations of customary, freehold and leasehold land.³⁴ This further reveals the weakness of the connection between unfree landholding and officeholding in the post-Black Death period; even if tenants mainly served for their customary land, acting as an officer was clearly also thought to be compatible with holding free land. This is undoubtedly due to the increasingly blurred distinction between these two types of tenure, as lords reduced the burdens of customary land in a bid to attract tenants.³⁵ Late fourteenth-century Birdbrook and mid-fifteenth-century Bramfield show further how a switch from customary tenure to leasehold could affect the status of officeholders, with a substantial proportion of officers now drawn from among leaseholders rather than customary tenants. Thus the evidence illustrates how changing tenurial forms, including greater flexibility to combine customary and free land, as well as the shift to leasehold, helped further separate serving in manorial office from unfreedom.

Thus far, the focus has been on the relationship between serving in office and holding land through villein tenure. However, serfdom should

³³ Schofield, 'Late medieval view', 427.

³⁴ Whittle and Yates, 'Pays réel', 17–18.

³⁵ Bailey, *After the Black Death*, 302–5.

Manorial Officeholding and Unfreedom

be conceived in terms of both customary tenure and personal unfreedom as these were frequently distinct by the late Middle Ages.³⁶ Unfortunately, identifying the personal status of officials is more difficult than identifying the terms on which they held their land, but occasionally fealty lists in which tenants made homage to their lord directly state whether tenants were free, villeins or blood serfs, as some estate administrations became increasingly concerned about this distinction in the post-Black Death period.³⁷

Two such lists survive for Cratfield, dating from 1405 and 1438, which divide tenants into freeholders and holders of customary land, on the one hand, and blood serfs, on the other. Both of these lists reveal that the majority of blood serfs held manorial office, with six of the eight recorded in 1405 holding office and all six of those recorded in 1438. However, many officials were also drawn from among tenants not designated as personally unfree. In 1405, thirteen of the seventeen individuals and, in 1438, thirty-five of the forty-three individuals recorded as free and customary tenants can be identified as holding office.³⁸ Again, there is no clear distinction in the types of offices each group held, with free and customary tenants holding the office of reeve alongside blood serfs. Therefore, officeholding was not connected to personal servility by the fifteenth century, a fact not surprising as many offices had to be filled in an era when numbers of blood serfs were rapidly diminishing.

The evidence supports the notion that manorial officeholders were largely drawn from among a lord's customary tenants in the post-Black Death period. However, to see office as exclusively performed by unfree landholders as part of their tenurial obligations ignores the fact that freemen can be found serving at several of the manors examined. The relationship is even weaker for personal status; while at Cratfield the majority of blood serfs held office, they were too few in number to fill the positions required and therefore most offices were held by free or customary tenants, including roles focused on the demesne such as reeve. These patterns were also the result of the changing nature of tenure in late medieval England, as individual tenants increasingly held both customary and free land and the rise of leasehold obscured divisions between the free and unfree.

RESISTANCE TO SERVICE

This section returns to the case-study manors to explore the extent to which serving in office should be seen as an obligation, much like other aspects of servility, or whether tenants generally seem to have served

³⁶ Bailey, *Decline of Serfdom*, 16. ³⁷ *Ibid.*, 56–60. ³⁸ CUL, Vanneck Box/3.

willingly in office. The most straightforward way to assess whether tenants saw officeholding as burdensome is to look for attempts to resist service. Officers were generally selected by a manor's tenants, or at least a subset of them, allowing this group to disrupt the officeholding system by refusing to put a candidate forward. Similarly, individuals could refuse to serve or to be sworn into office when chosen or simply not appear at a session where they were meant to present. Bailey demonstrates that lords at several post-Black Death manors required tenants to continue serving in manorial offices such as reeve and messor or pay fines to be forgiven, and that this could lead to tension when individuals failed to serve or the wider community refused to select officials. However, he suggests that such incidents were relatively unusual and often short lived.³⁹

At the case-study manors there are similarly few examples of resistance against officeholding, with only a handful of cases of refusing to select officials or individuals refusing to serve or even attend court sessions. Holding office was seemingly not resisted as an unpopular servile obligation. Three types of potential resistance are recorded. Firstly, all the manors saw a few occasions when officials simply did not appear at a certain session.⁴⁰ These, however, seem typically to have been isolated incidents which were not aimed at disrupting the officeholding system. For instance, at Fordington, tithingmen did not appear on a few occasions. However, each incident seems to have been brief, with tithingmen never failing to appear for more than three consecutive sessions.⁴¹ Moreover, non-attendance by officials occurred throughout the period under study, with, for instance, non-appearance by capital pledges at Cratfield being concentrated in the 1640s, and thus long after the decay of serfdom.⁴²

A potentially more serious form of resistance occurred when individuals refused to be sworn in office. Such incidents are significantly rarer than simply not appearing in court and in most cases seem again to have been single cases. The only recorded case of refusal to be sworn at Worfield occurred in 1353, when Roger of Kingslowe and John of

³⁹ Bailey, *Dedine of Serfdom*, 156, 191, 205, 212, 224–5, 230–1, 234.

⁴⁰ CUL, EDR, C11/2/4, m.24, 5 Mar. 1410, m.27, 15 Jul. 1411; C11/2/6, m.50, 20 Jun. 1455; KCAR/6/2/87/1/1/HOR/29, 4 Apr. 1402; KCAR/6/2/87/1/1/HOR/37, 4 Sep. 1424, 11 Jun. 1437; KCAR/6/2/87/1/1/HOR/53, m.7, 30 Mar. 1590; SA, P314/W/1/1/23, 18 Sep. 1340; P314/W/1/1/229, 30 Jun. 1404; P314/W/1/1/241, 25 Oct. 1412; P314/W/1/1/630, 3 Dec. 1528.

⁴¹ TNA, SC 2/169/26–37, SC 2/169/44, SC 2/169/46–7, SC 2/170/1–2, SC 2/170/14–16.

⁴² CUL, Vanneck Box/3, Henry IV roll, m.6, 12 Sep. 1403; Henry V roll, m.12, 28 May 1420; Edward IV roll, m.2, 5 Nov. 1462; Charles I roll, m.16, 4 May 1643, m.21, 20 May 1646, m.27, 24 May 1648, m.35, 16 May 1649.

Rowley withdrew when selected as taxers (another term for affeerors), leading to an order to amerce them but no recorded fine.⁴³ This was clearly an isolated case, with taxers selected in the preceding and following sessions, and Roger can be seen serving as taxer over the next six years.⁴⁴ Isolated cases can also be seen at Fordington in the years following the Black Death. In April 1357, Alexander Atte Well, who had been elected west tithingman, sent another unsworn man to present in his place and was thus amerced 3d.⁴⁵ However, this appears to have been an isolated incident, with presentments being made by the west tithingman, whether Atte Well or not, in other court sessions that year.⁴⁶

The case of Robert Rote of Downham, briefly discussed previously, provides an interesting exception where an individual continued to refuse to be sworn. This shows the relative weakness of lords to compel recalcitrant tenants to serve.⁴⁷ When Rote refused to serve as messor in January 1434, it was ordered that 'all the lands and tenements in [his] tenure' be seized into the lord's hand.⁴⁸ However, Rote continued to refuse to serve, leading the order to be repeated in the following session, in which a different individual was chosen, and one further session.⁴⁹ Despite continued refusal, the land seizure does not appear to have been carried out, and a Robert Rote who seems likely to be the same individual continued to appear in officeholding positions as capital pledge, affeorer and juror baron down to 1472, suggesting he continued to hold land within the manor and that his refusal had not damaged his officeholding career.⁵⁰ This suggests that either the punishment was unsuccessful, or that the lord and Rote reached some form of compromise, perhaps an option made possible by the replacement of elected officials with a bailiff from 1440 onwards. This possibility suggests that despite significant pressure being brought to bear on a tenant who refused to serve, it was possible to avoid serving in office and maintain one's tenancy.

The final and most serious form of resistance was collective refusal, which could potentially provide evidence of a deeper common dislike of the actual act of serving in office, rather than the unwillingness of

⁴³ SA, P 314/w/1/1/34, 7 May 1353.

⁴⁴ SA, P 314/w/1/1/34, 4 Mar. 1353, 21 May 1353; P 314/w/1/1/37, 8 Dec. 1354; P 314/w/1/1/43, 6 Aug. 1358; P 314/w/1/1/45, 6 May 1359.

⁴⁵ TNA, SC 2/169/30, m.3, 1 Apr. 1357.

⁴⁶ TNA, SC 2/169/30, m.4, 3 May 1357, 31 May 1357, m.5, 20 Jul. 1357, m.6, 27 Oct. 1357. Unfortunately, tithingmen are not routinely named at Fordington in this period.

⁴⁷ See p. 80. ⁴⁸ CUL, EDR, C 11/2/6, m.25, 14 Jan. 1434.

⁴⁹ CUL, EDR, C 11/2/6, m.25, 7 Apr. 1434, m.26, 30 Sep. 1434, m.27, 13 Jan. 1435. The order to seize Rote's land despite the fact that another individual was now serving in office presumably reflects that the lord still desired to punish Rote for his refusal.

⁵⁰ CUL, EDR, C 11/2/6, C 11/3/7.

particular individuals to serve. Most examples of collective refusal are again isolated incidents. At Fordington, in December 1366, the whole west tithing was amerced 12d for refusing to elect a tithingman as they had been ordered.⁵¹ However, that a west tithingman was making presentments in the subsequent court of February 1367 demonstrates that this resistance was short lived.⁵² There were also some collective refusals at Downham. In 1380, the jury refused to give their verdict, although after being put under pain they relented, suggesting an unsuccessful protest.⁵³ As already noted, in 1410 the homage was collectively amerced 40s for failing to choose all three candidates for the reeveship and messorship, instead only choosing two candidates and one candidate for each office respectively.⁵⁴ Both of these appear to have been isolated incidents.

Horstead provides two exceptional sustained collective refusals to select and serve as officials. This allows for a greater understanding of the attitudes to officeholding of the tenants as a group, or at least their elites. In 1428, all seven men selected to be jurors for Coltishall, along with 'other divers men of the same vill', refused to be sworn or to present in their office. This led to a swift reaction by the lord, who ordered the bailiff to seize their lands.⁵⁵ In the following session, a Coltishall jury was successfully formed. This included three men who had not been mentioned in the original list of strikers, but also three individuals, Nicholas Downing, John Drayton and John Wacy, who had refused to serve in the preceding session, suggesting they had now abandoned their strike.⁵⁶ Evidence that the strike was breaking is seen in the next session, where three strikers, including John Wacy, paid fines for the return of their land. However, orders concerning the other four rebels, including Downing and Drayton, called for the lord to retain their lands.⁵⁷ The next court saw the three strikers who had paid their fines serving in the jury. Downing and another rebel, Philip Atte Wode, also paid fines to recover their land.⁵⁸ Drayton remained without his land for a further session, before paying a fine of 7s for recovery in August 1429.⁵⁹ In fact, the only rebel who is not recorded as paying a fine, Thomas Radbode, seems to have been deceased by July 1429, with the seized land passing to his wife, although remaining in the lord's hands.⁶⁰ Thus, all the surviving rebels

⁵¹ TNA, SC 2/169/31, m.11, 21 Dec. 1366. ⁵² TNA, SC 2/169/31, m.12, 9 Feb. 1367.

⁵³ CUL, EDR, C111/1/3, m.6, 3 Aug. 1380.

⁵⁴ CUL, EDR, C111/2/4, m.25, 22 Sep. 1410. See p. 77.

⁵⁵ KCAR/6/2/87/1/1/HOR/37, 21 Sep. 1428. ⁵⁶ KCAR/6/2/87/1/1/HOR/37, 2 Dec. 1428.

⁵⁷ KCAR/6/2/87/1/1/HOR/37, 7 Apr. 1429. ⁵⁸ KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1429.

⁵⁹ KCAR/6/2/87/1/1/HOR/37, 27 Jul. 1429, 25 Oct. 1429.

⁶⁰ KCAR/6/2/87/1/1/HOR/37, 27 Jul. 1429.

Manorial Officeholding and Unfreedom

eventually paid a fine to recover their lands, and all but one of these served as a Coltishall juror in a later session.⁶¹

Clearly seigniorial pressure looks to have played a role in forcing tenants to serve as officers in this case, suggesting that these individuals may have been holding office against their will. On the other hand, this picture is complicated by the fact that three rebels served as jurors despite not yet having their lands regranted, indicating that they were not serving purely because they wanted their lands returned. Of course, the chronology must be treated with care: plausibly, these three rebels had already given up the strike and bowed to seigniorial pressure, but could not yet afford to pay the fines necessary to regain their lands. Certainly, the fines could be substantial, ranging from 14d to 32s.⁶²

Detail from the initial description of the refusal to be sworn reveals that service in the jury in and of itself was seemingly not the impetus behind the strike, explaining why many of these rebels returned to frequent jury service. The description states that the rebels denied that they held their bondage holdings 'from the King through his manor of Horstead', and instead said they were beneficiaries of the 'divers privileges and franchises from these divers Kings of England and other divers men conceded to the men of Coltishall'.⁶³ This dispute apparently centred on the jurisdictional abnormalities of the manor's separate Coltishall portion. Henry III, by letters patent of 1231, had granted the tenants of Coltishall vill considerable privileges, including freedom from villeinage, market tolls and access to the directly held royal leet. This charter was later confirmed by Henry IV in 1407.⁶⁴ It seems likely that in 1428 the tenants refusing to serve as jurors were attempting to claim these privileges and rejected their tenure via Horstead manor in order to do so. Not only did serving as jurors confirm that they held their land through Horstead, but the charter also guaranteed the Coltishall villagers that 'they should not be forced to serve in any offices for anyone', and therefore by refusing to be sworn, the strikers were perhaps trying to assert their entitlement to this right. It seems that while officeholding may have been a grievance for the strike, it was part of a larger claim to a wider set of privileges, perhaps explaining why those involved later reappear in service as Coltishall jurors.

A more successful campaign, this time against a pseudo-office, occurred between 1473 and 1481. This was directed at the 'nominal' reeveship. This system saw the jury baron choose the tenants of three portions of land to be candidates as reeve. Originally it is likely that one of

⁶¹ KCAR/6/2/87/1/1/HOR/36, 11 Jun. 1432, 11 Jun. 1433; KCAR/6/2/87/1/1/HOR/37, 2 Dec. 1428, 11 Jun. 1429, 17 Dec. 1432.

⁶² KCAR/6/2/87/1/1/HOR/37. ⁶³ KCAR/6/2/87/1/1/HOR/37, 21 Sep. 1428.

⁶⁴ Blomefield, *Topographical History*, 303–10.

these men actually served, while the other two paid to be forgiven, as is seen at nearby Hevingham Bishops.⁶⁵ However, by the late fourteenth century this had mutated into a system simply to extract revenue for the lord, with the tenants of all three portions chosen paying 2s 8d each not to serve, making a total profit of 8s for the lord, while in reality the office was in abeyance. Thus a system had developed where a form of 'officeholding' was entirely disadvantageous to the tenants, effectively acting as a targeted tallage. The first refusal to select the reeve candidates is noted in June 1474, when it is stated that a group of eighteen servile tenants and frequent jurors had been directed by the steward in a session of October 1473 to choose the candidates in the following court of March 1474. They had, however, refused to do so and similarly refused in June, leading to small amercements of 3–6d each but also a pain of 3s 9d each to choose by the following session.⁶⁶ In this session the rebels again refused to choose, forfeiting their pains, and being placed under a fresh pain of 6s 8d each.⁶⁷ This led to a series of amercements and pains, which also included individuals who served as jurors beyond the original eighteen, with the last recorded incident occurring in 1481, when the jury members were each amerced 3d for failing to select the candidates, and placed under pain of 6s each.⁶⁸ The following sessions after 1481 do not mention the reeveship, meaning it is impossible to know whether any sort of agreement was reached. However, it is clear that no further reeve candidates were chosen, suggesting the tenants were successful in their long-term goal.

This example reveals that tenants liable for officeholding, or at least a fine derived from officeholding, could collectively resist and ultimately remove the obligation. This may have been achieved in part thanks to the less drastic punishment applied, with the rebellious tenants' land at no point being seized. Yet, the listings of those amerced reveal significant coordination, with twenty-four different individuals refusing to select the reeve, which was a substantial part of the fifty total tenants recorded at the manor in 1461.⁶⁹ This unity may have been achieved partly because the obligation to pay the reeve fine was dispersed among a significant number of persons, creating a shared interest in removing this obligation. The impact of subdivision of the holdings providing the reeve, presumably occasioned by the land market and the morcellation of holdings in the pre-Black Death period, often made multiple persons responsible for the

⁶⁵ Whittle, *Agrarian Capitalism*, 51; Forrest, 'Women manorial officeholders', 1–2.

⁶⁶ KCAR/6/2/87/1/1/HOR/39, m.27, 11 Jun. 1474.

⁶⁷ KCAR/6/2/87/1/1/HOR/39, m.31, 29 Oct. 1474.

⁶⁸ KCAR/6/2/87/1/1/HOR/39, m.33, 11 Jun. 1476, m.36, 29 Oct. 1477, m.41, 27 Oct. 1481.

⁶⁹ KCAR/6/2/87/1/1/HOR/39, m.1, 19 Mar. 1461.

Manorial Officeholding and Unfreedom

finer.⁷⁰ Frequently, the lord also held part of the land selected, meaning that no fine was levied for this portion of the land. For instance, in 1416, Thomas Joseph was chosen for the toft of Merlyng and Randolph, William Spark for the toft of Yongelle, and Walter Swanton, John Moles, John Styward and Walter Swanton were all chosen for holding 1a each of the tenement of Osses. The fine this year totalled 6s rather than 8s as the rest of Osses was in the lord's hands, suggesting that each of the four tenants of Osses only paid 2d each as they only held an acre.⁷¹

On the other hand, explaining the timing of the revolt is more difficult. One might expect protest to match an increase in the burden of the fine. However, in reality the opposite trend occurred, with the average value of the fines received by the lord actually decreasing over the fifteenth century, from a mean of 8s per year in the 1390s to 2s 8d for the 1460s–1470s.⁷² Thus, by the period of the protest, the lord was only receiving a third of the total potential fine, a fact presumably linked to his difficulties in finding tenants for liable lands, meaning much of the land selected was in his hands. Moreover, the wide dispersal of lands on which the fines were levied means that only 22% of those fined across the period 1392–1473 paid more than twice in their lifetimes.⁷³ Even more startlingly, of the twenty-four individuals who refused to select the reeve candidates, seventeen are never recorded as paying a fine for their lands, although, of course, they could have been concerned about a later fine.⁷⁴ Therefore, it is hard to understand what in 1473 triggered this reaction to a nominal reeveship which the tenants had dutifully administered from at least 1392.

Overall, an examination of resistance to selecting officials reveals little evidence that being chosen for office, or having to choose individuals for office, was considered particularly burdensome. Few examples could be found of outright refusal to serve as or select officials. This was presumably also partly due to the ability to pay to avoid office or, in later periods, to have a deputy sworn in a tenant's place, meaning that service could be avoided if desired.⁷⁵ As Owen has argued, exemption fines provided a mechanism by which individuals could choose not to serve, but also not challenge the wider system of officeholding.⁷⁶ When the selection of officers was resisted, as at Horstead in 1428, it seems that this was due to other background issues, with officeholding simply providing a way to frustrate the seigniorial administration. The case of the nominal reeveship

⁷⁰ Campbell, 'Agrarian problem', 51, 66–7.

⁷¹ KCAR/6/2/87/1/1/HOR/34, 30 Dec. 1416. For similar examples, see KCAR/6/2/87/1/1/HOR/37, 14 Dec. 1433; KCAR/6/2/87/1/1/HOR/39, m.4, 17 Feb. 1463, m.13, 24 Oct. 1466.

⁷² KCAR/6/2/87/1/1/HOR/26–39. ⁷³ *Ibid.* ⁷⁴ *Ibid.* ⁷⁵ See p. 101 for deputation.

⁷⁶ Owen, 'Rural and urban manorial officialdom', 181–2.

Officials and the Enforcement of Servile Incidents

cautions against an argument that would suggest an inability by tenants to resist seigniorially imposed officeholding structures. In this case, a vestige of officeholding, which clearly only benefited the lord, was successfully removed by a coordinated set of tenants. Of course, it is imperative to be careful in making an argument from absence, but the evidence of resistance to selection suggests that a not-impotent tenantry were at least willing to acquiesce to officeholding structures. Interestingly, studies of other manors have found that reduction and eventual disappearance of fines not to serve in office often occurred before selections to offices themselves were abandoned.⁷⁷ This suggests it may have been associated cash liabilities, rather than actual service, which was generally the more resisted aspect of selection processes. Thus, even to the limited extent to which officeholding was linked with villein, or at least customary landholding status, it was not seemingly a particularly burdensome aspect of tenure. Its survival, despite the disappearance of other dues and obligations linked to servility, suggests tenants did not resent serving in office as they did other aspects of unfreedom.

OFFICIALS AND THE ENFORCEMENT OF SERVILE INCIDENTS

This final section shifts to considering the role of officials in maintaining lords' powers over serfs. By tracking the number and types of servile presentments made by officers, it is possible to judge how far they played an important role in policing aspects of personal servility, and thus to what extent manorial officers were therefore the lord's servants and acted against the interests of the community and even themselves. Each manor must be treated carefully, as customs of servility were highly localised.⁷⁸ Unfortunately, much of the evidence available to build up a picture of servility on a given manor is based on presentments, leading to a certain circularity to arguments, as it is often impossible to gain an independent assessment of the total obligations imposed on tenants at a given manor.

These concerns aside, the broad picture seen in the servile presentments is of some enforcement in the fifteenth century, followed by disappearance by the middle of the sixteenth century at all manors except Downham. Thus, manorial officials cannot be seen as routinely acting for the lord in a way that was prejudicial to the community of tenants in the long run. Some aspects of serfdom disappeared almost immediately after

⁷⁷ Bailey, *Decline of Serfdom*, 205–8, 225; Whittle, *Agrarian Capitalism*, 51–2.

⁷⁸ Hatcher, 'Serfdom and villeinage', 8–9; E. Miller and J. Hatcher, *Medieval England: Rural Society and Economic Change, 1086–1348* (London, 1978), 122–4.

the Black Death. For example, leyrwite, which was presented eight times at Downham in 1310–35, was not presented in the surviving rolls from 1362 onwards, despite the fact that in a 1380 inquiry into marriage fines using a terrier, it was presented as customary for bond tenants to pay leyrwite for their daughters.⁷⁹ Leyrwite was not presented after c.1400 at Horstead or Cratfield, fitting the national picture of this servile incident.⁸⁰ At Worfield, leyrwite was only reported once, in 1327, suggesting it was not even effectively monitored before the Plague, while no presentments were recorded at Fordington even prior to the Black Death.⁸¹ In a similar vein, restrictions of sales of livestock by customary tenants at Downham were enforced three times in 1363–4 and then completely disappeared, excepting one presentment in 1412.⁸²

Labour services constituted a more serious disability. These were monitored by officials at Horstead, Downham, Fordington and Worfield but were absent at Cratfield.⁸³ At each manor, the types and chronologies were quite different (Table 3.3). Fordington saw only one presentment, when the jury ordered that all tenants should repair the West Mill in 1507.⁸⁴ Officials periodically made presentments concerning the repair of the mill at late fifteenth- and sixteenth-century Worfield.⁸⁵ However, these failures to perform labour services took place in a context of sustained but limited requirements, as seen in the 1602 customs for Worfield, which ordered the copyholders collectively as vills to repair the lord's two mills, as well as to mow the lord's meadow in exchange for payment of 16d.⁸⁶ This repeated a schema of labour obligations enshrined in the 1403 custumal.⁸⁷ The

⁷⁹ CUL, EDR, C11/1/1, m.1, 24 Nov. 1310, 25 Feb. 1311, m.4, 23 Sep. 1314, m.6, 15 Dec. 1315, m.7, 19 Dec. 1324, m.8, 16 Dec. 1325; C11/1/2, m.5, 6 Dec. 1330, m.6, 29 May 1332, m.9, 28 Nov. 1334; C11/1/3, m.5, 13 Feb. 1380. The terrier was likely the Ely Coucher Book, reflected in the identical phrase of 'paying leyrwyte for his daughter and gersuma to marry her', showing its relevance in determining customary obligations well into the fourteenth century: *The Ely Coucher Book, 1249–50: the Bishop of Ely's Manors in the Cambridgeshire Fenland*, trans. E. Miller, ed. F. Willmoth and S. Oosthuizen (Cambridge, 2015), 49, 51.

⁸⁰ KCAR/6/2/87/1/1/HOR/36, 2 Aug. 1402; Bailey, *Decline of Serfdom*, 41.

⁸¹ SAC, P314/w/1/1/1, 1 May 1327.

⁸² CUL, EDR, C11/1/2, m.13, 30 Nov. 1363; m.13, 6 May 1364; m.13, 28 Sep. 1364; C11/2/4, 25 Mar. 1412.

⁸³ Labour services had existed in the early fourteenth century at Cratfield so must have been commuted prior to 1401. Bailey, *Decline of Serfdom*, 214.

⁸⁴ TNA, SC 2/169/47, m.25, 27 Apr. 1507.

⁸⁵ SA, P314/w/1/1/371, 14 Jun. 1475; P314/w/1/1/386, 30 May 1477; P314/w/1/1/418, 3 Apr. 1481; P314/w/1/1/560, 17 Apr. 1521; P314/w/1/1/572, 10 Aug. 1523; P314/w/1/1/506, 27 Jan. 1512; P314/w/1/1/648, 18 Jun. 1534; P314/w/1/1/649, 29 Jul. 1535; P314/w/1/1/773, 2 Nov. 1570.

⁸⁶ SA, 2028/1/5/8.

⁸⁷ SA, 5586/2/1/42. The 1403 custumal makes no mention of the responsibility to perform mill repair services, but presentations of this in court rolls before 1400 and the context of the custumal as a document for dispute resolution makes it likely that this is an omission of an existing custom.

limited labour services at both Fordington and Worfield were likely linked to the privileged status afforded customary tenants as a result of these manors' status as ancient demesne.⁸⁸ While mill repairs were potentially onerous, it was an infrequent requirement, only being needed when the mill was damaged, and also at least had some benefit to the tenants who utilised the mill.⁸⁹ At Worfield, one further labour presentment concerning the lord's meadow was made in 1491, but was in effect a matter of custom rather than offence, confirming that the tenants of the vill of Sonde owed service with the other tenants at the meadow.⁹⁰ Thus, at both manors, the labour services reported by officials were relatively infrequent and limited.

This picture is in marked contrast to that for Horstead. Here presentments for poor performance of labour services peaked at sixteen in the 1400s before declining to low numbers down to the 1430s and then disappearing entirely. This pattern is far more consistent with resistance to services and eventual success in having them commuted and abandoned, a pattern seen in the fact that presentments involved multiple tenants presumably acting collectively.⁹¹ The services were boon works geared towards demesne agriculture, involving autumn and summer works, including carrying, weeding and ploughing, so were presumably perceived as a significant disability.⁹² No formal record of commutation was made in the surviving rolls, but the lack of any presentments beyond the 1430s supports this conclusion.

Downham is again different, providing an example of a far longer enforcement of labour services, as revealed by infrequent but persistent presentments down to the 1570s, well into the early modern period. While in absolute terms the number of presentments is small, the pattern suggests that most tenants continued to perform their expected services, and thus were not presented owing to conformity rather than a lack of seigniorial expectations. The Ely Coucher Book of 1249–50 gives some idea of the extent of labour services at Downham, revealing extensive week and boon works for both yardlanders and cottars, although significant commutations could have occurred in the late

⁸⁸ McIntosh, *Autonomy and Community*, 29; P.R. Hyams, *King, Lord and Peasants in Medieval England: the Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (Oxford, 1980), 246–9.

⁸⁹ For the relatively positive attitudes of tenants towards using seigniorial mills, see J. Langdon, *Mills in the Medieval Economy: England, 1300–1540* (Oxford, 2004), 283–90.

⁹⁰ SA, P314/W/1/1/489, 1 Aug. 1492. ⁹¹ Britnell, 'Feudal reaction', 41–5.

⁹² KCAR/6/2/87/1/1/HOR/26, 11 Jun. 1395, 18 Oct. 1395, 22 Mar. 1396; KCAR/6/2/87/1/1/HOR/29, m.1, 11 Jun. 1398, 4 Apr. 1402; KCAR/6/2/87/1/1/HOR/30, 9 Feb. 1400; KCAR/6/2/87/1/1/HOR/36, 9 Oct. 1399, 2 Aug. 1402, 6 Aug. 1404, 11 Jun. 1407, 10 Aug. 1407; KCAR/6/2/87/1/1/HOR/32, 1 Oct. 1405, 23 Jan. 1406, 30 Sep. 1406; KCAR/6/2/87/1/1/HOR/33, m.7, 4 Dec. 1411; KCAR/6/2/87/1/1/HOR/37, 7 Apr. 1429.

thirteenth and early fourteenth century.⁹³ The nature of the works presented changed over time, with earlier entries stating that tenants did not come to work when summoned, while in the fifteenth century, apart from ploughing in 1412, presentments mainly concerned carrying services, common drives and collections from fens, rather than agricultural work.⁹⁴ The two presentments of the 1570s also concerned common carrying, usually seen as a less onerous obligation, although the presentments show remarkable harshness, with the 1571 example complaining about tenants carrying too little. The 1579 example is even more extreme, with the reeve being ordered to seize all the customary lands held by the offender, Edward North, for failure to carry items from Doddington to Downham. However, as the clerk states that North committed diverse other offences, this harsh punishment may be the result of a longer tension.⁹⁵ Yet, however one mitigates this seigniorial action, the fact that jurors were still presenting offences against labour services in the 1570s shows that they did have a role in maintaining potentially onerous aspects of customary tenure.

Marriage fines, the second incident investigated, follow a different pattern (see Table 3.3). Marriage fines were levied across England and could act as a legal test of villeinage.⁹⁶ At Fordington and Cratfield, no presentments were recorded in this category. The latter manor did see payments of merchet, but these were not made in response to official presentments and there were no instances of punishments for marriages without licence, suggesting manorial officers had a limited role in maintaining this aspect of unfreedom on the manor.⁹⁷ Downham and Horstead saw relatively similar patterns in levying this fine and presenting non-payers, with low but consistent levels of presentment through the fifteenth century down to a 1466 grant of a licence at Horstead and a 1494 order to seize for marrying a daughter without licence at Downham, after a fifty-five-year gap since the last presentment.⁹⁸

Worfield saw a similar chronology, although the last presentment concerning marriage was significantly later, in 1519. This was for

⁹³ *Ely Coucher Book*, trans. and ed. Miller et al., 47–51.

⁹⁴ CUL, EDR, C111/1/2, m.14, 2 May 1365, 11 Jul. 1365, m.15, 19 Oct. 1365, 9 Jun. 1366, 23 Jul. 1366, m.16, 29 Nov. 1367, m.25, 30 Nov. 1375; C111/1/3, m.18, c.21 Jun. 1387; C111/2/4, m.10, 1 Oct. 1403, m.13, 15 Dec. 1404, m.30, 25 Mar. 1412; C111/2/5, m.12, 19 Mar. 1420; C111/2/6, m.49 24 May 1452, m.56, 3 Jan. 1459; C111/3/7, m.4, 18 Jul. 1461; C111/3/10, m.13, 23 Aug. 1498; C111/3/11, 9 Mar. 1571, 21 Sep. 1579. The importance of carrying services to the Bishop of Ely within the integrated manors of the liberty is discussed by Miller, *Abbey and Bishopric*, 85.

⁹⁵ This customary work is recorded in the Coucher Book: *Ely Coucher Book*, trans. and ed. Miller et al., 48, 50.

⁹⁶ Bailey, *Decline of Serfdom*, 37–8. ⁹⁷ *Ibid.*, 214–15.

⁹⁸ KCAR/6/2/87/1/1/HOR/39, m.13, 24 Oct. 1466; CUL, EDR, C111/2/6, m.32, 13 Dec. 1440; C111/3/10, m.9, 14 Sep. 1494.

Table 3.3 *Presentments of servile incidents by presentment juries*

Decade	Labour services					Marriage					Chevage/fled serfs				
	Down- ham	Hors- tead	Crat- field	Worf- ield	Ford- ington	Down- ham	Hors- tead	Crat- field	Worf- ield	Ford- ington	Down- ham	Hors- tead	Crat- field	Worf- ield	Ford- ington
1310s	1	—	—	—	—	0	—	—	—	—	0	—	—	—	—
1320s	0	—	—	0	0	4	—	—	0	0	0	—	—	0	0
1330s	3	—	—	1	0	5	—	—	0	0	0	—	—	0	0
1340s	—	—	—	0	0	—	—	—	0	0	—	—	—	0	0
1350s	—	—	—	0	0	—	—	—	2	0	—	—	—	1	0
1360s	6	—	—	0	0	1	—	—	2	0	1	—	—	0	0
1370s	1	—	—	0	0	1	—	—	2	0	1	—	—	0	0
1380s	2	—	—	0	0	1	—	—	2	0	0	—	—	0	0
1390s	0	4	—	0	0	3	0	—	6	0	1	4	—	0	0
1400s	3	16	0	0	0	0	1	0	7	0	0	1	0	0	0
1410s	2	1	0	0	0	3	3	0	2	0	1	1	1	0	0
1420s	1	1	0	0	0	0	1	0	7	0	0	8	2	0	0
1430s	0	2	0	0	0	0	4	0	7	0	3	8	7	0	0
1440s	0	0	0	0	0	1	2	0	7	0	2	6	0	0	1
1450s	2	0	0	0	0	0	0	0	10	0	2	7	1	0	0
1460s	1	0	0	0	0	0	1	0	3	0	12	8	1	0	0
1470s	0	0	0	2	0	0	0	0	1	0	6	9	1	0	0
1480s	0	0	0	1	0	0	0	0	1	0	15	9	2	0	0
1490s	1	0	0	1	0	1	0	0	0	0	9	5	1	0	0
1500s	0	—	0	0	1	0	—	0	0	0	6	—	0	0	0

Table 3.3 (cont.)

Decade	Labour services					Marriage					Chevage/fled serfs				
	Down- ham	Hors- tead	Crat- field	Worf- field	Ford- ington	Down- ham	Hors- tead	Crat- field	Worf- field	Ford- ington	Down- ham	Hors- tead	Crat- field	Worf- field	Ford- ington
1510s	—	0	0	1	0	—	0	0	1	0	—	6	0	0	0
1520s	—	0	0	2	0	—	0	0	0	0	—	1	0	0	0
1530s	—	0	0	2	0	—	0	0	0	0	—	7	0	0	0
1540s	—	0	0	0	0	—	0	0	0	0	—	0	0	0	0
1550s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1560s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1570s	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1580s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1590s	—	0	0	0	—	—	0	0	0	—	—	0	0	0	—
1600s	0	—	0	0	—	0	—	0	0	—	0	—	0	0	—
1610s	0	—	0	0	—	0	—	0	0	—	0	—	0	0	—
1620s	0	—	0	—	0	0	—	0	—	0	0	—	0	—	0
1630s	0	—	0	—	0	0	—	0	—	0	0	—	0	—	0
1640s	0	—	0	0	0	0	—	0	0	0	0	—	0	0	0
Total	25	24	0	10	1	20	12	0	60	0	59	80	16	1	1

Sources: KCAR/6/2/87/1/1/HOR/26–41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48–58, KCAR/6/2/38/1/1/COL/376; CUL, Vanneck Box/3–4; CUL, EDR, C11/1/1–3, C11/2/4–6, C11/3/7–11, C11/8–10; P314/w/1/1/1–838, 5586/1/257–306; TNA, SC 2/169/25–47, SC 2/170/1–16.

Officials and the Enforcement of Servile Incidents

a widow's remarriage without licence, yet the lack of amercement suggests that the licence was paid afterwards amicably and followed two decades of no presentments. However, the attention paid to marriage in the fifteenth century at Worfield is significantly greater than at the other manors, with presentments ranging from two to ten between the 1390s and 1450s, and only dropping to a range of one to three, similar to Horstead and Downham, in the 1460s onwards. Special attention to marriages is also seen in two presentments of the custom of marriage at Worfield made in 1396 and 1473, which confirmed that all customary tenants had to pay fines.⁹⁹ This suggests a special seigniorial attention towards controlling marriage, which is striking, as at Worfield virtually no other servile incidents were routinely enforced, showing that even in a manor with seemingly low levels of seigniorial exactions officers could still act for the lord. This was not necessarily inconsistent with the manor's ancient demesne status; as Miller and Hatcher highlight, custom varied between ancient demesne manors and could combine lighter and harsher elements of serfdom.¹⁰⁰ This picture must also be tempered by the fact that many of the women presented were widows who were remarrying, enlarging the category liable to pay marriage fines, and also perhaps showing that an element of control over land as well as personal servility lay behind the stronger regulation of nuptiality.

The third category of servile incident is that of controlling the movement of serfs, though either the payment of chevage or listing fled serfs.¹⁰¹ Examining this incident draws a sharp divide between Worfield and Fordington, on the one hand, and Downham, Horstead and Cratfield, on the other (see [Table 3.3](#)). At the former manors, juries only made one presentment each concerning fled serfs: in 1358 at Worfield, when two customary tenants were recorded as remaining outside the manor, and in 1446 at Fordington, when the western tithingman stated that Agnes Coupere, 'a tenant of the lord according to custom of the manor', had fled the country.¹⁰²

However, in the East Anglian communities, control of movement became a significant category of presentment in the fifteenth and early sixteenth century. This kind of control would seem to suggest officials were regularly working for the lord to enforce personal unfreedom. Certainly, at Downham the upsurge in presenting fled villeins in the 1460s to 1500s appears conflictual, with the regular presentments of serfs

⁹⁹ SA, P314/W/1/1/201, 22 Nov. 1396; P314/W/1/1/351, 19 Aug. 1473.

¹⁰⁰ Miller and Hatcher, *Medieval England*, 119.

¹⁰¹ While these categories are distinct, they were often presented simultaneously and thus are treated together here.

¹⁰² SA, P314/W/1/1/43, 30 Apr. 1358; TNA, SC 2/169/43, m.24, 8 Feb. 1446.

for being outside the manor and not paying chevage being combined with orders to reeves and bailiffs to attach them by their bodies to the next court.¹⁰³ In 1440, this was supplemented by an order to distraint their nearest relation on the manor, and from the 1480s, with lists of serfs and their issue outside the manor, providing details of both ages and place of residence.¹⁰⁴ Yet, it is important to consider these presentments in context. While an example of persistent work for the lord, the regularity of presentment is largely a result of the ineffectiveness of orders to seize serfs, suggesting that although officers were being pressured by the lord, in reality their frequent presentments had little impact. Bailey has emphasised that this growth of interest in serfs' movements is a national picture, but that only one case has been found of a serf potentially being returned to the manor, a fact unsurprising as manorial courts had no obvious way of compelling individuals living beyond a manor's bounds.¹⁰⁵ He argues that many serfs did not leave the manor principally to escape serfdom but instead to take advantage of new economic opportunities in other rural communities after the Black Death.¹⁰⁶ Similar arguments can be made for Cratfield. While juries provided detailed information concerning serfs living in a variety of villages within ten miles of the manor, and orders were made to seize these individuals between the 1420s and 1470s, repetition suggests weak enforcement.¹⁰⁷ By the 1480s and 1490s, presentments only concerned the payment of chevage by non-resident serfs, and Bailey has demonstrated that earlier payments for chevage at Cratfield were likely due to a desire by departed serfs to maintain inheritance interests within the manor rather than a result of effective enforcement.¹⁰⁸

Horstead reinforces this view even more strongly. While in the 1390s and even in 1414, fled serfs were named so they could be attached by their bodies, from the 1420s onwards the vast majority of presentments were simply the profits of chevage payments.¹⁰⁹ Horstead's lords did mine these efficiently, with jurors increasing the number of payers from a range of between two and eight in 1420–57 to between five and fifteen

¹⁰³ See, for example, CUL, EDR, C11/3/7, m.4, 15 May 1464, m.23, 13 May 1473; C11/3/8, m.2, 2 Jun. 1484; C11/3/10, m.14, 5 Mar. 1499.

¹⁰⁴ CUL, EDR, C11/2/6, m.32, 13 Dec. 1440.

¹⁰⁵ Bailey, 'Myth of "seigniorial reaction"', 147–72, 161; Bailey, *Decline of Serfdom*, 295–7.

¹⁰⁶ M. Bailey, 'Servile migration and gender in late medieval England: the evidence of manorial court rolls', *P&P*, forthcoming.

¹⁰⁷ See, for example, CUL, Vanneck Box/3, Henry VI roll, m.5, 10 Jun. 1427, m.10, 19 Oct. 1430, m.46, 18 May 1456; Edward IV roll, m.19, 1 Jun. 1479.

¹⁰⁸ CUL, Vanneck Box/3, Henry VII roll, m.2, 14 Dec. 1486, m.3, 24 Dec. 1487, m.13, 16 May 1497; Bailey, *Decline of Serfdom*, 218–19.

¹⁰⁹ KCAR/6/2/87/1/1/HOR/27, 18 Mar. 1393; KCAR/6/2/87/1/1/HOR/26, 11 Jun. 1395; KCAR/6/2/87/1/1/HOR/34, 14 Feb. 1414.

Officials and the Enforcement of Servile Incidents

in 1462–78, although from this point numbers began to decrease, even though detail including residence, occupation, apprenticeship and entrance to holy orders was recorded.¹¹⁰ In 1515 and 1530, orders were made to arrest fled serfs again, presumably as a result of the decline in chevage payments, and in 1532 the report of the death of William Spark in London led to an order to arrest his brother by his body and goods as William's executor.¹¹¹ However, these policies, along with increased reports of the issue of serfs remaining inside the manor – even including a quarter-year-old baby – could not reverse the decline, with the last chevage payment being presented in 1537.¹¹² At Horstead, control of the movement of serfs relatively quickly transformed into the exaction of a potentially disabling, but at least regular, payment, and in the sixteenth century, attempts to seize serfs were ineffective, despite the quality of information gathered. This trend is seen on other manors, where increased information concerning serfs was not easily transferred into instruments to actually control, or at least profit from, their movement.¹¹³ Thus, while manorial officers were acting for their lord in this regard, it cannot be described as particularly in conflict with other tenants.

At all manors, jurors were involved in enforcing at least one aspect of servility in the fifteenth and early sixteenth century. This reveals that officials did have an important role in maintaining unfreedom and collaborated with lords to achieve this. However, this role diminished in line with the wider withdrawal of officials from policing more active aspects of lordship explored in [Chapter 1](#). Policing of leyrwite and sale of animals disappeared soon after the Black Death. The monitoring of marriage fines had ended by c.1520, fled serfs by c.1540 and non-performance of labour services by c.1580. Thus, by the mid-sixteenth century, the connection of officeholding and serfdom had disappeared, further reinforcing the observation that service in office was not simply an obligation imposed on a lord's unfree tenants. Furthermore, even in earlier periods, examining the enforcement of serfdom reveals that many aspects were only of limited disadvantage to tenants. Fordington saw almost no policing of serfdom, Worfield saw a specific focus on regular marriage fines and infrequent mill repair, and officials at Downham, Horstead and Cratfield made reports on tenants who had fled the community (and thus were not officers

¹¹⁰ KCAR/6/2/87/1/1/HOR/34, KCAR/6/2/87/1/1/HOR/36–39, KCAR/6/2/87/1/1/HOR/41, m.4, 17 Sep. 1489, m.8, 11 Jun. 1492, m.11, 11 Jun. 1494.

¹¹¹ KCAR/6/2/87/1/1/HOR/45, m.9, 30 Oct. 1515, m.25, 3 Nov. 1530; KCAR/6/2/87/1/1/HOR/48, m.2, 6 Nov. 1532.

¹¹² KCAR/6/2/87/1/1/HOR/45, m.9, 30 Oct. 1515; KCAR/6/2/87/1/1/HOR/48, m.7, 30 Oct. 1537.

¹¹³ Bailey, 'Myth of "seignorial reaction"', 162; Bailey, *Decline of Serfdom*, 296; Larson, *Conflict and Compromise*, 113–15; Fryde, *Peasants and Landlords*, 176–7; Poos, *Rural Society*, 246.

Manorial Officeholding and Unfreedom

themselves) which would be unlikely to lead to any actual enforcement of movement restrictions. Monitoring of labour services at Downham and Horstead was more disadvantageous, but only at Downham did enforcement last beyond the early fifteenth century.

CONCLUSION

This chapter has found both that serving as an official was not typically an onerous obligation that had to be imposed on villein and serf tenants, and that officers only had a minor role in preserving aspects of unfreedom, which generally did not have adverse effects on their economic and social position. While the individuals serving as officials were typically drawn from the ranks of customary tenants, freemen can also be found holding a variety of offices on many manors. Moreover, the increasing opportunity for tenants to hold multiple types of land, and the emergence of leasehold as an alternative form of tenure, eroded any connection between status and holding office even more thoroughly. Similarly, the evidence does not support a view of serving in office as a burden, with tenants rarely resisting service on a collective or individual level, unless office had transmuted into effectively a form of financial payment. Finally, officials did have a role in maintaining elements of serfdom, which differed between the manors examined, and this lasted until the mid-sixteenth century. However, generally they policed routine payments or inquiries into mobility which had little concrete effect on restricting their activities or those of their fellow villagers.

These findings support the more positive interpretation of lord–tenant relations and unfreedom which the revisionist literature has advanced. Manorial officeholding does not seem ever to have been treated as a burdensome obligation, with tenants at the very least accepting this customary obligation. The fact that both free and customary landholders served shows the lack of a clear dividing line between these groups. As emphasised in [Chapter 2](#), officeholding was often associated with tenancy, and thus as villein tenures mutated into copyholds and lost their servile obligations, so acting as an official became disconnected from unfreedom.¹¹⁴ Moreover, rather than actively resisting serfdom, officials appear to have acquiesced in maintaining relatively routine and ineffectual elements of unfreedom in the longer term. They perhaps even accepted these as a price worth paying for the valuable functions manorial governing structures served.¹¹⁵ This, of course, does not mean that

¹¹⁴ See pp. 72–4; Bailey, ‘Transformation of customary tenures’, 228–9.

¹¹⁵ For the useful functions of officers for the community of tenants, see Gibbs, ‘Lords, tenants and attitudes’, 161–7.

Conclusion

serving in office, and performing associated duties, never became a source of contention between lords and tenants or that officials did not use their position to resist unfreedom at the manorial or even kingdom-wide level.¹¹⁶ However, it does suggest that such explosive episodes should be contextualised by a more quotidian picture of a system in which tenants collaborated with their lords through office. Day to day, officials were not put-upon unfree servants.

More widely, these findings demonstrate that the structure of office-holding was not purely, or perhaps even mainly, a seigniorial imposition. It reinforces the findings of [Chapter 1](#) which demonstrated the officials utilised their roles for functions outside lords' direct concerns. Communities of tenants used officeholding for their own devices, explaining why manorial structures continued functioning well beyond the end of direct lordship and personal unfreedom in the fifteenth and sixteenth centuries.

¹¹⁶ Schofield, *Peasant and Community*, 42–4, 168; Larson, *Conflict and Compromise*, 22–7; Dyer, 'Social and economic background', 197; Eiden, 'Joint action', 26–9; Whittle, 'Kett's Rebellion', 24; Wood, *1549 Rebellions*, 181–2.

MANORIAL OFFICEHOLDING AND VILLAGE
GOVERNANCE: MISCONDUCT
AND LANDSCAPE CONTROL

That local elites had clear incentives to exercise power over their neighbours is central to the historiography of early modern rural communities. Two interrelated concerns drove their activity. The first was reducing and controlling poverty, which drained the pockets of local elite rate-payers, particularly as sixteenth-century poor laws made supporting the local poor a requirement rather than simply an act of charity.¹ Having to pay relief created new formal structures not only to collect and distribute rates, but also to decide who was deserving of stretched resources.² It triggered other initiatives to remove poor men through military service, relocate vagrants and ensure that parishes were not made liable for young children.³ Such policies led to the second concern identified in this literature. This was the desire to control misbehaviour, driven in part again by economic pressures, but also by wider cultural changes, including the spread of puritanism. This made wealthier villagers more willing to cooperate with JPs in admonishing their poorer neighbours for behaviours which they had previously deemed acceptable.⁴ All these trends fed into what Wrightson termed a ‘decline of neighbourliness’, leading to the rise of the middling sort of local elites.⁵ Thus, concerns around

¹ Wrightson, ‘Social differentiation’, 44; Hindle *On the Parish*, 452–4; Hindle, *State and Social Change*, 216–17, 237; Wrightson and Levine, *Poverty and Piety*, 175; Muldrew, ‘The “middling sort”’, 300–1.

² Braddick, *State Formation*, 116; French, *Middle Sort of People*, 252–3; Wood, *1549 Rebellions*, 200–1; S. Hindle, ‘Exhortation and entitlement’, 121–2; Hindle and Kümin, ‘Spatial dynamics’, 166.

³ Wrightson, *English Society*, 130–1; Kent, ‘Rural “middling sort”’, 31–2; Wood, *1549 Rebellions*, 201; Hindle, ‘Hierarchy and community’, 850; Beier, *Masterless Men*, 32; Hindle and Kümin, ‘Spatial dynamics’, 167–8, 172; Braddick, *State Formation*, 201; Wood, *Faith*, 223–36; Gunn, *English People at War*, 103; Younger, *War and Politics*, 173.

⁴ M. Ingram, ‘Reformation of manners in early modern England’ in P. Griffiths, A. Fox and S. Hindle (eds.), *The Experience of Authority in Early Modern England* (Basingstoke, 1996), 47–88, at 55–6; Wrightson and Levine, *Poverty and Piety*, 173–83, 198–211; French, *Middle Sort of People*, 252; Gaskill, ‘Little commonwealths’, 92.

⁵ Wrightson, ‘Decline of neighbourliness’, 38–9; Hailwood, *Alehouses*, 19–20, 83.

poverty and misbehaviour are seen to have created a new impulse to govern in the sixteenth century, and therefore helped create new administrative structures controlled by an emergent elite group.

However, more recently historians have asked whether such concerns were a purely early modern phenomenon. This has been achieved in part by demonstrating a longer history of poor relief stretching back into the Middle Ages, driven by local initiative but adopting similar rating systems to those seen in the mid-sixteenth century.⁶ More relevant when considering manorially structured governance is the longer history of policing misbehaviour through manor courts.⁷ The connection posited in Wrightson and Levine's work on Terling between puritanism and a rise in moral control has proved particularly controversial.⁸ Spufford questioned the connection by arguing that the years around c.1300, which, similarly to those of c.1600, were characterised by dearth, saw a campaign by elite manorial officers against sex outside wedlock designed to reduce population. This led her to privilege economic climate over religious fervour as the cause of increased policing of misbehaviour in both the medieval and early modern periods.⁹

Meanwhile, McIntosh's long-run approach has revealed the use of a wide range of local and common-law courts to manage misbehaviour from the late fourteenth century.¹⁰ Manor courts were crucial in this process, first being used intensively to discipline misbehaviour from the 1460s in East Anglia and south-east England, but being used at the national level by 1600. Moreover, these issues were clearly linked to fears about poverty and the threat posed by marginal groups who were often employees of the elites who presented them in local courts.¹¹ Therefore, recent studies have focused on both the longevity of concerns which local elites had in the late sixteenth century and how their predecessors sought to use governing structures including manorial courts to alleviate perceived problems in the fourteenth and fifteenth centuries.¹²

While misbehaviour has been at the forefront of demonstrating the history of governance by elites in local communities before the sixteenth

⁶ Dyer, 'Poverty and its relief', 73–8; Dyer, 'Political life', 153; Dyer, 'Village community', 415–17; M.K. McIntosh, 'Local responses to the poor in late medieval and Tudor England', *Continuity and Change*, 3 (1998), 209–45, at 219–25.

⁷ Hailwood, *Alehouses*, 26–8.

⁸ Wrightson and Levine, *Poverty and Piety*, 198–211; McIntosh, *Controlling Misbehavior*, 2–3.

⁹ Spufford, 'Puritanism and social control?', 44–57.

¹⁰ McIntosh, *Controlling Misbehavior*, 1–18. ¹¹ *Ibid.*, 7–14.

¹² Martin Ingram has argued that church courts remained far more important than manorial courts in policing misbehaviour in rural communities, although this is specifically in the realm of sexual regulation. M. Ingram, *Camal Knowledge: Regulating Sex in England, 1470–1600* (Cambridge, 2017), 117–18.

century, other studies have emphasised that management of the landscape and environmental resources was a vital concern for medieval villages. The pioneering work of Warren Ault investigated the usage of bylaws made in manorial courts to control common-field agriculture and access to resources in the vill.¹³ Bailey has even suggested that this may have been performed by a village elite at the expense of their poorer neighbours.¹⁴ However, until very recently these insights have not been integrated into larger studies of peasant power structures, leading Stephen Mileson to note that ‘in the absence of a well-developed spatial approach . . . sophisticated analyses of peasant society are conducted in the abstract realm of quantification and revolve around tenure in office, appearances in the manor court, and patterns of lending and borrowing’.¹⁵

Recent work has begun to meet this challenge, examining the ways in which understandings of, and conflicts over, the landscape shaped peasant communities. Adopting an interdisciplinary approach, Susan Kilby has recently demonstrated the complexity of ‘peasant perspectives’ on the landscape of pre-Black Death village communities. She examines how peasants constructed an ordered local environment through naming practices and the creation of private zones on their own tenements, in combination with the more familiar use of the court to create and enforce bylaws regulating the use of certain natural resources.¹⁶ Similarly, in the fifteenth century, the way villagers ordered landscape can be seen in the work of courts, with jurors and suitors having a crucial role in both delineating the natural world through making perambulations and viewing the physical world, and having to respond to interventions caused by both human activity and environmental change.¹⁷

Johnson has recently provided a useful framework to draw both misbehaviour and landscape together in a new interpretation of the purpose of manorial courts in the fifteenth century as a period of waning lordship. He suggests that manorial courts were vital in the process of community building through trying to ‘mould associative relations in accordance with three intersecting discourses that reflected idealized modes of community’. These discourses were ‘peace’, which represents attempts not only to police interpersonal violence but also to prevent

¹³ W.O. Ault, ‘Open-field husbandry and the village community: a study of agrarian by-laws in medieval England’, *Transactions of the American Philosophical Society*, new ser., 55 (1965), 1–102, at 41–54, 64; Ault, ‘Village by-laws by common consent’, *Speculum*, 29 (1954), 378–94, at 380–94; Ault, ‘Vill in medieval England’, 195–6.

¹⁴ Bailey, ‘Rural society’, 161.

¹⁵ S. Mileson, ‘Openness and closure in the later medieval village’, *P&P*, 234 (2017), 3–37, at 7.

¹⁶ S. Kilby, *Peasant Perspectives on the Medieval Landscape: a Study of Three Communities* (Hatfield, 2020), 200–8.

¹⁷ Johnson, *Law in Common*, 181–3.

discord through stopping misbehaviour; 'repair', which represents a desire to maintain the landscape; and 'ordaining', which represents the way courts were used for rule-making. These various aims came together in villagers' attempts to create the 'unreachable ideal' of 'a perfect community, peaceful, ordered, resplendent, and free from dissension'.¹⁸

This chapter examines these attempts at community building from the perspective of their role in creating an impulse for governance through manorial structures. It has been shown in previous chapters that officials had significant responsibility for enforcing communal regulations through presentments, and that an elite could form through the repeated service of a narrow set of individuals. Did officials use manorial structures in ways that benefited the whole community, or did they act in a similar way to an early modern middling sort in exercising authority for their own specific preferences?

To answer this question, concerns over both misbehaviour and landscape are examined through a detailed study of relevant 'misconduct' and 'community' presentments and the bylaws which helped shape the work of officials in these areas. The picture which emerges is somewhat mixed. Much of the work of officials was to some extent community-minded. Pressure from without, facilitated in part by the lord's desire to protect his jurisdiction from neighbouring institutions, led officers to champion the rights of the village community as a whole, suggesting a common interest in manorial officeholding. However, this co-existed with a focus on misconduct and controlling access to resources in some communities, which seems to have promoted the vested interests of elite male officeholders at the expense of women, smallholders and the landless, echoing the behaviour of late sixteenth- and seventeenth-century middling sorts. This suggests a development of cultures of governance through manorial institutions in some communities that paralleled later parochial structures, but that this was certainly not a universal trend.

The first section of the chapter focuses on misconduct, and in particular the chronology of monitoring activities of villagers to maintain social control. The following two sections consider governance of the landscape and how differences in ecology and settlement types affected the ways in which manorial offices were used. The first looks at the way this governance promoted 'common' concerns throughout the whole village community and created cohesion between its inhabitants. The second section takes the opposite approach, looking at how concerns surrounding the landscape created governance priorities which promoted the desires of a few and thus fed into social differentiation.

¹⁸ *Ibid.*, 45–52.

How far can efforts at social control demonstrate the use of manorial officeholding to govern local communities? The quantitative pattern of ‘misconduct’ presentments can be seen in [Figures 1.2–1.6](#).¹⁹ Such analysis in [Chapter 1](#) revealed that these presentments were numerically insignificant compared with other types of business. However, misconduct typifies the problem of a crudely statistical approach in that presentments only targeted specific individuals to compel them to reform their behaviour. For example, in 1474 at Downham, two prostitutes, Johanna Freynere and Isabel Gyles, were amerced 6s 8d each for having their doors open at illicit times. They were further ordered to abjure the vill by the Feast of St Andrew under pain.²⁰ By its very nature, such a presentment, if effective, would only appear once. Yet, the extremity of the punishment makes it unusual, and shows the value of considering misconduct to see whether it could act as a concern driving a manorial governing structure. The misconduct presentments explored qualitatively in this section extend beyond those measured in the statistical analysis as some presentments categorised as royal (in that they were explicitly against the king’s peace) are included.²¹ These have been included as they speak to officers’ role in enforcing social control, even if they were theoretically performed as part of their responsibility to the crown. Sometimes, even the same offence could be justified in different ways. For example, at Downham in 1391 two scolds were presented simply as scolds, while in 1468 a scold and gossip was presented specifically as a disturber of the king’s peace, showing the looseness of this division.²²

Five phases in the attention paid by officials towards misconduct can be identified. This reveals that manorial office provided a flexible way for elites to police misconduct, which varied locally depending on wider changes in political, economic and social conditions. However, the waxing and waning of manorial structures as a form of social control suggests that concern about the activity of marginal groups was not in

¹⁹ The term ‘misconduct’ has been used rather than ‘misbehaviour’, as the types of presentments included in this category differ from those seen in McIntosh’s work. While she designates a ‘poverty’ cluster as part of her broader theme of misbehaviour, which includes the offences of hedgebreaking and having illicit subtenants, for the purposes of this volume these types of presentments are assigned to the ‘community’ category, with their focus on managing communal resources. Thus, the presentments analysed in this section only pertain to her ‘disharmony’ and ‘disorder’ clusters, while those related to her ‘poverty’ cluster are analysed in the subsequent sections on landscape: McIntosh, *Controlling Misbehavior*, 9–10.

²⁰ CUL, EDR, C 11 / 3 / 7, m.2, 28 Sep. 1474.

²¹ See [Appendix 1](#) for the categorisation of presentments.

²² CUL, EDR, C 11 / 1 / 3, m.29, 20 Dec. 1391; C 11 / 3 / 7, m.13, 1 Jun. 1468.

itself sufficient to create a consistent governance via a set of ‘chief inhabitants’, as has been argued for the early modern parish.

The first phase of social control occurred before the Black Death, in the context of high population. At Downham, five presentments were made against receiving and hosting strangers between 1311 and 1315, and it is probable the missing rolls for the rest of the 1310s would reveal even more concern about this issue as the years of the Great Famine put pressure on communities concerned with extra population.²³ At Worfield, jurors leet also showed concern about outsiders, presenting tenants for receiving malefactors and ordering that frequenters of taverns who were not inhabitants should be removed and their possessions seized.²⁴ This order foreshadows later concerns about controlling alcohol consumption in the vill. However, Fordington did not see any presentments about misconduct in the same period, perhaps reflecting the localised nature of early fourteenth-century population pressure as a concern of manorial officials.

A second phase took place in the late fourteenth and early fifteenth century. However, there was a shift in the nature of offences, with a new focus on disturbing harmonious relations and a more obvious gendering of social control, as women were particularly targeted. This change was likely a result of different conditions; while a reduction in demographic pressure after the Black Death eased economic pressures, new concerns arose due to the legal and social instability unleashed by the Plague.²⁵ In this period, officials presented both tenants for hosting inhabitants who behaved ‘badly’ and women for being scolds, eavesdroppers and ‘common despisers’.²⁶ In 1411, scolds at Fordington were explicitly described as ‘disturbing the peace both by day and night to the nuisance of the people’, showing the focus on community harmony which lay behind these presentments.²⁷ Similarly violent behaviour was monitored.²⁸ This is well illustrated in the case of John Veyse jnr at Downham, who was presented in 1417 for drawing his knife in any contention between him

²³ CUL, EDR, C11/1/1, m.3, 9 Nov. 1311, m.4, 13 Dec. 1313, m.5, 17 Dec. 1314, m.6, 15 Dec. 1315; R.M. Smith, ‘Dearth and local political responses: 1280–1325 and 1580–1596/97 compared’ in Kowaleski, Langdon and Schofield (eds.), *Peasants and Lords*, 377–406, at 388–9.

²⁴ SA, P314/w/1/1/4, 23 Nov. 1327; P314/w/1/1/17, 13 Jun. 1332; P314/w/1/1/25, 6 Jul. 1345.

²⁵ Johnson, *Law in Common*, 10; Bailey, ‘Rural society’, 160; McIntosh, *Controlling Misbehavior*, 10–15.

²⁶ TNA, SC 2/169/31, m.10, 26 Nov. 1366; SA, P314/w/1/1/251, 30 Sep. 1418; CUL, EDR, C11/1/3, m.29, 20 Dec. 1391; C11/2/5, m.16, 4 Oct. 1421; C11/2/6, m.1, 30 Jan. 1423, m.13, 31 Jan. 1428, m.15, 7 Dec. 1428; SA, P314/w/1/1/178, 19 Oct. 1388; P314/w/1/1/251, 30 Sep. 1418; P314/w/1/1/298, 11 Apr. 1447; KCAR/6/2/87/1/1/HOR/26, 11 Jun. 1395; KCAR/6/2/87/1/1/HOR/37, 11 Sep. 1436, 20 Sep. 1454.

²⁷ TNA, SC 2/169/40, m.16, 30 Jul. 1411. ²⁸ TNA, SC 2/169/40, m.1, 12 Nov. 1406.

and his neighbours, threatening them so that they dared not perform husbandry in the fen and fields, and his father was similarly presented for maintaining him.²⁹ Intriguingly, it was ordered to imprison him as a punishment, although this was clearly ineffective, as in 1418 he was again presented for frequently drawing his knife while playing football as well as following a man to his house.³⁰ At Worfield and Downham, officials also went beyond the assize of ale to more closely monitor the marketing and consumption of alcohol. At the former, bylaws prevented external tranters from purchasing ale in the manor (presumably for resale), while at the latter, offenders were presented for frequenting the tavern and insulting others within it.³¹ In 1408, this was explicitly 'beyond the assigned time', hinting at a more systematic monitoring of taverns.³²

The new level of monitoring was accompanied by a stiffening of punishments. At Fordington, officials threatened offenders with the pillory if they reoffended.³³ At Downham in 1391, two scolds, Alice Page (who was also a common thief) and Beatrix Wysbech, were ordered to abjure the vill.³⁴ Ten years later, two related brothel owners were ordered out of the vill under pain, while Richard Swan was amerced 12d for receiving the same Alice Page in sustaining a brothel after she had been ordered to abjure, showing that orders of eviction were maintained for long periods.³⁵ However, this second wave of policing misconduct varied geographically in its intensity, with far fewer presentments at Horstead and no recorded policing at Cratfield, while Downham, Worfield and Fordington saw sustained attention. This may be a result of the larger populations found at these communities, although the split also defies the national pattern uncovered by McIntosh of early attention in East Anglia.³⁶

The third phase, stretching from the 1460s to the 1520s, saw a more universal pattern of attention to misconduct, with all manors seeing some presentments of this type. This fits McIntosh's concept of an increasing 'nationalisation' of the monitoring of misbehaviour over the fifteenth and sixteenth centuries.³⁷ Officials frequently presented misconduct around prostitution and maintaining brothels and suspect persons.³⁸ That a focus

²⁹ CUL, EDR, C11/2/5, m.7, 12 Jan. 1417. ³⁰ CUL, EDR, C11/2/5, m.9, 18 Jan. 1418.

³¹ SA, P314/w/1/1/111, 7 Jan. 1378; P314/w/1/1/114, 21 Jul. 1378; P314/w/1/1/152, 30 Nov. 1384; P314/w/1/1/155, 12 Jun. 1385; CUL, EDR, C11/2/4, m.29, 14 Dec. 1411; C11/2/6, m.13, 13 Jan. 1428.

³² CUL, EDR, C11/2/4, m.20, 22 Nov. 1408. ³³ TNA, SC 2/169/40, m.16, 30 Jul. 1411.

³⁴ CUL, EDR, C11/1/3, m.29, 20 Dec. 1391. ³⁵ CUL, EDR, C11/2/4, m.6, 10 Nov. 1401.

³⁶ McIntosh, *Controlling Misbehavior*, 154–62. ³⁷ *Ibid.*, 1–18.

³⁸ CUL, EDR, C11/3/7, m.13, 10 Mar. 1468, 1 Jun. 1468; C11/3/7, m.1, 2 Jun. 1473, m.2, 28 Sep. 1474; C11/3/10, m.3, 5 Jun. 1486; KCAR/6/2/87/1/1/HOR/41, m.7, 11 Jun. 1492, m.9, 11 Jun. 1493, m.11, 11 Sep. 1493; KCAR/6/2/87/1/1/HOR/45, m.7, 30 Oct. 1514, m.8, 11 Jun. 1515; CUL, Vanneck Box/3, Henry VIII roll, m.9, 22 May 1521, m.11, 27 May 1523; SA, P314/w/1/1/502, 16 Apr. 1507; TNA, SC 2/169/47, m.11, 1 May 1495.

on harmony underlay this activity is seen in attention paid to verbal insults as well as in a detailed case from Horstead.³⁹ In 1515, when a certain Thomas was said on successive occasions to be hosting Agnes, the wife of the son of his wife (presumably his stepson's wife), this was described as creating great conflict between Thomas and his wife to the disturbance of his neighbours.⁴⁰ Significantly, despite the implication of illicit sexual behaviour, it was the public disturbance of neighbours that justified the presentment.

More divergence can be seen across a fourth phase in the sixteenth century, in which Worfield and Fordington saw a rise in presentments concerning misconduct while this monitoring began to decline at Horstead, Downham and Cratfield. Both Worfield and Fordington saw campaigns against liars, disturbers, scolds and eavesdroppers, and a focus on sexual misconduct.⁴¹ Both manors also saw new attention paid to gaming. At Worfield, new bylaws were made in 1520 and 1521 concerning gambling with cards and dice.⁴² However, as the court rolls do not record officers presenting offences against these rules, this may show a disconnect between the concerns of the tenants making bylaws and the actual reality of misconduct in their locality. At Fordington, a man was amerced in 1547 for having gamers in his house at night, and six presentments were made against men for playing football and bowls in 1571–4.⁴³ This new intensity was accompanied by a harshening of punishments. At Fordington, jurors ordered the removal of suspicious women, while the vill of Chesterton at Worfield ordered Richard Dowelle, a vagabond, to abjure the vill under pain of 20s.⁴⁴ Juries at Worfield also began to systematically monitor particular individuals, as seen in the case of Amica Walker, who was amerced in 1548, 1549 and seventeen years later during her widowhood for various quarrelling offences.⁴⁵

³⁹ CUL, Vanneck Box/3, Henry VII roll, m.4, 26 Oct. 1489; m.11, 26 Apr. 1496.

⁴⁰ KCAR/6/2/87/1/1/HOR/45, m.9, 30 Oct. 1515.

⁴¹ SA, P314/w/1/1/551, 19 Oct. 1521; P314/w/1/1/552, 7 Apr. 1522; P314/w/1/1/642, 21 Nov. 1532; P314/w/1/1/645, 8 May 1533; P314/w/1/1/655, 17 Oct. 1538; P314/w/1/1/670, 4 Oct. 1548; P314/w/1/1/671, 11 Apr. 1549; P314/w/1/1/682, 24 Sep. 1551; P314/w/1/1/685, 7 Apr. 1552; P314/1/703, 15 Mar. 1556; P314/w/1/1/750, 1 Oct. 1562; P314/w/1/1/752, 19 Oct. 1564; P314/w/1/1/761, 9 May 1566; P314/w/1/1/765, 24 Apr. 1567; P314/w/1/1/766, 11 Oct. 1568; P314/w/1/1/773, 27 Oct. 1570; P314/w/1/1/773, 10 May 1571; TNA, SC 2/169/47, m.11, 1 May 1495; SC 2/170/4, m.1, 3 May 1547; SC 2/170/6, m.1, 22 Oct. 1566.

⁴² SA, P314/w/1/1/549, 26 Apr. 1520; P314/w/1/1/560, 17 Apr. 1521.

⁴³ TNA, SC 2/170/8, m.1, 23 Oct. 1571; m.2, 22 Jul. 1572; m.8, c.1573; SC2/170/9, m.1, 1 Oct. 1573; m.4, 8 Jun. 1574; m.6, c.1574.

⁴⁴ TNA, SC 2/169/47, m.11, 1 May 1495; SC 2/170/4, m.1, 3 May 1547; SC 2/170/6, m.1, 22 Oct. 1566; SA, P314/w/1/1/505, 26 May 1511.

⁴⁵ SA, P314/w/1/1/670, 4 Oct. 1548; P314/w/1/1/671, 11 Apr. 1549; P314/w/1/1/761, 9 May 1566. Similar is the case of Eleanor Underhill, who was amerced in 1520, while John

Manorial Officeholding and Village Governance

However, at the East Anglian manors, juries in the sixteenth century paid relatively little attention to misconduct despite population growth in these locales. This questions the extent to which growing concern about misconduct could act alone as a concern to encourage greater governance. While at these manors officials did make presentments concerning badly governed households, insults and sexual misconduct, these were infrequent compared with earlier periods.⁴⁶ Horstead also saw concern about gaming, although, as at Worfield, this was expressed in a new bylaw rather than in presentments. In 1584, it was ordered that ‘none play at football, tables, painted cards, any bowls or other illicit games on the Lord’s days [Sundays]’, with offenders surrendering 40d for the first offence, 5s on the second, and 6s 8d for any further offence. Thus the legislation was relatively limited but perhaps religiously driven with the reference to saints’ days. The bylaw was described as ‘out of the provision of . . . doctor Gorde [Goad] lord of this manor’, which may suggest it was the concern of the provost, a relatively strict puritan and disciplinarian at King’s College, as much as that of local elites that led to the ordinance.⁴⁷ However, as the bylaw was also made with ‘the assent . . . both of the capital pledges and tenants’, the invocation of the provost may have been more symbolic rather than reflecting a real impetus.⁴⁸

The final phase in the early seventeenth century sees even more division between the western manors and those from East Anglia. At Downham, Horstead and Cratfield, no presentments can be found dealing with misconduct after 1600, suggesting that manorial offices were not valued for their ability to police the community in this period. This likely reflects a transfer of this type of activity to church courts and quarter sessions.⁴⁹ However, Fordington and Worfield continued to see monitoring of social misconduct. Much of this was along the same lines as in the sixteenth century, covering areas such as eavesdropping, illicit gambling and drinking in houses, and prostitution.⁵⁰ Yet, at Worfield the impact of the poor law also created a new concern about behaviour

Brown was amerced for receiving her two years later. SA, P314/W/1/1/549, 16 Apr. 1520; P314/W/1/1/552, 7 Apr. 1522.

⁴⁶ CUL, EDR, C11/3/10, 5 Mar. 1558; C11/3/11, 23 Oct. 1572; CUL, Vanneck Box/4, Elizabeth I roll (3), m.1, 23 May 1582; m.4, 23 May 1594; KCAR/6/2/87/1/1/HOR/45, m.17, 15 Jun. 1523, m.22, 15 Jun. 1528; KCAR/6/2/87/1/1/HOR/49, m.6, 19 Jan. 1551.

⁴⁷ S. Wright, ‘Goad, Roger (1538–1610)’, *ODNB*.

⁴⁸ KCAR/6/2/87/1/1/HOR/53, m.2, 1 Oct. 1584.

⁴⁹ McIntosh, *Controlling Misbehavior*, 32–44.

⁵⁰ TNA, SC 2/170/14, m.3, 20 Sep. 1626; m.6, 28 Apr. 1629; SC 2/170/16, m.8, 4 Oct. 1643; SA, 5586/1/257, 9 Oct. 1600; 5586/1/260, 21 Oct. 1602, 5 May 1603; 5586/1/261, c. Apr. 1604; 5586/1/262, 4 Oct. 1604; 5586/1/263, 10 Oct. 1605; 5586/1/264, 10 Apr. 1606; 5586/1/272, 11 Oct. 1613; 5586/1/273, 20 Apr. 1615; 5586/1/287, 2 Oct. 1628; 5586/1/289, 25 Apr. 1631; 5596/1/291, 11 Oct. 1632; 5586/1/295, 28 Apr. 1636; 5586/1/301, 10 Oct. 1643.

Landscape and Community Cohesion

centred on preventing the parish being charged with individuals who could not be supported by their families. In 1616, the jury leet made a rare bylaw, which ordered that 'no persons inside this manor henceforth receive ... any inhabitants unless they have been inhabitants of this manor for ... three years ... unless they give sufficient security to exonerate the parish of such subtenants'.⁵¹ Between 1616 and 1649, fifty-two presentments were made against individuals for hosting men, women and families who could become 'a burden to the parish'.⁵² Pregnant women and illegitimate children were particular focuses in the 1630s and 1640s, owing presumably to the potential need to support these children into adulthood.⁵³ These presentments were followed by orders either to remove the individuals under a large pain of 40s or to provide security to discharge the parish of the need to support them.⁵⁴

The behaviour of village residents was an important concern in late medieval and early modern England for village elites who used the official positions they held to control and punish those perceived as troublemakers. The flexibility of manorial structures allowed them to be utilised by these men to meet a wide range of different concerns across time. This evolved from concerns over the presence of strangers under the demographic pressure of the fourteenth-century agrarian crisis; to sexual behaviour, drinking and conflict under the social dislocation of the fifteenth and sixteenth centuries; and finally, to the liability for outsiders under the poor law in the seventeenth century. Throughout these changes, there was a persistent patriarchal focus to presentments, with women appearing frequently as offenders while the officials making the presentments were uniformly male. However, that the level of attention towards misconduct varied significantly over time and between communities suggests it alone could not provide a sufficient concern to allow for the crystallisation of a group of 'chief inhabitants', in the way described for early modern villages.

LANDSCAPE AND COMMUNITY COHESION

Turning to landscape as an alternative concern, it is possible to look for governing agendas which promoted community cohesion, on the one hand, through the defence of collective rights of all residents living within a manor, and social differentiation, on the other hand, through policies which promoted the economic interests of the wealthiest tenants. The former is largely what the Toronto School emphasised in their studies of

⁵¹ SA, 5586/1/274, 15 Apr. 1616. ⁵² SA, 5586/1/275–306

⁵³ SA, 5586/1/292, 17 Apr. 1634; 5586/1/302, 10 Oct. 1644; 5586/1/306, 11 Nov. 1649.

⁵⁴ SA, 5586/1/299, 16 Oct. 1640, 29 Apr. 1641; 5586/1/306, 11 Nov. 1649.

manorial officeholding. While they showed that officeholders were drawn from a certain social group, they presented this group as largely governing for the common interests of a tight-knit village community.⁵⁵ Olson even claims that serving in manorial office was used to bind individuals to communal responsibilities after the Black Death.⁵⁶ This draws in part on the notion that villages were largely inward looking, and officeholding was utilised to protect the rights of the community against external pressures.⁵⁷ This view is also inherent in Wrightson's thesis of the development of the middling sort in the early modern period. Drawing on Rodney Hilton's description of the medieval peasantry, Wrightson's model does not deny that there were social and economic distinctions within village communities, but indicates that the concerns of these wealthier villagers were in tune with those of their poorer neighbours.⁵⁸ While Wrightson has more recently stated that his original thesis 'made many unwarranted assumptions about medieval society' in assuming such a high level of cohesiveness, his view is that manorial institutions did promote a 'collective identity' at least among tenants by excluding strangers.⁵⁹

Concern about the landscape seems an ideal topic through which to test this claim, as much of the conflict over resources could come from the actions of individuals outside the local community. By examining the role of officials in protecting the boundaries of communities, it is possible to explore the accuracy of this contention concerning manorial officeholding. The case studies reveal that while at all localities there was concern about maintaining jurisdiction, the different nature of external threats to boundaries meant these worked to promote community cohesion to differing extents by manor. These different threats were in turn caused by variations in settlement structures and local landscapes.

There is significant evidence of concern at all manors to establish what was within and outside the jurisdiction of officials in terms of both rights and customs, as well as physical boundaries. At times this seems to have been driven by seigniorial pressures, with lords using local presentment juries to determine the extent of their rights within a lordship and reinforce their privileges. For example, in 1387, the jury at Worfield declared that the lord and his predecessors 'from time out of memory' had been entitled to all escheats and forfeitures in the manor as well as within

⁵⁵ DeWindt, *Land and People*, 240–1; Olson, *Chronicle of All that Happens*, 229; Olson, 'Jurors of the village court', 249; Schofield, *Peasants and Historians*, 206–7.

⁵⁶ Olson, *Chronicle of All that Happens*, 203. ⁵⁷ Dyer, 'Village community', 419.

⁵⁸ Wrightson, 'Social differentiation', 33.

⁵⁹ Wrightson, 'Decline of neighbourliness', 20, 27–31.

the bounds of the forest of Morfe.⁶⁰ This claim was presumably made in the light of the fact that Morfe was a royal forest, and subject to separate royal Swannimote courts and jurisdiction, despite the fact that half the manor lay within the forest's bounds. The jury was thus asserting the lord's privileges within this distinct jurisdictional arena.⁶¹ Similarly, in 1392 the Coltishall jurors at Horstead stated the lord's right to collect half the value of ameracements made for baking and brewing paid by residents of his fee living within the neighbouring leet.⁶²

However, other presentments, although made in the lord's name, look to have protected the interests of the community as a whole.⁶³ At Downham in 1394, the capital pledges gave a long statement concerning the lord's right to drive for strays in the Westmoor, giving the exact route of the drive as stated in a terrier of the bishop. This was occasioned by an incursion by Thomas Buk, bailiff of Manea, a manor in the hands of Richard Scrope. He led Manea's tenants in performing the drive when the tenants of Downham had come to make it and seized three strays which should have fallen to the bishop.⁶⁴ This statement was preceded by the fact that Westmoor was a common shared between the tenants of Downham, Littleport and Ely. Therefore, the illicit drive affected common land in which the tenants also had a stake. The presentment fits into a longer conflict over fen commons with Scrope's tenants, who on prior and subsequent occasions worked and enclosed commons of Downham's tenants.⁶⁵

A similar connection is seen at Worfield in 1383, when the jury declared that all boundary marks and encircling lines of the manor fully appertained to the lord. While this is clearly a statement of seigniorial power, it occurred in the context of concerns about common rights within the manor. In the same set of presentments, it was stated that the lord and his tenants had common in the forest of Morfe with their animals at 'all times of the year' and had 'for time out of memory'. These statements occurred, much like at Downham, in an attempt to exclude tenants of another manor, with the jury claiming the lord of neighbouring

⁶⁰ SA, P 314/W/1/1/162, 4 Jun. 1387; Gibbs, 'Felony forfeiture', 260.

⁶¹ Tom Johnson has highlighted the continued importance of Swannimote courts, and the role of local gentry and tenant communities in preserving customary entitlements under Forest Law into the late fourteenth and fifteenth century: 'The redistribution of Forest Law and administration in fifteenth-century England' in L. Clark (ed.), *The Fifteenth Century XV: Writing, Records and Rhetoric* (Woodbridge, 2017), 93–108, at 102–8.

⁶² KCAR/6/2/87/1/1/HOR/27, 28 Oct. 1392.

⁶³ TNA, SC 2/170/1, m.3, 10 May 1519; SC 2/170/2, m.6, 7 Oct. 1539.

⁶⁴ CUL, EDR, C111/1/3, m.36, 3 Dec. 1394.

⁶⁵ CUL, EDR, C111/1/3, m.16, 4 Dec. 1386; C111/2/6, m.21, c.1432.

Manorial Officeholding and Village Governance

Pattingham and his tenants had no common pasture within the manor, a statement surely related to their rights over Morfe forest.⁶⁶

Officers were therefore invested in establishing and defending rights and boundaries within the landscape, suggesting a pressure to utilise officeholding to govern emanating from external pressures. However, the specific nature of this differed across the case-study manors thanks to variations in environment and structure. At Worfield, governance of the landscape does not seem to have acted uniformly as a cohesive force amongst all residents living within the manor. Instead, the existence of dispersed sub-units within the manor provided different loci around which communities could develop. While manorial juries did occasionally establish boundaries with settlements beyond the manor, such as when tenants of neighbouring Stockton and Higford carried away the manor's boundary marker at Stapulford, typically individual vills saw tensions with neighbouring external settlements.⁶⁷ For instance, between 1372 and 1400, the collective vills of Burcote, Ryndelford and Bromley made presentations against the commoners of Bridgnorth for enclosing part of the commons and waste of Bromley.⁶⁸ Worfield's juries' concerns over boundaries, rather than generally looking outwards, instead focused on the internal dynamics of the manor, caused by the manor's division into around twenty-five different townships, each with its own common lands, which required using the overarching manor court to establish rights between them.⁶⁹ In 1532, for instance, the jury leet presented that the lord ought to have all pertinent to the leet in Ackleton, a hamlet and sub-manor at the edge of the parish boundary, as had been the case from 'time immemorial', with the jury thus establishing the extent of the manor's leet jurisdiction.⁷⁰ Moreover, vills on several occasions used the court to present other townships for encroachment on their lands and commons and diverting the Worfe.⁷¹

At Horstead and Cratfield, conversely, officers and particularly capital pledges had a significant role in monitoring the external boundaries of the manor. This was owing to their situation in regions of complex manorial and leet boundaries. Attention to bounds is seen via references to a perambulation to mark boundaries performed by the capital pledges.⁷²

⁶⁶ SA, P314/w/1/1/138, 14 Dec. 1383. ⁶⁷ SA, P314/w/1/1/674, 11 Oct. 1549.

⁶⁸ SA, P314/w/1/1/87-216. ⁶⁹ SA, P314/w/1/351, 19 Aug. 1473.

⁷⁰ SA, P314/w/1/1/642, 21 Nov. 1532; see [Map o.3](#), p. 29.

⁷¹ SA, P314/w/1/1/34, 22 May 1352; P314/w/1/1/40, 13 May 1357; P314/w/1/1/156, 5 Oct. 1385; P314/w/1/1/202, 4 Jun. 1397; P314/w/1/1/470, 27 Sep. 1487; P314/w/1/1/503, 30 Sep. 1507; P314/w/1/1/503, 19 Oct. 1508; P314/w/1/1/687, 6 Oct. 1552; P314/w/1/1/750, 1 Oct. 1562; 5586/1/303, 17 Apr. 1646.

⁷² KCAR/6/2/87/1/1/HOR/36, 11 Jun. 1433; KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1437; KCAR/6/2/87/1/1/HOR/53, m.1, 2 Oct. 1583, m.10, 21 Mar. 1592; KCAR/6/2/87/1/1/HOR/40, m.3,

That at Cratfield this was an annual exercise is seen in 1514, when the 'capital pledges of the vill of Cratfield by their unanimous consent' agreed to annually perambulate 'to mark the boundaries inside the precincts of this leet' on the Thursday before Ascension day.⁷³ In both cases, relatively frequent monitoring suggests a continuous duty of perambulation only visible in presentments for failure to perform it.

For Horstead, the evidence of presentments made by jurors concerning infractions against manorial boundaries reinforces this argument. While Horstead, excluding its detached Coltishall fee, was bounded on its eastern side by the natural barrier of the River Bure, divisions with the manors of Crostwick, Mayton and Frettenham were made with boundary stones and thus liable to be broken (Map 4.1).⁷⁴ This led to a constant stream of cases concerning boundaries on the manor, with presentments about refusing to show bounds, ploughing up divisions and uprooting boundary stones.⁷⁵ That maintaining these boundaries required interaction with tenants from other manors is hinted at in a session of 1413, when the capital pledges presented that the vill of Mayton had not come with the vills of Horstead and Frettenham to establish a bound between the communities.⁷⁶ Along with physical boundaries, Horstead's location amidst other manorial jurisdictions led to conflicts over the rights of officers to exercise authority. Sometimes these involved capital pledges from other manors performing their perambulation within Horstead's boundaries and amercing and charging pains against residents of Horstead in their leet.⁷⁷ The complex relationship with Coltishall's leet also led to conflict.⁷⁸ In 1439, four men were presented for usurping the lordship of the manor by amercing Alice Coupere for 3s in Coltishall's leet for

II Jun. 1485; KCAR/6/2/87/1/1/HOR/41, m.6, II Jun. 1491; KCAR/6/2/87/1/1/HOR/45, m.25, II Jun. 1530; KCAR/6/2/87/1/1/HOR/51, m.3, 23 Apr. 1572, m.8, 24 Apr. 1577; KCAR/6/2/87/1/1/HOR/53, m.7, 30 Mar. 1590; KCAR/6/2/87/1/1/HOR/54, m.1, 26 Mar. 1595; KCAR/6/2/87/1/1/HOR/57, m.3, 15 Apr. 1616; CUL, Vanneck Box/3, Henry V roll, m.15, 2 Jun. 1422; Henry VIII roll, m.19, 31 May 1531; m.23, 26 May 1534; Edward VI and Mary I roll, m.2, 25 Nov. 1549; m.14, 9 Jun. 1554.

⁷³ CUL, Vanneck Box/3, Henry VIII roll, m.3, 19 Apr. 1514.

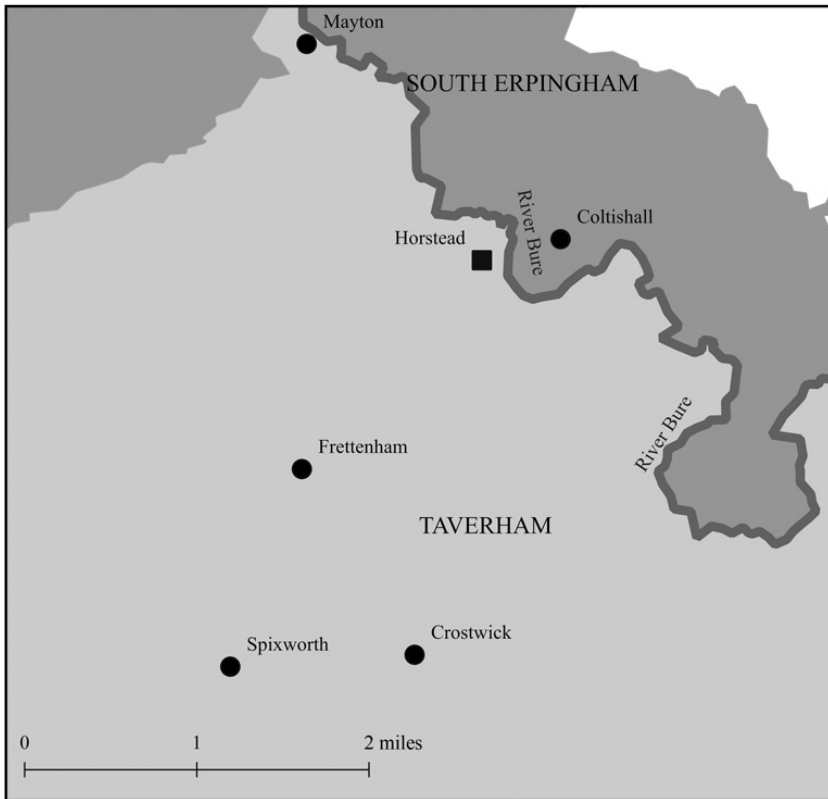
⁷⁴ A description of the boundaries of the leet from an unidentifiable manuscript of 1592 describes a series of dole-stones for Horstead's southern and western bounds. See Millican, *Horstead and Stanninghall*, appendix III, 201–3.

⁷⁵ KCAR/6/2/87/1/1/HOR/30, II Jun. 1405; KCAR/6/2/87/1/1/HOR/36, II Jun. 1407; KCAR/6/2/87/1/1/HOR/39, m.12, II Jun. 1465; KCAR/6/2/87/1/1/HOR/51, m.2, 13 Apr. 1570; KCAR/6/2/87/1/1/HOR/36, II Jun. 1408; KCAR/6/2/87/1/1/HOR/33, II Jun. 1409; KCAR/6/2/87/1/1/HOR/36, II Jun. 1443; KCAR/6/2/87/1/1/HOR/37, 6 Aug. 1456; KCAR/6/2/87/1/1/HOR/39, m.27, II Jun. 1474; KCAR/6/2/87/1/1/HOR/45, m.9, II Jun. 1516, m.12, 29 Oct. 1517, m.15, 30 Oct. 1520; KCAR/6/2/87/1/1/HOR/51, m.2, 13 Apr. 1570.

⁷⁶ KCAR/6/2/87/1/1/HOR/34, II Jun. 1413.

⁷⁷ KCAR/6/2/87/1/1/HOR/36, II Jun. 1407; KCAR/6/2/87/1/1/HOR/33, 2 Aug. 1409; KCAR/6/2/87/1/1/HOR/34, II Jun. 1417; KCAR/6/2/87/1/1/HOR/37, 23 Sep. 1423, 9 Sep. 1427.

⁷⁸ KCAR/6/2/87/1/1/HOR/37, II Jun. 1453.



Map 4.1 Map of Horstead with villages mentioned in the text
Notes: Boundary data from Satchell et al., 1831 Hundreds.

making kindling in her marsh held of Horstead manor and lying within the precincts of its leet.⁷⁹

However, while bounds were broken by neighbouring vills in collective actions, more typically it was individual tenants of Horstead itself behind boundary breaking.⁸⁰ The nature of landholding in Norfolk likely drove this, with many tenants holding land on multiple manors and thus seeking to cultivate engrossed holdings via breaking manorial boundaries. By the late sixteenth century, many large holdings were made up of land held in different parishes, often in parcels adjacent to parochial boundaries, and at least 37% of tenants at Horstead held land in more than one

⁷⁹ KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1439. ⁸⁰ KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1427.

parish.⁸¹ That tenants broke manorial boundaries to create larger holdings is occasionally stated in the rolls. In 1522, a tenant was ordered to put back the metes he had ploughed up between free land held of Horstead's Coltishall fee and customary land held of Coltishall manor (presumably Hakeford hall).⁸² In 1556, the jury was ordered to inquire of an enclosure made by Robert Shreve, which included both leased and customary land held of the manor, combined with free lands held of both Frettenham and Mayton, delineated by means of an illicit ditch made in part of Horstead's common pasture.⁸³

At Cratfield, the court rolls provide less evidence of a consistent concern about boundaries in comparison with Horstead, likely because this manor was already enclosed by 1300 and therefore not subjected to the change from open field to enclosed system seen at Horstead.⁸⁴ While, in 1431, Geoffrey Wylbeye was presented for ploughing up a divide between Cratfield and Huntingfield, other presentments concerning the breaking of bounds make no reference to neighbouring manors, suggesting either that Cratfield's tenants may not have sought to engross holdings across manors or, more likely, that manorial officials did not enforce any restrictions effectively.⁸⁵

If boundaries were potential irritants to local elites who wanted to engross their land across manorial divisions, why did officers continue to establish and monitor these? This is likely because clear boundaries were essential to limiting access to common resources by outsiders, providing a more universal incentive for all tenants to oppose the breakdown of manorial divisions. At Horstead, an external threat throughout the fifteenth century was provided by the shepherds of the lords of Frettenham and Mayton, who regularly commoned their flocks within the manor.⁸⁶ In the late sixteenth century, Cratfield's jury presented men 'who are not tenants of this manor' for entering the common to cut down trees, stating that all the commoners and their ancestors had the right to keep their animals in the common and to all fallen wood found there 'without denial'.⁸⁷

⁸¹ Campbell, 'Extent and layout', 13. ⁸² KCAR/6/2/87/1/1/HOR/45, m.16, 3 Jul. 1522.

⁸³ KCAR/6/2/87/1/1/HOR/50, m.6, 21 Apr. 1556.

⁸⁴ Bailey, 'Irregular field systems', 29–32. ⁸⁵ CUL, Vanneck Box/3, Henry VI roll, m.11, 22 May 1431. Engrossment of different holding types across villages was common in Suffolk as in Norfolk. See Dyer, 'Suffolk farmer', 5–7, 12.

⁸⁶ KCAR/6/2/87/1/1/HOR/34, 11 Sep. 1414, 11 Jun. 1417, 11 Jun. 1420; KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1428; KCAR/6/2/87/1/1/HOR/36, 10 Sep. 1432; KCAR/6/2/87/1/1/HOR/37, 6 Sep. 1434; KCAR/6/2/87/1/1/HOR/36, 11 Jun. 1443; KCAR/6/2/87/1/1/HOR/37, 11 Jul. 1454; KCAR/6/2/87/1/1/HOR/39, m.5, 2 Aug. 1463, m.21, 11 Jun. 1470, m.40, 27 Oct. 1480; KCAR/6/2/87/1/1/HOR/41, m.6, 11 Jun. 1491.

⁸⁷ CUL, Vanneck Box/3, Elizabeth I roll (1), m.19, 19 Dec. 1581; Elizabeth I roll (4), m.1, 17 May 1592; m.7, 18 May 1597.

Manorial Officeholding and Village Governance

It was at Fordington and Downham that the role of common rights, and concerns about appropriation by non-residents, drove the monitoring of boundaries in a way that most obviously promoted social cohesion among villagers. At the former manor, in 1366 and 1445, officers presented outsiders for commoning large flocks of sheep in the manor where they had no common rights.⁸⁸ A further statement around commoning is seen in 1636, when the jury claimed that ‘Westhill hames are and tyme out of minde have been p(ar)cell of the com(m)on of this mannour belonging to the West Warde’, a rare reference to the manor’s split between two tithings which seems not to have caused disputes over common rights in the way seen at Worfield.⁸⁹ Occasional disputes with neighbours over boundaries are also seen, including an interesting case in 1329 when it was presented that an abbot ought to be distrained as he had removed a ‘floodstake’, leading to him obstructing a watercourse in the manor.⁹⁰

At Downham, disputes over common rights also arose with tenants of manors held by lords other than the Bishop of Ely. For instance, the vill of Chatteris was presented frequently between 1428 and 1502 for pasturing beasts in the common fens without licence.⁹¹ However, officers also had a distinctive role in that the surrounding fen was intercommoned with neighbouring manors, meaning that establishing responsibilities over, and rights to, joint resources was more typical than monitoring definitive boundaries.⁹² For example, in a bylaw of 1507 it was agreed between the tenants of the manor that the commoners of Ely were responsible for maintaining the common road leading into Westfen from the town in the east part of the lord’s park, while Downham’s inhabitants were responsible for a similar path in the west part of the park.⁹³ This followed on from an ordinance previously made outside the court, a possible reference to an earlier agreement between inhabitants of Downham and Ely made in a cross-manorial meeting. In 1426, the jury stated that men from Ely had overburdened the common, with the fact that the offence was for overstocking rather than illicit commoning suggesting the men were

⁸⁸ TNA, SC 2/169/31, m.1, 6 Jan. 1366; SC 2/169/43, m.25, c.1445.

⁸⁹ TNA, SC 2/170/15, m.4, 3 Oct. 1636.

⁹⁰ TNA, SC 2/169/25, m.5, 17 Dec. 1329, m.8, 31 Dec. 1330; SC 2/169/28, m.6, 20 Aug. 1349; SC 2/169/38, m.1, 23 Nov. 1396; SC 2/169/140, m.7, 18 Jun. 1408; SC 2/169/47, m.1, 24 Oct. 1486, m.3, 8 May 1487, m.4, 5 Jun. 1487; SC 2/170/15, m.4, 3 Oct. 1636. Unfortunately, the abbey which the abbot led could not be identified.

⁹¹ CUL, EDR, C111/2/6, m.14, 12 Mar. 1428, m.25, 14 Jan. 1434, m.49, 24 May 1452, m.52, 10 May 1456, m.54, 1 Jun. 1457, m.55, 16 Jun. 1458, m.56, 3 Jan. 1459; C111/3/7, m.4, 18 Jul. 1461, m.7, 16 May 1464, m.8, 27 Sep. 1465, m.11, 13 May 1467, m.19, 13 May 1472, m.1, 2 Jun. 1473; C111/3/10, 24 Feb. 1487, m.1, 26 Sep. 1488, m.10, 29 Mar. 1496, m.19, 6 May 1502.

⁹² CUL, EDR, C111/3/10, 24 Feb. 1487. ⁹³ CUL, EDR, C111/3/10, m.23, 24 Sep. 1507.

Landscape and Community Differentiation

exceeding legitimately held rights. The justification again emphasises the damage done to both lord and tenants, with the jury claiming that the overstocking meant that the bishop could not have sedge for his kitchen and that the tenants could not have the same to repair their houses.⁹⁴

Concern over landscape provides evidence that when elites used office-holding to govern, they did so in a way that promoted social cohesion among all members of their communities, and therefore worked against producing the social differentiation seen in the early modern period. This varied between communities, with little evidence at the manorial level at Worfield for the use of office in this way owing to the dispersed nature of settlement. At Horstead, the picture is complex; considerable use was made of manorial officeholding to protect the leet's jurisdictional boundaries and prevent the common being used by neighbouring lords' officials, but at the same time presentments preventing the breaking of boundaries were targeted at tenants rather than outsiders. Officials at Cratfield were similarly concerned with marking boundaries, but here there is less evidence of this being in response to pressure from neighbouring jurisdictions or due to engrossment across manorial boundaries by tenants, providing less justification for seeing this boundary monitoring as a use of officeholding which promoted cohesion among members of their community. Fordington and Downham monitored boundaries in the way that most obviously created solidarity between residents of the manor, with neighbouring villages targeted for impinging on the collective rights of tenants.

LANDSCAPE AND COMMUNITY DIFFERENTIATION

How far could concern about the landscape have the opposite effect, creating a governing structure that focused on social differentiation of the type emphasised in much existing research on the early modern village? Detailed examination reveals contrasts between the case studies in the way concern about landscape directed the role and exercise of manorial office, and especially the extent to which economic hierarchies were reinforced through village governance. Specifically, three regimes emerge based on the interrelation between the nature of property rights, settlement patterns and natural resources.

The first type of regime, seen at Cratfield and Horstead, saw relatively little innovation in manorial governance and little attempt to use offices to maintain economic hierarchies. At both manors, officials continued to bring business linked to landscape to the court, but there was no significant variation in the make-up of their presentments. This is reflected in

⁹⁴ CUL, EDR, C11/2/6, m.9, 19 Jul. 1426.

Manorial Officeholding and Village Governance

the fact that very few bylaws, which allowed tenants to focus officers' attentions on new problems, were made in the period examined. At Cratfield, the few bylaws recorded typically refined pre-existing common rights. For instance, in 1431 the jury ordered that no tenants allow their mares to roam freely in the common in response to an incident where four men had allowed this 'to grave damage of the vill', leading to a few presentments around this issue in the succeeding years.⁹⁵ At Horstead, while bylaws concerning the ringing of pigs were made in 1511 and 1595, the latter creating a new set of pig reeves, this adaptation is exceptional and generally officers appear to have made presentments according to the same list of offences as established by the 1390s.⁹⁶

This lack of innovation in manorial governance seems to be linked to the limited extent of common property rights on both these manors. Cratfield's arable had already been largely enclosed by 1300, which meant officials rarely presented trespasses in the tenants' crops.⁹⁷ Meanwhile, at Horstead the population drop and stagnation caused by the Black Death and subsequent epidemics allowed for greater engrossment of previously common fields as the land market became the dominant way in which land was transferred, providing a precondition for significant enclosure in the early modern period.⁹⁸ By 1586 the average holding size at Horstead-with-Staninghall had reached 72.3a, with seven tenants having holdings of more than 80a, and closes accounted for around 42% of farmland in the parish.⁹⁹ The move towards greater enclosure is seen in a court of 1566, when, in exchange for a collective rent increase, the lord agreed that all farmers and tenants could enclose both their free and customary land at will.¹⁰⁰ As at Cratfield, increasing moves towards enclosure explain a reduction in presentments for trespasses in the tenants' common arable at Horstead, and these had disappeared altogether by the seventeenth century.¹⁰¹

Officials maintained a more significant role in policing access to common pasture. At Cratfield, piecemeal enclosure of common land likely occurred across the fifteenth and sixteenth centuries, leaving only relatively small areas of communal greens.¹⁰² However, officials were diligent

⁹⁵ CUL, Vanneck Box/3, Henry VI roll, m.14, 15 Oct. 1433; m.30, 24 Oct. 1442; Edward IV roll, m.4, 26 Oct. 1464; Elizabeth I roll (2), 28 May 1561; Elizabeth I roll (1), m.4, 2 Jun. 1563.

⁹⁶ KCAR/6/2/87/1/1/HOR/45, m.3, 25 Aug. 1511; KCAR/6/2/87/1/1/HOR/65, m.1, 26 Mar. 1595.

⁹⁷ Bailey, 'Irregular field systems', 29–30. ⁹⁸ Campbell, 'Extent and layout', 26–9.

⁹⁹ Adapted from Campbell, 'Extent and layout', 10, table 1, 15, table 4.

¹⁰⁰ KCAR/6/2/87/1/1/HOR/52, m.4, 19 Apr. 1566.

¹⁰¹ KCAR/6/2/87/1/1/HOR/26–41; KCAR/6/2/87/1/1/HOR/45; KCAR/6/2/87/1/1/HOR/48–58.

¹⁰² Bailey, 'Irregular field systems', 30–3.

Landscape and Community Differentiation

in presenting offenders for overstocking or illicitly using these areas, maintaining what were essentially a set of private entitlements to common lands. They also played an important role in establishing which tenants had specific rights to common lands. In 1544, the jury was ordered to provide a list of commoners in a particular common way, giving both their names and 'the quality of their tenure', while in 1614 and 1647 they confirmed that certain tenements gave their holders common rights.¹⁰³ Officials also worked to prevent the alienation of pasturing rights to non-tenants, punishing those who offered outsiders their allotments in exchange for agistment fees.¹⁰⁴ This ability to designate common rights undoubtedly gave manorial officers significant governing power in the community and potentially the ability to exclude others to their own benefit. Despite this, it seems that the wider community of tenants were at least nominally involved in decision-making, with the 'whole homage' being ordered to provide a list of commoners in Northwood Green in 1546.¹⁰⁵

At Horstead, zones of infertile sand and gravel led to persistent areas of pasture.¹⁰⁶ However, in 1599 an agreement made between King's College and the tenants, after a petition of 1598, led to the complete extinguishing of common land and rights within the manor. This well-documented process of enclosure reveals how a shift from common to private landholding rights led to a diminished role for manorial officials in village governance and thus any drive for social differentiation. While, in the seventeenth century, no presentments were made around common lands owing to the enclosure of 1599, before this point the manor court continued to be used vigorously to monitor access to the common and overstocking.¹⁰⁷ However, the tenants, who as prominent manorial officers were responsible for this monitoring, were also crucial to the process of enclosure, as revealed in the fact that of the eighteen representatives of the tenants who either signed or marked the enclosure petition of 1598, twelve can be found serving as jurors and capital pledges.¹⁰⁸ This demonstrates the motivation behind enclosure. Commoning was a carefully managed right, with stints made according

¹⁰³ CUL, Vanneck Box/3, Henry VIII roll, m.41, 18 Sep. 1544; Vanneck Box/4, James I roll (2), m.1, 15 Jun. 1614; Charles I roll, m.24, 9 Jun. 1647.

¹⁰⁴ CUL, Vanneck Box/3, Edward IV roll, m.23, 28 May 1482; Henry VII roll, m.4, 26 Oct. 1489; Elizabeth I roll (3), m.1, 23 May 1583; Elizabeth I roll (4), m.2, 2 Aug. 1592, m.7, 18 May 1597; Box/4, Charles I roll, m.19, 12 Jun. 1644.

¹⁰⁵ CUL, Vanneck Box/3, Henry VIII roll, m.44, 16 Jun. 1546.

¹⁰⁶ Campbell, 'Extent and layout', 10–11.

¹⁰⁷ KCAR/6/2/87/1/1/HOR/26–41; KCAR/6/2/87/1/1/HOR/45; KCAR/6/2/87/1/1/HOR/48–54.

¹⁰⁸ KCAR/6/2/87/12/HOR/15, 8 Sep. 1598; KCAR/6/2/87/1/1/HOR/53–54.

to the quantity of land held, and therefore, when presenting offenders for overstocking or utilising the commons without permission, officers were defending a set of privately held use-rights as much as the rights of the community as a whole.¹⁰⁹ They presumably saw the enclosure of 1599 as simply removing the role of policing of rights from the communal court to private individuals. This example illustrates the reasons for the wider lack of innovation in the use of officers for village governance at both Horstead and Cratfield, as elites preferred greater private rights to lands rather than attempts to monitor the community at large.

A second type of regime is seen at Worfield, where there was greater innovation in the management of the landscape via the manorial court. However, the decentralised leet structure meant that this was achieved through a growth in the use of the court by vills to enforce collective requirements over pasturing, usage of commons and the maintenance of infrastructure decided on a township level. Paralleling northern England's upland communities, townships made their own bylaws and pains at Worfield, which were recorded within the manor court setting.¹¹⁰ While some pains were aimed at alleviating one-off problems, others look to have enforced specific policies in perpetuity and were perhaps aimed at dealing with local concerns about resource allocation. Some were particularly targeted at poorer tenants, limiting their access to resources.¹¹¹ A bylaw made at Sonde in 1491, targeted hedgebreakers, ordering that none of the tenants of the vill break the hedges of the same vill under pain of 3s 4d each time.¹¹² This again likely targeted the poor, who broke hedges for fuel.¹¹³ A similar concern can be seen in another Hallon bylaw of 1481, in which it was ordered that 'none occupy lands and pastures in the fields of the aforesaid vill under pain' after a man had been presented in the same court for occupying and unjustly holding lands without licence.¹¹⁴ This bylaw was potentially aimed at preventing squatter settlement which became a focus of vill presentments in the

¹⁰⁹ T. De Moor, 'Avoiding tragedies: a Flemish common and its commoners under the pressure of social and economic change during the eighteenth century', *EcHR*, 62 (2009), 2–10; A.J. L. Winchester and E.A. Straughton, 'Stints and sustainability: managing stock levels on common lands in England, c.1600–2006', *AgHR*, 58 (2010), 31–6; M. Bailey, 'Beyond the Midland field system: the determinants of common rights over the arable in medieval England', *AgHR*, 58 (2010), 153–71, at 157–8; C.C. Dyer, 'Conflict in the landscape: the enclosure movement in England, 1220–1349', *Landscape History*, 28 (2006), 21–33, at 21, 24, 31.

¹¹⁰ Winchester, 'Upland commons', 41; SA, 5586/1/281–302.

¹¹¹ SA, P314/W/1/1/486, 6 Apr. 1491; P314/W/1/1/488, 26 Oct. 1491; P314/W/1/1/505, 26 May 1511; P314/W/1/1/506, 9 Oct. 1511; P314/W/1/1/547, 7 Oct. 1519; 5586/1/302, 10 Oct. 1644.

¹¹² SA, P314/W/1/1/488, 26 Oct. 1491. ¹¹³ McIntosh, *Controlling Misbehavior*, 84–5.

¹¹⁴ SA, P314/W/1/1/422, 25 Oct. 1481.

Landscape and Community Differentiation

seventeenth century, reflecting wider concerns about squatting in early modern Shropshire.¹¹⁵

Thus, at Worfield manorial officers, in terms of the representatives of individual vills, were used to intensely govern the local community. However, the nature of the manor as a dispersed settlement appears to have limited the geographic scope of this governance, with decisions largely being made at the township level. This is reflected in a lack of presentments at the level of the juries leet and baron, as well as the fact that bylaws did not create new manorial officials or adapt the roles of pre-existing ones. This is probably partly because of differing priorities between the various vills. For example, of the ten vills that presented hedgebreakers, only two were recorded in 1582 as having access to common within the forest of Morfe, suggesting this offence was strongly linked to locations without alternative sources of firewood.¹¹⁶ In fact, it seems likely the records of the manor court are not revealing the entire picture, with it being probable that decisions were made in local meetings at the township level which were never enrolled.¹¹⁷ A hint is given in the details of the pain attached to a Hallon bylaw of 1481, which stated that half should go to the lord and half to the vill, suggesting some rudimentary structure to disperse the profits of the pain.¹¹⁸ A flurry of activity in the sixteenth and seventeenth centuries may reflect not a growth in governance, but an increasing use of the manor court to enforce pre-existing rules, taking advantage of the presentment system to enforce bylaws and lay down pains to prevent reoffending. Therefore, at Worfield, manorial structures did not work to create social differentiation on a manorial level.

Fordington and Downham saw a third regime, where manorial officials were clearly used to create social differentiation. At these communities, officials were utilised adaptively to restrict access to resources. Bylaws allowing officers to be adapted to new functions and police new offences occurred far more frequently at Fordington and Downham than at the other three manors, with eighty-two and fifty-two ordinances (including some reissues) recorded in the surviving rolls of each manor, respectively.¹¹⁹ Unfortunately, little is provided in the text of these bylaws to explain the process by which they were made. At both manors,

¹¹⁵ SA, 5586/1/257–306; J.P. Bowen, 'Cottage and squatter settlement and encroachment on common waste in the sixteenth and seventeenth centuries: some evidence from Shropshire', *Local Population Studies*, 93 (2014), 11–32, at 29.

¹¹⁶ Smith, *Worfield*, appendix 2.

¹¹⁷ Angus Winchester highlights the existence of these for certain upland northern manors: 'Upland commons', 41–2.

¹¹⁸ SA, P314/W/1/1/422, 25 Oct. 1481.

¹¹⁹ TNA, SC 2/169/25–47, SC 2/169/170/1–16; CUL, EDR, C111/1/1–3, C111/2/4–6, C111/3/7–11, C111/8–10.

the language of consent is nearly always utilised; formulas include 'the lord and his tenants both free and serf', 'all the tenants of the manor' and 'the whole homage'.¹²⁰ However, as Ault has argued, these formulas likely do not reflect reality, and bylaws often worked to privilege the wealthiest tenants.¹²¹

A brief sketch of the chronology of control of common resources through bylaws at each manor reveals important trends, showing the continued use of manorial office to govern landscape and how this met the objectives of elites. At Fordington, bylaws were largely a sixteenth- and seventeenth-century phenomenon, with only one bylaw of 1391 concerning animal pasturing being made before the 1490s.¹²² Conversely, the period 1494–1552 saw a rush of bylaws which placed new responsibilities on existing manorial officials. Ordinances were made about the correct times animals were allowed in various common pastures and rules about the ringing of pigs were made across four sessions in 1511.¹²³ These bylaws seem to have had effects on the work of a range of officials: for instance, a combination of tithingmen and officers of the Hermitage made between fourteen and thirty-three presentations about unringed and wandering pigs per decade from the mid-sixteenth century onwards, while previously they had made between one and four per decade.¹²⁴

Ordinances made in this first phase of bylaws seem to have applied relatively equally to all inhabitants and, by ensuring equal access to commons and preventing damage by livestock, were presumably beneficial to the whole community. However, from the mid-sixteenth century bylaws seem to have increasingly aimed to stratify access to resources as well as prevent subtenancy on the manor in a period of renewed population pressure. This process began in 1567, when in a court held in October, it was ordered that on 11 November the homage should examine and equally divide a piece of common land called 'le demaynes', suggesting a transition from common to private rights.¹²⁵ While the fact that the whole homage was involved suggests a relatively equitable process, in 1569 a more sweeping inquiry into common pasture was ordered. This directed a set of six men to settle 'the quality and quantity

¹²⁰ CUL, EDR, C11/1/3, m.22, 16 Oct. 1388, m.24, 27 Sep. 1389; C11/2/5, m.2, 12 Jan. 1417; TNA, SC 2/169/37, m.16, 26 Sep. 1391; SC 2/170/3, m.6, 28 Apr. 1545; SC 2/170/4, m.2, Oct. 1547; SC 2/170/7, m.1, 2 Nov. 1569; SC 2/170/16, m.4, 7 Oct. 1641.

¹²¹ Ault, 'Open-field husbandry', 42; Ault, 'Village by-laws by common consent', 194; Shaw-Taylor, 'Management of common land', 66.

¹²² TNA, SC 2/169/37, m.16, 26 Sep. 1391.

¹²³ TNA, SC 2/169/47, m.9, 1 May 1494; SC 2/170/1, m.1, 20 May 1511, m.2, 1 Jul. 1511, 22 July 1511, 12 Aug. 1511; SC 2/170/2, m.3, 29 Apr. 1539; SC 2/170/3, m.6, 28 Apr. 1545; SC 2/170/4, m.1, 4 Oct. 1547, m.8, 4 Oct. 1552.

¹²⁴ TNA, SC 2/169/45–7; SC 2/170/1–15. ¹²⁵ TNA, SC 2/170/6, m.5, 20 Oct. 1567.

Landscape and Community Differentiation

of animals' which each tenant could keep on the manor and where and when these could be pastured.¹²⁶ While this division was nominally made through 'the assent and unanimous consent of the whole homage' with the permission of the lord's representatives, the six men chosen were largely prominent manorial officials: all served in the jury and all bar one held at least one additional office.¹²⁷ The effect of this survey was to benefit the elite tenants who held larger tenements. In 1570, the six men directed that full-virgaters could pasture four horses, three cows and ten sheep; half-virgaters could pasture three horses, two cows and five sheep; and those holding a furlong, two horses, two cows and three sheep.¹²⁸

This restriction of common rights by landholding was also combined with new measures to control subtenancy. In November 1569, it was ordered that no tenants should have subtenants inside the manor without licence under a stiff pain of 20s and that any tenants who did have subtenants were to remove them.¹²⁹ That both restriction of common rights and measures to monitor subtenancy were probably linked to the same issues of squatting under population pressure is seen in the way a flurry of bylaws prevented the leasing of common pasture rights to non-customary tenants.¹³⁰ Frequent reissue is, of course, evidence of the limited effectiveness of this restriction, but the new bylaws around subtenants and pasturing do appear to have been routinely enforced. Tenants were presented for having subtenants in 1570, 1572 and 1575.¹³¹ More significantly, the restrictions on common rights led to the creation of the new manorial office of fieldreeves who enforced these rules for each tithing, making twenty-four presentments of offenders for guarding animals above their allotment and leasing their pasture between 1571 and 1589.¹³²

The period 1625–48 saw a continuation of these restrictions on subtenancy and pasture rights. Tenants continued to be presented on an annual basis for having subtenants and were ordered to remove these under pain of 10s for every month the subtenant remained, although often in reality ameracements and pains paid were substantially reduced.¹³³ Fieldreeves continued to present tenants for overstocking the commons and a bylaw in 1630 restated the ban on leasing of pasture rights, although only six years later this seems to have been relaxed, with tenants being

¹²⁶ TNA, SC 2/170/7, m.1, 2 Nov. 1569. ¹²⁷ TNA, SC 2/170/2–10.

¹²⁸ TNA, SC 2/170/7, m.1–2, 3 Jan. 1570. ¹²⁹ TNA, SC 2/170/7, m.1, 2 Nov. 1569.

¹³⁰ TNA, SC 2/170/7, m.3, 2 May 1570; SC 2/170/9, m.8, 11 May 1575; SC 2/170/10, m.2, 21 May 1577.

¹³¹ TNA, SC 2/170/7, m.3, 2 May 1570; SC 2/170/8, m.4, 23 Oct. 1572; SC 2/170/9, m.8, 11 May 1575.

¹³² TNA, SC 2/170/7–12. ¹³³ TNA, SC 2/170/14–16.

Manorial Officeholding and Village Governance

able to let their rights providing they first gave notice to the fieldreeves.¹³⁴ A 1639 bylaw specifically barred subtenants 'that hath not com(m)on of pasture' from taking 'soyle or dirt in the streete or lanes' of more than 'a dung putt full' and subtenants were not allowed to let their pigs 'goe abroade att all'.¹³⁵ These restrictions took place in a context of wider control over the gathering and movement of common resources, with a ban on quarrying without licence in 1572 and on the carrying of stones and chalk outside the manor in 1633.¹³⁶

While these rules and their enforcement provide clear evidence of elites utilising office to improve their economic position, it would be wrong to entirely characterise innovations in the work of manorial officeholding in these terms. Many bylaws continued to be made on equitable terms, such as restrictions on times and locations of pasturing and an agreement to set up a common watch over pasturing cows.¹³⁷ Moreover, attempts to maintain the Pumberly hedge seem to have had a more inclusive aim, at least among the population of tenants. A bylaw in 1635 created a new system of communal rating to maintain this hedge around the common cow pasture. This was to be administered by six tenants, who, while chosen by the jury, were to be drawn in equal thirds from among the virgaters, half-virgaters and furlong holders, suggesting an aim for a set of officers who reflected the wider community of landholders.¹³⁸ This system, however, lasted only two years and in 1637 it was decided that the hedge would instead be divided by lot among the tenants, with each having responsibility for maintaining their section.¹³⁹ This responsibility was to be enforced by the messor, again showing how bylaws were used to put pre-existing manorial officials to new purposes.

Downham saw an even more proactive use of manorial officeholding to govern the use of landscape by the community, and this began far earlier, starting in the first part of the fourteenth century. Here landscape differed significantly from the other manors owing to the existence of the fen commons around a largely nucleated settlement. These provided resources beyond common pastureland, with sedge and turves that were extracted to be used for fuel and thatching.¹⁴⁰ Bylaws surrounding the control and management of these resources shaped the role of manorial officials to meet new purposes benefiting elite tenants.

¹³⁴ TNA, SC 2/170/14–16; SC 2/170/14, m.8, 25 Oct. 1630; SC 2/170/15, m.4, 3 Oct. 1636.

¹³⁵ TNA, SC 2/170/15, m.4, 22 Oct. 1639.

¹³⁶ TNA, SC 2/170/8, m.4, 23 Oct. 1572; SC 2/170/14, m.12, 27 Mar. 1633.

¹³⁷ See, for example, TNA SC 2/170/14, m.12, 27 Mar. 1633; SC 2/170/15, m.2, 6 Oct. 1635; SC 2/170/16, m.13, 12 Oct. 1646.

¹³⁸ TNA, SC 2/170/14, m.17, 13 Apr. 1635. ¹³⁹ TNA, SC 2/170/15, m.7, 2 Oct. 1637.

¹⁴⁰ Coleman, *Downham*, 20–1.

Landscape and Community Differentiation

In the manor's pre-Black Death court sessions, during a period of high population, officers were utilised to monitor 'bad' gleaning.¹⁴¹ In 1327, the five women presented had explicitly not harvested but gleaned, a focus on the supposed preference to take resources without labouring that would appear in later courts.¹⁴² No bylaws were made in this period, although the resource-policing function of manorial officers is seen in the clauses attached to the election of bylawmen. In 1311, these were 'elected by the whole homage to guard the bylaws for the grain and meadows of the lord and others and of rushes and turves', a statement recognising their dual nature of fulfilling seigniorial and communal functions.¹⁴³ In 1326 a more restrictive function is suggested, with guardians of the marsh sworn to present 'the names of those who take anything in [the fen] more than they should have through *housebote* or *heybote* or *firbote*. And to . . . present all cattle of strangers and those who do not hold land of the . . . vill.'¹⁴⁴ The latter statement aims to exclude outsiders, but the former shows that officials were also used to preserve hierarchies of access within the community of tenants. The 1251 Coucher Book gives no detail of differing rights, simply stating 'that all the vill at Downham, the lesser as well as the greater folk, shall have common rights', suggesting that these restrictions may have been developed owing to increasing population pressure in the late thirteenth century.¹⁴⁵

The relaxation of population pressure after the Black Death did not lead to any lessening of restrictions, and in fact saw a flurry of bylaws passed from 1381 onwards, which modified the functions of officials to meet new problems. For example, successive bylaws were passed concerning the ringing of pigs, in 1388 a bylaw was made ordering tenants to bind sedge they mowed between Hokeday and Michaelmas, and restrictions on the times when sedge and turves could be collected were made in 1388–1404.¹⁴⁶ These bylaws were enforced by manorial jurors as well as bylawmen and engendered relatively quick responses.¹⁴⁷ Bylaws also conferred new duties upon pre-existing seigniorial officers, giving them functions that helped in regulating the community, as in a 1388 order

¹⁴¹ CUL, EDR, C11/1/1, m.1, 24 Nov. 1310, m.6, 15 Dec. 1315, m.9, 25 Sep. 1327; C11/1/2, m.5, 10 Sep. 1331.

¹⁴² CUL, EDR, C11/1/1, m.9, 25 Sep. 1327. ¹⁴³ CUL, EDR, C11/1/1, m.2, 1 Jul. 1311.

¹⁴⁴ CUL, EDR, C11/1/1, m.8, 29 Apr. 1326.

¹⁴⁵ *Ely Coucher Book*, trans. and ed. Miller et al., 46.

¹⁴⁶ CUL, EDR, C11/1/3, m.16, 10 Sep. 1386; C11/1/3, m.24, 27 Sep. 1389; C11/2/5, m.14, 22 Sep. 1419; C11/2/6, m.23, 7 Jul. 1433; C11/3/10, m.20, 31 Jan. 1503; C11/1/3, m.22, 16 Oct. 1388; C11/1/3, m.21, 27 Jul. 1388; C11/1/3, m.31, 5 Dec. 1392; C11/2/4, m.12, 23 Jun. 1404.

¹⁴⁷ CUL, EDR, C11/1/2–3, C11/2/4–6.

about binding sedge which tasked the messor with collecting the profit of the sedge unbound by offenders.¹⁴⁸

As at Fordington, many of these bylaws were applied in the same way to all inhabitants and look to have been beneficial to the community at large through avoiding having livestock trampling fields and ensuring all worked in the fen at the same time. On one occasion, such a statement is even made; in a bylaw of 1409 it was ordered that tenants should not dig more than 20,000 turves a year from the marsh 'because by the injury of the excessive digging of turves year on year the marsh . . . is devastated'.¹⁴⁹ However, other bylaws concerning the amount of resources and the control of labourers on the manor seem to have been deliberately targeted to aid the wealthier tenants. In 1381, 'the whole homage' ordered that virgaters were entitled to 20,000 turves, half-virgaters 10,000 turves and cottagers 5,000 turves, while inhabitants of Downhamhythe were allowed 5,000 turves for sale and specified amounts for their own use.¹⁵⁰ In 1441 an even more complex bylaw was made, this time with the consent of the jury, suggesting a more officially directed ordinance. This excluded tenants and residents who did not hold a cottage or land of the lord from any profit from the common of *Newbykynk*, including of fish, turves, wood or sedge. Cottagers without land were allowed estovers (rights to take resources) to sustain themselves but none to sell, while half-virgaters and virgaters were allowed 'reasonable' estovers and could sell turves according to their tenure, with the cap for full-virgaters being 14,000.¹⁵¹ Restrictions by landholding continued to be made into the seventeenth century, with a bylaw of 1607 allowing copyholders to dig 10,000 turves but 'underhillers' only 5,000 turves under pain of £5.¹⁵²

These bylaws were largely aimed at sale of resources, preventing tenants from exploiting the fen as an economic resource.¹⁵³ It can be argued this should be viewed more as a licensing system, allowing the lord to profit from extra-manorial sales, rather than necessarily an attempt to actually curb this behaviour. Presentments claimed that the lord should receive 3d per 1,000 turves and 6d per 1,000 sedge, which Coleman, comparing this with turves valued at 1s per 1,000 in 1325, suggests meant that the trade could be profitable even after paying amerancements, again a hint at a licensing system.¹⁵⁴ On the other hand, these licences occurred in a context of control of sales. While some bylaws limited the amount of resources tenants of various types could take to sell, others focused on the method of selling. In 1426, it was ordered that tenants and residents could

¹⁴⁸ CUL, EDR, C11/1/3, m.22, 16 Oct. 1388. ¹⁴⁹ CUL, EDR, C11/2/4, m.21, 21 Jun. 1409.

¹⁵⁰ CUL, EDR, C11/1/3, m.9, c.1381. ¹⁵¹ CUL, EDR, C11/2/6, m.33, 4 Sep. 1441

¹⁵² CUL, EDR, C11/8, f.17, 9 Oct. 1607.

¹⁵³ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11. ¹⁵⁴ Coleman, *Downham*, 21.

Landscape and Community Differentiation

only sell the amount of sedge and turves they could carry with their own cart or boat to strangers outside the lordship, and that strangers were not allowed to enter the common and carry away resources. This was under pain of 20s, significantly more than the sale ameracements seen above.¹⁵⁵ Similar bylaws made in 1554 and 1607 seem to have banned the sale of turves to strangers completely under pain of 6s 8d (reduced to 6s 3d in 1607).¹⁵⁶ While sales were monitored in part to generate seigniorial revenue, there were also real efforts to control to whom fenland resources were sold. Although all inhabitants were subject to these restriction on sales, they likely particularly impacted smallholders, for whom selling these resources would have provided an alternative source of income when they were not occupied on their lands.¹⁵⁷

Bylaws also aimed to secure harvest labour for employers in a period of demographic decline. These repeat the theme of labourers failing to work but then reaping the rewards of the harvest and common resources seen in the early fourteenth-century gleaning presentments. In 1388 it was declared that none should glean at harvest if he could earn a penny and midday meal a day under pain of 6d, while in 1411 it was ordered that none should go into the fen or leave the lordship for another vill during the harvest after a time declared by the reeve in church under pain of 40d.¹⁵⁸ This bylaw was restated in 1426 with an additional requirement that a labourer must come from the fen to the field if required.¹⁵⁹ These rules led to routine, if small, numbers of presentments from the 1370s to 1440s along with continuous gleaning presentments. Between 1375 and 1429, individuals were presented for refusing to labour but still fishing and taking turves from the common.¹⁶⁰ Men were also presented for leaving the manor to seek employment elsewhere: in 1378 John Haukyn was amerced 40d for leaving with his cart to go to other vills outside the lordship to seek better wages, while in 1444 a man travelled to Witcham at harvest time against the ordinance.¹⁶¹ These ordinances can only have benefited wealthier tenants who had enough land to require hired labour; clearly those with excess labour to sell saw the advantage of leaving the manor for better remuneration elsewhere. While the success of labour control as exercised through manorial office is open to doubt, it clearly shows a refocusing of office to achieve the aims of wealthier tenants.

¹⁵⁵ CUL, EDR, C11/2/6, m.10, 27 Sep. 1426.

¹⁵⁶ CUL, EDR, C11/3/10, 22 Oct. 1554; C11/8, f.17, 9 Oct. 1607.

¹⁵⁷ Dyer, 'Poverty and its relief', 49; Hindle, *On the Parish*, 28–9.

¹⁵⁸ CUL, EDR, C11/1/3, m.21, 27 Jul. 1388; C11/2/4, m.27, 15 Jul. 1411.

¹⁵⁹ CUL, EDR, C11/2/6, m.9, 19 Jul. 1426.

¹⁶⁰ CUL, EDR, C11/1/2, m.25, 30 Nov. 1375; C11/1/3, m.28, 7 Sep. 1391, m.35, 7 Sep. 1394; C11/2/4, m.16, 24 Sep. 1406; C11/2/6, m.17, 23 Dec. 1429.

¹⁶¹ CUL, EDR, C11/1/3, m.2, 21 Sep. 1378; C11/2/6, m.37, 20 Nov. 1444.

Manorial Officeholding and Village Governance

The surviving courts between 1552 and 1582 demonstrate that officeholding continued to be utilised to serve the interests of manorial elites in the late sixteenth century. Bylaws were again designed to protect the fen from non-tenants, but this time occurring in a period of increasing population. In 1552 a bylaw was made ordering that no tenants, whether free or customary, should have more than one scythe on the first day they entered the common to cut reeds, under pain of 6s for each extra scythe. This bylaw seems fairly equitable, but was followed by another aimed specifically at subtenants, which ordered that none should have more than one scythe, even if there were many living in one tenement, under the stiffer pain of 6s 8d a scythe.¹⁶² This general concern about a burgeoning population is seen in a presentment by the jury of 1554 about eleven tenants who had erected cottages inside the manor within the past ten years. It was ordered to discuss with the lord if common should be apportioned to the cottages. In the same court a ban on non-familial lodgers was made, with an order that none should cohabit inside one tenement unless they were part of a nuclear family, under pain of 40s.¹⁶³ Four offenders were amerced by jurors in 1571 for receiving subtenants, though at the significantly smaller sum of 6d each.¹⁶⁴ These new rules show the flexibility of manorial officeholding which allowed it to meet the changing needs of the local elite. While in the depopulated fifteenth century juries could present those leaving the manor, in the reverse conditions of the sixteenth century, they could try to reduce the number of residents in the village.

The contrasts between the manors reveal that while at all communities officeholding was clearly used for managing landed resources, this was mediated by the varying nature of the landscapes in each place and how they were utilised, creating very different roles for officers. At Cratfield and Horstead the role of juries remained important in policing common rights. However, this occurred in a context of increasing enclosure, which worked to replace official monitoring with private ownership. The set of offences officers monitored was maintained but not extended, meaning that they were not used to intensely govern the community in response to new problems.

The dispersed structure of Worfield, a product of its size but also of its wood–pasture landscape leading to multiple townships, meant that the manor was used as a unit of governance, but largely to enforce specific concerns of local settlements. Bylaws were directed against poorer tenants, but there is no evidence of a more universal aim which crossed

¹⁶² CUL, EDR, C11/3/10, 8 Oct. 1552; C11/3/11, 18 Jun. 1562, 24 Mar. 1575.

¹⁶³ CUL, EDR, C11/3/10, 22 Oct. 1554. ¹⁶⁴ CUL, EDR, C11/3/11, 9 Mar. 1571.

Conclusion

the various vills and could create a manorial elite, except for a general focus on subtenancy. Moreover, these concerns only ever impinged on the presentments of individual townships, rather than on the work of juries and various other officials.

Fordington and Downham present a different picture. These communities were intensely governed through manorial officeholding, with bylaws used to extend, or refocus, authority on issues including common pasture, subtenancy, fenland resources and labour. This intense governing, moreover, was stratified, with bylaws used to meet the labour requirements of larger tenants, to ensure their privileged access to the resources of the commons and the fen, and to prevent perceived threats from landless subtenants. These laws were used not only to establish new articles for jurors to present in the court, but even to create new officers such as fieldreeves and bylawmen, alongside refining the role of existing officials created to serve the lord.

CONCLUSION

Examining concerns over misconduct and landscape as potential catalysts for elites to use officials to promote their own aims reveals that specific circumstances could create something approaching a middling sort, but this was hardly the norm. At all manors, demographic pressure, social dislocation and poor relief entitlement led officials to mount campaigns against 'misconduct' to promote an 'ordered' community. They undoubtedly targeted more marginal individuals such as poor men and especially women, although such activities may have been supported by a wider community which shared their beliefs and desire to maintain 'harmonious' social relations. However, such campaigns waxed and waned as concerns grew or faded. Similarly, specific types of landscape and settlement structures could promote governance in ways that fostered community coherence or social differentiation. The dispersed settlement structure of Worfield prevented the court's use as a tool of governance by a unified elite, as individual vills concentrated on protecting their own resources, often from each other. This echoes Forrest's finding that the church also struggled to identify trustworthy men in dispersed settlements owing to a less obvious formation of a local elite.¹⁶⁵ At Cratfield, a long tradition of enclosed agriculture combined with increasing enclosure of remaining greens meant that the concerns of elites, or at least those they could attempt to solve through manorial structures, were simply reduced. At Horstead, the complexity of jurisdictions, combined with increasing

¹⁶⁵ Forrest, *Trustworthy Men*, 209–13.

Manorial Officeholding and Village Governance

engrossment over multiple manors, may have disincentivised elites who may not have identified with a particular community, or may have seen little need to enforce their authority over a decreasing number of tenants.

However, at Fordington and Downham concern about misconduct was combined with concerns to control access to common lands according to landholding size, and to limit subtenancy and restrict labour. Both manors saw governance agendas that looked to promote the collective wellbeing of the village in a way that would have promoted a cohesive character in the community through the efforts of their officials to prevent external threats to resources. However, this was combined with agendas that would have reinforced, or even created, social differentiation in the way entitlements were apportioned between manorial residents. These manors were marked by both their size and extensive commons, which were combined with nucleated villages. This seems to have created a coincidence of concerns, which combined to promote a wider context of control, much like the confluence of factors identified by Wrightson in creating a middling sort. For Downham, the way misconduct and a concern to ensure a supply of labour could work together is well illustrated in a presentment of 1491. Simon Jacob was amerced 2d for governing his house poorly by hosting the servants of the lord's tenants at night, which caused these servants to withdraw their service from their masters to the damage of the tenants. While the punishment was relatively minor, a significant pain of 10s was also put on not only Simon, but any others who did similarly, effectively creating a bylaw aimed at controlling the labour force.¹⁶⁶

Thus, in certain circumstances, it is possible to identify elements of a 'proto-middling sort', which governed the community through manorial structures. A combination of interests worked together in this period to distance the subset of tenants who held office from those they governed, leading them to utilise manorial office to control the wider community. Andy Wood, discussing changes to common rights and enclosure in the late sixteenth century, has argued that 'in many respects, the "better sort" were better placed to push through changes to the village economy than were the gentry', as 'wealthier villagers were not only the employers of poor labourers' but 'also acted as village constables, overseers of the poor rates and as vestrymen'.¹⁶⁷ The evidence for early modern Fordington suggests manorial officials also had a crucial role in this process in the era after 1500. More significantly, the case of Downham demonstrates that larger tenants in some communities had

¹⁶⁶ CUL, EDR, C11/3/10, m.4, 23 Aug. 1491. ¹⁶⁷ Wood, *1549 Rebellions*, 203.

Conclusion

realised that manorial officeholding was a route to achieve economic changes almost two hundred years earlier.

The emergence of this 'proto-middling sort' within a very specific set of circumstances warns against simply suggesting a complete continuity in local authority between the medieval and early modern periods. Changes in the sixteenth and seventeenth centuries were undoubtedly significant. While some settlements may have adopted poor relief only slowly, state-mandated legislation undoubtedly helped to promote the emergence of a middling sort on a national level. However, in some communities, seemingly marked by large commons and nucleated settlements, discourses of 'peace', 'repair' and 'ordaining', to return to Johnson's conceptualisation, created a distinct elite who utilised adaptable manorial structures for their own ends.

STATE FORMATION I: THE PARISH

Chapters 5 and 6 consider the effect of state building on manorial office. They examine the interactions between the manorial courts and their officials which have been described in the past four chapters and other local institutions which were given new powers by the state in the sixteenth and seventeenth centuries. What effect did the strengthening of the relationship between locality and central government have on the governmental structures created by manorial officeholding?

This chapter examines the parish, the local administrative unit which has been seen as vital in the process of state formation and the incorporation of a middling sort into the state. In the sixteenth and seventeenth centuries, a raft of legislation transformed this unit from being one centred on religious organisation to being what has been termed the ‘civil parish’, a unit vital in royal governance in the locality.¹ Thus, many interpretations have argued that the civil parish displaced the manor and vill from the fifteenth century onwards.² Hindle sees the parish as ultimately replacing the manor court in the form of the oligarchical vestry but acknowledges that process of replacement was complex, noting that although the late sixteenth century was the period of the development of the secular parish, it was also a time of a flourishing of courts leet which were being given new powers by Tudor legislation. Significantly, he argues that the relative strength of the two institutions was largely locally specific; parishes fragmented between multiple manors might not see a vestry becoming dominant until the eighteenth century, while where manor and parish boundaries were coterminous, the vestry

¹ Hindle, *State and Social Change*, 1–36; Kümin, *Shaping of a Community*, 247–58

² Ault, ‘Vill in medieval England’, 211; Bainbridge, *Gilds in the Medieval Countryside*, 123–4; P.D. A. Harvey, ‘Initiative and authority in settlement change’ in M. Aston, D. Austin and C.C. Dyer (eds.), *The Rural Settlements of Medieval England: Studies Dedicated to Maurice Beresford and John Hurst* (Oxford, 1989), 31–43, at 41–3; Dyer, ‘Village community’, 428–9; Dyer, ‘Poverty and its relief’, 74; Dyer, ‘Political life’, 149–53; Kümin, *Shaping of a Community*, 64.

could flourish a lot earlier. Similarly, where manor courts were weak as a result of enclosure removing the need to regulate communal agriculture, the vestry might rise in prominence far more quickly.³

Hindle further suggests that while vestrymen and manorial jurors were of broadly similar status and both parish and manor had a *de facto* tendency towards oligarchy, there were qualitative differences between these institutions. Manorial courts expressed an ascending concept of political authority, with jurors having standing independent of the demands made by their lords, while vestrymen's status was derived from above, as they wielded authority on behalf of the state over which they had little influence. This led to vestries being more oligarchical than manor courts, as state incorporation made parochial-elite vestrymen more self-conscious of their special status, reflecting a trend emphasised by other parish historians that vestries became more exclusive over time. This in turn restricted the possession of parochial office to the middling sort, allowing them to become invested in the early modern state.⁴

French similarly presents the parish and manor as adversarial, suggesting that middling tenants sought to shift authority away from courts leet to parochial structures in order to reduce gentry interference through manorial lordship. He notes, however, that the two bodies could act more harmoniously when lords were non-resident.⁵ For Earls Colne, French and Hoyle suggest the court leet was replaced by parochial institutions that did not rely on common consent, and better allowed a narrow elite including the lord to carry out moral reform.⁶ Thus the literature generally presents a narrative of replacement of the manor court by the parish as an important step in early modern state formation and the increasing power of local elites.

Parishes operated with a wide variety of governors and officials in the early modern era, including select vestries and overseers of the poor. However, the focus of this chapter is on the churchwarden, an office which was transformed in this period. Unlike overseers of the poor, which were an innovation of the late sixteenth century, churchwardens long pre-dated the rise of the civil parish. Investigations of churchwardens before the Reformation have emphasised the importance of these officials in the Middle Ages, seeing this as a key correlate of the rise of the parish as a unit of local identity and organisation.⁷ Over the fourteenth and fifteenth centuries, churchwardens in many communities became

³ Hindle, 'Political culture of the middling sort', 126–8; Griffiths, 'Kirtlington manor court', 281.

⁴ Hindle, 'Political culture of the middling sort', 128–47; Kūmin, *Shaping of a Community*, 258.

⁵ French, *Middle Sort of People*, 229–34.

⁶ French and Hoyle, *Earls Colne*, 163–74.

⁷ Hindle, *State and Social Change*, 209.

responsible for managing increasingly large bequests of property and cash, using this income to coordinate significant building projects, maintain communal infrastructure and distribute local charity.⁸ Before 1500, however, churchwardens were undeniably officers of the locality rather than the crown; while they might be used by communities to meet state requirements such as raising taxation, this was not mandated by royal government.⁹

Change occurred in the sixteenth century, as churchwardens, along with the parish, were increasingly delegated roles by the crown, and thus received local authority as organs of the state. The Reformation played a key part in this. As beliefs were progressively more subject to monitoring for conformity, churchwardens became, whether willingly or otherwise, agents in this process, representing the parish before commissioners and visitations, and presenting nonconformity in archdeacons' courts.¹⁰ Beyond religious policy, the increasing concern about managing poverty led to the pre-existing poor relief functions of wardens being extended and formalised by new legislation, and subject to oversight by county magistrates, although the creation of collectors and later overseers of the poor could lead to this role being performed by other officials.¹¹ This was combined with a variety of other secular functions imposed by successive Tudor governments, which increasingly changed churchwardens from important officials locally to important officials for the exercise of state authority.¹²

This process of transformation means it is possible to compare how the office of churchwarden interacted with manorial officeholding structures both before and after they became important agents of royal government. In turn, this allows for the investigation of how state formation impacted on the pre-existing village governing structures

⁸ W.O. Ault, 'Manor court and parish church in fifteenth-century England: a study of village by-laws', *Speculum*, 42 (1967), 53–67, at 61–7; Slack, *Poverty and Policy*, 114; E. Duffy, *The Stripping of the Altars: Traditional Religion in England, c.1400–c.1580*, 2nd edn (New Haven, 2005), 132–3; Byng, *Church Building*, 172–3, 281; Dyer, 'Poverty and its relief', 72–3; Kümin, *Shaping of a Community*, 43–8, 52–64, 183–95; Kümin, 'Secular legacy', 105; Schofield, *Peasant and Community*, 200–1; Hindle and Kümin, 'Spatial dynamics', 152.

⁹ Dyer, 'Taxation and communities', 186–7; Schofield, *Taxation under the Early Tudors*, 43–5.

¹⁰ Sharpe, *Crime*, 85–7; Hutton, *Rise and Fall*, 73; Wrightson and Levine, *Poverty and Piety*, 155–7; Braddick, *State Formation*, 59; Carlson, 'Office of churchwarden', 170–80; Kümin, *Shaping of a Community*, 243–5; Gaskill, 'Little commonwealths', 92.

¹¹ McIntosh, *Poor Relief in England*, 232–52, 280–3; Hindle, *On the Parish*, 10–13; Houston, 'People, space and law', 56.

¹² Slack, *Poverty and Policy*, 131; Wrightson, 'Politics of the parish', 25–8; Houston, 'People, space and law', 57; Braddick, *State Formation*, 59; Kümin, *Shaping of a Community*, 247–58; Kümin, 'Secular legacy', 105; Carlson, 'Office of churchwarden', 170; Bainbridge, *Gilds in the Medieval Countryside*, 125, 150; Hindle, 'Political culture of the middling sort', 136–7; Gunn, *English People at War*, 32–4, 51–2, 115; Hindle and Kümin, 'Spatial dynamics', 153, 168–9.

which have been outlined in earlier chapters. Is it possible to see a process of replacement, with the increasing state authority of churchwardens leading to a decline in the relevance of manorial officeholding as a governance structure, reducing its attractiveness to local elites? This chapter answers in the negative, arguing that even as the role of churchwardens was transformed by a more interventionist state, the same 'chief inhabitants' continued to serve in both parochial and manorial office. Rather than shifting activity from manor to parish, these elites blended both organs of local governance together to achieve their objectives, although the extent of this varied depending on the relationship between manorial and parochial boundaries. Thus, state formation through the parish does not seem to have dramatically changed village socio-political structures, which were deeply rooted in a long history of governance through the manor.

This investigation narrows the focus to Worfield and Cratfield where churchwardens' accounts and manorial court rolls survive in parallel. At Worfield, churchwardens' accounts survive for 1500 to 1648, with only small gaps for longer than a year for 1537–40 and 1563–5. At Cratfield, churchwardens' accounts survive for 1490 to 1650, although the published edition used in the following analysis only includes a sample of these. The two case studies represent different types of community and geographical relationships between manor and parish. While at Worfield parish and manorial boundaries were coterminous, the parish of Cratfield was split between three manors.¹³ Cratfield was also a considerably smaller community, with an estimated population half the size of that of Worfield in the early sixteenth century.¹⁴

This chapter considers the relationship between state incorporation of churchwardens and manorial governance structures in three sections. Firstly, the internal evidence from the churchwardens' accounts is investigated to examine the chronology of the shift in churchwardens' responsibilities from being solely local officials of the parish to having significant obligations to the state. Secondly, the identities of those serving as churchwardens and as manorial officials are compared to see whether elites shifted from serving in manorial to parochial office as the latter gained new authority and responsibilities from the state. Finally, the last section examines evidence from court rolls and accounts to examine the way churchwardens and manorial officials blended their responsibilities and powers to meet common problems.

¹³ Hindle emphasises the importance of a coterminous manor and parish in the early development of vestries. See Hindle, *State and Social Change*, 208.

¹⁴ See [Table 0.1](#), p. 24.

State Formation: the Parish

THE CHANGING ROLE OF CHURCHWARDENS

Churchwardens' accounts for both Worfield and Cratfield reveal that the functions of this office drastically changed across the sixteenth century thanks to the increasing intervention of monarchs. This process is seen in four phases in the surviving accounts. The first pre-1541 phase illustrates the active parochial communities typical of many late medieval parishes.¹⁵ Both parishes managed large annual expenses, which were met by bequests of money and land, in combination with sub-parochial institutions, namely an attached Chapel of the Virgin Mary at Worfield and a Guild of St Thomas at Cratfield.¹⁶ The parishes supplemented this core income in different ways. At Worfield, churchwardens on two separate occasions also levied a rate, or 'lewn', on land within the parish, at 4d and then 8d a virgate, for the specific purposes of repairing the churchyard walls and bell tower, respectively.¹⁷ They were expressly made by common assent of the parish. At Cratfield, wardens instead relied on substantial sums raised through church ales and Plough Monday celebrations, although the amounts raised by the latter declined across the early sixteenth century until they disappeared in 1535.¹⁸

The majority of expenditure was devoted to the church fabric. This created commercial exchanges which meant churchwardens engaged in networks that extended well beyond the parish.¹⁹ However, wardens were subject to little extra-parochial oversight, with neither parish recording payments for attending visitations, and only two for unspecified citations in Worfield's accounts.²⁰ At Worfield, churchwardens themselves seem to have provided no relief for the poor, although the chantry did manage almshouses which appear in virtually all accounts down to 1533. However, Cratfield distinguishes itself through its early attention to poor relief. An initial payment recorded in the town book for 1534 'for the relefe of Kempe hys wyfe and ther chylderene' represented the start of a series of intermittent payments to the poor until around 1540 when this 'trickle of assistance swelled into a stream of relief.'²¹ This parish also saw some responses to secular royal requirements in the form of payments of the lay subsidies. This is seen both in allowances on farms

¹⁵ Worfield CWAs, parts I–IV.

¹⁶ L.A. Botelho, *Old Age and the English Poor Law, 1500–1700* (Woodbridge, 2004), 31–2; Cratfield PPs, 24–5, 38–40, 48–51; Worfield CWAs, Part I, 106, 132–4; Part II, 93, 96; Part III, 2. An account reveals that Worfield's chapel had been in existence from at least 1345: SA, P 3 14/W/1/1/1359, 1344/5

¹⁷ Worfield CWAs, Part II, 95; Part III, 17. ¹⁸ Botelho, *Old Age*, 30.

¹⁹ *Ibid.*, 30; Farnhill, *Guilds and the Parish Community*, 133; Cratfield PPs, 20, 22, 24, 29, 31; Worfield CWAs, Part II, 85, 93, 100, 102, 106, 113; Part III, 9.

²⁰ Worfield CWAs, Part I, 104; Part II, 113. ²¹ Botelho, *Old Age*, 26.

The Changing Role of Churchwardens

of church land specifically for the payment of fifteenths and in an interesting entry of 1536 in which the collector of the tax made a memorandum that he had received the 41s 8d owed by the 'parysche of Cratfeld'.²² The latter hints that the churchwardens were already utilising parochial structures to meet taxation purposes in the early sixteenth century, in a way that has been demonstrated for other communities from the fifteenth century onwards.²³

The second phase dates from 1541 to 1552, covering the beginning of the Reformation under Henry VIII and its continuation under Edward VI. At both manors, the first sign of the break from Rome occurs in 1540–1 when bibles, presumably the Authorised version of 1539, were purchased.²⁴ However, following the norm outlined in other local studies, the real changes took place after the far-reaching Royal Injunctions of 1547.²⁵ In this year and 1549, the churchwardens and other parishioners of Worfield were called before the king's commissioners, in the latter case to make an inventory of church goods and lands.²⁶ The Cratfield accounts record a payment in 1547 to make an inventory at Blythburgh as well as the sale of the church's plate in 1549 'by the consent of the hole Towneshyp'.²⁷ These were accompanied by the purchase of a number of new religious books, the whitewashing of walls, and the pulling down and defacing of images. In 1545, Cratfield's gild was dissolved, while in 1549 Worfield's chantry was turned into a school.²⁸ At Worfield, the Reformation also changed the role of the churchwardens in their extra-parochial network. While commercial requirements linked to the church fabric connected wardens to Bridgnorth and Lichfield in this period, annual visitations from 1549 onwards saw churchwardens attend at Lapley and Bushbury.²⁹ Payments for attending visitations were not seen at Cratfield, although of course they may still have taken place.

Worfield also began to look more like Cratfield in terms of meeting secular royal requirements. Payments for the lay subsidy were recorded in every surviving account for 1541 to 1547. A hint that some poor relief was being organised through the parish by 1551 is revealed by a payment of 4d 'for the mendynge of the lockes of the power menes box', although no records of the alms collected or distributed from this box were made in

²² Cratfield PPs, 53.

²³ Dyer, 'Taxation and communities', 186–7; Schofield, *Taxation under the Early Tudors*, 43–5.

²⁴ Worfield CWAs, Part IV, 228; Cratfield PPs, 58.

²⁵ Duffy, *Stripping of the Altars*, 409; Hutton, *Rise and Fall*, 79–88.

²⁶ Worfield CWAs, Part IV, 234. ²⁷ Cratfield PPs, 72–3, 81.

²⁸ Worfield CWAs, Part V, 115, 117–18; Botelho, *Old Age*, 32–3; K. Farnhill, 'A late medieval parish gild: the gild of St Thomas the Martyr in Cratfield, c. 1470–1542', *Proceedings of the Suffolk Institute of Archaeology and Natural History*, 38 (1995), 261–7, at 265–6.

²⁹ Worfield CWAs, Part IV, 235, 239; Part V, 117, 119.

the accounts.³⁰ Meanwhile, royal requirements intensified at Cratfield. The parish recorded 15s towards the lay subsidy in 1547.³¹ However, a key change in this phase was the parish's role in meeting the state's military requirements, with it paying for armour and weapons in 1546 and for soldiers going to muster in 1547, following a wider trend of increased parochial spending on provisioning armed men for the crown from the 1530s.³² This greater focus on working for the state was also seen in payments made to aid constables in their work, including in 1548 a sum of 20d 'for there payns taken this troublus yere'.³³

The third phase, dating from 1553 to 1598, saw churchwardens become officers of the secular Tudor state. Trends continued from the second stage, with the religious policies of the Reformation, and briefly Marian Reformation, present in the churchwardens' accounts.³⁴ Similarly, monitoring of conformity continued to place churchwardens in a greater extra-parochial network. Worfield's churchwardens attended commissions at Bridgnorth, Lichfield and Wellington, and visitations took them to seventeen different named places across the archdeaconry.³⁵ Similarly, Cratfield's accounts recorded expenses for attending visitations, including one at Bungay.³⁶

However, a clear contrast with earlier periods was the secular responsibilities placed on parishes in a raft of new legislation. The earliest example at Worfield was a payment of 7d 'for the makyng a booke for the provcyon for the poore' made in 1553, a response to a statute of 1552 which called for parishes to make registers of the poor.³⁷ Poor relief beyond this point seems to have been intermittent, however, although payments for raising children, an activity which grew in the sixteenth century, were seen.³⁸ Meanwhile, at Cratfield the churchwardens continued to develop the poor relief system, which included occasional pensions to individuals from the mid-1550s and annual pensions from 1570.³⁹ This was combined with the operation of an almshouse and payments for paupers' burials, medical expenses and other distributions.⁴⁰ While undoubtedly these practices reflected the earlier pre-Reformation efforts of Cratfield's churchwardens, that poor relief was evolving in response to new legislation is seen in payments made to

³⁰ Worfield CWAs, Part V, 117. ³¹ Cratfield PPs, 70.

³² Cratfield PPs, 71–2; Gunn, *English People at War*, 32. ³³ Cratfield PPs, 71.

³⁴ Worfield CWAs, Part V, 122, 127, 133–4; Cratfield, PPs, 83–5, 91–5, 107.

³⁵ Worfield CWAs, Part V, 120–1, 136; Part VI, 66, 68.

³⁶ Cratfield PPs, 85, 98, 104, 112, 125.

³⁷ Worfield CWAs, Part V, 121; McIntosh, *Poor Relief in England*, 130–1; 5 and 6 Edward VI, c.2, SR, vol. 4 part I, 131–2.

³⁸ Worfield CWAs, Part VI, 62, 67, 74; McIntosh, *Poor Relief in England*, 136.

³⁹ Botelho, *Old Age*, 27. ⁴⁰ *Ibid.*, 33–4; Cratfield PPs, 96, 103, 116, 119, 122–4.

The Changing Role of Churchwardens

collectors of the poor in 1555 and 1557, as well as payment for two men's 'chargis when they rid to Sir Francis Boldinge givinge the account for the colectinge of the pore'.⁴¹ Choosing collectors was a key part of the 1552 poor law legislation.⁴²

Other legislation also changed the role of the churchwardens at both communities. At Worfield from 1569 to 1592, churchwardens paid out sums for the destruction of vermin, with payments also seen at Cratfield, following a 1566 act for the preservation of grain.⁴³ At Worfield, from 1579 onwards, churchwardens annually surrendered 6s 6d to the high constables at Bridgnorth for the relief of prisoners, presumably as a response to poor relief legislation in 1572, while from 1595 onwards they paid a further 13s yearly for maimed soldiers according to an act of 1593.⁴⁴ Cratfield's location on the east coast meant even further intensification of military requirements at the parish. The churchwardens made constant payments of sums ranging between 3s 6d and £5 10s from 1577 to 1597 to provide soldiers at musters. Military responsibilities, such as making various charges before the commissioner of bows and providing payments for the maintaining of the beacon at Sizewell, made the parish respond to various external authorities such as the high constable and commissioners of bows and artillery.⁴⁵ The churchwardens also supported the constables in their peacekeeping obligations, paying for the transportation of prisoners to gaols and their attendance at the petty sessions and the assize.⁴⁶ At Worfield, new outlays affected the income generation of the parish. While in 1556 a rate was still made through the 'agreement of the parochau[n]ce [parishoners] at the . . . acopes' and specifically for 'the use of the reparacion of the said churche', rates from 1572 onwards were annually levied at 1–3s a yardland, a formalisation that is reflected by a 1574 expense of 4d to write a book through which to gather the lewn.⁴⁷

The final phase stretches from 1598 to 1649. In terms of religious policies, this period saw further continuation of earlier trends. The churchwardens continued to purchase mandated religious texts, including at Worfield replacing the Book of Common Prayer with the parliamentary-approved Directory of Worship in 1645–8.⁴⁸ Cratfield's accounts now record frequent attendance at visitations alongside Worfield's, and at the latter community, churchwardens also made

⁴¹ Cratfield PPs, 84, 96, 101.

⁴² McIntosh, *Poor Relief in England*, 130–1; 5 and 6 Edward VI, c.2, SR, vol. 4 part I, 131–2.

⁴³ Cratfield PPs, 104–7; 8 Elizabeth I, c.15, SR, vol. 4 part. I, 498. This legislation was also enforceable through leets.

⁴⁴ 14 Elizabeth I, c.5, SR, vol. 4 part I, 597; 35 Elizabeth I, c.4, SR, vol. 4 part II, 847.

⁴⁵ Cratfield PPs, 101, 104–5, 122, 125. ⁴⁶ Cratfield PPs, 103, 112, 114–15.

⁴⁷ Worfield CWAs, Part V, 128; Part VI, 60–1.

⁴⁸ Worfield CWAs, Part VII, 35, 54; Cratfield PPs, 132, 150, 154, 170, 172.

reports about recusants.⁴⁹ Similarly, accounts record responses to a range of secular legislation as they did in the late sixteenth century. These include continuing payments for prisoners, maimed soldiers and vermin eradication at Worfield, and payments for military levies and policing obligations at Cratfield.⁵⁰ In 1633, both manors purchased the reissued *Book of Sports*, and at Cratfield in 1635 the townsmen met to make the rate for ship money according to the Privy Council writ.⁵¹

While churchwardens at both manors continued to make ad hoc payments to help the poor, the poor law of 1598 triggered a structural change in parochial responses to the state. At Worfield in 1599, 4s 2d was laid out when the churchwardens and four men of the parish went before the justices at Bridgnorth concerning 'the reliefe of the poore'.⁵² This led to continued outlays in the early seventeenth century as churchwardens and the overseers of the poor attended these justices.⁵³ At Cratfield, the first reference to the new system comes in 1606 when an outlay was made for making the overseers' book, and in 1616 John Filby was paid for giving a 'booke of collection for the poor . . . to the Justices'.⁵⁴ By 1625 at the latest, from which date the overseers accounts survive, Cratfield had a well-managed poor relief system which relied on rating inhabitants.⁵⁵ Beyond this, Cratfield responded to dearth in 1630, expending £10 7s 4d to attend the JPs 'about corn' and then purchase wheat that was sold to the poor, responding to legislation ordering this type of response which had been regularly issued since the late sixteenth century.⁵⁶ The formalisation of attempts to control poverty is also seen at Worfield in payments occurring from 1611 onwards to various paupers travelling through the parish who were carrying passports and letters from government authorities.⁵⁷ This reveals how both parishes' churchwardens were increasingly pulled into a nationwide system for controlling vagrancy.⁵⁸

At Worfield, responding to these changes also triggered a few instances when the churchwardens exercised the authority of external powers to pressure their fellow villagers. For instance, on 17 April 1616, the

⁴⁹ Worfield CWAs, Part VII, 34, 38, 47–8; Cratfield PPs, 132, 138, 140, 157, 171–2.

⁵⁰ Worfield CWAs, Part VI, 82–3; Part VII, 29–33, 42–4, 50–1; Cratfield PPs, 126–7, 131, 136, 138–9, 144–6, 148–50, 155, 157–9, 161–2, 167–9, 176–7.

⁵¹ Worfield CWAs, Part VII, 51; Cratfield PPs, 169, 171; H. Langelüddecke, "'I finde all men & my officers all soe unwilling': the collection of ship money, 1635–1640", *JBS*, 46 (2007), 509–42, at 512–13.

⁵² Worfield CWAs, Part VI, 83; Part VII, 36, 45–6. ⁵³ Worfield CWAs, Part VII, 25–31, 37.

⁵⁴ Botelho, *Old Age*, 37; Cratfield PPs, 147. ⁵⁵ Botelho, *Old Age*, 37–49.

⁵⁶ Cratfield PPs, 166; J. Walter, 'The social economy of dearth in early modern England' in J. Walter and R.S. Schofield (eds.), *Famine, Disease and the Social Order in Early Modern Society* (Cambridge, 1989), 75–128, at 119–20.

⁵⁷ Worfield CWAs, Part VII, 42–53, 48–9; Cratfield PPs, 140–63.

⁵⁸ Beier, *Masterless Men*, 154.

The Changing Role of Churchwardens

churchwardens spent 12d for dinner when they ‘had a warrant from mr iustice Kinnersley concerning housholders comming to church every saboth day and holy daye’, and also went before the justices in the following accounting year to present absences in church attendance.⁵⁹ This reflects a wider pattern of increasing enforcement of church attendance legislation by justices and churchwardens in the early seventeenth century.⁶⁰ Gathering the lewn also seemingly required external support, with the churchwardens making payments in 1604, 1619 and 1626 for ‘a warrant that we had from the Justices of peace to distraine them yt would not paye their Lewne for the mayntenance of the poore’.⁶¹ In this way, the churchwardens of Worfield were acting like the archetypal middling sort, using their access to the higher authority of the state to bolster their authority in the local community and potentially reduce their own rates as the expense of their neighbours.⁶²

While similar examples are not seen in Cratfield’s records, the existence of a middling sort exercising power through parochial institutions can be seen through the emergence of a vestry dominated by a few wealthier tenants.⁶³ This change to a more self-consciously select elite is also reflected in linguistic changes in the churchwardens’ accounts. While sixteenth-century decisions concerning the parish’s property are typically made by ‘the whole consent and assent of the Townsmen then present’ and the ‘hole Towneshyp’, thus at least giving the impression of being a popular decision, a later example of 1616 notes that the decision was ‘agreed by the chief Inhabitants’, showing the shift to a more select body of decision-makers.⁶⁴

The sixteenth century saw the transformation of churchwardens at Worfield and Cratfield from being local officers for managing lay religious bequests and the church fabric, to being officers enforcing both religious and secular royal legislation, as well as raising wealth from the parish to spend locally and to transfer to royal officials. As can be seen in [Map 5.1](#), this drastically reconfigured the geography of being a churchwarden at Worfield. While commercial requirements had always meant wardens had business beyond the parish, the sheer number of visitations and appearances before commissions placed wardens in a far greater regional network by c.1650, as they regularly went with their fellows from

⁵⁹ Worfield CWAs, Part VI, 42.

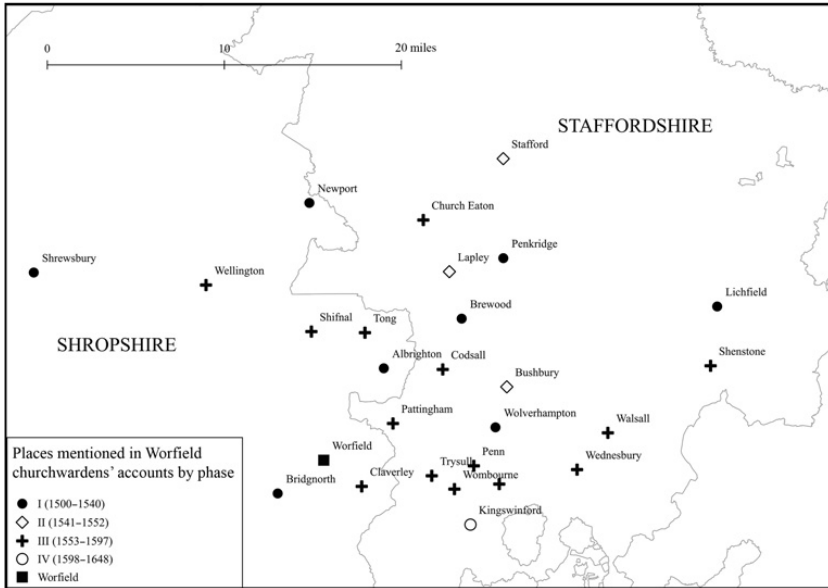
⁶⁰ C.D. Field, ‘A shilling for Queen Elizabeth: the era of state regulation of church attendance in England, 1552–1969’, *Journal of Church and State*, 50 (2008), 213–53, at 218; C. Haigh, *The Plain Man’s Pathways to Heaven: Kinds of Christianity in Post Reformation England, 1570–1640* (Oxford, 2007), 10.

⁶¹ Worfield CWAs, Part VI, 27, 44, 47. ⁶² Hindle, *On the Parish*, 365–78.

⁶³ Botelho, *Old Age*, 21; *Churchwardens’ Accounts of Cratfield*, ed. Botelho, 7.

⁶⁴ Cratfield PPs, 81, 108, 147.

State Formation: the Parish



Map 5.1 Places mentioned for the first time in Worfield's churchwardens' accounts by phase

Note: Boundary data from Satchell et al., 1831 *Hundreds*.

Source: Worfield CWAs, Parts I–VII.

neighbouring parishes to locations chosen for the convenience of royal and ecclesiastical representatives.⁶⁵ This made churchwardens accountable to authorities beyond the parish, putting them at the forefront of interactions between state and locality.

How far this transformation was willingly accepted by the pool of men who served as churchwardens, or was simply a response to pressure from above, cannot easily be explored through the neutral accounts. In terms of religious conformity, Worfield seems to have generally responded quickly to censure. In 1579 wardens accounted 2s 11d 'in mercements and our charges at Stafforde for defaulte of homelyes', presumably being fined by the archdeacon for this failure. This punishment seems to have elicited a response, with the same account recording the purchase of two tomes of the homilies.⁶⁶ A very similar case occurred in 1631, with a payment to the apparitor for 'admonition concerning the degrees of marriage', a charge that was rectified by at least 1634.⁶⁷ Cratfield was

⁶⁵ P. Marshall, *Heretics and Believers: a History of the English Reformation* (New Haven, CT, 2017), 438–9.

⁶⁶ Worfield CWAs, Part VI, 67. ⁶⁷ Worfield CWAs, Part VII, 50–1.

Combining Offices

seemingly less attentive, with a similar presentment 'for want of no Homily Book in our town' in 1606 seeing no obvious response in the records and a longer-running series of penalties for failure to repair desks and churchyard fences at visitations from 1609 to 1614.⁶⁸ However, these represent isolated incidents and Lynn Botelho has argued that, while the parish may not have been responsive to Laudian reforms, it generally imposed religious change within the bounds of conformity.⁶⁹

A similar picture of isolated failures to fulfil centrally mandated responsibilities is seen in secular cases. In 1577 Worfield's wardens were amerced 30s 10d by the commissioners at Bridgnorth for 'not destroying foules and varmynt accordinge to the Statute in that behalf', a sum far in excess of any annual payment for this work, but well below the £5 named in the royal legislation for every defaulting warden.⁷⁰ This punishment again led to an immediate response, with the accounts including a separate section specifically for destroying vermin, recording thirty-four individual payments totalling 15s 1d.⁷¹ Cratfield's churchwardens reimbursed Robert Keable for a payment 'he laid out in the behalf of the town to excuse their negligence in not working in the ways in Anno 1622' (presumably a reference to road repairs) and the next year the town was indicted 'for want of a Butts' by the hundred bailiff.⁷² However, again these were rare, and payments were regularly made both to maintain archery butts and to repair local infrastructure.⁷³

More generally, whether these censures reveal resistance or broad compliance does not affect the fact that the transformation of the office of churchwarden is in stark contrast to the pattern of little legislation-driven change in the work of manorial officers in these localities.⁷⁴ This could suggest a narrative of replacement, with manorial office becoming increasingly less important as it was not adapted to new political requirements. However, the impact of the development of parochial office cannot be seen in such simplistic terms, which ignore the interaction of parochial and manorial office in terms of both the men serving and their duties.

COMBINING OFFICES

A first area of investigation is to look at how far the individuals who served as churchwardens also served as manorial officials. This reveals a strong relationship, with the vast majority of those accounting as churchwardens also acting as manorial officials. At Worfield, of 116

⁶⁸ Cratfield PPs, 135, 138–45. ⁶⁹ *Churchwardens' Accounts of Cratfield*, ed. Botelho, 11–14.

⁷⁰ Worfield CWAs, Part VI, 63; 8 Elizabeth I, c.15, SR, vol. 4 part 1, 499.

⁷¹ Worfield CWAs, Part VI, 64–6. ⁷² Cratfield PPs, 153, 155.

⁷³ Cratfield PPs, 56, 103–4, 148. ⁷⁴ See pp. 57–8.

individual churchwardens, it is probable that 113 (97%) served as manorial officers. Only three men seemingly never served in manorial office.⁷⁵ Two of these men could not be identified in any officeholding capacity, while the other man, John Wannerton, who served as churchwarden 1534–5, was also liable to serve as beadle. Interestingly, while Wannerton's status as a 'gentleman' seems to have precluded him serving as beadle, or in any other manorial office, his service as churchwarden suggests a different attitude to parochial office, suggesting it may have held a higher status, perhaps because it was not linked directly to being one of the lord's tenants. His son-in-law and grandson, however, did not serve as churchwarden, suggesting that they were viewed, or viewed themselves, as having too high a status thanks to their service in regional and national office.⁷⁶ Cratfield saw a similarly close identification between churchwardens and manorial officials, although a less complete list of churchwardens obscures these trends. Of forty-five wardens, it is probable that forty (89%) served as manorial officials. Only five men, including the vicar who acted as a churchwarden in 1537–8, never acted in any manorial capacity.⁷⁷

Table 5.1 breaks these connections down by types of office and by the four phases of transition from purely parochial to state office described above. At Worfield, only a very small percentage of churchwardens served as beadles, a situation undoubtedly caused by the fact that beadles were only drawn from the township of Halon.⁷⁸ Other patterns seem to have been linked to the status of offices. Fewer churchwardens acted as affeerors and tasters at both manors owing to these positions perhaps being less desirable than acting as juror baron, juror leet/capital pledge and constable. These latter three offices were the most commonly held by churchwardens. The pattern is particularly strong for jurors baron, with 84–85% of churchwardens serving in this office in both communities, and especially for jurors leet at Worfield, with 97% of churchwardens serving in this office. For capital pledges at Cratfield, the relationship is slightly weaker, but 75% of wardens still served in this office. What is perhaps more telling than the general correlation between manorial officeholding

⁷⁵ Eight individuals were men who from their names could be identified with two or more individuals who served in manorial office, making a one-to-one match impossible.

⁷⁶ Wannerton's son-in-law, George Bromley, served as an MP and JP among other roles, and his grandson, Francis Bromley, served as an MP. N.M. Fuidge, 'Bromley, George (c.1526–89), of Hallon in Worfield, Salop and the Inner Temple, London' in P.W. Halser (ed.), *The History of Parliament: the House of Commons, 1558–1603*, 3 vols. (London, 1981), vol. 1, 489–90; W.J. Jones, 'Bromley, Francis (c.1556–91), of Hodnet, Salop' in Halser, *History of Parliament*, 490–1.

⁷⁷ Two individuals were men who from their names could be identified with two or more individuals who served in manorial office, making a one-to-one match impossible.

⁷⁸ See p. 75.

Combining Offices

Table 5.1 *Careers of churchwardens in manorial office at Worfield and Cratfield*

	Phase I (1500– 40)		Phase II (1541–52)		Phase III (1553– 97)		Phase IV (1598– 1648)		All phases		Fifteenth century (1419–20)	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
	<hr/>											
<hr/>												
A Worfield												
Total churchwardens	25	9			35	39			108		2	
Beadle	3	12	0	0	3	9	3	8	9	8	1	50
Taster	6	24	0	0	14	40	26	67	46	43	1	50
Reeve	10	40	3	33	14	40	21	54	48	44	1	50
Affeeror	12	48	5	56	14	40	15	38	46	43	1	50
Constable	17	68	4	44	22	63	29	74	72	67	1	50
Juror baron	16	64	9	100	32	91	35	90	92	85	2	100
Juror leet	24	96	9	100	34	97	38	97	105	97	2	100
No recorded office	1	4	0	0	1	3	1	3	3	3	0	0
<hr/>												
B Cratfield												
Total churchwardens	23		0		11		9		43		–	
Taster	8	35	–	–	–	–	–	–	–	–	–	–
Reeve	8	35	–	–	–	–	–	–	–	–	–	–
Affeeror	2	9	–	–	–	–	–	–	–	–	–	–
Constable	9	9	–	–	10	91	8	89	27	63	–	–
Capital pledge	16	70	–	–	8	73	8	89	32	75	–	–
Juror baron	18	78	–	–	10	91	8	89	36	85	–	–
No recorded office	5	22	–	–	0	0	0	0	5	12	–	–
<hr/>												

Notes: Churchwardens who could not be linked securely to a single individual have been excluded from the analysis.

Sources: Worfield CWAs, Parts I–VII; SA, p 314/w/1/1/253–5, 499–83, 5586/1/257–306; Cratfield PPs; *Churchwardens' Accounts of Cratfield*, ed. Botelho, 148; Vanneck Box/3–4.

and being a churchwarden is the lack of change over time. While the responsibilities of churchwardens and their interaction with the state was transformed in this era, this did not drastically change the identity of the people holding this office, or indeed their service as manorial officeholders. At Cratfield, the proportion of wardens who also served as constables grew over time, perhaps as this office became more state-focused in the sixteenth century, but also perhaps as other offices such as taster, affeeror and reeve ceased to be filled on the manor.⁷⁹ This suggests that there was no separation of an elite of parochial officeholders from manorial officeholders; the two types of officeholding worked in tandem.

⁷⁹ See Table 0.2, p. 25.

It is clear that elites exercised power through manorial office even after being a churchwarden became an important state office. Before 1500, slight evidence for Worfield allows for the identification of two fifteenth-century churchwardens. These men, Roger Gerbod and John Jannes, are seen in five courts in 1419–20, in which they brought a plea of debt against the executors of William and Agnes Toward for a coverlet left by the deceased to the fabric of the church.⁸⁰ Gerbod and Jannes were manorial officers much like later churchwardens, with both serving as jurors and jurors leet, Gerbod serving as beadle and taster, while Jannes served as affeeror, reeve and constable.⁸¹ Therefore the connection between manorial officeholding and being churchwarden seems to have been a consistent phenomenon over both the fifteenth and sixteenth centuries that did not shift with the changing role of the wardens. This in turn suggests that manorial officeholding was no less attractive to the men who served as churchwarden in 1650 than to those in 1500 or even 1420, evidencing that they still saw the value in serving in manorial office.

The similarity of personnel between churchwardens and manorial officers has been noted in several studies.⁸² However, the reconstruction of manorial officeholding careers allows for a greater consideration of the kind of officeholder who would also serve as churchwarden. This was necessarily a subset of all the tenants who served in manorial office, as only two churchwardens served per year at each community. For example, at Worfield, 669 individuals were recorded as serving in at least one manorial office in the sixteenth and seventeenth centuries, but only 113 of these also served as churchwarden, an inevitability as there were simply not enough openings for all to serve in the latter position.⁸³

Table 5.2 compares the mean and median number of services as jurors leet, capital pledges and jurors baron by men serving in these roles to those of the subset of these men who were also churchwardens. The men are placed into cohorts by the date they first appear as a juror. These show that at Worfield churchwardens tended to be the greater serving jurors, with every cohort seeing the churchwarden subset having greater mean and median service values than the full cohort. The pattern for the early fifteenth century is more variable, with both churchwardens being above average in their cohorts as jurors baron, but being below the average as jurors leet, although it is likely many of the other prominent jurors of this decade also served as unrecorded churchwardens, thus presenting a misleading picture. At Cratfield, churchwardens were less consistently

⁸⁰ SA, P 314/W/1/1/253–5. ⁸¹ SA, P 314/W/1/1/208–92.

⁸² French, *People of the Parish*, 90; Byng, *Church Building*, 160, 163; Hindle and Kümin, 'Spatial dynamics', 158.

⁸³ SA, P 314/W/1/1/499–838.

Table 5.2 *Comparison of careers of churchwarden-presentment jurors with all presentment jurors at Worfield and Cratfield*

Decade	Jurors leet/capital pledges						Jurors baron					
	No. churchwardens	No. all cohort	Mean services churchwardens	Mean services all cohort	Median services churchwardens	Median services all cohort	No. churchwardens	No. all cohort	Mean services churchwardens	Mean services all cohort	Median services churchwardens	Median services all cohort
<i>A Worfield</i>												
1480-9	2	15	16	8	16	4	2	25	62	14	62	5
1490-9	8	27	16	9	11	3	8	37	55	19	50	3
1500-9	5	28	20	7	22	3	4	18	37	25	26	9
1510-19	7	38	19	7	18	2	3	22	70	33	63	23
1520-9	7	31	7	5	6	3	2	20	11	20	11	11
1530-9	2	25	5	3	5	1	4	24	22	17	10	9
1540-9	10	24	23	13	21	5	9	31	90	40	65	16
1550-9	3	20	12	10	14	3	1	27	51	18	51	1
1560-9	8	29	18	9	15	5	9	35	107	35	123	2
1570-9	5	27	20	7	16	3	10	34	85	42	62	7
1580-9	10	26	16	11	18	7	6	19	113	59	136	17
1590-9	5	15	24	12	37	5	5	21	72	26	49	9
1600-9	11	33	16	9	15	4	10	23	102	51	97	30
1610-19	9	29	21	11	17	6	7	20	55	41	48	14
1620-9	9	26	10	8	10	8	7	29	65	34	44	30
1630-9	1	15	10	5	10	4	1	21	1	11	1	7
1640-9	—	—	—	—	—	—	1	33	31	6	31	2
1390-9	—	—	—	—	—	—	1	47	78	17	78	4
1400-9	—	—	—	—	—	—	1	21	49	30	49	13
1410-19	2	15	17	22	17	13	—	—	—	—	—	—
All cohorts (1480-1649)	102	441	17	8	14	4	88	439	74	28	60	7

Table 5.2 (cont.)

Decade	Jurors leet/capital pledges						Jurors baron					
	No. churchwardens	No. all cohort	Mean services churchwardens	Mean services all cohort	Median services churchwardens	Median services all cohort	No. churchwardens	No. all cohort	Mean services churchwarden	Mean services all cohort	Median services churchwardens	Median services all cohort
<i>B Cratfield</i>												
1480–9	2	15	20	16	20	14	3	28	19	22	18	20
1490–9	5	11	11	10	13	8	4	19	19	15	17	11
1500–9	6	17	11	8	11	6	8	24	15	14	15	12
1510–19	1	4	15	15	15	11	1	10	42	18	42	19
1520–9	2	11	28	14	28	14	2	15	37	13	37	7
1530–9	2	18	18	9	18	5	2	13	9	12	9	11
1540–9	2	17	4	4	4	2	1	19	59	10	59	5
1550–9	1	7	19	13	19	9	–	–	–	–	–	–
1560–9	–	–	–	–	–	–	1	13	31	9	31	6
1570–9	–	–	–	–	–	–	–	–	–	–	–	–
1580–9	1	9	19	11	19	10	3	15	15	12	11	10
1590–9	1	10	32	12	32	7	5	22	19	8	16	5
1600–9	1	7	7	8	7	4	1	9	26	5	26	1
1610–19	–	–	–	–	–	–	–	–	–	–	–	–
1620–2	3	20	6	6	4	3	1	7	11	5	11	4
1630–9	3	24	6	4	7	3	3	16	10	5	8	4
1640–9	2	33	1	2	1	2	1	9	1	2	1	1
All cohorts (1480–1649)	32	231	12	8	12	4	36	245	19	11	16	7

Notes: Churchwardens who could not be linked securely to a single individual have been excluded from the analysis. The totals for ‘all cohorts’ are larger than the sum of the preceding rows as the totals include decades for which no churchwardens could be identified as first serving as presentment jurors and court sessions which could not be securely dated to a specific decade.

Sources: Worfield CWAs, Parts I–VII; SA, p 314/w/1/1/253–5, 499–83, 5586/1/257–306; Cratfield PPs; *Churchwardens’ Accounts of Cratfield*, ed. Botelho, 148; Vanneck Box/3–4.

Replacement or Mutuality?

the most prominent jurors, with values in several decades being less or equal to whole juror cohorts. However, these still represent a minority of values, and in general churchwardens had active careers as jurors. The evidence for both manors demonstrates that not only were churchwardens overwhelmingly manorial officeholders, but they also tended to be the greatest serving, and so presumably most influential, officials.

This trend is not perfect, and it is important not to overstate the pattern and conclude that greater service in manorial office, and particularly as a juror, was a prerequisite for serving as churchwarden. While, at Worfield, the top two greatest-serving jurors leet of the cohorts examined, Humphrey Barrett and Richard Haselwood, who served sixty-three and fifty-three times respectively, accounted as churchwardens, another six churchwardens only acted as jurors leet once. Similarly, the fourth highest-serving juror leet, William Haselwood, never served as a churchwarden. An analogous pattern can also be seen in juror baron service, with six churchwardens serving only once or twice in this office, and the top-serving juror baron, John Rowley, not serving as a warden. It is worth noting, however, how far the men who served as churchwardens provided a large proportion of those who served in other manorial offices. For Worfield, looking just at those who served in the sixteenth and seventeenth centuries, churchwardens accounted for 71 (38%) of the 185 men selected as constables and 44 (38%) of the 115 men selected as reeves.⁸⁴ For Cratfield, churchwardens accounted for 25 (22%) of the 115 men selected as constables, although the limited list of churchwardens available means this is a minimum value.⁸⁵ While these numbers do not suggest domination of these offices, this is in part a result of the very low instance of repeat service. This is a picture of correlation rather than causation; serving as a manorial officer or churchwarden was not necessary to serve in the other office, but similar factors seem to have been in play in determining who served across these roles.

REPLACEMENT OR MUTUALITY?

Not only did the same men who served as churchwardens continue to be the most dominant manorial officers, but they also blended their responsibilities and powers to meet wider objectives. This challenges the argument that parochial officers replaced manorial institutions. The only example of replacement can be found at Worfield. In 1549 the wardens' accounts report 2s 2d paid to William Billingsley and Thomas Garbot 'for the stockes', which suggests a shift since 1393, when the reeve was

⁸⁴ SA, w/1/1/499–838. ⁸⁵ CUL, Vanneck Box/3–4.

ordered to make a new set of stocks, cuckingstool and tumbrel from the lord's timber and at the lord's cost.⁸⁶ This perhaps represents prominent members of the community taking more responsibility for monitoring behaviour, although the two references to these punishment devices in both sources across the whole 350 years studied seem unlikely to be giving the full picture. Even if this does represent a shift from manorial to parochial office, there is a slight possibility that while the parish rather than lord was taking on the cost, the devices were still being procured via a manorial office, as William Billingsley was beadle in 1548–9.⁸⁷ Potentially, Billingsley's role as beadle gave him access to timber, and hence he was chosen by the parish to perform this task.

A more profitable way of thinking about the relationship between churchwardens and manorial officers is in terms of interaction and joint responses to problems, an approach that better reflects the fact that while these were different types of offices, broadly the same individuals served in them. One area where manorial officers met the needs of churchwardens, or were at least triggered to act at their instigation, is seen in the enforcement of legislation about caps. This law was ostensibly an economic measure designed to help sustain the 'laudable Science and Trade of Cappynge' and demanded the wearing of caps by all persons over six on Sundays and Holy Days.⁸⁸ At Worfield, this law was enforced by jurors leet via presentment in 1581–4, thus ten years after the law was made in 1571. However, enforcement was preceded by entries in the churchwardens' accounts of 1580, when the wardens spent money at Shifnal and Tong before the 'commissioners about cappes', this sum potentially being an amercement for not prosecuting this legislation.⁸⁹ As the 1571 statute was enforceable by both JPs and stewards in leets, the calling of the churchwardens before the justices thus may have been a trigger to enforce this legislation locally, either owing to concern about being punished by justices for failure, or because of the attractive prospect of profit for the lord and community. Further evidence for this is given in the identity of the jurors leet who prosecuted these offences. Thomas Guldon, one of the 1579–80 churchwardens, served as a juror leet in the first caps prosecuting jury of 1582, while Richard Yate, the other churchwarden, served in all three juries leet that prosecuted these cases.⁹⁰

The same phenomenon is seen at Cratfield. After paying a relatively large sum of 11s to the 'com(m)yssoners for cappes' at Blythburgh in

⁸⁶ Worfield CWAs, Part V, 114; SA, P 3 14/w/1/1/187, 29 Oct. 1393.

⁸⁷ SA, P 3 14/w/1/1/670, 4 Oct. 1548. ⁸⁸ 13 Elizabeth I, c.19, SR, vol. 4 part I, 555.

⁸⁹ Worfield CWAs, Part V, 68.

⁹⁰ SA, P 3 14/w/1/1/803, 27 Sep. 1582, 23 Mar. 1583; P 3 14/w/1/1/806, 7 Apr. 1584.

Replacement or Mutuality?

1578, the churchwardens went on to make eight additional payments to the queen's bailiff of 1–2s between 1580 and 1592 for not wearing their caps.⁹¹ This period coincides with the enforcement of this legislation in the manor court, with the capital pledges presenting the inhabitants of the vill for failing to wear their caps on an annual basis between 1580 and 1597.⁹² The explanation for this relationship appears to be financial. The amerancements charged in the manor court correspond with the sums paid by the churchwardens, so it seems likely the wardens used the manor court to raise the sums they were required to pay to the crown to meet this legislation, remembering that in this period the manor lay in crown hands. Again, the correspondence of personnel supports this interpretation, with four of the ten identifiable churchwardens who accounted between 1578 and 1592 serving as capital pledges in sessions where failure to wear caps was presented.⁹³

There is more evidence of churchwardens meeting the needs of manorial officers, or at least those of the manorial tenants. At Cratfield, the parish itself was a significant tenant of land held of the lord, which necessitated regular payments by the churchwardens to the lord's bailiffs for rent and fines, as well as copies of the court roll as evidence of the parish's title.⁹⁴ However, beyond the role of the parish as a tenant of the lord, the accounts suggest that the churchwardens played an active role in facilitating the holding of the manor court. Payments are recorded between 1608 and 1637 for wine, sack, beer and sugar for the lord's court.⁹⁵ These seem to have been related to Edward Coke and his son's occasional appearances at the court, as seen in an 1608 entry in which the wardens 'paid for 5 pints of claret and half a pound of sugar at such time as my Lords coming was expected to our Town'.⁹⁶

Occasionally the parish seems also to have played a role in the gift economy between tenants and lords, again especially once the manor had been granted to the Cokes after previously being in aristocratic and royal hands. In 1608, 2s 8d was expended in carrying wine to the Cokes' seat at Huntingfield Hall, in 1609 Richard Aldous was paid £3 4s for six wethers he bought for the lord, and in 1633 £3 4d was spent on sack for the lord.⁹⁷

⁹¹ Cratfield PPs, 101–3.

⁹² CUL, Vanneck Box/3, Elizabeth I roll (1), m.17, 19 May 1580, m.19, 7 Jun. 1582; Elizabeth I roll (3), m.1, 23 Jun. 1583, 11 Jun. 1584, m.2, 27 May 1585; Elizabeth I roll (4), m.1, 17 May 1592, m.3, 7 Jun. 1593, m.4, 23 May 1594, m.5, 2 Aug. 1595, m.7, 30 Jun. 1596, 18 May 1597. It is important to remember that Cratfield's court rolls are lost for 1585–92, so these findings are based on partial evidence.

⁹³ CUL, Vanneck Box/3, Elizabeth I roll (1, 3–4).

⁹⁴ Cratfield PPs, 36–7, 48, 60, 101, 103, 106, 129, 155–6, 158, 173.

⁹⁵ Cratfield PPs, 136, 155, 164, 173. ⁹⁶ Cratfield PPs, 135.

⁹⁷ Cratfield PPs, 136–7, 169; A.D. Boyer, 'Coke, Sir Edward (1552–1634)', *ODNB*.

The parish was also seemingly used to distribute gifts made by the lord to the tenants, or at least a subset of them, with the churchwardens paying John Filby for a banquet that ‘certain of the inhabitants, had by consent . . . whereat the vendicine that my Lord Cooke gave to this town of Cratfield it was spent’.⁹⁸ How these gifts are interpreted is open to question: they may simply have been made by the churchwardens as tenants on behalf of the parish for the lands it held. However, gifts were a way for larger landholders who held official positions to consolidate their relationships with the local gentry, and therefore it seems plausible that the local elites who held both manorial and parochial office at Cratfield used the revenue-raising apparatus available to churchwardens to help secure their position in both types of governing institution.⁹⁹

Similar payments may have been made at Worfield, although here the evidence is less conclusive. In 1562 the churchwardens accounted for a bottle of wine for the lord’s officers, while in 1574 they paid 3s 8d to make a book of customs and for wine for its scribe, although it is hard to conclusively link these to the manor.¹⁰⁰ On one occasion, the churchwardens seemingly expended parish money to mark the court leet, paying 12d ‘to the steeplemen at the great leete holden at Wortfield vth of Maie’.¹⁰¹ In 1615, the churchwardens also held a ladder which was to be given to the lord as a deodand.¹⁰²

A stronger connection is seen in an order to the churchwardens recorded in a court of 1579. In this instance the jury presented ‘that the house in which the court of the lord is held ought to be repaired and sustained by the parishioners of Worfield. Thus it is ordered to the churchwardens that they immediately amend and repair the aforesaid house now ruined in accordance with their liability.’¹⁰³ The response to this order can be seen in the wardens’ accounts. In 1582 an outlay of 12s was recorded for three tonnes of timber to board the court house, with further expense for bricks to make its hearth, while another 2s 4d was spent on timber in 1583.¹⁰⁴ Why the parish was responsible for the court house is not clear, although as parish and manor at Worfield were coterminous, the jury may simply have been utilising the churchwardens’ ability to levy a rate to collect this money, with parishioners and tenants being effectively the same individuals. Jane Smith suggests that the

⁹⁸ Cratfield PPs, 139. Venison had a particular status as a food gift. See F. Heal, ‘Food gifts, the household and the politics of exchange in early modern England’, *PEP*, 199 (2008), 41–70, at 57–62.

⁹⁹ J. Whittle and E. Griffiths, *Consumption and Gender in the Early Seventeenth-Century Household: the World of Alice Le Strange* (Oxford, 2012), 82–3; Heal, ‘Food gifts’, 54.

¹⁰⁰ Worfield CWAs, Part V, 134; Part VI, 61. ¹⁰¹ Worfield CWAs, Part VII, 26.

¹⁰² SA, 5586/1/273, 20 Apr. 1615. ¹⁰³ SA, p 314/w/1/1/794, 8 Jan. 1579.

¹⁰⁴ Worfield CWAs, Part VI, 69–71.

Replacement or Mutuality?

parish's grammar school and court house were held in the same building, which would imply an even closer connection between parochial and manorial resources.¹⁰⁵ Richard Yate appears both in this jury and as a churchwarden for 1581–2 when the timber and bricks were purchased.¹⁰⁶ Thus, at both manors, the role of churchwardens as revenue managers was used to facilitate the holding of the manor court and to manage relations with the lord.

At Worfield, the manorial jury also had a role in monitoring the work and powers of churchwardens. This is revealed in a presentment by the jury leet in 1533 in which it was stated that

Roger Catstre assumed to himself to guard the key, or *acoffer kei*, [of the chest?] in which the rolls and [lost] of the lord are kept, and that the said Roger at the time in which he was guardian of the key was himself not a churchwarden, and at the same time *on lokon* was broken, which pertained to the said key, and the wax pertaining to the key of the lord was [?] etc., and the rolls were interlineated, and diverse rolls were carried away, but who did this thing, the 12 do not know.¹⁰⁷

This again shows that the duties of churchwardens were linked to the manor. Presumably the coffer being referred to was the parish chest in which it seems the manorial court rolls were kept at Worfield, thus making the wardens responsible for the documents. It also reveals why the wardens were being monitored by the manorial jury; the lapse that had allowed the documents to be damaged affected both the lord and tenants rather than only the parish, as far as these identities can be separated. Connections between personnel suggest this was an example of churchwardens monitoring their own office through manorial structures. While Catstre, the censured former churchwarden for 1531–2, was not on the jury leet making this presentment, of the two churchwardens for 1533–4 (when this presentment was made), one, Roger Barker, was certainly a juror leet, while the other, William Rowley, may well have been.¹⁰⁸ That churchwardens remained responsible for manorial documents is potentially suggested by a further entry in the churchwardens' accounts of 1631, when 12d was 'layd out when order was taken w(i)th

¹⁰⁵ Smith, *Worfield*, 24. ¹⁰⁶ SA, P314/W/1/1/794, 8 Jan. 1579.

¹⁰⁷ SA, P314/W/1/1/645, 8 May 1533. As this case is unusual, the Latin is provided without correction: 'Rogerus Catstre assumpsit super se ad custod' clavem aut acoffer kei in qua Rotull' et [lost] domini custodintur et quod predictus Rogerus tempore custodit clavem ipse non erat gardianus ecclesie et in eodem tempore cassa fuit on lokon pertinent' eodem clavis et quod cera pertinent' clavo domini funct' fuit etc. Rottula interlineat' erat et diversa Rottull' elongat', set quis hec fecit XII ignorantur.' I am grateful to Chris Briggs for help with this transcription and the above translation.

¹⁰⁸ SA, P314/W/1/1/645, 8 May 1533. Unfortunately there were two William Rowleys serving as manorial officers in the year 1533–4, making it impossible to identify this churchwarden with a single individual.

Mr Stewarde to looke the roles in London'.¹⁰⁹ Potentially, these 'roles' were the court rolls and 'Mr Stewarde' was the lord's steward. The 1533 presentment again highlights the interrelations between churchwardens and manorial officeholders, showing that these offices cannot be treated as distinct.

Another example of the interaction between manorial officers and churchwardens at Worfield is revealed in a set of jury presentments made in 1465, long pre-dating the surviving churchwardens' accounts. The steward and jury issued a pain ordering that three sets of former constables 'should come into the presence of the guardians of the church of Worfield before the next feast of All Saints and render appropriate accounts of the money by . . . each of them received . . . by virtue of their office'.¹¹⁰ This presentment reveals not only the important role of churchwardens in monitoring the constables, but also how manorial juries could use them for this purpose. Again, it seems likely that the churchwardens were used to monitor the making of the constables' accounts owing to their role in maintaining the documents utilised by the manor. The other intriguing aspect of this presentment, and the one made in 1533, is that they pre-date the secular use to which the crown put churchwardens in the post-Reformation period. They reveal that local elites were using parochial officers for responsibilities other than maintaining parish property long before the state systematically put them to this task.¹¹¹

There is less evidence at Cratfield for the use of manorial office to monitor the work of churchwardens and vice versa. The only potential example is in 1648 when the capital pledges presented the village's churchwardens for not repairing a set of butts.¹¹² However, in this case it seems less likely this was specifically about monitoring churchwardens through manorial structures, and more about the fact that churchwardens at Cratfield held land and were therefore subject to the same monitoring of infrastructure as any other tenant.

A smattering of evidence suggests how manorial and parochial office were used in conjunction at Worfield and Cratfield to achieve aims linked to their responsibilities to state and lord, and to help monitor both types of office. The manorial court, staffed by local elites as jurors, provided a type of 'coercive power' as a result of its ability to levy amerancements, and therefore could be utilised to collect payments owed to the state and censure churchwardens who failed to perform their office. Similarly,

¹⁰⁹ Worfield CWAs, Part VII, 51. ¹¹⁰ SA, P314/W/1/1/326, 15 Oct. 1465.

¹¹¹ Evidence of the interaction of parochial and manorial office is given by Kümin, *Shaping of a Community*, 53–4; Ault, 'Manor court and parish church', 61–4, 66–7.

¹¹² CUL, Vanneck Box/4, Charles I roll, m.29, 24 May 1648.

Replacement or Mutuality?

manorial officials could use the fundraising and accounting structure offered by the churchwardens to organise the court, manage their relationship with the lord and monitor the behaviour of other officials like the constable. Neither the powers of parish officials nor those of manorial officials were alone sufficient to meet the needs of local government; it was through combination that effective management could be maintained. There were differences between these manors: a stronger relationship is visible at Worfield, where manorial officials actually monitored the role of churchwardens, while there are no clear examples of this at Cratfield. This could be linked to the differing geographical relationships between manor and parish, with the weaker relationship at Cratfield a consequence of the parish's division between several manors. However, even in this context, the manor court can still be seen to have enforced legislation based on the activities of churchwardens in terms of the capping statute, while churchwardens had a vital role in helping hold the manor court and in fostering relationships between tenants and lord.

The interaction of parochial and manorial officials seen in these records drew on a wider practice visible in the court rolls of using the coercive power of the manor court presentment to maintain parochial funds and infrastructure. At Worfield, this is seen clearly for the seventeenth century, when manorial officials frequently presented residents for hosting individuals who they were concerned could become a burden to the parish.¹¹³ Juries were helping to meet concerns which were also articulated in parochial documents. For instance, in 1535, the churchwardens' accounts recorded a manorial bylaw, stating that 'at yis accowntes it is agreyd by alle the hole paresche that no persun shalle bring no owt cummer no go with them in the churche nor in the peresche to gether nother come nor money a pon the peyne of 10s to the churche as oftyn as he so doys'.¹¹⁴ This measure was designed to ban mendicants from outside the parish seeking charity within the community. The jury's role in maintaining parochial infrastructure also stretched back to the late Middle Ages. In the late fifteenth century, Thomas Prystes was amerced 8d for ringing the church bell of Worfield at night 'in affray of the parishioners' and another offender was placed under pain not to disturb the tenants with 'le pangys [pangs]' of his beasts in the cemetery of the parish church.¹¹⁵

Unfortunately, the lack of evidence about churchwardens for Downham, Horstead and Fordington prevents a comparative perspective. Yet, much like at Worfield, officials at Horstead were used to protect

¹¹³ See pp. 152–3. ¹¹⁴ Worfield CWAs, Part IV, 222.

¹¹⁵ SA, P3 14/W/1/1/427, 10 Apr. 1482; P3 14/W/1/1/492, 2 Oct. 1494.

State Formation: the Parish

parochial property. In 1490, the jury presented the rector for cutting down trees near the church of Horstead for his own use, 'without the licence of his parishioners and against the ancient custom of the vill'.¹¹⁶ Similarly, at Fordington the manor court was used in the seventeenth century to ensure parochial decisions were followed. In 1634, a bylaw stated that only the agent appointed by 'the Parishoners' should burn the moor and that anyone else who did so would pay a pain of 3s 4d upon presentment in court, while in 1643 parish officials (potentially churchwardens, although this term is not used) were ordered to produce their accounts in court for sums received and dispersed.¹¹⁷ These examples suggest the interaction between parish and manorial roles was not specific to Cratfield and Worfield but was instead a wider phenomenon.

CONCLUSION

Examination of the relationship between churchwardens and manorial officers reveals a picture of interaction rather than replacement. While the sixteenth century undoubtedly saw drastic change in the role of churchwardens, allowing the extension of the state into local life in a way that was never true of manorial office, the elites involved in this change were largely the same people who had been serving as manorial officers, and meeting their needs through their service, in the medieval period. This early stage of transformation, moreover, does not seem to have drastically affected the personnel of manorial office, or how the elites who served as churchwardens viewed manorial office. The connection between serving as a manorial officer and as a churchwarden remained broadly similar across the sixteenth and seventeenth centuries and perhaps even back into the fifteenth century. There was no move among prominent local tenants away from manorial to parochial office.

Of course, noting that similar individuals filled manorial and parochial offices is not a revelatory breakthrough. Historians have long argued that offices were occupied by similar groups, as is revealed in the celebrated commonplace book of Robert Reynes, which contains information relevant to manorial, parochial and state office.¹¹⁸ However, this study has demonstrated that these groups were more than similar, they were virtually identical, and this did not change with the increasing incorporation of churchwardens into wider county structures resulting from the innovations of central government. It also reveals interaction in functions

¹¹⁶ KCAR/6/2/87/1/1/HOR/41, m.5, 10 Sep. 1490.

¹¹⁷ TNA, SC 2/170/14, m.5, 27 Mar. 1634; SC 2/170/16, m.9, 4 Oct. 1643.

¹¹⁸ *Commonplace Book*, ed. Louis.

Conclusion

stretching back to the fifteenth century, reinforcing the revisionist position raised by Smith about the level of incorporation of late medieval villages into the state.¹¹⁹ Johnson has highlighted how in the late Middle Ages communities made use of the 'fluidity' between manorial courts and ecclesiastical jurisdictions to 'mould idealized communities' and this flexibility in the combination of manor and parish continued into the early modern period.¹²⁰ The manor provided the vital 'real power' over villages which Hoyle suggests the middling sort lacked.¹²¹ The ability of jurors to control presentments, amercements and the placing of pains provided a mechanism by which to coerce other members of the community besides reporting offenders to royal commissioners or church authorities. Therefore, even with the expansion of state authority via the office of churchwarden, local elites were surely reluctant to abandon manorial office which allowed them direct authority over their fellows.

The interaction between manorial officials and churchwardens did differ owing to varying relationships between manorial and parochial boundaries. Interestingly, the limited evidence here gainsays Hindle's suggestion.¹²² Rather than coterminous bounds leading to parish replacing manor, instead the example of Worfield suggests this led both structures to remain important. By contrast, Cratfield, where boundaries did not match neatly, seems to have seen parish becoming more significant than manor, especially with the early rise of the vestry and the formation of a separate 'town book'. Essentially, the weakness of manorial institutions led local elites to seek alternatives, again suggesting that manorial structures were a vital tool that middling sorts sought to utilise where possible. Yet, even at Cratfield, the same individuals continued to serve in manorial office alongside acting as churchwardens, and these offices were combined to meet churchwardens' obligations to royal justices and tenants' obligations to their lord.

The consequence of these insights is to extend but also challenge recent formulations of early modern state formation. The focus on how local standing and authority conditioned the position of local officials, creating a complex relationship between the state and village elites, is reinforced. As such, the study endorses the view of state formation as occurring through a decentralised process of development in English localities. However, such a picture reveals that local authority was exercised via the more formal structures of the manor as well as informal, though intimately connected, conditions of social standing and credit. It also

¹¹⁹ Smith, 'Modernization', 161–77. ¹²⁰ Johnson, *Law in Common*, 21.

¹²¹ Hoyle, 'Wrightsonian incorporation', 23.

¹²² Hindle, 'Political culture of the middling sort', 126–8.

State Formation: the Parish

questions models that see manor and parish government as somehow different, or that the latter replaced the former. In fact, the social structures which early modernists often associate with the incorporation of parochial officeholding into the state, look to have been formed through the selection of manorial officeholders, which helped create a set of chief inhabitants who slid relatively neatly into service to the state via parochial offices they had also long held. Of course, contentions that have seen the Civil War as marking a point of departure cannot be fully examined by an analysis that ends in 1650.¹²³ Similarly, the growth of subtenancy, which likely increased over the seventeenth century, may have led to an increasing separation of tenants who could serve in manorial office but were largely non-resident, and ratepaying-occupiers who could serve in the vestry and parochial office but were excluded from manorial institutions.¹²⁴ However, an exploration of the relationship between manorial officeholding and state reveals a further complexity in the transition from the medieval to the early modern. The local parochial elite that the developing state is often seen to have created was deeply rooted in the governing structure of the medieval manor.

¹²³ *Ibid.*, 127; Kent, 'State formation and parish government', 403–4; K. Wrightson, 'The social order of early modern England: three approaches' in L. Bonfield, R.M. Smith and K. Wrightson (eds.), *The World We Have Gained: Histories of Population and Social Structure* (Oxford, 1986), 177–202, at 201; French, *Middle Sort of People*, 108–9, 263; Hindle and Kümin, 'Spatial dynamics', 164.

¹²⁴ French and Hoyle, *Earls Colne*, 295.

STATE FORMATION II: QUARTER SESSIONS, VILLS AND CONSTABLES

This chapter provides a second perspective on the effect of state formation on community governance. It does so by examining the rise of juridical structures which allowed the state to enforce new policies concerning law and order and labour legislation in the fifteenth to seventeenth century. The key innovation in this sphere was the rise of the JP and the quarter sessions over which they presided. JPs had their roots in the Keepers of the Peace, and were irregularly appointed at various times during the early reign of Edward III.¹ However, the Black Death marked the point of significant departure as JPs, after a series of rapid changes, became vital in enforcing wide-ranging labour legislation and its subsequent iterations alongside administering local criminal justice.² Their role in local government expanded between the late fifteenth and early seventeenth century as numbers of magistrates swelled and they became responsible for enforcing an increasing volume of statutes.³ They became key to administering new local responsibilities placed on communities such as the raising and distribution of poor relief and the monitoring of recusants.⁴

¹ B.F. Putnam, 'The transformation of the Keepers of the Peace into the Justices of the Peace, 1327–1380', *Transactions of the Royal Historical Society*, 12 (1929), 19–48, at 24–41; W.M. Ormrod, *Edward III* (New Haven, CT, 2011), 109–10; E. Powell, 'The administration of criminal justice in late-medieval England: peace sessions and assizes' in R. Eales and D. Sullivan (eds.), *The Political Context of the Law: Proceedings of the Seventh British Legal History Conference, Canterbury, 1985* (London, 1987), 49–60, at 50–1; A. Verduyn, 'The commons and early Justices of the Peace under Edward III' in P. Fleming, A. Gross and J.R. Lander (eds.), *Regionalism and Revision: the Crown and its Provinces in England, 1200–1650* (London, 1998), 87–106, at 97–8.

² Putnam, 'Transformation of the Keepers', 44–7; Ormrod, *Edward III*, 32–3; Powell, 'Administration of criminal justice', 51–6.

³ J.R. Lander, *English Justices of the Peace, 1461–1509* (Stroud, 1989), 6–12; Braddick, *State Formation*, 30–1; C.B. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1987), 53–4; Fletcher, *Reform in the Provinces*, 3–4, 31.

⁴ Braddick, *State Formation*, 31; J. Healey, 'The development of poor relief in Lancashire, c.1598–1680', *Historical Journal*, 53 (2010), 551–72, at 572; Fletcher, *Reform in the Provinces*, 3–4.

JPs also gained jurisdiction over areas which had traditionally been the responsibility of courts leet.⁵ As the jurisdiction of quarter sessions, as opposed to that of the assizes, became more closely defined over the sixteenth century, JPs were increasingly focused on policing petty crime and misbehaviour rather than serious felonies.⁶ They expanded the use of 'binding over' to achieve this, allowing both parish officers and private individuals to request that community members swear recognisances that they would not commit interpersonal offences on pain of forfeiture of a specified sum.⁷ Outside peacekeeping, from 1552 magistrates were made responsible for the licensing of alehouses.⁸ This provided a new system to monitor the retail of alcohol beyond the assize of ale and allowed magistrates to more precisely target the recreational aspects of public drinking.⁹

Whether the extension of JPs' powers should be seen as a process of replacement of leets by the county bench is more uncertain. Several studies have highlighted the continued importance of manor courts owing to the limitations of the magistracy, noting that an inadequate number of JPs could only hear so many cases and these were dwarfed by presentments in manor courts.¹⁰ However, while the volume of business dealt with by quarter sessions may have been relatively low, these courts had significant effects in providing a rival governing structure to that of the manor. Whittle has highlighted that quarter sessions held advantages over manor courts in that non-tenants could be more easily prosecuted, courts were held more frequently than leets and punishments may have been more effective than manorial ameracements which may not have been paid by offenders. They provided an alternative local court to the manor through which customary tenants who disagreed with the decisions of their leet could seek redress.¹¹ The evidence examined in [Chapter 1](#) also supports some degree of replacement, with presentments around the assize of bread and ale as well as petty violence declining, and in some cases disappearing, over the sixteenth century, a pattern which is the inverse of the rise of the quarter and petty sessions.¹² Thus, it is undeniable that the state's granting of increasing powers and responsibilities to county-level officials affected the governance of local

⁵ Whittle, *Agrarian Capitalism*, 54–5.

⁶ Herrup, *Common Peace*, 42–7; Sharpe, *Crime*, 33–5; Underhill, *Revel, Revolt*, 48–9; McIntosh, *Controlling Misbehavior*, 81–2.

⁷ Hindle, *State and Social Change*, 97–104.

⁸ J. Hunter, 'English inns, taverns, alehouses and brandy shops: the legislative framework, 1495–1797' in B. Kümin and B.A. Tlustý (eds.), *The World of the Tavern: Public Houses in Early Modern Europe* (Aldershot, 2002), 65–82, at 65–9.

⁹ Hailwood, *Alehouses*, 22–5. ¹⁰ King, 'Early Stuart courts leet', 298–9; Sharpe, *Crime*, 37.

¹¹ Whittle, *Agrarian Capitalism*, 53–4, 62–3. ¹² See pp. 54–9.

State Formation: Quarter Sessions, Vills, Constables

communities in ways which diminished the importance of courts leet, even if this did not relocate all, or perhaps even the majority of, their work in maintaining law and order.

Rather than directly contrasting the role of manor courts and quarter sessions, this chapter focuses on one particular official, the village, or petty, constable. This official was vital to the ability of county-level JPs to enforce legislation and maintain their authority at the level of local communities.¹³ Constables had their origins, however, in the earlier structure of the vill, the smallest unit of government in medieval England, through which the king's taxation, military and policing demands had been met from before the fourteenth century.¹⁴ They were the crucial link between this local unit of organisation and the wider state. In Helen Cam's eyes, the constable 'is the embodiment of community responsibility; but he is also the embodiment of royal authority'.¹⁵ However, the role of constables in serving the state expanded alongside that of JPs after the Black Death, with the Statute of Labourers representing a departure point for an increasing number of responsibilities placed on constables by new statutes over the fifteenth and sixteenth centuries.¹⁶ This process had reached new heights by c.1600, leading Rab Houston to state that 'the Tudors transformed constables from executive legal officers of the manor into local parish administrators for Justices of the Peace'.¹⁷

Despite this transformation, constables throughout the medieval and early modern era remained in an unusual position of being community officials, on the one hand, and servants of the JP, on the other. Early modernists have long emphasised that constables had a relatively ambiguous role in serving both crown and local community.¹⁸ Wrightson first suggested this in his observation that the constables of seventeenth-century England had a 'mediating position between their communities and the law', emphasising their role in managing the differing 'concepts of order' held by local village communities and JPs at the county level.¹⁹

¹³ Braddick, *State Formation*, 33; Braddick, *God's Fury*, 60; McIntosh, *Controlling Misbehavior*, 26.

¹⁴ H.M. Cam, 'Shire officials: coroners, constables and bailiffs' in J.F. Wilard, W.A. Morris and W. H. Dunham (eds.), *The English Government at Work, 1327-36*, 3 vols. (Cambridge, MA, 1950), vol. III, 185-217, at 169-71.

¹⁵ H.M. Cam, *The Hundred and the Hundred Rolls: an Outline of Local Government in Medieval England* (London, 1930), 192-3.

¹⁶ Braddick, *State Formation*, 33-4; Kent, *Village Constable*, 16-19, 28-56; Gunn, *English People at War*, 51-2.

¹⁷ Houston, 'People, space and law', 68.

¹⁸ Hindle, *State and Social Change*, 183; Sharpe, *Crime*, 76-7; Fletcher, *Reform in the Provinces*, 65-66; Goldie, 'Unacknowledged republic', 166; Younger, *War and Politics*, 173; Kent, 'State formation and parish government', 399-401; Gaskill, 'Little commonwealths', 93; Hailwood, *Alehouses*, 83-7, 108-9.

¹⁹ Wrightson, 'Two concepts of order', 21-32.

Medievalists have similarly emphasised that constables could resist the direction of royal officials.²⁰ Lawrence Poos has highlighted their role in choosing to either enforce or soften labour legislation in the late fourteenth century as directed by the increasingly powerful commissioners of the peace, emphasising how this could place them 'in an impossible situation akin to that of . . . constables of later centuries'.²¹ Yet, much like the incorporated officers of early modern England, constables as wealthier manorial tenants and employers were likely incentivised to enforce labour legislation for their own ends as well as to serve the crown.²²

Joan Kent adopts a similar position to Wrightson and Poos but with a slightly more positive take. While still emphasising that constables could be subjected to local pressures, which became acute in the 1630s as a result of Charles I's attempts to levy ship money, she suggests constables were generally effective crown servants, an achievement made possible by the high level of local cooperation they received from communities in exercising office.²³ For Kent, significantly, the fact that constables were connected to the manor was intrinsically part of this phenomenon. While constables were not technically manorial officials, their selection was governed via courts leet where these were held, with the suitors or jury choosing who served, meaning that the manor court had significant influence over the office. Even as the constable's role became progressively associated with the work of JPs, magistrates continued to respect local custom in choosing these officials until at least the 1630s.²⁴ This limited the extent to which constables could become servants of the state alone, but also allowed them to carry out their duties effectively, as it meant that men with local standing, and thus the ability to mobilise the wider community, were selected for office.

Studying the constableness therefore provides a way to examine the impact of state formation on local communities. Constables operated across the vill, manor and quarter sessions. Seeing how they appear in these various arenas, and how this changed over time, allows for a further perspective on the impact of state formation on manorial structures. The results of the following analysis show that while constables undoubtedly gained new roles through the rise of the quarter session and JPs, they remained tied to the manor, even if they were not manorial officials in the sense of the other offices investigated in this study. This was thanks to

²⁰ Bellamy, *Crime and Public Order*, 93; E. Powell Kingship, *Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989), 272.

²¹ Poos, 'Social context', 34–5; see also Bailey, *After the Black Death*, 216–17.

²² Poos, 'Social context', 52; Dyer, 'Village community', 423; Bailey, *After the Black Death*, 212–16.

²³ Kent, *Village Constable*, 282–305. ²⁴ *Ibid.*, 57–72.

Quarter Session and Manor

a long-term heritage of utilising manor courts to support constables' work on behalf of the vill, as a unit of local government with responsibilities to the monarch. While constables can be described at various times as representatives of vills and servants of JPs, in a very practical sense the manor and its officials were the organ that ensured the constable actually functioned as an official of the crown in the locality. In this way, manorial governance structures remained important under, and even worked to promote, Tudor and Stuart state formation.

This chapter is split into three sections. The first part examines the work of constables in the early modern era across both quarter sessions and the manor court, to explore how the growth of county-level structures affected the work of constables. It does so through a county case study of Norfolk in four periods between the 1530s and 1630s. The following section returns to the court rolls of the case-study manors to explore the connection between serving as a constable and in other manorial offices and how this changed across the fifteenth to seventeenth century. The final section examines the scattered qualitative evidence for the role of manorial officials and structures in monitoring constables to ensure they met the obligations of the community of the vill to the state.

QUARTER SESSION AND MANOR

Norfolk is unique in that its quarter sessions' records survive from 1531 onwards, and therefore earlier than any other English county, which allows for an exploration of the shifting role of constables from the reign of Henry VIII to that of Charles I.²⁵ The following analysis uses four quarter sessions files (for 1532–3, 1567–72, 1599–1603 and 1631–2) and two quarter sessions books (for 1565–8 and 1629–44). These records contain a wide range of memoranda and communications generated by the work of these courts and the JPs who administered them. They have been combined with surviving court rolls for five manors in north Norfolk, namely Brancaster, Gimingham Lancaster, Hindolveston, Horsham St Faiths and Sedgeford.²⁶ Each of these manors held courts leet, meaning that they chose constables. Thus, by comparing the activities of constables as revealed in quarter sessions records, with those seen in court rolls, it is possible to explore the impact of changes in constables' obligations to JPs on the role of constables in the setting of the manorial court. This analysis reveals that while the increasing power of JPs made

²⁵ Whittle, *Agrarian Capitalism*, 275.

²⁶ For each manor, all court rolls surviving close to the periods of the selected sessions files were examined.

constables across the county important officers in achieving the aims of the magistracy, courts leet retained an important role in selecting constables and ensuring incumbents fulfilled the obligations of their office.

The essential functions of constables in c.1650, the end of the period under examination, are delineated in a copy of the oath they had to swear, recorded at the end of the quarter sessions book for 1629–44. This stated that constables should ‘see his ma(jes)tie(s) peace well kept and arrest all such as you shall see break[ing] the peace’, ensure ‘the Statute of Winchester, watch, hue and cry and statutes made for the punishment of Roagues, vagabonds and drunckards be duly executed’, ‘App(re)hend all felons’, ‘looke for players at unlawful games’, ‘see that Artilery be mainteyned’, ‘truly execute all p(re)cepts and warrants sent you from the Justices of Assize and . . . peace’ and ‘p(re)sent all . . . affrayes and Rescues done within the p(re)cinct of yo(ur) office’.²⁷ The oath reveals the new responsibilities given to constables in the sixteenth and seventeenth centuries, such as through references to the statutes for punishing rogues and vagabonds, which reflect legislation promulgated from the 1530s onwards ordering constables to whip these offenders; reference to statutes of artillery made under Henry VII and Henry VIII; and, of course, the more general reference to service of JPs.²⁸ However, the oath also mentions several of the more traditional functions associated with the constables’ role as the representatives of the vill, such as maintaining the Statute of Winchester of 1285.²⁹

The impact that these various responsibilities had on the work of constables can be seen in the quarter sessions records under four categories. Firstly, in 1532–3, constables throughout Norfolk are mentioned in certificates issued by high constables against labourers who failed to attend the petty sessions.³⁰ Secondly, in a set of four lengthy presentments made by a royal jury, constables throughout Norfolk in 1567–8 were reprimanded for having failed to examine vagabonds according to existing legislation.³¹ Thirdly, constables throughout the period 1562–1631 were charged with warrants to arrest individuals for various offences such as peace-breaking, illegal ale selling and vagabondage, and to compel

²⁷ NRO, C/S, 1/6.

²⁸ K.J. Kesselring, ‘Law, status, and the lash: judicial whipping in early modern England’, *JBS*, 60 (2021), 511–33, at 516–17; Slack, *Poverty and Policy*, 126–7; Kent, *Village Constable*, 30; Gunn, ‘Archery practice’, 53; Sharpe, *Crime*, 34.

²⁹ 13 Edward I, Statute of Winchester c.4, *SR*, vol. 1, 97.

³⁰ NRO, C/S, 3/1; Whittle, *Agrarian Capitalism*, 282–4. High constables were an official that sat between the JP and petty constable and were selected by magistrates. Braddick, *State Formation*, 33; Sharpe, *Crime*, 33–4.

³¹ NRO, C/S, 3/box 8, bundle Elizabeth I 10; J. Pound, *Poverty and Vagrancy in Tudor England* (London, 1971), 39–44; Slack, *Poverty and Policy*, 94.

witnesses to attend the justices.³² Finally, constables were also mentioned in a set of miscellaneous other contexts, such as in orders to transport felons and vagabonds and in punishments meted out for failure to adhere to their role.³³ In total, these responsibilities illustrate that constables were undoubtedly fulfilling a large number of functions for the state, as directed through the county magistracy, across the Tudor and Stuart eras. Even by 1531, they played a vital role in prosecuting labour legislation, and references from the 1560s onwards show their essential role in growing anti-vagrancy policies and strengthening the jurisdiction of the quarter sessions.³⁴

Map 6.1 shows the villages of which the constables were mentioned in these four categories of business between 1532 and 1632. In total, constables from across 134 different villages ranged throughout Norfolk were mentioned, which corresponds to more than a fifth of all taxpaying vills assessed in the lay subsidy of 1524/5.³⁵ This reveals that constables were drawn into a county-wide system over the early modern period, and thus that their horizons, much like those of churchwardens, went well beyond their villages. It also demonstrates the frequency of contact between the constables of any village and the county bench. If over four short study-periods constables from such a high proportion of Norfolk villages are mentioned, in some cases multiple times, it can be implied that across the whole Tudor and Stuart period, constables from a far greater number of villages would be recorded in quarter sessions' material. These documents in turn only reveal a proportion of actual interactions between constables and county authorities, many of which would leave no written record, giving some sense of the scale of the judicial system that emerged through the rise of the quarter sessions and JPs across the late medieval and early modern eras.

JPs also had a significant role in ensuring constables performed their responsibilities according to the requirements of the state, or at least their interpretation of the state's interests. Constables were subject to their own incentives and could potentially soften or ignore instructions from JPs if they conflicted with the expectations of their fellow villagers, or were against their own objectives.³⁶ Several inquiries into constables and orders for their arrest

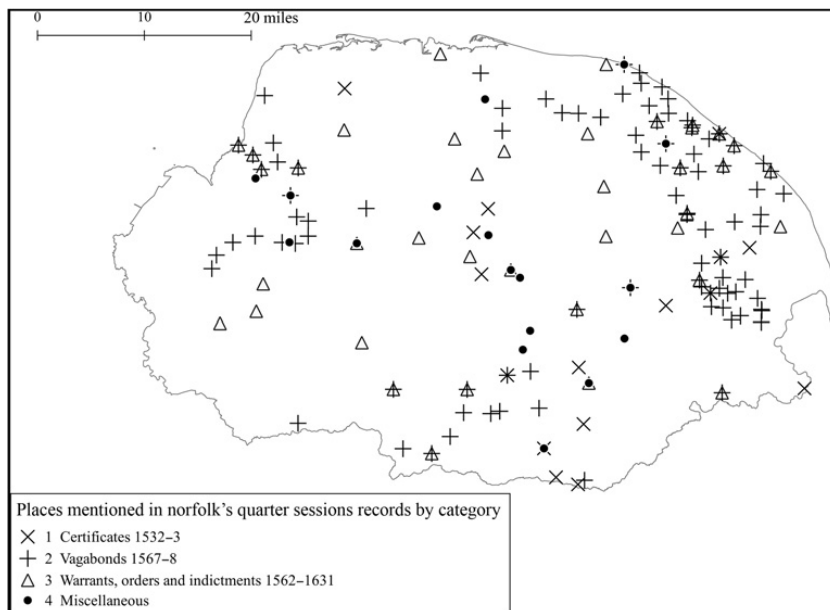
³² NRO, C/S 1/3; C/S 1/6; C/S 3/box 13A; C/S 3/box 28.

³³ NRO, C/S 1/3; C/S 1/6; C/S, 3/1; C/S, 3/box 8, bundle Elizabeth I 10; C/S 3/box 13A; C/S 3/box 28; Braddick, *State Formation*, 109–10; Hindle, *State and Social Change*, 166–7; Slack, *Poverty and Policy*, 92–4.

³⁴ Braddick, *State Formation*, 30–4.

³⁵ There were 616 taxpaying vills recorded in Norfolk in the lay subsidy of 1524/5: *The Distribution of Regional Wealth in England as Indicated by the Lay Subsidy Returns of 1524/5*, ed. J. Sheail, 2 vols., List and Index Society Special Series, 28–29 (Kew, 1998), vol. 11.

³⁶ Poos, 'Social context', 35.



Map 6.1 Places mentioned in Norfolk's quarter sessions' records by category

1 Certificates, 1532–3: Attleborough, Bedon, Diss, Fundenhall, Hoe, Norton, Oby, Osmundeston, Pirelston, Shelfanger, South Walsham, Stanhoe, Strumpshaw, Tivetshall, Walcott, Yaxham.

2 Vagabonds, 1567–8: Acle, Aldborough, Attleborough, Babingley, Bacton, Barton, Bastwick, Beighton, Besthorpe, Bilney, Blofield, Bradfield, Braydeston, Brettenham, Bridgham, Brinton, Brumstead, Buckenham, Cantley, Cromer, Dersingham, Dilham, East Walton, East Winch, Eccles, Edingthorpe, Ellingham, Felmingham, Flitcham, Freethorpe, Gayton, Gayton Thorpe, Gimingham, Grimston, Halvergate, Happisburgh, Hassingham, Heacham, Hemblington, Hempstead, Hickling, Honing, Horning, Horsey, Hoveton St John, Hoveton St Peter, Kilverstone, Langham, Larling, Lingwood, Ludham, Matlaske, Melton, Middleton, Moughton, New Buckenham, North Burlingham, North Walsham, Northrepps, Norwich, Overstrand, Palling, Paston, Plumstead, Potter Heigham, Reedham, Ridlington, Rougham, Roughton, Sandringham, Shropham, South Burlingham, South Walsham, Southrepps, Southwood Limpenhoe, Strumpshaw, Sturston, Suffield, Thorpe Parva, Trimmingham, Trunch, Tunstead, Walcott, Waxham, West Newton, Westwick, Wickhampton, Wiggenhall St. Mary Magdalene, Wiggenhall St Peter, Wilby, Wilton, Wolferton, Worstead.

3 Warrants, orders and indictments, 1562–1631: Babingley, Bacton, Bagthorpe, Barton, Beeston, Blofield, Bradfield, Brettenham, Brumstead, Castle Acre, Downham Market, East Dereham, Edingthorpe, Ellingham, Flitcham, Forncett, Guist, Happisburgh, Hilborough, Hindolveston, Horsford, Hoveton St John, Hoveton St Peter, Kettlestone, Marsham, Martham, Mattishall, Runton, Sandringham, Shouldham, Shropham, Stradsett, Sturston, Warham, Waxham, Wolferton, Wolterton, Worstead, Wroxham.

4 Miscellaneous: Bale, Castle Acre, Castle Rising, Cromer, Forncett, Grimston, Mattishall, Morley, North Walsham, Norwich, Shelfanger, Stanfield, Swainsthorpe, Swanton, Welborne, West Bilney, Wicklewood.

Notes: Boundary data from Satchell et al., *1831 Counties*. The place names have been left as recorded in the original documents but spelling has been modernised.

Sources: NRO, C/S 1/3, C/S 1/6, C/S 3/1, C/S 3/box 8, C/S 3/box 13A, C/S 3/box 28.

for failing to execute warrants and allowing prisoners to escape their custody through 'negligence' may provide testimony to this moderation.³⁷ Tensions arose around the operation of the poor law, and the responsibility of constables to accept paupers and punish them for begging.³⁸ For example, the constables at Stanfield were initially ordered by a magistrate to settle a George Wicks who they had originally sent by passport to Forncett where he was born. However, it later transpired that Wicks had misled the justices, leading the constables' original decision to resettle him to be upheld, presumably a relief for these constables as it ensured their community did not have responsibility for Wicks.³⁹

The vill of Bale engaged in explicit deception in 1631. Here, the constable and overseer had whipped one John Massingham as a vagrant and carried him to Langham, the village of his birth. The justices found that Massingham had actually long been apprenticed in Bale, and had later worked in the same village for another employer, meaning he should be settled there. However, the village and its officials, 'feering some danger of charge that might accrue unto them', did 'pretende the sayd John to bee a vagrant . . . contrary to lawe and government and the orders and resolutions of Judges'.⁴⁰ These examples demonstrate the strong incentives for constables to enforce and ignore poor law legislation according to the wishes of their communities. In the case of Richard Meauwe, a constable of Shelfanger in 1532, the motivation seems to have been more individualistic. He was found to have failed to bring his own servant before the chief constables at the petty sessions at Diss, presumably as he was retaining him against the statute.⁴¹

What impact did this close interaction with JPs who monitored their conduct, and their increasing activities as agents of the quarter sessions, have on the role of constables in manorial courts? References to the constables in the five Norfolk manors examined were infrequent but seem to reveal little change over time, and suggest that these officials remained enmeshed in local governance structures. Each manor retained an activist leet whose jury continued to monitor royal business for some of the period examined here. They continued to present offenders intermittently for petty crimes, obstructing royal roads and breaking the assize of bread and ale.⁴² The courts also continued to be adapted in

³⁷ NRO, C/S 1/3, 23 Feb. 1564; C/S 3/box 8, bundle Elizabeth I 10, 10 Jul. 1566; C/S 3/box 28, 14 Mar. 1631; C/S 1/6, 18 Jul. 1633, 16 Jan. 1643.

³⁸ NRO, C/S 3/box 13A, 20 Sep. 1605. ³⁹ NRO, C/S, 3/box 28.

⁴⁰ NRO, C/S, 3/box 28, 24 Apr. 1631. ⁴¹ NRO, C/S, 3/1, 8a, 25 Nov. 1532.

⁴² NRO, HARE 6333, 350x4, m.3, 8 Aug. 1531, m.4, 6 Aug. 1532; HARE 6338, 350x5, m.11, 27 Sep. 1566, m.12, 13 Sep. 1567, m.13, 29 Sep. 1568, m.17, 5 Dec. 1570, m.19, 12 Nov. 1572; HARE 6340, 350x5, m.4, 6 Oct. 1571; HARE 6346, 351x1, m.6, 1 Oct. 1599, m.8, 30 Sep. 1600, m.9, 31 Mar. 1601, m.10, 20 Oct. 1601; HARE 6347, 350x6, m.1, 24 Mar. 1602;

response to new perceived problems. Misconduct of various forms was presented, and capital pledges at Brancaster and Horsham made presentments and created bylaws to prevent the community being charged with potential poor law recipients.⁴³

Turning to constables, the most significant activity carried out by these manorial courts was selecting who served. Although Norfolk's constables may increasingly have been helping JPs exercise their authority, the choice of constables remained firmly with courts leet in each community examined. Moreover, the role of constable continued to be held by a range of different inhabitants of these communities, and deputisation was only recorded in three instances. In one case, in the selection of the constable of the vill of Trunch at the manor of Gimingham in 1632, William Sishwell alleged he was 'insufficient', an argument accepted by the capital pledges who allowed him to pay 13s 4d to John Mortes to serve in his place.⁴⁴ In a further two cases at Hindolveston and Gimingham, both sets of men chosen to serve put deputies in their place.⁴⁵ While the reasons for these deputisations are not made explicit, the fact that one man in each set was described as a gentleman may explain these rare choices not to serve, as higher-status individuals avoided the constableness as they did other manorial officers.⁴⁶ Manorial courts also continued to be the forums at which constables were sworn in the vast majority of cases. At the manors investigated, on only one occasion was a constable explicitly ordered to be sworn in front of the justices, when in 1603 at Hindolveston, James Lyme was required to go before any Norfolk JP within a week under pain of 40s as he was absent from the court session in which he was selected.⁴⁷ This implies he would have sworn in the manorial court if present. That constables were still largely sworn in manorial courts is also revealed by the lack of instances of these officials

MS 5864, 14F3, m.25, 21 Apr. 1567, m.33, 17 Oct. 1567, m.39, 12 Jul. 1568, m.47, 18 Jul. 1569; MS 5885, 15C2, m.24, 28 Jul. 1600, m.36, 5 Aug. 1601; MS 5900, 15C4, m.13, 31 Jul. 1632; DCN 60/19/44, m.1, 13 Nov. 1531, m.3, 3 Jul. 1532; DCN 60/19/45, m.1, 18 Nov. 1532; DCN 60/19/46, m.1, 10 Nov. 1533, m.3, 02 Jul. 1534; DCN 60/19/59, m.33, 30 Mar. 1571, m.34, 4 Oct. 1571; DCN 60/19/60, m.6, 30 Sep. 1600, m.12, 30 Sep. 1603; DCN 60/19/62, m.13, 25 Oct. 1632; NRS 19512, 42C4, m.17, 9 Oct. 1566, m.22, 11 Apr. 1570, m.27, 8 Oct. 1573; NRS 11307, 26B2, f.6, 18 Mar. 1602; NRS 12476, 27D5, m.2, 13 Dec. 1631; DCN 60/32/26, m.28, 5 Jul. 1531, m.29, 16 Nov. 1531, m.30, 8 Aug. 1532, m.31, 22 Nov. 1532, 8 Jul. 1533; DCN 60/32/31, m.8, 29 May 1575, m.12, 3 Oct. 1575; DCN 60/32/34, m.12, 15 Oct. 1629, m.18, 19 Oct. 1632.

⁴³ NRO, HARE 6333, 350x4, m.3, 8 Aug. 1531, m.4, 6 Aug. 1532; MS 5864, 14F3, m.28, 3 Jul. 1567, m.57, 10 Jul. 1570; DCN 60/19/44, m.3, 3 Jul. 1532; NRS 19512, 42C4, m.17, 9 Oct. 1566, 9 Apr. 1567, m.19, 12 Apr. 1568, m.22, 10 Oct. 1569, 11 Apr. 1570, m.21, 22 Apr. 1570, m.23, 9 Oct. 1570, m.25, 9 Oct. 1571; DCN 60/32/31, m.6, 16 Jul. 1571.

⁴⁴ NRO, MS 5900, 15C4, m.13, 13 Jul. 1632.

⁴⁵ NRO, DCN 60/19/60, m.2, 3 Aug. 1599; MS 5900, 15C4, m.13, 31 Jul. 1632.

⁴⁶ See p. 188. ⁴⁷ NRO, DCN 60/19/60, m.12, 30 Sep. 1603.

being sworn in the quarter sessions material, with only two references to this in the files and books studied.⁴⁸

Moreover, manor courts continued to monitor the conduct of constables, which demonstrates that communities still sought to ensure that these officials were acting appropriately for their needs. Sometimes, this was as simple as guaranteeing that the candidates selected to be constables actually served. At Gimingham in 1633, Thomas Johnsons did not attend the court to be sworn and was thus ordered to take his oath within six weeks according 'to the custom of the authority of this leet' under pain of £5.⁴⁹ At Brancaster and Sedgeford, upon being chosen by capital pledges, individuals, unfortunately for unstated reasons, refused to be sworn by the stewards presiding over the court. This led them to receive stiff amercedments of 20s and 40s, respectively.⁵⁰

Manorial juries also continued to present constables for failing to carry out their duties as regards their responsibilities to the vill, rather than in connection to the quarter sessions. This demonstrates that residents living in a village community still had to meet obligations to the crown through this unit, and met these obligations through the constable, even as this office became increasingly linked with the authority of the county bench. In 1567, the capital pledges of Sedgeford presented the vill's constables because they 'did not cause the call of the inhabitants of the . . . vill to view their bows and arrows according to the form of the statute namely "the Statute of artillery" as they ought'.⁵¹ This refers to legislation designed to maintain archery practice in the face of a perceived preference by the populace for 'unlawful games' which, as has been shown earlier, could lead to presentments within manorial courts.⁵² Capital pledges at Hindolveston punished constables for failure to meet requirements under more ancient legislation in 1603, when they presented William Risburghe and Thomas Mony for failure to 'guard the vigil of this vill . . . according to the statute', seemingly a reference to the requirement to maintain a watch ordered in the Statute of Winchester.⁵³ Juries also punished other inhabitants of their villages for not helping the constables fulfil their role. For example, in 1567 Martin Frary was amerced 12d for failing to come to the constables' aid as they sought to break up a fight between Francis Sherringe and George Preston at Horsham, preventing them from keeping the peace.⁵⁴ Thus manorial juries retained an

⁴⁸ NRO, C/S 1/6, 12 Jul. 1642, 16 Jan. 1644. ⁴⁹ NRO, MS 5900, 15 C4, m.29, 16 Jul. 1633.

⁵⁰ NRO, HARE 6346, 35 1 X 1, m.10, 20 Oct. 1601; DCN 60/32/34, m.18, 19 Oct. 1632.

⁵¹ NRO, DCN 60/32/31, m.6, 16 Jul. 1567. ⁵² Gunn, 'Archery practice', 53; see p. 58.

⁵³ NRO, DCN 60/19/60, m.12, 30 Sep. 1603; H. Summerson, 'The enforcement of the Statute of Winchester, 1285–1327', *Journal of Legal History*, 13 (1992), 232–50, at 241–2.

⁵⁴ NRO, NRS19512, 42 C4, m.19, 15 Oct. 1567.

important supervisory role over constables' work, guaranteeing they could and would fulfil the duties of their office. This was in large part because of the need to meet the obligations of the vill to the crown, but also likely because of the value of constables' activities to village communities in maintaining the peace.

A bylaw at Horsham in 1572 shows that constables could retain an important role in manorial structures outside their role in peacekeeping. This organised the hiring of a communal oxherd to guard the livestock of the tenants on the manor's commons. The herdsman was to be supported by a salary gathered from among the community of tenants. The annual collection of this was in turn delegated to the constables of the manor.⁵⁵ Why the constables were chosen for this role is unrecorded, but a likely explanation was their pre-existing role in gathering from inhabitants of the community the taxes and other levies required to meet royal obligations, with the bylaw simply adapting this for a different collective purpose.⁵⁶

Beyond direct references to constables, the intertwining of new responsibilities of local communities to the state and the local authority of the manor court can be seen in a few other presentments at Gimmingham. Potentially through the agency of constables who were meant to ensure that labourers attended the petty sessions, the capital pledges in the seventeenth century presented several masters for failing to register their servants.⁵⁷ A vivid example of the way that manor courts could maintain the authority of supervisors of highways, as a further type of official created through statute legislation under the Tudors, is seen in 1632.⁵⁸ The capital pledges of the vill of Southrepps presented that Thomas Abers 'had in the presence of many men' told Thomas Cawstun to 'Kisse my tayle' when the latter was acting as a supervisor. This outburst led Abers to be amerced 3d and ordered not to repeat this action under pain of 10s.⁵⁹

The evidence from the quarter sessions records reveals that constables were undeniably crucial to enforcing a wide range of new state policies channelled through the magistracy and were thus increasingly working for JPs in early modern England. This in turn made them subject to monitoring by justices and placed them in a county-wide framework. However, constables were still incorporated into local governance structures organised by the manor. They continued to be appointed by manorial juries and sworn in leets, and subject to oversight and direction by the manor court.

⁵⁵ NRO, NRS 19512, 42C4, m.25, 14 Apr. 1572. ⁵⁶ See pp. 219–22.

⁵⁷ NRO, MS 5885, 15C2, m.24, 28 Jul. 1600; MS 5900, 15C4, m.29, 16 Jul. 1633.

⁵⁸ 2–3 Philip and Mary, c.8, SR, vol. 4 part 1, 284–5

⁵⁹ NRO, MS 5900, 15C4, m.13, 31 Jul. 1632.

Combining Offices

COMBINING OFFICES

Returning to the case-study manors allows for a closer examination of who served as constables in the context of their wider careers in other manorial offices. As constables' roles changed under the Tudors and Stuarts, did the holders of these positions increasingly not serve in manorial office? At all the case-study manors, courts leet were responsible for choosing constables for the vill. This means that the names of those chosen as constables are recorded, albeit inconsistently. [Table 6.1](#) examines the manorial officeholding careers of every individual who can be identified as a constable.⁶⁰ The patterns reveal that those serving as constables were drawn from a similar pool to manorial officers, with little change over time. Across all manors, serving as capital pledge or juror leet was particularly correlated with being a constable, with between 80% and 96% constables also serving in these offices. The relationship is only slightly weaker for jurors baron, with between 65% and 90% of constables serving in this role.

For other types of office, the correlation is less clear, though low percentages are partly a result of the disappearances of many types of office in the early modern period. More significantly, there is little evidence for the divorce of the constableness from manorial offices. At Horstead, Worfield and Fordington, the proportion of constables who did not serve in any manorial office declined over the period investigated. Even at Downham, a rise from zero in the fourteenth to sixteenth century, to 5% in the seventeenth century, was caused by only one individual not serving in manorial office in the latter period. Cratfield proves the exception to this, with seven constables in the seventeenth century not being found in another manorial office, which could suggest a decoupling of this position from manorial governance structures. However, the other case studies suggest it was certainly not the typical evolution in village communities.

Overall, the evidence suggests that constables were largely drawn from the same pool of individuals who served in manorial office and this did not change significantly over time even as they were given new responsibilities by the crown. This is unsurprising: selection via the court leet meant that the same individuals who controlled the process of selecting constables controlled that for manorial offices. They

⁶⁰ Constables are named inconsistently in the records. Worfield provides the best data, with routine selection beginning in 1406. Cratfield gives relatively complete information from 1451. Fordington, Horstead and Downham are significantly patchier, with selections being recorded routinely only in the seventeenth century. Numbers of identifiable constables have been increased by adding those incidentally named in presentments, but it must be borne in mind that the table represents a far from complete list.

State Formation: Quarter Sessions, Vills, Constables

Table 6.1 *Reconstruction of the careers of constables in manorial office*

	Fourteenth century		Fifteenth century		Sixteenth century		Seventeenth century		All	
	No.	%	No.	%	No.	%	No.	%	No.	%
A Horstead										
Total constables	0		5		24		19		48	
Affëeror	—		2	40	1	4	—		—	
Taster	—		1	20	—		—		—	
Coltishall juror	—		1	20	—		—		—	
Juror baron	—		4	80	23	96	14	74	41	85
Capital pledge	—		4	80	23	96	19	100	46	96
No recorded office	—		1	20	1	4	0	0	2	4
B Cratfield										
Total constables	0		17		64		58		139	
Affëeror	—		9	53	0	0	—		—	
Taster	—		11	65	5	8	—		—	
Reeve/collector	—		9	53	4	6	—		—	
Juror baron	—		17	100	48	75	26	45	91	65
Capital pledge	—		16	94	58	91	44	76	118	85
No recorded office	—		0	0	1	2	7	12	8	6
C Downham										
Total constables	2		15		9		22		48	
Affëeror	1	50	9	60	3	33	—		—	
Taster	1	50	5	33	0	0	4	18	10	21
Messor	0	0	3	20	0	0	—		—	
Reeve	0	0	2	13	2	22	—		—	
Juror baron	1	50	15	100	9	100	18	82	43	90
Capital pledge	1	50	14	93	7	78	21	95	43	90
Bylawman/fenreeve	1	50	7	47	2	22	8	36	18	38
No recorded office	0	0	0	0	0	0	1	5	1	2
D Worfield										
Total constables	2		103		111		77		293	
Affëeror	2	100	42	41	41	37	21	27	106	36
Taster	1	50	17	17	41	37	57	74	116	40
Reeve	1	50	40	39	36	32	29	38	106	36
Beadle	0	0	7	7	15	14	10	13	32	11
Juror baron	2	100	68	66	81	73	58	75	209	71
Juror leet	2	100	69	67	96	86	67	87	234	80
No recorded office	0	0	24	23	8	7	3	4	35	12
E Fordington										
Total constables	2		6		25		31		64	
Affëeror	0	0	2	33	16	64	28	90	46	72

Combining Offices

Table 6.1 (*cont.*)

	Fourteenth century		Fifteenth century		Sixteenth century		Seventeenth century		All	
	No.	%	No.	%	No.	%	No.	%	No.	%
Reeve	0	0	0	0	9	36	8	26	17	27
Tithingman	0	0	1	17	3	12	15	48	19	30
Suitor/juror baron	—	—	1	17	21	84	30	97	52	81
Juror leet	0	0	4	67	25	100	31	100	60	94
Fieldreeve	—	—	—	—	8	32	24	77	32	50
No recorded office	2	100	2	33	0	0	0	0	4	6

Sources: KCAR/6/2/87/1/1/HOR/37–41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48–58, KCAR/6/2/38/1/1/COL/376; CUL, Vanneck Box/3–4; CUL, EDR, CII/1/1–3, CII/2/4–6, CII/3/7–11, CII/8–10; SA, P314/W/1/1/158–838, 5586/1/257–306; TNA, SC 2/169/29–47, SC 2/170/1–16.

presumably applied similar criteria of selection in both cases. As for other manorial officials from the fifteenth century onwards, the body selecting officials was seemingly quite restricted, as capital pledges, jurors leet or jurors baron were stated as selecting constables where this is recorded.⁶¹ More popular selection may have been the case at Fordington in the fourteenth century, where it is noted that the ‘homage’ selected the constable, but rare examples where the selecting body is mentioned at this manor in the fifteenth and sixteenth centuries name the narrower jurors leet.⁶²

The machinery of the manor court also compelled the candidates chosen by juries to serve as constables. Refusals to serve were rare, with only four being found at the case-study manors and these received harsh responses. Disputes often centred on individuals not coming to make their oath. For instance, in 1644 at Fordington, Richard Ingram ‘was chosen to be constable of this manor’ but ‘did not come to proffer his oath just as according to the law of England he ought’, leading him to be subject to a 20s amercement.⁶³ Similarly, in 1571 at Downham, William Lyntley was amerced 3s 4d as he ‘contemptuously refused to serve the Lady Queen’ as constable.⁶⁴ Examples for 1562 at Downham and 1568 at Horstead are more dramatic. In the former instance, after Richard Gibson had been selected, the steward asked him to receive the oath to serve the ‘Lady

⁶¹ Across the manors, the bodies selecting constables were named in between 30% and 100% of selection presentments. For the bodies selecting other manorial officials, see pp. 77–9.

⁶² TNA, SC 2/169/29, m.28, 28 Nov. 1356, SC 2/169/46, m.5, 23 Sep. 1483, SC 2/170/5, m.1, 1 Oct. 1555.

⁶³ TNA, SC 2/170/16, m.10, 22 Oct. 1644. ⁶⁴ CUL, EDR CII/3/11, 9 Mar. 1571.

Queen faithfully as he ought'; he instead contradicted, 'failing completely his obedience and office in full court, undermining the said office of constable in contempt of the . . . court and in poor example to others'.⁶⁵ Similarly, at Horstead, Richard Pytelyng, when called by the steward to take the oath, replied with 'strong words to the bad example of others'.⁶⁶ The rationale behind these four refusals to serve is unclear; all of these men had served, and continued to serve, in a variety of other manorial offices.

The references to oaths not taken also reveal that constables at Fordington, Downham and Horstead were still being sworn locally rather than by justices in the sixteenth century, even though their service was framed in terms of being for the 'Lady Queen' rather than the lord or even local community. However, evidence from the seventeenth century shows that at Cratfield and Worfield, JPs were increasingly having a role in this process. In 1641 at Cratfield, when Thomas Segatt did not appear to be sworn, rather than punishing him it was ordered that he 'go into the presence of Sir John Straven or another justice of the Lord King . . . to be sworn constable according to this election under pain of 40s'.⁶⁷ Similarly, between 1643 and 1645 at Worfield, because each set of individuals chosen to be constables was absent from the court, they were ordered to go before any Shropshire JP to make their oath under pain of £5.⁶⁸ While these examples reveal a stronger connection between the choice of constables and the county bench, JPs were still fundamentally confirming choices made at the manorial level, and at both of these manors constables continued to be sworn in the manor court in the 1640s. Therefore, ultimately this reveals a closer relationship between justices and manorial courts rather than an obvious transition from the manor to the state in authority over the selection of constables.

Examining who served as constables and how they were chosen provides a similar picture to that found for churchwardens. Rather than an obvious shift from manor to state, those who served as constables continued to hold manorial office, with little change over time. Moreover, the manorial court and its juries continued to play a crucial role in selecting constables and ensuring those who were selected actually served.

CONSTABLE, VILL AND MANOR

It has been demonstrated that constables were strongly integrated into manorial structures in the early modern era, through the role of the leet in their selection and the fact that those who held the constableness were

⁶⁵ CUL, EDR, C11/3/11, 18 Jun. 1562. ⁶⁶ KCAR/6/2/87/1/1/HOR/52, m.5, 6 May 1568.

⁶⁷ CUL, Vanneck Box/4, Charles I roll, m.19, 16 Jun. 1641.

⁶⁸ SA, 5586/1/301, 10 Oct. 1643, 5586/1/302, 10 Oct. 1644, 5586/1/303, 9 Oct. 1645.

prominent holders of other manorial offices. The final section of this chapter seeks to demonstrate why this connection between constable and manorial governance was so strong. It argues that this was because the greater service of constables to the state in the sixteenth and seventeenth centuries was part of an intensification of a more continuous relationship, rather than necessarily a new process of incorporation. This is because the role of constables in the quarter sessions drew on their earlier duties to the vill, the unit by which localities had met their responsibilities to the state stretching back into the Middle Ages. In turn, as already seen at some of the Norfolk communities, the manor played a crucial role in ensuring that constables could, and would, perform these activities on behalf of the vill. These interconnections show the mutual use of manorial and other governing structures to meet the needs and aims of communities.

One significant area where this interrelationship between manorial court and vill can be seen was tax collection. At Horstead, in 1439, an offender was presented for 'breaking the sequester of the constable of the vill'.⁶⁹ This sequester, presumably referring to the seizure of property, was explicitly made for the king's fifteenth, which may reflect a longer history of the use of constables in tax collecting, as these officials are listed in the vill's 1377 poll tax return.⁷⁰ Similarly, at Downham in 1432, John Buxham committed rescue against the constable when he was collecting the king's fifteenth.⁷¹ These examples reflect the wider role of constables in collecting taxation within local communities across England.⁷² While manorial documents reveal no information about the assessing or levying of taxation, presumably as this was delegated by the vill, presentments reveal that manorial juries used their status to punish those hindering the constable in this task, and thus indirectly helped meet taxation requirements.

At Worfield, the lord's right to the goods of felons reveals incidental information about the constable's role in transporting suspected felons to royal authorities. In 1424, John atte Yate was captured by the constables, Stephen Stanlowe and John Bromley, on suspicion of felony. He then remained in their custody for three days and nights before being delivered to the sheriff's gaol at Shrewsbury.⁷³ Constables had a role more connected to the manor in 1420, when, in a unique case in the records, the

⁶⁹ KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1439.

⁷⁰ *Poll Taxes of 1377, 1379 and 1381*, ed. C.C. Fenwick, 3 vols., Records of Social and Economic History, 27, 29, 37 (Oxford, 1998–2005), vol. II, 155.

⁷¹ CUL, EDR, C11/2/6, m.21, 23 Jan. 1432.

⁷² Kent, *Village Constable*, 18–19; Schofield, *Taxation under the Early Tudors*, 36, 50–1; Poos, 'Social context', 38; Dyer, 'Taxation and communities', 186–7.

⁷³ SA, p 314/w/1/1/263, 25 Apr. 1424.

lord exercised his right to *infangthief*, trying and hanging a prisoner in the manor court.⁷⁴ The constables, explicitly described as ‘of the lord King’ and thus clearly being seen as performing an action on behalf of the crown, brought the accused to this trial.⁷⁵ A further case is seen in 1405, when the steward gave the constables and the whole township of Halon the goods of John Child, a thief, for capturing and arresting the felon.⁷⁶ The fact that they made the arrest with Halon also shows how constables were integrated into a greater communal responsibility for law enforcement, mirroring the picture found by Kent for the turn of the sixteenth century.⁷⁷ A similar role for constables in policing royal justice is hinted at for Fordington, where in an interpersonal suit of 1422, Thomas Tolet argued that he had not violently broken into the house of John Ponchardon, but instead ‘came in peace with the bailiff and constables of the lord king’ to regain goods stolen from him against the peace.⁷⁸ While it is impossible to know whether this defence was genuine, that Tolet made this argument suggests that constables were involved in enforcing royal law along with hundredal bailiffs.

At Downham constables were particularly well integrated into manorial structures. This is likely the consequence of the Bishop of Ely’s specific powers in his wider liberty.⁷⁹ For example, the constable had a central role in pledging (standing surety for an offenders’ good behaviour) in presentments of petty peace-breaking in the fourteenth century. In 102 cases of bloodshed, levying the hue and cry, regrating and forestalling, where an official acted as a pledge, the constable took this role on all but eight occasions.⁸⁰ Furthermore, the manorial court can be seen actively ensuring the constable maintained a watch of the vill according to the Statute of Winchester. When three men were presented for not keeping the watch in 1363, it was explicitly because they had not attended upon being summoned by the constable, showing how the manor court bolstered constables’ authority.⁸¹ In 1398, it was the constable who was amerced 6d for not keeping the watch correctly because he had not supervised the watchmen as he had been charged.⁸²

⁷⁴ Gibbs, ‘Felony forfeiture’, 272–3. ⁷⁵ SA, p 314/w1/1/255, 23 Apr. 1420.

⁷⁶ SA, p 314/w1/1/234, 28 Oct. 1405; Gibbs, ‘Felony forfeiture’, 266–7.

⁷⁷ Kent, *Village Constable*, 26–7. ⁷⁸ TNA, SC 2/169/42, m.1, 19 Oct. 1422. ⁷⁹ See p. 27.

⁸⁰ CUL, EDR, C11/1/1–3, C11/2/4–6. This stands in contrast to Worfield, where in forty-one similar cases, the beadle or reeve acted as a pledge and the constable was first recorded only in 1384. SA, p 314/1/1/4–178.

⁸¹ CUL, EDR, C11/1/2, m.13, 30 Nov. 1363. Tompkins finds similar presentments in the fifteenth century at Great Horwood (Bucks.). M. Tompkins, ‘Peasant society in a Midlands manor: Great Horwood, 1400–1600’, unpublished Ph.D. thesis, University of Leicester (2006), 213.

⁸² CUL, EDR, C11/1/3, m.42, 2 Sep. 1398.

The constable at Downham had a central role in maintaining equipment used by the vill in corporal punishment.⁸³ In a presentment of 1412, the constables William Walsham and Nicholas Bateman were amerced 12d each, as they had collected money 'of the whole vill' to provide for stocks but had then not made them, instead keeping the money for their own profit 'to the grave damage of the whole vill'. They were ordered to make the stocks by the next court under pain.⁸⁴ As with taxation, vill and manor here appear as having different identities; it was explicitly the vill that provided money for the stocks, and thus the collection suggests that the constables, in performing their duties, were serving, and indeed here defrauding, the vill. The distinction concerning the stocks is seen elsewhere when the vill was ordered by officials in the manor court to make new stocks under pain, showing a formal distinction could be drawn between the two bodies.⁸⁵ However, while constables were officials of the vill as a separate entity, they were integrated into the manorial system through the role of the manor court, and by extension its juries, in monitoring their work. Presumably, in a case of corruption like the one above, the manorial court was an attractive setting to the vill as a collective unit owing to its ability to levy amercements and impose pains, allowing for the formal punishment and control of constables when any informal sanctions via the vill failed.

Worfield and Fordington also furnish examples of the monitoring of constables' fiscal activity through the manor court. Returning to the pain made at Worfield in 1465 ordering constables to render their accounts to churchwardens, a similar mechanism of using the manor to enforce a requirement not strictly manorial can be seen.⁸⁶ The picture here is more complex: the jury were not monitoring the officials themselves, but instead ensuring that they accounted to the churchwardens as parochial officials. That constables accounted to the churchwardens is in part explained by the latter's role in guarding manorial documents, but may also have occurred because the parish was the unit by which the sums the constables had 'received by virtue of their office' were paid, reflecting later lewns recorded in a constables' account of 1592.⁸⁷ Accounts were required for multiple years, namely 1458–9, 1459–60 and 1462–3, which suggests the potential of an annual lewn drawn from the parish as early as

⁸³ This is again in contrast with Worfield, where the reeve maintained this equipment. SA, P314/W/1/1/187, 29 Oct. 1393.

⁸⁴ CUL, EDR, C11/2/4, m.30, 28 Sep. 1412. The use of constables to meet the vill's requirement to maintain punishment equipment is found for the turn of the sixteenth century. See Kent, *Village Constable*, 25–7.

⁸⁵ CUL, EDR, C11/1/3, m.28, 14 Jun. 1391; C11/3/7, m.11, 13 May 1467.

⁸⁶ SA, P314/W/1/1/326, 15 Oct. 1465; P314/W/1/1/327, 5 Dec. 1465. ⁸⁷ SA, P314/M/1/2.

the mid-fifteenth century, implying that constables were increasingly parochial officers by this point.⁸⁸ It also demonstrates, however, that they were subject to manorial officers by the power of presentment juries to impose penalties to ensure correct performance of office, thus allowing the legally separate but largely corresponding community of the vill to monitor constables' activities. At Fordington, in separate instances of 1634 and 1638–9, former constables were ordered to present their accounts in court 'as is custom of this manor'.⁸⁹ This suggests a simpler relationship, where the manor court was directly auditing constables on behalf of the vill, even though this manor was split between two geographically defined tithings.

Beyond financial monitoring, juries were used to monitor whether constables were performing their role correctly. In 1566 and 1568, jurors leet at Fordington presented that the constables were 'in default in exercising their office'.⁹⁰ A more detailed presentment was made in 1572, when the jury presented that a former constable had not produced Elizabeth Stom in the presence of the steward 'according to the form of the law' after she had stolen 3s from a chest but instead had released her, leading to the constable being amerced 4d.⁹¹ An unfortunately unexplained instance of 1514 saw the constable of Cratfield, William Orford, amerced 6s 8d for assaulting John Fasselyn, explicitly a 'naif tenant of the lord' and juror, in open court, and trying to wound the same with his dagger 'in contempt of the court and in bad example to others'.⁹² These examples of the monitoring of individuals' behaviour when acting as constables reflect the wider trend of tenants seeking to maintain the authority of a range of manorial officials through making sure they fulfilled their roles correctly.⁹³

Equally, manorial officers could be used to reinforce constables when their authority was challenged. Constables were often subject to resistance in performing their duties, leading Wrightson to characterise them as 'the wretched village officers, the much tried, sorely abused, essential work-horses of . . . local administration'.⁹⁴ This is vividly brought out in an incident described in the Norfolk quarter sessions records, when the

⁸⁸ The years for which accounts were required were reconstructed through examining the constables named in the presentment. SA, P 3 14/w/1/1/313, 27 Sep. 1458 (William Barker and William Stafford); P 3 14/w/1/1/315, 8 Nov. 1459 (John Barrett and Richard Bokenhall); P 3 14/w/1/1/316, 2 Oct. 1460 (Stephen Bradeney); P 3 14/w/1/1/321, 11 Oct. 1462 (John Janen and John Clerk).

⁸⁹ TNA, SC 2/170/14, m.16, 27 Oct. 1634; SC 2/170/15, m.10, 12 Oct. 1638, m.11, 2 Apr. 1639.

⁹⁰ TNA, SC 2/170/06, m.1, 22 Oct. 1566, m.7, 25 May 1568.

⁹¹ TNA, SC 2/170/8, m.4, 23 Oct. 1572.

⁹² CUL, Vanneck Box/3, Henry VIII roll, m.3, 19 Apr. 1514.

⁹³ Gibbs, 'Lords, tenants and attitudes', 161–3.

⁹⁴ Wrightson, 'Two concepts of order', 22; Poos, 'Social context', 33–4.

man against whom a constable sought to prosecute a warrant for bastardy set up a trap using his firearm so that 'when the constable should ope the doore, the doore should touch the gunstick and the peece should goe off agaynst him'.⁹⁵ As far as the manorial records reveal, constables appear to have had no specific markers of their status, beyond being the sworn occupant of the office, which may have made their authority fragile. Therefore, the role of jurors across all the case-study manors in frequently presenting offenders for assaulting, breaking the arrest of and committing rescue against constables, often explicitly 'against the peace of the lord King', was crucial in upholding constables' authority.⁹⁶ That this reinforcement allowed constables to enforce statute legislation was seen in 1496, at Downham, when William Thompson was amerced for committing rescue against the constable when the latter attempted to arrest him for playing football against 'the statute'.⁹⁷ At Fordington, constables also frequently made presentments according to statutes in the manorial court by the late sixteenth century. They routinely presented instances of assault, keeping subtenants, running alehouses and playing illicit games.⁹⁸

Beyond ensuring the constable could make any necessary arrests during incidents of peace-breaking, presentment juries maintained constables' authority in punishments of persons for more general incidents of misconduct. For example, when Marion Hulver was presented at Horstead in 1515 for receiving suspicious people and quarrelling with her neighbours, it was also noted that she was disobedient to the constables of the vill.⁹⁹ This hints that the constables may have tried to make Marion modify her behaviour before the capital pledges, presumably through the application of an informal verbal censure, but as she had disobeyed them, stronger action was taken via presentment. One of the two individuals who were likely serving as constables in 1515, John Salle, served as capital pledge in the jury that presented Marion, suggesting some degree of crossover or information sharing.¹⁰⁰ Similar presentments were made at Downham in 1448 for rebelling against the constable and in 1498 for not obeying the constable's orders.¹⁰¹ In 1428 Richard Castowe was

⁹⁵ NRO, C/S 3/box 28.

⁹⁶ KCAR/6/2/87/1/1/HOR/37, 18 Jun. 1446; SA, P3 14/w/1/1/243, 8 Apr. 1415; P3 14/w/1/1/253, 10 Apr. 1419; P3 14/w/1/1/279, 5 Oct. 1431; P3 14/w/1/1/285, 30 Sep. 1434; P3 14/w/1/1/287, 1 Oct. 1436; P3 14/w/1/1/298, 11 Apr. 1447; P3 14/w/1/1/677, 2 Oct. 1550; P3 14/w/1/1/728, 26 Sep. 1560; 5586/1/296, 6 Oct. 1636; CUL, EDR, C11/1/2, m.14, 3 Dec. 1364; C11/2/4, m.11, 19 Nov. 1403; m.13, 15 Dec. 1404; C11/2/6, m.11, 17 Dec. 1426; m.21, 23 Jan. 1432; TNA, SC 2/169/40, m.1, 12 Nov. 1406; SC 2/170/16, m.11, 15 Apr. 1645.

⁹⁷ CUL, EDR, C11/3/10, m.10, 29 Mar. 1496. ⁹⁸ TNA, SC 2/170/8-16.

⁹⁹ KCAR/6/2/87/1/1/HOR/45, m.8, 11 Jun. 1515.

¹⁰⁰ KCAR/6/2/87/1/1/HOR/45, m.7, 4 May 1515, m.8, 11 Jun. 1515.

¹⁰¹ CUL, EDR, C11/2/6, 4 Mar. 1448; C11/3/10, m.13, 23 Aug. 1498.

State Formation: Quarter Sessions, Villis, Constables

amerced for repeatedly treating his neighbours violently, making great affrays and not justifying himself to the constable of the vill, while at Worfield in 1636, an individual was punished for refusing 'to swear to an order of the constables'.¹⁰² Such examples reveal the way constables and manorial courts were utilised in tandem to monitor the behaviour of community members as part of wider campaigns aimed at policing behaviour.

Constables could also be directed by manorial juries to perform certain actions. In 1384, the jury leet at Worfield presented Alice de Castel, Juliana Lawen and her husband William for stealing, then ordered that they withdraw from the manor and that none host them under pain of 40s, in a rare case of abjuration from the manor recorded in this manor's rolls. The constable, along with the reeve, was ordered to ensure the offenders complied with this punishment, suggesting this officer could be directed by the jury in the same way as the manorial reeve.¹⁰³ Worfield's constables' account for 1598 records a payment of 5s 2d for wine and bellringers when the Lord Abergavenny came to the manor, showing that, much like the churchwardens, constables could be utilised by the tenants to meet their obligations to their lord.¹⁰⁴

Thus, the pattern of interaction seen between churchwardens and manorial officials also applied to constables. Scattered evidence reveals constables' roles in meeting a variety of obligations of the vill to the crown between the fourteenth and seventeenth centuries. What is more significant is the important role manorial institutions, and particularly juries, had in ensuring constables met these obligations, showing the way the responsibilities of the vill were incorporated into manorial governance structures.

CONCLUSION

The increasingly important role of county-level juridical structures in early modern England created new responsibilities for constables as the local officials who acted to enforce an increasing volume of legislation at the local level. The evidence of Norfolk's quarter sessions records shows constables as a crucial agent of JPs and high constables through activities including ordering labourers before the petty sessions, whipping and transporting of vagrants, and serving the warrants necessary to make magistrates' authority effective. Much like the rise of the civil parish, constables' enhanced role undoubtedly enabled the growth of the state in

¹⁰² CUL, EDR, C11/2/6, 7 Dec. 1428; SA, 5586/1/296, 6 Oct. 1636.

¹⁰³ SA, P314/W/1/1/142, 25 Apr. 1384. ¹⁰⁴ SA, P314/M/1/5.

Conclusion

local communities, as the political, economic and social life of villages could be shaped by the decisions of JPs operating at the county level, who in turn enforced legislation made by the crown.

However, these changes, at least before the Civil War, do not appear to have severed the connection between constables and the wider manorial governance structures in which they had long worked. This was a result of two main factors. Firstly, as has previously been highlighted by Kent, in villages subject to courts leet, local communities retained their role in selecting those who served as constables. Capital pledges selected the candidates and in the majority of cases these men were sworn by stewards in the manor court, while in other instances JPs confirmed juries' choices.¹⁰⁵ Manorial courts also used amercedments to punish those who failed to serve. This control over selection had the perhaps predictable effect of meaning that those chosen as constables were drawn from exactly the same pool of individuals who served in other manorial offices. This did not seemingly change much over time: at the five manors examined, only at Cratfield was a modest rise observed in the number of constables not holding any other manorial office, and even in this instance the majority of constables continued to serve as capital pledges and jurors as at the other manors. There was no sense in which a set of 'chief inhabitants' chose to eschew service in the more long-standing set of manorial offices in favour of the newly more powerful office of constable even as it became incorporated into county structures.

Secondly, the connection of constables to manorial structures is explained by the long-standing responsibilities of this office to meet the requirements the crown had placed on the vill since before the fourteenth century. Scattered references in court rolls reveal the role of constables at the local level in raising taxes, transporting felons, enforcing statutes and maintaining punishment equipment in the late fourteenth and fifteenth century, before they began to ensure the potency of the new county-level quarter sessions. They continued to fulfil these obligations into the early modern era. While the vill was distinct from the manor, the latter's court provided the kind of local coercive power that communities, or at least their elites, needed to guarantee that the vill met its obligations to the crown and also to ensure a harmonious community life irrespective of external pressures. Presentment juries both enabled constables to fulfil their office by punishing those who resisted or failed to help them, and made sure that constables executed their office correctly by punishing officeholders who failed to organise watches, enforce statutes, and gather and disperse funds. Constables could also be set to other tasks, such as

¹⁰⁵ Kent, *Village Constable*, 66–7.

removing 'troublesome' individuals, strengthening the relationship between lords and tenants, and gathering funds for communal purposes. It is important to acknowledge that the strength of the relationship between manor and vill varied owing to wider jurisdictional differences, with a stronger relationship observed at Downham than at other localities thanks to the special status of the bishop's liberty. Moreover, at the majority of manors lords did not have the right to hold courts leet, and thus manorial courts did not appoint constables, which clearly could have reduced the role of the manor court in aiding the vill. Such cases warrant further investigation, although scattered evidence suggests that the use of manorial structures to meet the needs of villis was a common phenomenon, at least where manor and vill coincided.¹⁰⁶

The wider implications of these findings are similar to those discussed previously in respect of the parish. They support interpretations which have challenged the notion that 'incorporation' of communities into the state in early modern England was a transformative phenomenon.¹⁰⁷ The importance of the vill as a local political unit with obligations to the state, and the role of constables in meeting these obligations, meant that constables had long acted as an intermediary between village community and royal government. In turn, courts leet were used by communities to ensure that this intermediation was carried out effectively. Therefore, when the growth of the magistracy and quarter sessions made constables a crucial link connecting county and village, this drew on a robust local system of managing expectations to the burgeoning state which had a long heritage stretching back into the Middle Ages. Such an approach helps to extend Kent's observations about the effectiveness of constables in the early modern period.¹⁰⁸ While these men could indeed be trapped between the expectations of JPs and their fellow villagers, it was also their integration into manorial governance structures which allowed them to carry out their work effectively.¹⁰⁹ This included both their selection in courts leet, which ensured they were individuals of local standing who held other offices within the manor, and the fact that manorial governance structures promoted their effective conduct. Therefore, an exploration of the constablenesship reveals how state formation under the Tudors and Stuarts built upon the governance structures of the medieval manor court.

¹⁰⁶ Ault, 'Vill in medieval England', 193–8.

¹⁰⁷ Smith, "Modernization", 161–77; Rollison, *Commonwealth of the People*, 423–7.

¹⁰⁸ Kent, *Village Constable*, 282–305. ¹⁰⁹ Wrightson, "Two concepts of order", 21–32.

CONCLUSION

The preceding pages have utilised a range of case studies to provide a new perspective on the local authority of manorial officials in late medieval and early modern England. This conclusion recaps the main arguments of the book and also explains the wider implications of the findings in questioning a narrative of late medieval decline, supporting a more positive perception of lord–tenant relations, reframing the rise of the middling sort and explaining England’s early growth of state capacity. Finally, it provides a brief discussion of how the structures described here for England compare with European equivalents.

This study has sought to make four interlinked arguments. Firstly, manorial structures, which officials shaped, remained a vital instrument of community governance across the late Middle Ages and early modern era. As is demonstrated in [Chapter 1](#), this was due to their flexibility, which allowed them to be used in community management and the transfer of land, even as lords and the crown increasingly did not exercise their authority through this organ of local governance. Moreover, as [Chapter 4](#) shows, bylaws allowed courts and their officials to be adapted to new functions such as controlling misconduct and managing common resources.

Secondly, and intimately linked to this first point, the impetus for the continued vitality of manorial institutions was the active and willing participation of communities of tenants. [Chapter 1](#) shows that even in the fourteenth and fifteenth centuries, courts had a significant focus on community management, which became even more central to their operation in the early modern period. The work performed by officials for lords was relatively unobtrusive, while the crown showed little interest in channelling state formation through leet structures. Moreover, as [Chapter 3](#) highlights, the link between serving in office and servility was weak, and officials generally enforced aspects of unfreedom which were not prejudicial to tenants’ interests.

Conclusion

Thirdly, the impact of this continued governance through manorial structures could help create a degree of inequality and hierarchy in village communities. The analysis in [Chapter 2](#) demonstrates that tenants rather than lords often shaped the choice of officials. This led to the exclusion of women and the landless and created an elite who could dominate manorial institutions through repeat service. Moreover, as [Chapter 4](#) shows, on manors containing nucleated villages and fenland, concerns about labour, access to commons and waves of policing of misconduct helped create something akin to governance by a middling sort. However, trends towards inequality were also constrained and differed between manors. At all communities, office seems to have been spread widely among the male population after the Black Death. Moreover, in dispersed communities and areas with higher levels of enclosure and complex boundaries, manorial institutions do not seem to have seen much innovation to serve the purposes of elites.

Fourthly, state formation did not radically disrupt these manorially based structures. As [Chapter 5](#) shows, even as churchwardens increasingly became agents of the crown in the locality, the men who held this office continued to serve prominently as manorial officials. [Chapter 6](#) demonstrates exactly the same pattern for constables as servants of JPs, alongside the use of manorial structures to ensure constables met the vill's obligations to the state stretching back to the Middle Ages. Rather than the civil parish or quarter session simply eroding the position of the manor and its officials as an organ of community governance, these different structures were used in tandem to meet common objectives.

The implications of these empirical arguments are far reaching and support ongoing reassessments of several important debates in pre-industrial political, economic and social history. The vibrancy of manorial governance institutions, and the political culture built around them, lends support to arguments refuting the narrative of decline which has sometimes permeated late medieval economic and social history.¹ This is true both in the narrow sense of the continued utility of manorial courts, but also in a wider sense of the growth of the politics of the commons highlighted by Watts and Johnson.² While manorial courts may have decayed as an instrument for the imposition of lordship or the prosecution of statute legislation, they remained vital to the organisation and management of rural communities. The individuals who served as manorial officials were not passive servants of lords or crown, but political actors who adapted manorial institutions to organise agriculture, conserve environmental resources, maintain law and order, and manage complex

¹ For an overview of the decline literature, see pp. 6–11. ² Johnson, *Law in Common*, 270–5.

Conclusion

tenurial relations, increasingly without active oversight from external authorities. They incorporated the new structures of civil parish and quarter session as further tools to meet these objectives. Their commitment to using the manor to meet their own needs prevented a vacuum of governance from emerging in the countryside with the decline of traditional lordship in the fifteenth and early sixteenth century.

That tenants themselves were heavily invested in the manorial system also contributes to revisionist interpretations of late medieval lordship by highlighting the more consensual rather than conflictual relationship between lords and tenants. While Marxist analyses of lord–tenant relations have been under sustained challenge since the 1980s, revisionist approaches have tended to focus on showing that lords' powers over their tenants were relatively weak, or that lords promoted their tenants' activities as individual economic agents.³ This book suggests this argument should be taken even further. Manorial officeholding created a link between lord and tenants and allowed these two groups to collaborate to manage local communities for their mutual interest. The subset of tenants that served frequently as officials recognised the utility of manorial structures, both in terms of managing the community to make public governance work, but also undoubtedly in improving their own economic and social status.

While lords are often presented as having to govern through local notables as officers, suggesting a pre-existing status for these elites, it can also be argued that these elites were invested in a manorial system that bolstered their authority.⁴ Office transformed a status accrued through factors such as age, masculinity, wealth, acting as an employer and longevity of a family in the community, into power that was to some extent political, and allowed elites to monitor the behaviour of their neighbours. Far from resenting the manorial system, or engaging with it reluctantly, by this token local elite tenants were beneficiaries of it, and therefore may have seen the lord as a key ally in maintaining their authority locally. There were, of course, occasions when this relationship could break down, as is evidenced on a limited scale in everyday acts of resistance such as concealment of presentments and refusals to serve, or on a larger scale by the number of manorial officials seen in the 1381 and 1549 risings.⁵ However, typically the institution of manorial officeholding strengthened the commonality of objective between lord and elite tenants. Elite tenants largely did not resist limited seigniorial exactions,

³ Hatcher, 'Serfdom and villeinage', 7–14; Bailey, 'Villeinage in England', 451–4

⁴ Dyer, 'Power and conflict', 3–4

⁵ Eiden, 'Joint action', 26–8; Wood, *1549 Rebellions*, 181–2.

Conclusion

because they indirectly gained status and authority through the exercise of lordship via office.

The mentions of elites in the previous paragraph highlights the long history of inequality and governance of which manorial officeholding was a significant part. While studies that have begun in c.1550 or later have argued that this period saw a growing degree of social differentiation, leading to the creation of a new middling sort and thus dramatic social change, the evidence of manorial officeholding demonstrates that these trends are visible to some extent in the medieval period.⁶ Forrest has argued bishops' reliance on 'trustworthy men' as active agents to provide information was dependent on inequality, both as a way to identify such 'trustworthy' individuals and owing to elites' capacity to provide uncontested judgements. The same arguments can be made about manorial officeholding. Most notably, manorial governance excluded certain groups, marginalising the landless and women as did the reliance on trustworthy men.⁷ Even among the adult male tenants who served, a core group dominated office through repeat service. In villages with strong incentives to govern, marked by nucleated settlements and open fen commons, officers also exercised their authority in ways that promoted inequality. In this way, manorial officeholding created a set of 'chief inhabitants' who look very similar to the middling sort identified by historians of the early modern village.

This questions the degree to which state formation had a transformative impact on pre-industrial village communities. While the incorporation of local elites into the state was a novel shift that may have created a new degree of 'integration nationally', stating that it caused hitherto unseen levels of 'differentiation locally' within villages underestimates the significance of pre-existing manorial structures.⁸ There is, of course, more to the theory of the rise of the middling sort than simply stronger links between local elites and the state through officeholding, such as 'participation in a literate culture', the 'language of sorts' or identification with the 'concept of gentility' and 'ideology of profit'.⁹ Moreover, the level of political inequality in manorial governance systems and the extent to which they worked for elites were complex. The existence of a two-tier system suggests an element of commonality, as many adult males would serve in office at some point across their lifetimes. Moreover, in dispersed villages or

⁶ Wrightson, *English Society*, 222–7. ⁷ Forrest, *Trustworthy Men*, 351.

⁸ Wrightson, 'Social differentiation', 40.

⁹ *Ibid.*, 40–1; K. Wrightson, "'Sorts of people" in Tudor and Stuart England' in J. Barry and C. Brooks (eds.), *The Middling Sort of People: Culture, Society and Politics in England, 1550–1800* (Basingstoke, 1994), 28–51, at 36–40; French, *Middle Sort of People*, 27–8, 264; Muldrew 'The "middling sort"', 291–2, 304–5.

Conclusion

heavily enclosed landscapes, manorial office does not seem to have been used to meet the needs of elites. These observations concur with more cautious assessments about the middling sort made by early modernists, including Wrightson himself.¹⁰ These note a significant amount of regional variation in the degree to which this group emerged as a result of factors including local cultures of exclusion, the power of landowners and the degree of the magistracy's involvement in poor relief.¹¹ None of this is to deny the rise of a middling sort as a significant historical process. However, this phenomenon should be seen as part of a longer story, stretching back to the Middle Ages, of the interaction of governing structures with varied local conditions, including landscapes and village forms, and change across time, including periods of population growth and decline.

That early modern state formation itself was fundamentally mediated through pre-existing manorially based governing structures with deep roots, and that the officers of the civil parish and quarter session were incorporated into these governing structures, has implications for thinking about the growth of 'state capacity'. This refers to the historical development of nation-states and, in particular, their ability to tax their populace, maintain law and order, and supply 'public goods' such as road networks, all of which helped promote economic growth. Noel Johnson and Mark Koyama have recently summarised this literature and highlight that England was 'precocious' in its high level of state capacity by the early modern period and especially after the English Civil War. They argue that this early development was supported by the high degree of homogeneity in the people and geography of England.¹² The findings of this book suggest that the crown's ability to build on pre-existing and developed local governance structures was also potentially significant. These provided a set of elite volunteers at the village level who were not only experienced in governing their localities but also able to channel state initiatives through long-established local institutions.

Similarly, these institutions also constrained the power of rulers. While attention has been lavished on the role of parliaments in limiting the ability of monarchs to expropriate their subjects, less has been said about the role of lower-level institutions.¹³ The fact that rulers relied on local

¹⁰ Wrightson and Levine, *Poverty and Piety*, 211–14.

¹¹ Pitman, 'Tradition and exclusion', 43; J. Broad, *Transforming English Rural Society: the Verneys and the Claydons, 1600–1820* (Cambridge, 2004), 173–5, 192–5; Healey, 'Development of poor relief', 572.

¹² N.D. Johnson and M. Koyama, 'States and economic growth: capacity and constraints', *Explorations in Economic History*, 64 (2017), 1–20, at 3–5.

¹³ J.L. van Zanden, E. Buringh and M. Bosker, 'The rise and decline of European parliaments, 1188–1789', *EHR*, 65 (2012), 835–61; A. Henriques and N. Palma, 'Comparative European institutions and the Little Divergence, 1385–1800', *Journal of Economic Growth*, forthcoming.

Conclusion

elites and structures of governance, which were long-standing and intertwined, but certainly not reliant on the work of states, ensured they could not override their subjects' demands. Thus the structures of manorial lordship, and their flexibility, potentially paved the way for long-term English economic development by creating a powerful but constrained state.

ENGLISH MANORIAL STRUCTURES AND AUTHORITY IN A EUROPEAN CONTEXT

How do the English manorial structures described in this book compare with equivalents in the rest of pre-industrial Europe? This is a vital final question, as it gets to the heart of whether these structures were to some extent exceptional, and thus may have had a particular set of economic and social effects as described above. For purposes of comparison, two regions will be explored.¹⁴ The first covers north-western and central Europe for the thirteenth to eighteenth century, and encompasses Scandinavia, the Low Countries and lands in the Holy Roman Empire. The second region covers central and eastern Europe for a slightly later period, between the seventeenth and nineteenth centuries, during the period which has been labelled the 'Second Serfdom'. While chronologically further from the material explored in this book, this region is a useful comparator as it provides a further manorial context that is well documented. The essential features of each region will be outlined briefly and then some final comparisons drawn.

North-Western and Central Europe

Communal officials existed throughout Scandinavia, the Low Countries, modern-day Germany and Tyrol. They fulfilled a range of functions important for village life and agricultural production, including organising field systems, administering common rights, regulating land transfers, policing law and order, and monitoring misbehaviour, although exact responsibilities differed between regions.¹⁵ Moreover, while these institutions

¹⁴ These regions have been chosen owing to the accessibility of English-language material on their rural communities. Interesting comparisons could, of course, also be made for southern Europe and urban communities, and it is hoped that future studies will carry out such investigations.

¹⁵ P. Blickle, 'Conclusions' in Blickle (ed.), *The Origins of the Modern State in Europe: 13th to 18th Centuries: Resistance, Representation and Community* (Oxford, 1997), 325–38, at 328; T. Iversen and J.R. Myking, 'Peasant participation in *thing* and local assemblies, c. 1000–1750' in T. Iversen, J.R. Myking and S. Sonderegger (eds.), *Peasants, Lords, and State: Comparing Peasant Conditions in Scandinavia and the Eastern Alpine Region, 1000–1750* (Leiden, 2020), 121–77, at 122–3; B. van Bavel, *Manors and Markets: Economy and Society in the Low Countries, 500–1600* (Oxford, 2010),

have sometimes been seen as democratic and community-based alternatives to hierarchical structures, in reality they frequently worked to promote inequality and reinforce the position of peasant elites.¹⁶ The scholarship characterises village offices in the Low Countries, Scandinavia and Tyrol as being controlled by a peasant 'elite' and Govind Sreenivasan shows that in the villages of Ottobeuren, the office of mayor, the council of four and the position of churchwarden, which controlled the communal *Gemeinde*, were dominated by the largest landholders.¹⁷ These office-holders shaped local governance institutions to advance their own economic and social position.¹⁸ For instance, in the Low Countries and German lands, elites excluded the landless from common rights and apportioned these rights by the size of landholdings.¹⁹ Daniel Curtis suggests that across western Europe pre-industrial commons had no impact on reducing inequality for this reason.²⁰ Examining German village bylaws, Oliver Volckart has even argued that a degree of inequality was necessary for collective village institutions to function, as he suggests that wealthier peasants were willing to bear the economic costs of the sanctions necessary to maintain cartelised village activity and thus keep prices for agricultural products high.²¹

How did these institutions, and the officials who managed them, interact with external authorities such as lords and monarchs? Traditional interpretations, such as that argued by Robert Brenner, present strong communal structures and lordship as in competition.²² This view can also be found in more recent accounts, for instance Bas van Bavel suggests that village communities in the Low Countries were in conflict with seigniorial lords and the strongest village governance structures developed in areas where lordship and manorialism were weaker.²³

93–101; T. Scott, *Society and Economy in Germany, 1300–1600* (London, 2001), 48–9; O. Volckart, 'Village communities as cartels: problems of collective action and their solutions in medieval and early modern central Europe', *Homo Oeconomicus*, 21 (2004), 21–40, at 24–7.

¹⁶ Blickle, 'Conclusions', 332.

¹⁷ van Bavel, *Manors and Markets*, 100; Iversen and Myking, 'Peasant participation', 122; G.P. Sreenivasan, *The Peasants of Ottobeuren, 1487–1726: A Rural Society in Early Modern Europe* (Cambridge, 2004), 44–5.

¹⁸ Sreenivasan, *Peasants of Ottobeuren*, 46–50.

¹⁹ van Bavel, *Manors and Markets*, 100; Sreenivasan, *Peasants of Ottobeuren*, 45–6; M. De Keyser, 'The impact of different distributions of power on access rights to the common wastelands: the Campine, Brecklands and Geest compared', *Journal of Institutional Economics*, 9 (2013), 517–42, at 533–7; Scott, *Society and Economy*, 48–9.

²⁰ D.R. Curtis, 'Did the commons make medieval and early modern rural societies more equitable? A survey of evidence from across western Europe, 1300–1800', *Journal of Agrarian Change*, 16 (2016), 646–64, at 657–8.

²¹ Volckart, 'Village communities as cartels', 36.

²² Brenner, 'Agrarian class structure', 55–60; Blickle, 'Conclusions', 328–9.

²³ van Bavel, *Manors and Markets*, 94–6.

Conclusion

Yet, revisionist interpretations of communal governance structures argue that in many instances collaboration rather than conflict characterised the relationship between lords and the elite tenants who held office. van Bavel also highlights that local justice was exercised in collaboration with lords, through the leader of the village court called the *schout*, 'who often was both confidential agent of the lord and representative of the village community'.²⁴

However, when it comes to thinking about monarchs, the elites who managed local governance institutions are frequently described as allying themselves with higher powers, including the crown and burgeoning states, as a way to resist seigniorial lords. In the Low Countries, village communities allied with territorial lords against seigniorial lords, a process which, in combination with outside options for serfs, led to the early dissolution of serfdom in this region.²⁵ In Tyrol, Norway and Sweden peasants similarly allied with princes to gain jurisdictional control at the expense of seigniorial lords or even the vassals who held estates of these princes.²⁶ Elsewhere, resistance was more about negotiation, as at the villages of Ottobeuren, where appeals to the Holy Roman Emperor were a first step in gaining concessions from their monastic lords.²⁷ Therefore, a brief overview of the relevant literature suggests that much of pre-industrial north-western and central Europe was characterised by village-governing structures which promoted inequality. The officials who controlled these structures could collaborate with seigniorial lords, but often chose instead to ally with greater lords and princes to resist seigniorial lords.

Central and Eastern Europe in the 'Second Serfdom'

Communal structures which regulated significant aspects of village life were also present in Bohemia and Russia under the 'Second Serfdom'. These too were controlled through communal offices, which were monopolised by the wealthiest serfs in the eighteenth and nineteenth centuries at the Russian estate of Voshchazhinikovo.²⁸ Moreover, these officials, in both Bohemia and Russia, not only regulated tax burdens and access to land and resources, but also controlled demographic behaviour through monitoring migration, marriage and sexual activity, and were

²⁴ *Ibid.*, 95. ²⁵ *Ibid.*, 87–101.

²⁶ T. Iversen and J.R. Myking, 'Summary and conclusion' in Iversen, Myking and Sonderegger (eds.), *Peasants, Lords, and State*, 178–202, at 188–9.

²⁷ Sreenivasan, *Peasants of Ottobeuren*, 35.

²⁸ T.K. Dennison and S. Ogilvie, 'Serfdom and social capital in Bohemia and Russia', *EcHR*, 60 (2007), 513–44, at 520.

thus even more powerful than officials in Scandinavia, the Low Countries and lands in the Holy Roman Empire.²⁹

In terms of the relationship with seigniorial lords, Sheilagh Ogilvie and Tracy Dennison's examination of the co-dependency of communal social networks and hierarchical serfdom at the estates of Friedland and Voshchazhinikovo suggests a high level of collaboration, in opposition to the argument that weak communes explain the strengthening of serfdom east of the Elbe in the early modern era. They present a picture of a serf elite who utilised their position to enforce seigniorial authority, but also to enrich themselves via exercising this, and suggest that 'this parasitic collaboration . . . was systematic rather than incidental'.³⁰ Thus, they present a dualistic view, arguing that both strong lordship and strong communes worked together to maintain serfdom.³¹ Lords were reliant on strong communes owing to their distance from their estates, and the large size of them, which meant that central estate officials 'were too few, too costly, and too distant' to perform much direct monitoring of village officers.³² This made officials very powerful in their relationship with their fellow tenants. For example, as the office of headman in Bohemia was attached to a heritable landholding, lords could eject this officer but tenants had limited recourse against them.³³ On the other side of the coin, elite tenants in Bohemia and Russia were seemingly highly reliant on the manorial system for economic security and the upholding of their privileges owing to the power of lords and the lack of legal protection.³⁴

Unlike in north-western and German-speaking central Europe, the local elites who controlled village communes in Bohemia and Russia had little opportunity to ally with monarchs. The more powerful position of aristocrats meant that the state devolved military and taxation obligations on to lords to organise on their estates. While many lords pragmatically left the practical organisation of levies to peasant communes, the involvement of lords presumably limited the potential for local elites to collaborate with growing states.³⁵ Therefore, central and eastern Europe during

²⁹ *Ibid.*, 521–39.

³⁰ Dennison and Ogilvie, 'Serfdom and social capital', 521–40; T. Dennison, *The Institutional Framework of Russian Serfdom* (Cambridge, 2011), 129–30; S. Ogilvie, 'Communities and the "Second Serfdom" in early modern Bohemia', *P&P*, 187 (2005), 69–119, at 113–14, 118–19; S. Ogilvie, 'Village community and village headman in early modern Bohemia', *Bohemia*, 46 (2005), 402–51, at 431–3, 439–41.

³¹ Ogilvie, 'Communities', 118. ³² Dennison and Ogilvie, 'Serfdom and social capital', 529.

³³ Ogilvie, 'Village community', 408.

³⁴ Dennison and Ogilvie, 'Serfdom and social capital', 541; Ogilvie, 'Village community', 403–4, 413–20; Dennison, *Institutional Framework*, 43–6.

³⁵ S. Brakenseik, 'Communication between authorities and subjects in Bohemia, Hungary and the Holy Roman Empire, 1650–1800: a comparison of three case studies' in W. Blockmans, D. Schläppi and A. Holdenstein (eds.), *Empowering Interactions: Political Cultures and the Emergence*

Conclusion

the 'Second Serfdom' was similar to north-western and central Europe in terms of the existence of communes which regulated village life and promoted inequality. However, these appear to have relied far more on strong relations with powerful lords and were isolated from princes.

England in Comparison

Comparison between local governance structures in England and those found in other parts of late medieval and early modern Europe reveals significant similarities in terms of the ubiquitous existence of a local elite which governed its community, and did this in part for its own interests. This is perhaps unsurprising as the basic functions that such local governance institutions carried out, such as keeping the peace, maintaining infrastructure, regulating land transfers and organising common rights and field systems, were integral to communal life and agriculture, and it is hard to imagine a pre-industrial village which could have coped without some system to administer these basic needs. As Wim Blockmans has highlighted, at all levels medieval communities of all sizes were capable of creating complex associations with public authority.³⁶ Whether such systems naturally created, or perhaps relied on, some level of inequality is a far more open question, but from the evidence explored here, the historical reality seems to be that such structures operated within a context of social hierarchy throughout pre-industrial Europe.

However, the interaction of village governors with seigniorial powers and the state varied widely, depending on the balance of power between lords and the crown, the role of individual as opposed to collective liability of tenants to lords, and the extent to which elites relied on the support of the community or lord to maintain their position. In this regard, England perhaps was to some extent exceptional. The manorial institutions found in England differed from communal village governing structures found elsewhere in that they were heavily involved in the exercise of lordship. Thus, in England manor and vill were often closely connected, as manorial courts performed many functions such as monitoring commons and policing behaviour which were in the remit of communal courts elsewhere. Therefore, this study of manorial courts does not support the thesis that village political structures were formed in areas where lordship was weaker; instead, at least in England, priorities of lords and tenants were met through the same institution.

of the State in Europe, 1300–1900 (Farnham, 2009), 149–62, at 152–4; Ogilvie and Dennison, 'Serfdom and social capital', 521–2; Dennison, *Institutional Framework*, 44–6.

³⁶ W. Blockmans, 'Citizens and their rulers' in Blockmans, Schläppi and Holdenstein, *Empowering Interactions*, 281–92, at 289–90.

Manorial Structures & Authority in European Context

Yet, England also did not see the same 'parasitic collaboration' between lords and peasant elites observed by Dennison and Ogilvie east of the Elbe. While those holding office undoubtedly were invested in manorial structures, their greater capacity to resist their lords and the opportunities of their fellow tenants to sanction them, alongside the wider access to office seen after the Black Death, placed them in a different position. They were less reliant on seigniorial power to maintain their position, but also more reliant on their neighbours. Moreover, the fact that manorial structures continued to be used for village governance after the decline of direct seigniorial interest in courts in c.1550 shows that lords were not central to the exercise of local authority through the manor in England.

Similarly, manorial structures in England were not generally used in collaboration with monarchs to resist seigniorial lords as in the Low Countries, Tyrol and Scandinavia. On the other hand, these manorial structures were also not largely excluded from the state as in Russia and Bohemia. Manorial structures sat alongside, and interacted with, structures associated with the state. This allowed elites to use structures associated with lordship (the manor) and those associated with the state (civil parish and quarter session) to achieve similar goals. Serving lords, state, local community and themselves, often all through manorial structures, seems to have been a possibility for officeholders in a way less true of systems where overlords and lords were in conflict, or the state had less direct involvement with localities owing to mediation through seigniorial structures.

Thus, the interaction of manorial officers with seigniorial powers and the state in England does seem to have some distinctive features in the particular fusing of manorial and state governing structures which allowed certain individuals to serve lord, state, community and themselves at the same time. However, such an argument must not be taken too far. As the preceding study has shown, even within English manorial structures there were significant differences across space and time, and this is obviously even more the case when considering village governance structures for the whole of Europe, meaning that the short discussion here can only present broad characterisations. Thus, the thoughts outlined here can only be speculative, and it is hoped that future studies can address this issue more precisely through adopting comparative approaches.

Returning to Swallowfield

This book began by detailing the celebrated Swallowfield Articles, and the references therein to the governing structure provided by the manorial leet and tithings even in 1596. The intervening pages have revealed

Conclusion

the reasons why the 'chief inhabitants' of Swallowfield, struggling with concerns over the reformation of manners and dispensing charity in a period of rising population, looked to the manor and its officeholding structures as part of the solution to their concerns. Manorial officeholding had long provided a way to govern local communities, partly stimulated by the external authorities of lord and crown, but also to meet both the needs of the community as a whole and the narrow needs of an elite, which, even if office was spread relatively widely, could still wield a disproportionate influence on the manor through the concentration of service in the hands of a few. These structures persisted even as the civil parish and quarter session became increasingly central to royal governance, and thus the manor had an important role in structuring the process of state formation. If the 'politics of the parish' is an essential facet of the social history of early modern England, then the 'politics of the manor' was the essential foundation upon which this later politics was built.

APPENDIX 1

CATEGORISING PRESENTMENTS

Chapter 1 is largely based on the categorisation of presentments, the business brought by officials to manorial courts in response to charges made by stewards. Presentments were just one way business could be introduced to manorial courts, and thus a strict definition based on the phrasing within the rolls has been applied in identifying presentments. Only entries which begin with the statement ‘the [officer(s)] present that . . .’ or ‘it is accounted by the [officer(s)] that . . .’ followed by ‘and that . . .’ have been counted. Crucially, this means the measure only charts the changing functions of presenting officials and not changes in the underlying business transacted in the court.

Presentments are useful as they covered a range of officials’ work and therefore can be categorised to explore the changing nature of officials’ roles. Five key categories are used:¹

- 1 ‘Lord’. This includes presentments directly relevant to the lord and his authority. Key areas include the monitoring of servile incidents, trespasses on seigniorial property, illicit land transactions outside the court, the lord’s rights to various types of forfeit property, collective payments made by tenants, and individual payments concerning rent and non-attendance at court.
- 2 ‘Royal’. This includes presentments related to meeting royal requirements. Key areas include peacekeeping, enforcing legislation such as the assize of bread and ale (which regulated the quality and sale of these products), maintaining royal roads and the tithing system, as well as collective payments to the monarch.
- 3 ‘Community’. This includes presentments focused on common issues for the community and its individual members. Key areas include the management of commons, maintenance of roads, fences and bridges, trespasses on tenants’ crops and the monitoring of bylaws.
- 4 ‘Land’. This includes presentments focused on land transfer. Key areas include inheritance and *intervivos* transfers (where living tenants transferred land).
- 5 ‘Misconduct’. This includes presentments designed to control misbehaviour.

¹ Very rarely a jury presented some strictly interpersonal business. This has been ignored because it is recorded so inconsistently and is not pertinent to the topics explored here.

Appendix 1

Two further categories are included but not primarily used in the study:

- 6 'Monitor'. This includes presentments seen only at Worfield and Fordington. Owing to their leet structures, a substantial role for their juries leet was to confirm the presentments made by other officials.
- 7 'Nothing'. This includes all cases where officials explicitly said they had nothing to present.

There are two important limitations to the categorisation approach. On a practical level, the issue of record survival is paramount as it can change the number of presentments in any given decade. This is matched by changing numbers of sessions per decade caused by either increasing frequency or infrequency in the calling of courts. For the analysis, all decades which record at least ten presentments are included. Fortunately, there is no reason that changes in numbers of presentments surviving should have affected any category of business differently to the others, as presentment lists contained all the different categories intermingled. Thus, changes in proportions of presentment by category remain a valuable measure.

The second problem is that of deciding what business fits into each category, and even how to delineate the categories at all. This is thanks to the lord's interest in all types of presentment. Manorial courts, including leets, were seigniorial jurisdictions, and existed to enforce the lord's authority over his tenants. Therefore, to some extent lords were the beneficiaries of all presentments made in these courts; lords accrued the profits of amerancements and the forfeited pains which resulted from punishments for presentment. Stewards, as the lord's representative, had considerable influence over the presentment process. However, a crude division can be established between business where the lord was a direct beneficiary, for example in amerencing tenants for failing to repair seigniorial property, and where he was an indirect beneficiary of the punishment, such as when an offender was presented for overstocking common land, where those affected by the offence were clearly the commoners rather than the lord.

Presentments concerning land prove the most difficult to fit into one category. For example, when it is presented that a tenant has died and that his or her heir must pay a heriot and entry fine to inherit the land, one could argue that the lord is the beneficiary, the jury ensuring he gets the revenue owed to him via the inheritance. However, at the same time, the jury is ensuring the correct inheritance of the land, allowing the heir his or her claim according to custom. Thus, even though inheritance presentments are enforcing a seigniorial right, the fact that they were effectively allowing tenants to transfer their land to their heirs means that they have been treated in the separate land category. In the case of *intervivos* transfers, these have been included if they were made legitimately in the court, even if on some occasions the beneficiary is presented as not coming to pay the entry fine due to the lord for taking on this property and consequently it is ordered to seize the land. This is because while this was ensuring the seigniorial right to profit from transfers, there was still at least an attempt by one party to make a legitimate transfer. In cases of alienation without any licence by the court, transfers have been categorised in the lord category.

APPENDIX 2

IDENTIFYING INDIVIDUALS

Much of the statistical analysis of officeholding in chapters 2, 5 and 6 relies on identifying individuals holding office within the same set of court rolls across time or between different sets of records. Identifying individuals within manorial records is not straightforward, owing to the difficulties posed either by the same individual being recorded under different surnames or by two individuals sharing the same name.¹ Fortunately, the first problem is confined largely to the pre-Black Death period, with surnames generally becoming more fixed in the fifteenth and sixteenth centuries.² The second problem is more pertinent, especially if one assumes that families with shared surnames often provided multiple officers. Fortunately, court clerks did try to distinguish between individuals by providing descriptive additions to names.³ Devices used as 'secondary identifiers' include occupational identifiers (such as John Buk (active 1416–50) and John Buk Bateman (active 1423–38)); locative identifiers (such as William Rowley of Wyke (active 1508–40) and William Rowley of Newton (active 1524–41); and most ubiquitously, junior and senior (such as John Atte Lane snr (active 1462–72) and John Atte Lane jnr (active 1468–88)).⁴

The methodology to identify individuals adopted a two-stage process. Firstly, all names of officers were extracted and standardised to account for various spellings but with any secondary identifiers retained. Secondly, names were turned into individuals identified by a unique 'officer number'. This last process was performed chronologically and worked on the assumption that any names, either unmodified or with the same secondary identifiers, appearing within a space of five years denoted the same individual. This rule was suspended for long breaks of more than five years in the record, for which it was assumed that a name appearing in the final year of records before the break, and the first year of records after the break, could potentially be the same individual, subject to checks explored below. Individuals with the same name and different secondary identifiers were assumed to be different individuals when they appeared in the same session. Occasionally, one individual appears to have

¹ Briggs, *Credit*, 229; Razi, *Life, Marriage and Death*, 11–12.

² Razi, *Life, Marriage and Death*, 11; J.M. Bennett, 'Spouses, siblings and surnames: reconstructing families from medieval village court rolls', *JBS*, 23 (1983), 26–46, at 37–9.

³ Bennett, 'Spouses, siblings', 38–9; Briggs, *Credit*, 230.

⁴ CUL, EDR, C 11/2/5–6; SAC, P 314/W/1/1/503–661; KCAR/6/2/87/1/1/HOR/37, KCAR/6/2/87/1/1/HOR/39–41.

Appendix 2

initially appeared with their name unmodified, then appeared with a secondary identifier, and then later appeared again without modification. If no session could be found where both the unmodified and modified name served in office simultaneously, it was assumed that this was the same individual, both with and without secondary modifier. The same five-year rule was applied when linking individuals in court rolls with those in other records.

The most difficult issue arose with the appending of the terms 'senior' and 'junior' to individuals with the same name who served simultaneously, as such relational identifiers changed over time. Thus, at Worfield one man named John Baker served 1548–79. However, from 1580 onwards there are two John Bakers, referred to as senior and junior. However, from 1585 until 1600 the designators again disappear, with a single John Baker appearing.⁵ In these cases, it has been assumed that emergence of the use of snr and jnr as secondary identifiers refers to a period of crossover between an older and younger individual with the same name, while the disappearance of identifiers represents the withdrawal, most likely through death, of the senior, and thus older individual. So in this scenario, it is assumed John Baker I served 1548–84, while John Baker II served 1580–1600. While undoubtedly it is possible that a senior man may have outlived a younger individual, in the absence of more concrete information this is the safest assumption.

A final check was performed by examining the length of officeholding career of individuals. A sixty-five year maximum length was assumed, with any apparently longer careers assumed to be the conflation of two men. In these cases, two individuals were created by splitting the names at the longest gap between appearances of the name. Throughout all the rules outlined above, each name was treated on a case-by-case basis, especially if there was other evidence to help distinguish individuals, such as the clerk using two surnames simultaneously to describe a single individual.

⁵ SA, P314/W/1/1/676–836.

APPENDIX 3

POPULATION ESTIMATES

The estimates of total population and the population of adult males used in this book are based on a series of national taxation records that survive between 1327 and 1603. These consist of the 1327 lay subsidy, the 1377–81 poll taxes, the 1524–5 lay subsidies, and the 1563 and 1603 diocesan population returns, although the records do not survive for each return for all the case studies. In each case, the records only account for a varying proportion of the actual population of the communities surveyed, and thus various multipliers were applied to the numbers given in the documents to achieve estimated ranges of population. These multipliers are based on those found in relevant secondary literature.

Table A3.1 summarises the actual returns and multipliers applied, while the footnotes detail the sources of both the returns and the multipliers used. As a final set of caveats, it is vital to remember that these are very imprecise estimates of population, and likely reflect trends better than absolute levels of population. It is further important to remember that none of the returns used the manor as a basis for assessment, but rather the vill for the lay subsidies and poll tax, and the parish for the diocesan population returns. This means that these estimates are not necessarily related to the number of tenants, with inhabitants included who may not have held land in the manor, and non-resident manorial landholders excluded.

Table A 3.1 *Population estimates*

Manor	Date	Type (geographical unit)	Number of individuals	Method 1	Minimum–maximum multiplier unit	Method 2	Total population minimum–maximum	Method 3	Minimum–maximum adult males
Horstead	1327	Lay subsidy (vill)	51 taxpayers	Assume covers 25–33% of householders ¹	153–204 householders	Assume multiplier of 4.75	727–969	Assume adult males 30% of population ²	218–291
	1379	Poll tax (vill)	96 listed (57 taxpayers)	–	96 adults 16 and over	Assume multiplier of 1.323–1.454 ³	127–140	–	57
	1524	Lay subsidy (vill)	27 taxpayers	Assume covers 72–97% of men ⁴	28–38 men	Assume multiplier of 3.33 ⁵	94–125	–	28–38
	1603	Diocesan register (parish) ⁶	c.100 communicants (given as estimate) ⁷	–	100 communicants	Assume covers 50–65% of population ⁸	154–200	Assume adult males 30% of population	46–60

¹ Following B.M.S. Campbell and K. Bartley, *England on the Eve of the Black Death: an Atlas of Lay Lordship, Land and Wealth, 1300–49* (Manchester, 2006), 329.

² Following B.M.S. Campbell, 'The population of early Tudor England: a re-evaluation of the 1522 muster returns and 1524 and 1525 lay subsidies', *Journal of Historical Geography*, 7 (1981), 145–54, at 152.

³ Following Poos, *Rural Society*, 299.

⁴ Following Campbell, 'Population of early Tudor England', 152. ⁵ Following *ibid.*

⁶ This excludes Stanninghall which was part of the civil but not ecclesiastical parish of Horstead: *Diocesan Population Returns*, eds. Dyer and Palliser, 411 n. 111.

⁷ Unfortunately, the census only states that the number of communicants were 'the like number' to Coltishall, where a number of 100 communicants is given. Therefore, these figures are very much estimates: *Diocesan Population Returns*, eds. Dyer and Palliser, 442 n. 112.

⁸ Following Tompkins, 'Peasant society', 190.

Cratfield	1327	Lay subsidy (vill)	33 taxpayers	Assume covers 25–33% of householders	100–132 householders	Assume multiplier of 4.75	475–627	Assume adult males 30% of population	143–188
	1525	Lay subsidy (vill)	51 taxpayers	Assume covers 72–97% of men	53–71 men	Assume multiplier of 3.33	175–236	–	53–71
	1603	Diocesan register (parish)	200 communicants	–	200 communicants	Assume covers 50–65% of population	308–400	Assume adult males 30% of population	167–217
Little Downham	1327	Lay subsidy (vill)	31 taxpayers	Assume covers 25–33% of householders	93–124 householders	Assume multiplier of 4.75	442–589	Assume adult males 30% of population	133–177
	1377	Poll tax (vill)	267 taxpayers (with Littleport)	Assume ratio of taxpayers the same as 1524 lay subsidy (102:93) ⁹	140 adults aged 14 and over	Assume multiplier of 1.323–1.454	185–204	Assume adult males 30% of population	56–61
	1524	Lay subsidy (vill)	102 taxpayers	Assume covers 72–97% of men	105–142 men	Assume multiplier of 3.33	350–472	–	105–142
	1563	Diocesan register (parish)	80 householders	–	80 householders	Assume multiplier of 4.75–5 ¹⁰	380–400	Assume adult males 30% of population	114–120

⁹ Unfortunately the returns of the Isle of Ely were given together in the tax (excluding the City of Ely), thus putting Downham and Littleport together. This methodology assumes population decline was similar in that in these neighbouring communities owing to their proximity. Pleasingly, the ratio between the 140 estimate for 1377 and the 31 taxpayers in 1327 of 1:4.52 is very close to that of 1:4.47 calculated for Cambridgeshire as a whole, suggesting a number that is at least plausible.

¹⁰ Following Tompkins, 'Peasant society', 190.

Table A 3.1 (cont.)

Manor	Date	Type (geographical unit)	Number of individuals	Method 1	Minimum– maximum multiplier unit	Method 2	Total population minimum– maximum	Method 3	Minimum– maximum adult males
Worfield	1327	Lay subsidy (vill)	60 taxpayers	Assume covers 25– 33% of householders	180–240 householders	Assume multiplier of 4.75	855–1140	Assume adult males 30% of population	257–342
	1524	Lay subsidy (vill)	112 taxpayers	Assume covers 72– 97% of men	115–156 men	Assume multiplier of 3.33	384–518	–	115–156
	1563	Diocesan register (parish)	134 householders	–	134 householders	Assume multiplier of 4.75–5	637–670	Assume adult males 30% of population	191–201
Fordington	1327	Lay subsidy (vill)	70 taxpayers	Assume covers 25– 33% of householders	212–280 householders	Assume multiplier of 4.75	1,008–1,330	Assume adult males 30% of population	302–339
	1524	Lay subsidy (vill)	121 taxpayers	Assume covers 72– 97% of men	125–168 men	Assume multiplier of 3.33	415–560	–	125–168
	1603	Diocesan register (parish)	361 communicants	–	361 communicants	Assume covers 50–65% of population	555–772	Assume adult males 30% of population	167–217

Sources: *Cambridgeshire and the Isle of Ely: Lay Subsidy for the Year 1327, Names of the Tax-Payers in Every Parish*, trans. J.J. Muskett and ed. C.H. Evelyn White (London, 1900); *Poll Taxes*, ed. Fenwick; *Lay Subsidy Returns*, ed. Sheail; *Diocesan Population Returns*, eds. Dyer and Palliser; Smith, *Worfield*; Farnhill, *Guilds and the Parish Community*; *The Dorset Lay Subsidy Roll of 1327*, ed. A.R. Rumble, Dorset Record Society, 6 (Dorchester, 1980); TNA, E 179/149/7.

BIBLIOGRAPHY

MANUSCRIPTS

Cambridge, King's College Archives

Court rolls, Coltishall

KCAR/6/2/38/1/1/COL/360-2 (1293-1317)

Court roll, Horstead

KCAR/6/2/38/1/1/COL/376 (1596-9)

Court rolls, Horstead

KCAR/6/2/87/1/1/HOR/26-41 (1393-1494)

KCAR/6/2/87/1/1/HOR/45 (1510-30)

KCAR/6/2/87/1/1/HOR/48-58 (1531-1628)

Enclosure Proposal, Horstead

KCAR/6/2/87/12/HOR/15 (1598)

Cambridge University Library

Buxton Papers

Court Rolls, Bunwell

Box 68 (1327-49)

Davidson

Court Rolls, Weasenham (Kipton)

Grey Boxes 3-4 (1307-99)

Bibliography

Ely Diocesan Records

Account Rolls, Little Downham

D 10/3 (1411-1509)

Court Books, Little Downham

C 11/8-10 (1605-49)

Court Rolls, Little Downham

C 11/1/1-3 (1310-99)

C 11/2/4-6 (1399-1459)

C 11/3/7-11 (1461-1582)

Vanneck Manuscripts

Court Rolls, Aldham

Box 1 (1327-47)

Court Rolls, Cratfield

Boxes 3-4 (1401-1649)

Chelmsford, Essex Record Office

Court Rolls, Earls Colne

D/DP_r 68-9 (1430-72)

D/DP_r 71 (1528-38)

Rentals, Earls Colne

D/DP_r 105-7 (1455-1534)

Ipswich, Suffolk Archives Ipswich Branch

Court Rolls, Braiseworth

HA411/2/1/22/1/1 (1515-36)

HA119/1/4/1/1 (1523-7)

Court Rolls, Bramfield

HB26:371/43 (1436-59)

Court Rolls, Ufford with Members

HD 1538/395/1 (1432-53)

Bibliography

Court Rolls, Worlingworth

HA 116/3/19/1/2 (1316–35)

Extent, Braiseworth

HA 411/2/1/22/3/1 (1526)

Extent and Rental, Ufford with Members

HA 96/5/1 (1441–2)

Rental, Bramfield

HB 26:371/72 (1448)

Kew, The National Archives

Court Rolls, Bradford

DL 30/129/1957 (1338–63)

Court Rolls, Fordington

SC 2/169/25–47 (1328–1507)

SC 2/170/1–16 (1511–1648)

Extent, Fordington

E 142/23 (1321/2)

Extent, Worfield

SC 12/14/24 (Temp. Edward I)

Lay Subsidy Return, Norfolk

E 179/149/7 (1327)

London, British Library

Court Rolls, Rickingham

Add. MSS 63428–51 (1316–1339)

New Haven, Yale University Library

Book of Brome

Beinecke MS 365

Bibliography

Norwich, Norfolk Record Office

Hare of Stow Bardolph Collection

Court Rolls, Brancaster

HARE 6333, 350X4 (1520–36)
HARE 6336, 350X5 (1554–83)
HARE 6338, 350X5 (1559–73)
HARE 6340, 350X5 (1570–83)
HARE 6346, 351X1 (1598–9)
HARE 6347, 350X6 (1602)

Norfolk Record Society Manuscripts

Court Rolls, Horsham St Faiths

NRS 19512, 42C4 (1559–74)
NRS 11307, 26B2 (1598–1612)
NRS 12476, 27D5 (1631–40)

Norwich Public Library Manuscript Collection

Court Rolls, Gimmingham Lancaster

MS 5864, 14F3 (1564–70)
MS 5885, 15C2 (1598–1601)
MS 5900, 15C4 (1631–4)

Records of the Dean and Chapter of Norwich Cathedral

Court Rolls, Hindolveston

DCN 60/ 19/44 (1531–2)
DCN 60/ 19/45 (1532–3)
DCN 60/ 19/46 (1533–4)
DCN 60/ 19/59 (1575–99)
DCN 60/ 19/60 (1599–1619)
DCN 60/ 19/62 (1628–33)

Court Rolls, Sedgeford

DCN 60/ 32/26 (1530–47)
DCN 60/ 32/31 (1558–90)
DCN 60/ 32/34 (1625–33)

Quarter Sessions Books and Files

Quarter Sessions Books

C/S 1/3 (1565–8)
C/S 1/6 (1629–44)

Bibliography

Quarter Sessions Files

C/S 3/1 (1532–3)
C/S 3/box 8 (1567–72)
C/S 3/box 13A (1599–1603)
C/S/ 3/box 28 (1631–2)

Shrewsbury, Shropshire Archives

Account roll, Worfield

P3 I4/W/I/I/1359 (1344–5)

Constable's Accounts, Worfield

P3 I4/M/I/I-6 (1589–1600)

Court rolls, Worfield

P3 I4/W/I/I/I-834 (1327–1600)
5586/1/257–306 (1600–49)

Customs, Worfield

5586/2/1/42 (1404)
2028/1/5/8 (1602)

Steward's Note Relating to Beadleship, Worfield

2028/1/5/4

University of Chicago Library

Special Collections Research Centre

Court Rolls, Redgrave

Bacon MS 1 (1259–65)

Winchester College Muniments

Court Rolls, Ash

3331 (1493–5)

Court Rolls, Durrington

5655 (1435–50)
5666 (1546–59)

Bibliography

Court Rolls, Vernhams Dean

9147 (1444–57)

Court Rolls and Rental Andwell

2919 (1545–59)

Rental, Ash

3239 (1492)

Rentals, Durrington

5603 (1441)

5603A (1552)

Rental, Vernhams Dean

9156 (1450)

PRINTED SOURCES

‘An Alrewas rental of 1341’, ed. J. Birrell and D. Hutchinson, in *A Medieval Miscellany: Collections for a History of Staffordshire*, 4th ser., 26 vols. (Burton upon Trent, 2004), vol. xx, 59–81.

Bailey, M., ed., *The English Manor, c.1200–c.1500* (Manchester, 2002).

Bateson, M., ed., ‘The English and Latin versions of a Peterborough court leet, 1461’, *EHR*, 75 (1904), 526–8.

Beckerman, J.S., ed., ‘The articles of presentment in a court leet and court baron in English, c.1400’, *Bulletin of the Institute of Historical Research*, 47 (1974), 230–4. *Calendar of Inquisitions Post Mortem*, 26 vols., I–XX (London, 1904–95); XXI–XXVI (Woodbridge, 2002–10).

Calendar of the Close Rolls Preserved in the Public Record Office, 61 vols. (London, 1892–1963).

Cambridgeshire and the Isle of Ely: Lay Subsidy for the Year 1327, Names of the Tax-Payers in Every Parish, trans. J.J. Muskett and ed. C.H. Evelyn White (London, 1900).

Charters and Customals of the Abbey of Holy Trinity, Caen, ed. M. Chibnall, *Records of Social and Economic History*, 5, 22 (Oxford, 1982).

Churchwardens’ Accounts of Cratfield, 1640–1660, ed. L.A. Botelho, *Suffolk Records Society*, 42 (Woodbridge, 1999).

The Commonplace Book of Robert Reynes of Acle: an Edition of Tanner MS 407, ed. C. Louis, *Garland Medieval Texts*, 1 (London, 1980).

The Court Rolls of the Honor of Clitheroe in the County of Lancaster, trans. and ed. W. Farrer, 3 vols. (Manchester, 1897–1913).

Court Rolls of the Manor of Wakefield, ed. W.P. Bailey, J. Lister and J.W. Walker, 5 vols. (Leeds, 1901–45).

The Court Rolls of the Manor of Wakefield, ed. S.S. Walker et al., 21 vols. (Leeds, 1974–2021).

Bibliography

- Cratfield: a Transcript of the Accounts of the Parish, from AD 1490 to AD 1642, with Notes*, ed. W. Holland and intro. J.J. Raven (London, 1895).
- Customals of Battle Abbey, in the Reigns of Edward I and Edward II (1283–1312): from MSS in the Public Record Office*, ed. S.R. Scargill-Bird, Camden Society, 41 (London, 1887).
- Customals of the Manors of Laughton, Willingdon and Goring*, ed. and trans. A.E. Wilson, Sussex Record Society, 60 (Lewes, 1961).
- The Diocesan Population Returns for 1563 and 1603*, ed. A. Dyer and D.M. Palliser, Records of Social and Economic History, 31 (Oxford, 2005).
- The Distribution of Regional Wealth in England as Indicated by the Lay Subsidy Returns of 1524/5*, ed. J. Sheail, 2 vols., List and Index Society Special Series, 28–29 (Kew, 1998).
- The Dorset Lay Subsidy Roll of 1327*, ed. A.R. Rumble, Dorset Record Society, 6 (Dorchester, 1980).
- The Ely Coucher Book, 1249–50: the Bishop of Ely's Manors in the Cambridgeshire Fenland*, trans. E. Miller, ed. F. Willmoth and S. Oosthuizen, Cambridge Records Society, 22 (Cambridge, 2015).
- Extracts from the Court Rolls of the Manor of Wimbledon extending from I. Edward IV to AD 1864*, ed. P.H. Lawrence (London, 1866).
- Harvey, B.F., ed., 'Customal [1391] and bye-laws [1386–1540] of the manor of Islip', *Oxfordshire Record Society*, 40 (1959), 80–119.
- Hindle, S., ed., 'Hierarchy and community in the Elizabethan parish: the Swallowfield Articles of 1596', *Historical Journal*, 42 (1999), 835–51.
- The Medieval Customs of the Manors of Taunton and Bradford on Tone*, ed. T.J. Hunt, Somerset Record Society, 60 (Frome, 1962).
- Monks Eleigh Manorial Records, 1210–1683*, ed. V. Aldous, Suffolk Records Society, 65 (Woodbridge, 2022).
- Poll Taxes of 1377, 1379 and 1381*, ed. C.C. Fenwick, 3 vols., Records of Social and Economic History, 27, 29, 37 (Oxford, 1998–2005).
- Roberts, W.A., ed., 'Uproar in court, 1556', *Stokenham Occasional Papers*, 2 (1981).
- Select Documents of the English Lands of the Abbey of Bec*, ed. M. Chibnall, Camden Society, 73 (London, 1951).
- Shropshire Taxes in the Reign of Henry VIII: the Lay Subsidy of 1524–7, the Lay Subsidy of 1543–5 and the Benevolence of 1545*, ed. M.A. Faraday (Walton on Thames, 2015).
- Statutes of the Realm*, 11 vols. (London, 1810–28).
- The Stoneleigh Leger Book*, ed. R.H. Hilton, Dugdale Society, 24 (Oxford, 1960).
- Thirteen Customals of the Sussex Manors of the Bishop of Chichester: and Other Documents from Libri P. and C. of the Episcopal Manuscripts*, trans. and ed. W.D. Peckham, Sussex Record Society, 31 (Cambridge, 1925).
- Two Registers Formerly Belonging to the Family of Beauchamp of Hatch*, ed. H.C. Maxwell-Lyte, Somerset Record Society, 35 (London, 1920).
- Walter of Henley and Other Treatises on Estate Management and Accounting*, ed. D. Oschinsky (Oxford, 1971).
- Walters, H.B., ed., 'The churchwardens' accounts of the parish of Worfield', Parts I–VII, *Transactions of the Shropshire Archaeological and Natural History Society*, 3rd ser., 3–4, 6–7, 9–11 (1903–4, 1906–7, 1909–10, 1912).

Bibliography

SECONDARY WORKS

- Ault, W.O., 'Manor court and parish church in fifteenth-century England: a study of village by-laws', *Speculum*, 42 (1967), 53–67.
- 'Open-field husbandry and the village community: a study of agrarian by-laws in medieval England', *Transactions of the American Philosophical Society*, new ser., 55 (1965), 1–102.
- 'The vill in medieval England', *Proceedings of the American Philosophical Society*, 126 (1982), 188–211.
- 'Village by-laws by common consent', *Speculum*, 29 (1954), 378–94.
- Bailey, M., *After the Black Death: Economy, Society, and the Law in Fourteenth-Century England* (Oxford, 2021).
- 'Beyond the Midland field system: the determinants of common rights over the arable in medieval England', *AgHR*, 58 (2010), 153–71.
- The Decline of Serfdom in Late Medieval England: from Bondage to Freedom* (Woodbridge, 2014).
- 'Demographic decline in late medieval England: some thoughts on recent research', *EcHR*, 49 (1996), 1–19.
- The English Manor, c.1200–c.1500* (Manchester, 2002).
- 'The form, function and evolution of irregular field systems in Suffolk, c.1300 to c.1550', *AgHR*, 57 (2009), 15–36.
- A Marginal Economy: East Anglian Breckland in the later Middle Ages* (Cambridge, 1989).
- Medieval Suffolk: an Economic and Social History* (Woodbridge, 2007).
- 'The myth of "seigniorial reaction" in England after the Black Death' in Kowaleski, Langdon and Schofield (eds.), *Peasants and Lords*, 147–72.
- 'Peasant welfare in England, 1290–1348', *EcHR*, 51 (1998), 223–51.
- 'Rural society' in R. Horrox (ed.), *Fifteenth-Century Attitudes: Perceptions of Society in Late Medieval England* (Cambridge, 1994), 150–68.
- 'Servile migration and gender in late medieval England: the evidence of manorial court rolls', *P&P*, forthcoming.
- 'Tallage-at-will in later medieval England', *EHR*, 134 (2019), 25–58.
- 'The transformation of customary tenures in southern England, c.1350 to c.1500', *AgHR*, 62 (2014), 210–30.
- 'Villeinage in England: a regional case study, c.1250–c.1349', *EcHR*, 62 (2009), 430–57.
- Bainbridge, V.R., *Gilds in the Medieval Countryside: Social and Religious Change in Cambridgeshire, c.1350–1558* (Woodbridge, 1996).
- Baker, J.H., *An Introduction to English Legal History*, 4th edn (London, 2002).
- Bartelot, R.G., *The History of Fordington: a British Battleground, a Roman Suburb, a Royal Manor and a Prebendal Church* (Dorchester, 1915).
- Beardmore, C., King, S. and Monks, G., *The Land Agent in Britain: Past, Present and Future* (Cambridge, 2016).
- Beckerman, J.S., 'The articles of presentment of a court leet and court baron, in English, c.1400', *Bulletin of the Institute of Historical Research*, 47 (1974), 230–4.
- 'Procedural innovation and institutional change in medieval English manorial courts', *Law and History Review*, 10 (1992), 197–252.

Bibliography

- Beier, A.L., *Masterless Men: the Vagrancy Problem in England, 1560–1640* (London, 1985).
- Bellamy, J.G., *Crime and Public Order in England in the Later Middle Ages* (London, 1973).
- Bennett, H.S.A., *Life on the English Manor: a Study of Peasant Conditions, 1150–1400* (Cambridge, 1937).
- Bennett, J.M., *Ale, Beer and Brewsters in England: Women's Work in a Changing World, 1300–1600* (New York, 1996).
- ‘Spouses, siblings and surnames: reconstructing families from medieval village court rolls’, *JBS*, 23 (1983), 26–46.
- Women in the Medieval English Countryside: Gender and Household in Brigstock before the Plague* (New York, 1987).
- Birrell, J., ‘Confrontation and negotiation in a medieval village: Alrewas before the Black Death’ in Langdon, Goddard and Müller (eds.), *Survival and Discord*, 197–211.
- ‘Manorial customs reconsidered’, *PEP*, 224 (2014), 3–37.
- Blake, W.J., ‘Norfolk manorial lords in 1316: part II’, *Norfolk Archaeology*, 30 (1952), 263–86.
- Blanchard, I., ‘Social structure and social organization in an English village at the close of the Middle Ages: Chewton, 1526’ in DeWindt (ed.), *Salt of Common Life*, 307–39.
- Blickle, P., ‘Conclusions’ in P. Blickle (ed.), *The Origins of the Modern State in Europe: 13th to 18th Centuries. Resistance, Representation and Community* (Oxford, 1997), 325–38.
- Blockmans, W., ‘Citizens and their rulers’ in Blockmans, Schläppi and Holdenstein (eds.), *Empowering Interactions*, 281–92.
- Blockmans, W., Schläppi, D. and Holdenstein, A. (eds.), *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300–1900* (Farnham, 2009).
- Blomefield, F., *An Essay towards a Topographical History of the County of Norfolk*, 2nd edn, 11 vols. (London, 1805–10).
- Bolton, J.L., *The Medieval English Economy, 1150–1500* (London, 1980).
- Bonfield, L. and Poos, L.R., ‘The development of deathbed transfers in medieval English manor courts’ in Razi and Smith (eds.), *Medieval Society*, 117–42.
- Botelho, L.A., *Old Age and the English Poor Law, 1500–1700* (Woodbridge, 2004).
- Bowen, J.P., ‘Cottage and squatter settlement and encroachment on common waste in the sixteenth and seventeenth centuries: some evidence from Shropshire’, *Local Population Studies*, 93 (2014), 11–32.
- Braddick, M.J., *God's Fury, England's Fire: a New History of the English Civil Wars* (London, 2008).
- State Formation in Early Modern England* (Cambridge, 2000).
- Braddick, M.J. and Walter, J., ‘Introduction. Grids of power: order, hierarchy and subordination in early modern society’ in Braddick and Walter (eds.), *Negotiating Power*, 1–42.
- Braddick, M.J. and Walter, J. (eds.), *Negotiating Power in Early Modern Society* (Cambridge, 2001).

Bibliography

- Brakenseik, S., 'Communication between authorities and subjects in Bohemia, Hungary and the Holy Roman Empire, 1650–1800: a comparison of three case studies' in Blockmans, Schläppi and Holdenstein (eds.), *Empowering Interactions*, 149–62.
- Brenner, R., 'Agrarian class structure and economic development in pre-industrial Europe', *P&P*, 70 (1976), 30–75.
- Briggs, C.D., 'The availability of credit in the English countryside, 1400–1480', *AgHR*, 56 (2008), 1–24.
Credit and Village Society in Fourteenth-Century England (Oxford, 2009).
- 'Monitoring demesne managers through the manor court before and after the Black Death' in Langdon, Goddard and Müller (eds.), *Survival and Discord*, 179–95.
- 'Seigniorial control of villagers' litigation beyond the manor in later medieval England', *Historical Research*, 81 (2008), 399–422.
- Briggs, C.D. and Schofield, P.R., 'The evolution of manor courts in medieval England: the evidence of personal actions', *Journal of Legal History*, 41 (2020), 1–28.
- Britnell, R.H., *Britain and Ireland, 1050–1530: Economy and Society* (Oxford, 2004).
'Feudal reaction after the Black Death in the Palatinate of Durham', *P&P*, 128 (1990), 28–47.
- Britnell, R.H. and Hatcher, J. (eds.), *Progress and Problems in Medieval England: Essays in Honour of Edward Miller* (Cambridge, 1996).
- Britton, E., *The Community of the Vill: a Study in the History of the Family and Village Life in Fourteenth-Century England* (Toronto, 1977).
- Broad, J., *Transforming English Rural Society: the Verneys and the Claydons, 1600–1820* (Cambridge, 2004).
- Broadberry, S., Campbell, B.M.S., Klein, A., Overton, M. and van Leeuwen, B., *British Economic Growth, 1270–1870* (Cambridge, 2015).
- Brown, A.T., 'Estate management and institutional constraints in pre-industrial England: the ecclesiastical estates of Durham, c.1400–1640', *EcHR*, 67 (2014), 699–719.
'The fear of downward social mobility in late medieval England', *Journal of Medieval History*, 45 (2019), 597–617.
- Byng, G.T.G., *Church Building and Society in the Later Middle Ages* (Cambridge, 2017).
- Cam, H.M., 'The community of the vill' in V. Ruffer and A.J. Taylor (eds.), *Medieval Studies Presented to Rose Graham* (Oxford, 1950), 1–14.
The Hundred and the Hundred Rolls: an Outline of Local Government in Medieval England (London, 1930).
- 'Shire officials: coroners, constables and bailiffs' in J.F. Willard, W.A. Morris and W.H. Dunham (eds.), *The English Government at Work, 1327–36*, 3 vols. (Cambridge, MA, 1950), vol. 111, 185–217.
- Campbell, B.M.S., 'The agrarian problem in the early fourteenth century', *P&P*, 188 (2005), 3–70.
'The complexity of manorial structure in medieval Norfolk: a case study', *Norfolk Archaeology*, 39 (1986), 225–61.
'England: land and people' in Rigby (ed.), *Companion to Britain*, 3–25.
English Seigniorial Agriculture (Cambridge, 2000).

Bibliography

- 'The extent and layout of commonfields in eastern Norfolk', *Norfolk Archaeology*, 38 (1981), 5–31.
- 'The land' in Horrox and Ormrod, *Social History of England*, 179–237.
- 'The population of early Tudor England: a re-evaluation of the 1522 muster returns and 1524 and 1525 lay subsidies', *Journal of Historical Geography*, 7 (1981), 145–54.
- 'Population pressure, inheritance and the land market in a fourteenth-century peasant community' in R.M. Smith (ed.), *Land, Kinship and Life-Cycle* (Cambridge, 1985), 87–134.
- Campbell, B.M.S. and Bartley, K., *England on the Eve of the Black Death: an Atlas of Lay Lordship, Land and Wealth, 1300–49* (Manchester, 2006).
- Campbell, B.M.S. and Overton, M., 'A new perspective on medieval and early modern agriculture: six centuries of Norfolk farming, c.1250–c.1850', *P&P*, 141 (1993), 38–105.
- Carlin, M., 'Cheating the boss: Robert Carpenter's embezzlement instructions (1261x1268) and employee fraud in medieval England' in B. Dodds and C.D. Liddy (eds.), *Commercial Activity, Markets and Entrepreneurs in the Middle Ages: Essays in Honour of Richard Britnell* (Woodbridge, 2011), 183–98.
- Carlson, E.J., 'The origins, function, and status of the office of churchwarden, with particular reference to the diocese of Ely' in M. Spufford (ed.), *The World of Rural Dissenters, 1520–1725* (Cambridge, 1995), 164–207.
- Castor, H., *The King, the Crown and the Duchy of Lancaster: Public Authority and Private Power, 1399–1461* (Oxford, 2000).
- Clanchy, M., *From Memory to Written Record: England, 1066–1307*, 3rd edn (Chichester, 2013).
- Claridge, J. and Gibbs, S., 'Waifs and strays: property rights in late medieval England', *JBS*, 61 (2022), 50–82.
- Clark, E., 'Medieval labor law and English local courts', *American Journal of Legal History*, 27 (1983), 330–353.
- 'Social welfare and mutual aid in the medieval countryside', *JBS*, 33 (1984), 381–406.
- Clark, L. and Carpenter, C. (eds.), *Political Culture in Late Medieval Britain* (Woodbridge, 2004).
- Coleman, M.C., *Downham-in-the-Isle: a Study of an Ecclesiastical Manor in the Thirteenth and Fourteenth Centuries* (Woodbridge, 1984).
- Collinson, P., 'De republica anglorum: or history with the politics put back' in P. Collison, *Elizabethan Essays* (London, 1994), 1–30.
- Coss, P.R. and Wickham, C. (eds.), *Rodney Hilton's Middle Ages: an Exploration of Historical Themes* (Oxford, 2007).
- Craig, J.S., 'Cooperation and initiatives: Elizabethan churchwardens and the parish accounts of Mildenhall', *Social History*, 18 (1993), 357–80.
- Cross, C.C., *The Puritan Earl: the Life of Henry Hastings, Third Earl of Huntingdon, 1536–1595* (London, 1966).
- Crowley, D.A., 'The later history of frankpledge', *Bulletin of the Institute of Historical Research*, 48 (1975), 1–15.
- Cruikshank, J.L., 'Courts leet, constables and the township structure in the West Riding, 1540–1842', *Northern History*, 54 (2017), 59–78.

Bibliography

- Curtis, D.R., 'Did the commons make medieval and early modern rural societies more equitable? A survey of evidence from across western Europe, 1300–1800', *Journal of Agrarian Change*, 16 (2016), 646–64.
- Davis, J., *Medieval Market Morality: Life, Law and Ethics in the English Marketplace, 1200–1500* (Cambridge, 2012).
- De Keyzer, M., 'The impact of different distributions of power on access rights to the common wastelands: the Campine, Brecklands and Geest compared', *Journal of Institutional Economics*, 9 (2013), 517–42.
- De Moor, M., 'Avoiding tragedies: a Flemish common and its commoners under the pressure of social and economic change during the eighteenth century', *EcHR*, 62 (2009), 1–22.
- De Moor, M., Shaw-Taylor, L. and Warde, P. (eds.), *The Management of Common Land in North West Europe, c.1500–1850* (Turnhout, 2002).
- Dennison, T., *The Institutional Framework of Russian Serfdom* (Cambridge, 2011).
- Dennison, T. and Ogilvie, S., 'Serfdom and social capital in Bohemia and Russia', *EcHR*, 60 (2007), 513–44.
- DeWindt, A.R., 'Peasant power structures in fourteenth-century King's Ripton', *Mediaeval Studies*, 38 (1976), 236–67.
- DeWindt, E.B., 'Introduction' in DeWindt (ed.), *Salt of Common Life*, xi–xvii.
Land and People in Holywell-cum-Needingworth: Structures of Tenure and Patterns of Social Organization in an East Midlands village, 1252–1457 (Toronto, 1972).
- DeWindt, E.B. (ed.), *The Salt of Common Life: Individuality and Choice in the Medieval Town, Countryside and Church: Essays Presented to J. Ambrose Raftis* (Kalamazoo, 1995).
- Dobb, M., 'From feudalism to capitalism' in R.H. Hilton (ed.), *The Transition from Feudalism to Capitalism* (London, 1976), 158–71.
- Dodds, B., 'Demesne and tithe: peasant agriculture in the late Middle Ages', *AgHR*, 56 (2008), 123–41.
- Domar, E., 'The causes of slavery or serfdom: a hypothesis', *Journal of Economic History*, 30 (1970), 18–32.
- Duffy, E., *The Stripping of the Altars: Traditional Religion in England, c.1400–c.1580*, 2nd edn (New Haven, CT, 2005).
- Duggan, K.F., 'The limits of strong government: attempts to control criminality in thirteenth-century England', *Historical Research*, 93 (2020), 399–419.
- Dyer, C.C., *An Age of Transition? Economy and Society in England in the Later Middle Ages* (Oxford, 2005).
- 'Conflict in the landscape: the enclosure movement in England, 1220–1349', *Landscape History*, 28 (2006), 21–33.
- 'The English medieval village community and its decline', *JBS*, 33 (1994), 407–29.
Everyday Life in Medieval England (London, 1994).
- 'The ineffectiveness of lordship in England, 1200–1400' in Coss and Wickham (eds.), *Rodney Hilton's Middle Ages*, 69–86.
Lords and Peasants in a Changing Society: the Estates of the Bishopric of Worcester, 680–1540 (Cambridge, 1980).
- 'The political life of the fifteenth-century English village' in Clark and Carpenter (eds.), *Political Culture*, 135–58.
- 'Poverty and its relief in late medieval England', *P&P*, 216 (2012), 41–78.

Bibliography

- 'Power and conflict in the medieval English village' in Dyer, *Everyday Life*, 1–12.
- 'The rising of 1381 in Suffolk: its origins and participants' in Dyer, *Everyday Life*, 221–39.
- 'The social and economic background to the rural revolt of 1381' in Dyer, *Everyday Life*, 191–221.
- Standards of Living in the Later Middle Ages: Social Change in England, c.1200–1520* (Cambridge, 1989).
- 'A Suffolk farmer in the fifteenth century', *AgHR*, 55 (2010), 1–22.
- 'Taxation and communities in late medieval England' in Britnell and Hatcher (eds.), *Progress and Problems*, 168–90.
- 'Villeins, bondmen, neifs, and serfs: new serfdom in England, c. 1200–1600' in M. Bourin and P. Freedman (eds.), *Forms of Servitude in Northern and Central Europe: Decline, Resistance and Expansion* (Turnhout, 2005), 419–35.
- 'Were medieval English villages "self contained"?' in Dyer (ed.), *The Self-Contained Village? The Social History of Rural Communities, 1250–1900* (Hatfield, 2006), 6–27.
- Dyer, C.C. and Hoyle, R.W., 'Britain, 1000–1750' in B.J.P. van Bavel and R. W. Hoyle (eds.), *Social Relations: Property and Power* (Turnhout, 2010), 51–80.
- Eiden, H., 'Joint action against "bad" lordship: the Peasants' Revolt in Essex and Norfolk', *History*, 83 (1998), 5–30.
- Evans, R., 'Merton College's control of its tenants at Thorncroft, 1270–1349' in Razi and Smith (eds.), *Medieval Society*, 199–259.
- 'Whose was the manorial court?' in Evans (ed.), *Lordship and Learning*, 155–68.
- Evans, R. (ed.), *Lordship and Learning: Studies in Memory of Trevor Aston* (Woodbridge, 2004).
- Eyton, R.W., *Antiquities of Shropshire*, 12 vols. (London, 1854–60).
- Faith, R., *The English Peasantry and the Growth of Lordship* (London, 1997).
- Farnhill, K., *Guilds and the Parish Community in Late Medieval East Anglia, c.1470–1550* (York, 2001).
- 'A late medieval parish guild: the guild of St Thomas the Martyr in Cratfield, c.1470–1542', *Proceedings of the Suffolk Institute of Archaeology and Natural History*, 38 (1995), 261–7.
- Field, C.D., 'A shilling for Queen Elizabeth: the era of state regulation of church attendance in England, 1552–1969', *Journal of Church and State*, 50 (2008), 213–53.
- Finberg, H.P.R., *Tavistock Abbey: a Study in the Social and Economic History of Devon* (Cambridge, 1951).
- Fletcher, A., *Reform in the Provinces: the Government of Stuart England* (New Haven, CT, 1986).
- Forrest, I., *Trustworthy Men: How Inequality and Faith Made the Medieval Church* (Princeton, 2018).
- Forrest, M., 'Women manorial officers in late medieval England', *Nottingham Medieval Studies*, 57 (2013), 47–67.
- French, H., *The Middle Sort of People in Provincial England, 1600–1750* (Oxford, 2007).
- French, H. and Hoyle, R.W., *The Character of English Rural Society: Earls Colne, 1550–1750* (Manchester, 2007).

Bibliography

- French, K.L., *The People of the Parish: Community Life in a Late Medieval English Diocese* (Philadelphia, 2001).
- Fryde, E.B., *Peasants and Landlords in Later Medieval England, c.1380–c.1525* (Stroud, 1996).
- Gaskill, M., 'Little commonwealths II: communities' in Wrightson (ed.), *Social History of England*, 84–104.
- Gibbs, S., 'Felony forfeiture at the manor of Worfield, c.1370–c.1600', *Journal of Legal History*, 39 (2018), 253–77.
- 'Lords, tenants and attitudes to manorial officeholding, c.1300–c.1600', *AgHR*, 62 (2019), 155–74.
- '"Open" or "closed"? Participation in English manorial presentment juries, c.1310–c.1600: a quantitative approach', *EHR*, 137 (2022), 1003–52.
- Goheen, R.B., 'Peasant politics? Village community and the crown in fifteenth-century England', *American Historical Review*, 96 (1991), 42–62.
- Goldie, M., 'The unacknowledged republic: officeholding in early modern England' in Harris (ed.), *Politics of the Excluded*, 153–94.
- Griffiths, M., 'Kirtlington manor court, 1500–1650', *Oxoniensia*, 45 (1980), 260–83.
- Griffiths, P., Fox, A. and Hindle, S. (eds.), *The Experience of Authority in Early Modern England* (Basingstoke, 1996).
- Gunn, S., 'Archery practice in early Tudor England', *PEP*, 209 (2010), 53–81.
The English People at War in the Age of Henry VIII (Oxford, 2018).
- Haigh, C., *The Plain Man's Pathways to Heaven: Kinds of Christianity in Post-Reformation England, 1570–1640* (Oxford, 2007).
- Hailwood, M., *Alehouses and Good Fellowship in Early Modern England* (Woodbridge, 2014).
- Halser, P.W. (ed.), *The History of Parliament: the House of Commons, 1558–1603*, 3 vols. (London, 1981).
- Hare, J., *A Prospering Society: Wiltshire in the Later Middle Ages* (Hatfield, 2011).
- Hargreaves, P.V., 'Seigniorial reaction and peasant responses: Worcester Priory and its peasants after the Black Death', *Midland History*, 24 (1999), 53–78.
- Harris, T., 'Introduction' in Harris (ed.), *Politics of the Excluded*, 1–29.
- Harris, T. (ed.), *The Politics of the Excluded, c.1500–1850* (Basingstoke, 2001).
- Harrison, C., 'Manor courts and the governance of Tudor England' in C. Wilson Brooks and M. Lobban (eds.), *Communities and Courts in Britain, 1150–1900* (London, 1997), 43–60.
- Harvey, B.F., *Westminster Abbey and Its Estates in the Middle Ages* (Oxford, 1977).
- Harvey, P.D.A., 'Conclusion' in Harvey (ed.), *Peasant Land Market*, 328–56.
- 'Initiative and authority in settlement change' in M. Aston, D. Austin and C.C. Dyer (eds.), *The Rural Settlements of Medieval England: Studies Dedicated to Maurice Beresford and John Hurst* (Oxford, 1989), 31–43.
- 'Introduction' in Harvey (ed.), *Peasant Land Market*, 1–28.
- Manorial Records*, rev. edn (London, 1999).
- 'The manorial reeve in twelfth-century England' in Evans (ed.), *Lordship and Learning*, 125–38.
- A Medieval Oxfordshire Village: Cuxham, 1240–1400* (London, 1965).
- Harvey, P.D.A. (ed.), *The Peasant Land Market in Medieval England* (Oxford, 1984).

Bibliography

- Hatcher, J., 'English serfdom and villeinage: towards a reassessment', *P&P*, 90 (1981), 3–39.
- 'The great slump of the mid-fifteenth century' in Britnell and Hatcher (eds.), *Progress and Problems*, 237–72.
- 'Lordship and villeinage before the Black Death: from Karl Marx to the Marxists and back again' in Kowaleski, Langdon and Schofield (eds.), *Peasants and Lords*, 113–45.
- Rural Economy and Society in the Duchy of Cornwall, 1300–1500* (Cambridge, 1970).
- Hatcher, J. and Bailey, M., *Modelling the Middle Ages: the History and Theory of England's Economic Development* (Oxford, 2001).
- Heal, F., 'Food gifts, the household and the politics of exchange in early modern England', *P&P*, 199 (2008), 41–70
- Healey, J., 'The development of poor relief in Lancashire, c.1598–1680', *Historical Journal*, 53 (2010), 551–72.
- 'The northern manor court and the politics of neighbourhood: Dilston, Northumberland, 1558–1640', *Northern History*, 51 (2014), 221–41.
- 'The political culture of the English commons, c.1550–1650', *AgHR*, 60 (2012), 266–87.
- Hearnshaw, F.J.C., *Leet Jurisdiction in England: Especially as Illustrated by the Records of the Court Leet of Southampton* (Southampton, 1908).
- Henriques, A. and Palma, N., 'Comparative European institutions and the Little Divergence, 1385–1800', *Journal of Economic Growth*, forthcoming.
- Herrup, C.B., *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1987).
- Hilton, R.H., *Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381* (London, 1973).
- The Decline of Serfdom in Medieval England*, 2nd edn (London, 1983).
- The English Peasantry in the Later Middle Ages: the Ford Lectures for 1973 and Related Studies* (Oxford, 1975).
- 'Introduction' in T.H. Aston and C.H.E. Philpin (eds.), *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe* (Cambridge, 1985), 2–5.
- 'Peasant movements in England before 1381', *ECHR*, 2 (1949), 117–36.
- Hindle, S., 'Exhortation and entitlement: negotiating inequality in English rural communities, 1500–1650' in Braddick and Walter (eds.), *Negotiating Power*, 102–22.
- 'Hierarchy and community in the Elizabethan parish: the Swallowfield Articles of 1596', *Historical Journal*, 42 (1999), 835–51.
- On the Parish? The Micro-Politics of Poor Relief in Rural England, c.1550–1750* (Oxford, 2004).
- 'The political culture of the middling sort in English rural communities, c.1550–1700' in Harris (ed.), *Politics of the Excluded*, 125–52.
- The State and Social Change in Early Modern England, 1550–1640* (Basingstoke, 2000).
- Hindle, S. and Kümin, B., 'The spatial dynamics of parish politics: topographies of tension in English communities, c.1350–1640' in B. Kümin (ed.), *Political Space in Pre-Industrial Europe* (Farnham, 2009), 151–73.

Bibliography

- Hindle, S., Shepard, A. and Walter, J., 'The making and remaking of early modern English social history' in S. Hindle, A. Shepard and J. Walter (eds.), *Remaking English Society: Social Relations and Social Change in Early Modern England* (Woodbridge, 2013), 1–40.
- Hipkin, S., 'The structure of landownership and land occupation in the Romney Marsh region, 1646–1834', *AgHR*, 51 (2003), 69–94.
- Homans, G.C., *English Villagers of the Thirteenth Century* (Cambridge, MA, 1941).
- Horrox R. and Ormrod, W.M. (eds.), *A Social History of England, 1200–1500* (Cambridge, 2006).
- Houston, R.A., 'People, space and law in late medieval and early modern Britain and Ireland', *PEP*, 230 (2016), 47–89.
- Hoyle, R.W., 'Tenure and the land market in early modern England: or a late contribution to the Brenner debate', *ECHR*, 43 (1990), 1–20.
- “Wrightsonian incorporation” and the public rhetoric of mid-Tudor England', *History*, 101 (2016), 20–41.
- Hunter, J., 'English inns, taverns, alehouses and brandy shops: the legislative framework, 1495–1797' in B. Kümin and B.A. Tlustý (eds.), *The World of the Tavern: Public Houses in Early Modern Europe* (Aldershot, 2002), 65–82.
- Hutchins, J., cont., W. Shipp and J. Whitworth Hodson, *The History and Antiquities of the County of Dorset / Compiled from the Best and Most Ancient Historians, Inquisitions Post Mortem, and other Valuable Records and mss. in the Public Offices, and Libraries, and in Private Hands. With a Copy of Domesday Book and the Inquisitio Gheldi for the County: Interspersed with some Remarkable Particulars of Natural History; and Adorned with a Correct Map of the County, and Views of Antiquities, Seats of the Nobility and Gentry, &c.*, 4 vols. (London, 1861–73).
- Hutton, R., *The Rise and Fall of Merry England: the Ritual Year, 1400–1700* (Oxford, 1994).
- Hyams, P.R., *King, Lord and Peasants in Medieval England: the Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (Oxford, 1980).
- Ingram, M., *Carnal Knowledge: Regulating Sex in England, 1470–1600* (Cambridge, 2017).
- 'Reformation of manners in early modern England' in Griffiths, Fox and Hindle (eds.), *Experience of Authority*, 47–88.
- Iversen, T. and Myking, J.R., 'Peasant participation in *thing* and local assemblies, c.1000–1750' in Iversen, Myking and Sonderegger (eds.), *Peasants, Lords, and State*, 121–77.
- 'Summary and conclusion' in Iversen, Myking and Sonderegger (eds.), *Peasants, Lords, and State*, 178–202.
- Iversen, T., Myking, J.R. and Sonderegger, S. (eds.), *Peasants, Lords, and State: Comparing Peasant Conditions in Scandinavia and the Eastern Alpine Region, 1000–1750* (Leiden, 2020).
- Johnson, N.D. and Koyama, M., 'States and economic growth: capacity and constraints', *Explorations in Economic History*, 64 (2017), 1–20.
- Johnson, T., *Law in Common: Legal Cultures in Late Medieval England* (Oxford, 2019).
- 'The redistribution of Forest Law and administration in fifteenth-century England' in L. Clark (ed.), *The Fifteenth Century XV: Writing, Records and Rhetoric* (Woodbridge, 2017), 93–108.

Bibliography

- 'Soothsayers, legal culture, and the politics of truth in late-medieval England', *Cultural and Social History*, 17 (2020), 431–50.
- Justice, S., *Writing and Rebellion: England in 1381* (Berkeley, 1994).
- Kanzaka, J., 'Villein rents in thirteenth-century England: an analysis of the hundred rolls of 1279–80', *EcHR*, 55 (2002), 593–618.
- Kent, J.R., 'The centre and the localities: state formation and parish government in England, circa 1640–1740', *Historical Journal*, 38 (1995), 363–404.
- The English Village Constable, 1580–1642: a Social and Administrative Study* (Oxford, 1986).
- 'The rural "middling sort" in early modern England, circa 1640–1740: some economic, political and socio-cultural characteristics', *Rural History*, 10 (1999), 19–54.
- Kessehring, K.J., 'Law, status, and the lash: judicial whipping in early modern England', *JBS*, 60 (2021), 511–33.
- Kilby, S., 'Mapping peasant discontent: trespassing on manorial land in fourteenth-century Walsham-le-Willows', *Landscape History*, 36 (2015), 69–88.
- Peasant Perspectives on the Medieval Landscape: a Study of Three Communities* (Hatfield, 2020).
- King, W.J., 'Early Stuart courts leet: still needful and useful', *Histoire Sociale/Social History*, 23 (1990), 271–99.
- 'Untapped resources for social historians: court leet records', *Journal of Social History*, 51 (1982), 699–705.
- Kowaleski, M., Langdon, J. and Schofield, P.R. (eds.), *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce Campbell* (Turnhout, 2015).
- Kümin, B., 'The secular legacy of the late medieval English parish' in E. Duffy and C. Burgess (eds.), *The Parish in Late Medieval England* (Donington, 2006), 95–111.
- The Shaping of a Community: the Rise and Reformation of the English parish, c.1400–1560* (Aldershot, 1996).
- Lander, J.R., *English Justices of the Peace, 1461–1509* (Stroud, 1989).
- Langelüddecke, H., "'I finde all men & my officers all soe unwilling": the collection of ship money, 1635–1640', *JBS* 46 (2007), 509–42.
- Langdon, J., *Mills in the Medieval Economy: England, 1300–1540* (Oxford, 2004).
- Langdon, J., Goddard, R. and Müller, M. (eds.), *Survival and Discord in Medieval Society: Essays in Honour of Christopher Dyer* (Turnhout, 2010).
- Larson, P.L., *Conflict and Compromise in the Late Medieval Countryside: Lords and Peasants in Durham, 1349–1400* (London, 2006).
- Rethinking the Great Transition: Community and Economic Growth in County Durham, 1349–1660* (Oxford, 2022).
- 'Village voice or village oligarchy? The jurors of the Durham halmote court, 1349 to 1424', *Law and History Review*, 28 (2010), 675–709.
- Lee, J.S., 'Tracing regional and local changes in population and wealth during the later Middle Ages using taxation records: Cambridgeshire, 1334–1563', *Local Population Studies*, 69 (2002), 32–50.
- MacCulloch, D., 'Bondmen under the Tudors' in C. Cross, D. Loades and J.J. Scarisbrick (eds.), *Law and Government under the Tudors: Essays Presented to Sir Geoffrey Elton on His Retirement* (Cambridge, 1988), 91–110.
- McDonagh, B., 'Disobedient objects: material readings of enclosure protest in sixteenth century England', *Journal of Medieval History*, 45 (2019), 254–75.

Bibliography

- McGovern, J., *The Tudor Sheriff: a Study in Early Modern Administration* (Oxford, 2022).
- McIntosh, M.K., *Autonomy and Community: the Royal Manor of Havering, 1200–1500* (Cambridge, 1986).
- A Community Transformed: the Manor and Liberty of Havering-atte-Bower, 1500–1620* (Cambridge, 1991).
- Controlling Misbehavior in England, 1370–1600* (Cambridge, 1998).
- ‘Local responses to the poor in late medieval and Tudor England’, *Continuity and Change*, 3 (1998), 209–45.
- Poor Relief in England, 1350–1600* (Cambridge, 2012).
- ‘Response’, *JBS*, 37 (1998), 291–305.
- ‘Social change and Tudor manorial leets’ in H.G. Beale and J.A. Guy (eds.), *Law and Social Change in British History: Papers Presented to the Bristol Legal History Conference, 14–17 July 1981* (London, 1984), 73–85.
- Maddicott, J.R., ‘The county community and the making of public opinion in fourteenth-century England’, *Transactions of the Royal Historical Society*, 28 (1978), 27–43.
- ‘Parliament and the people in medieval England’, *Parliamentary History*, 35 (2016), 336–51.
- Maitland, F.W. and W.P. Baildon (eds.), *The Court Baron: Precedents of Pleading in Manorial and Other Local Courts* (London, 1891).
- Marshall, P., *Heretics and Believers: a History of the English Reformation* (New Haven, CT, 2017).
- Masschaele, J., *Jury, State and Society in Medieval England* (New York, 2008).
- ‘Town, country, and law: royal courts and regional mobility in medieval England, c.1200–c.1400’ in Langdon, Goddard and Müller (eds.), *Survival and Discord*, 127–44.
- Milesion, S., ‘Openness and closure in the later medieval village’, *P&P*, 234 (2017), 3–37.
- Miller, E., *The Abbey and Bishopric of Ely: the Social History of an Ecclesiastical Estate* (Cambridge, 1951).
- Miller, E. and Hatcher, J., *Medieval England: Rural Society and Economic Change, 1086–1348* (London, 1978).
- Miller, J., ‘Touch of the state: stop and search in England, c.1660–1750’, *History Workshop Journal*, 87 (2019), 52–71.
- Millican, P., *A History of Horstead and Stanninghall, Norfolk* (Norwich, 1937).
- Moore, J.S., ‘The mid-Tudor population crisis in midland England’, *Midland History*, 34 (2009), 44–57.
- Muldrew, C., ‘The ‘middling sort’: an emergent cultural identity’ in Wrightson (ed.), *Social History of England*, 290–309.
- Mulholland, M., ‘The jury in English manorial courts’ in J.W. Cairns and G. McLeod (eds.), *‘The Dearest Birth Right of the People’: the Jury in the History of the Common Law* (Oxford, 2002), 63–73.
- Müller, M., ‘A divided class? Peasants and peasant communities in later medieval England’ in Coss and Wickham (eds.), *Rodney Hilton’s Middle Ages*, 115–31.
- Ogilvie, S., ‘Communities and the “second serfdom” in early modern Bohemia’, *P&P*, 187 (2005), 69–119.

Bibliography

- 'Village community and village headman in early modern Bohemia', *Bohemia*, 46 (2005), 402–51.
- Olson, S., *A Chronicle of All that Happens: Voices from the Village Court in Medieval England* (Toronto, 1996).
- 'Families have their fate and periods: varieties of family experience in the pre-industrial village' in DeWindt (ed.), *Salt of Common Life*, 409–48.
- 'Jurors of the village court: local leadership before and after the Plague in Ellington, Huntingdonshire', *JBS*, 30 (1991), 237–56.
- Ormrod, W.M., *Edward III* (New Haven, CT, 2011).
- 'Henry V and the English taxpayer' in G. Dodd (ed.), *Henry V: New Interpretations* (Woodbridge, 2013), 187–216.
- Oxford Dictionary of National Biography*, ed. H.C.G. Matthew and B.H. Harrison (Oxford, 2004), www.oxforddnb.com, accessed 4 March 2018.
- Page, F.M., *The Estates of Crowland Abbey: a Study in Manorial Organisation* (Cambridge, 1934).
- Pitman, J., 'Tradition and exclusion: parochial officeholding in early modern England, a case study from north Norfolk, 1580–1640', *Rural History*, 15 (2004), 27–45.
- Poos, L.R., 'The rural population of Essex in the later Middle Ages', *EcHR*, 38 (1985), 515–30.
- A Rural Society after the Black Death: Essex, 1350–1525* (Cambridge, 1991).
- 'The social context of Statute of Labourers enforcement', *Law and History Review*, 1 (1983), 27–52.
- Pound, J., *Poverty and Vagrancy in Tudor England* (London, 1971).
- Powell, E., 'The administration of criminal justice in late-medieval England: peace sessions and assizes' in R. Eales and D. Sullivan (eds.), *The Political Context of the Law: Proceedings of the Seventh British Legal History Conference, Canterbury, 1985* (London, 1987), 49–60.
- Kingship, Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989).
- Putnam, B.H., *The Enforcement of the Statutes of Labourers during the First Decade after the Black Death, 1349–1359* (New York, 1908).
- 'The transformation of the Keepers of the Peace into the Justices of the Peace, 1327–1380', *Transactions of the Royal Historical Society*, 12 (1929), 19–48.
- Raftis, J.A., 'Changes in an English village after the Black Death', *Mediaeval Studies*, 29 (1967), 158–77.
- 'The concentration of responsibility in five villages', *Mediaeval Studies*, 28 (1966), 92–118.
- Peasant Economic Development within the English Manorial System* (Montreal, 1997).
- 'Social structures in five East Midland villages: a study of possibilities in the use of court roll data', *EcHR*, 18 (1965), 83–100.
- Tenure and Mobility: Studies in the Social History of the Mediaeval English Village* (Toronto, 1964).
- Randall, J., *Worfield and its Townships: Being a History of the Parish from Saxon to Norman Times* (Madeley, 1887).
- Razi, Z., 'Family, land and village community in later medieval England', *P&P*, 93 (1981), 3–36.

Bibliography

- Life, Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen, 1270–1400* (Cambridge, 1980).
- ‘Serfdom and freedom in medieval England: a reply to the revisionists’ in Coss and Wickham (eds.), *Rodney Hilton’s Middle Ages*, 182–7.
- ‘The struggles between the Abbots of Halesowen and their tenants in the thirteenth and fourteenth centuries’ in J. Thirsk, T.H. Aston, C.C. Dyer and P.R. Coss (eds.), *Social Relations and Ideas: Essays in Honour of R.H. Hilton* (Cambridge, 1983), 151–67.
- ‘The Toronto School’s reconstitution of medieval peasant society: a critical view’, *P&P*, 85 (1979), 141–57.
- Razi, Z., and Smith, R.M., ‘The origins of the English manorial courts as a written record: a puzzle’ in Razi and Smith (eds.), *Medieval Society*, 36–68.
- Razi, Z. and Smith, R.M. (eds.), *Medieval Society and the Manor Court* (Oxford, 1996).
- Reynolds, S., *Kingdoms and Communities in Western Europe, 900–1300*, 2nd edn (Oxford, 1997).
- Rigby, S.H. (ed.), *A Companion to Britain in the Late Middle Ages* (Oxford, 2003).
- English Society in the Later Middle Ages: Class, Status and Gender* (Basingstoke, 1995).
- Rollison, D., *A Commonwealth of the People: Popular Politics and England’s Long Social Revolution, 1066–1649* (Cambridge, 2010).
- Rosser, G., ‘Going to the fraternity feast: commensality and social relations in late medieval England’, *JBS*, 33 (1994), 430–46.
- Salzman, L.F. et al. (eds.), *The Victoria History of the County of Cambridgeshire and the Isle of Ely*, 10 vols. (London, 1938–2002).
- Schneider, E.B., ‘Prices and production: agricultural supply response in fourteenth-century England’, *ECHR*, 67 (2014), 66–91.
- Schofield, P.R., ‘England: the family and the village community’ in Rigby (ed.), *Companion to Britain*, 26–46.
- ‘Extranei and the market for customary land on a Westminster Abbey manor in the fifteenth century’, *AgHR*, 49 (2001), 1–16.
- ‘The late medieval view of frankpledge and the tithing system: an Essex case study’ in Razi and Smith (eds.), *Medieval Society*, 408–49.
- Peasant and Community in Medieval England, 1200–1500* (Basingstoke, 2003).
- Peasants and Historians: Debating the Medieval English Peasantry* (Manchester, 2016).
- ‘Peasants and the manor court: gossip and litigation in a Suffolk village at the close of the thirteenth century’, *P&P*, 159 (1998), 3–42.
- Schofield, R.S., *Taxation under the Early Tudors* (Oxford, 2004).
- Scott, T., *Society and Economy in Germany, 1300–1600* (London, 2001).
- Seebohm, F., *The English Village Community* (London, 1883).
- Shagan, E.H., ‘The two republics: conflicting views of participatory local government in early Tudor England’ in J.F. McDiarmid (ed.), *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson* (Aldershot, 2007), 19–36.
- Sharpe, J.A., *Crime in Early Modern England, 1550–1750* (London, 1984).
- Sharpe, P., *Population and Society in an East Devon Parish: Reproducing Colyton, 1540–1840* (Exeter, 2002).
- Shaw-Taylor, L., ‘The management of common land in the lowlands of southern England, c.1500–c.1850’ in De Moor, Shaw-Taylor and Warde (eds.), *Management of Common Land*, 59–85.

Bibliography

- Slack, P., *Poverty and Policy in Tudor and Stuart England* (London, 1988).
- Smith, J., *Worfield: the History of a Shropshire Parish from Earliest Times* (Perton, 2017).
- Smith, R.M., 'Contrasting susceptibility to famine in early fourteenth- and late sixteenth-century England: the significance of late medieval rural social structural and village governmental changes' in M.J. Braddick and P. Withington (eds.), *Popular Culture and Political Agency in Early Modern England and Ireland: Essays in Honour of John Walter* (Woodbridge, 2017), 35–54.
- 'Death and local political responses: 1280–1325 and 1580–1596/97 compared' in Kowaleski, Langdon and Schofield (eds.), *Peasants and Lords*, 377–406.
- '"Modernization" and the corporate village community in England: some sceptical reflections' in A.R.H. Baker and D. Gregory (eds.), *Explorations in Historical Geography: Interpretive Essays* (Cambridge, 1984), 140–79.
- 'Some thoughts on "hereditary" and "proprietary" rights in land under customary law in thirteenth and fourteenth century England', *Law and History Review*, 1 (1983), 95–128.
- Spufford, M., 'Puritanism and social control?' in A.J. Fletcher and J. Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985), 41–57.
- Sreenivasan, G.P., *The Peasants of Ottobeuren, 1487–1726: a Rural Society in Early Modern Europe* (Cambridge, 2004).
- Stone, D., *Decision-Making in Medieval Agriculture* (Oxford, 2005).
- 'Medieval farm management and technological mentalities: Hinderclay before the Black Death', *EcHR*, 54 (2001), 612–38.
- 'The reeve' in S.H. Rigby (ed.) with the assistance of A. Minnis, *Historians on Chaucer: the 'General Prologue' to the Canterbury Tales* (Oxford, 2014), 399–420.
- Suckling, A.I., *The History and Antiquities of the County of Suffolk*, 2 vols. (London, 1846–8).
- Summerson, H., 'The enforcement of the Statute of Winchester, 1285–1327', *Journal of Legal History*, 13 (1992), 232–50.
- Taylor, C., '"A place there is where liquid honey drops like dew": the landscape of Little Downham, Cambridgeshire, in the twelfth century', *Landscape History*, 31 (2010), 5–23.
- Thirsk, J., *English Peasant Farming: the Agrarian History of Lincolnshire from Tudor to Recent Times* (London, 1957).
- Thornton, M., 'Lord's man or community servant? The role, status, and allegiance of village haywards in fifteenth-century Northamptonshire' in S. Turner and R.J. Silvester (eds.), *Life in Medieval Landscapes: People and Places in the Middle Ages. Papers in Memory of H.S.A. Fox* (Oxford, 2012), 213–24.
- Titow, J.Z., *English Rural Society, 1200–1350* (London, 1969).
- Underdown, D., *Revel, Riot and Rebellion: Popular Politics and Culture in England, 1603–1660* (Oxford, 1985).
- van Bavel, B., *Manors and Markets: Economy and Society in the Low Countries, 500–1600* (Oxford, 2010).
- van Zanden, J.L., Buringh, E. and Bosker, M., 'The rise and decline of European parliaments, 1188–1789', *EcHR*, 65 (2012), 835–61.
- Verduyn, A., 'The commons and early Justices of the Peace under Edward III' in P. Fleming, A. Gross and J.R. Lander (eds.), *Regionalism and Revision: the Crown and its Provinces in England, 1200–1650* (London, 1998), 87–106.

Bibliography

- Vinogradoff, P., *Villainage in England* (Oxford, 1892).
- Volckart, O., 'Village communities as cartels: problems of collective action and their solutions in medieval and early modern central Europe', *Homo Oeconomicus*, 21 (2004), 21–40.
- Waddell, B., 'Governing England through the manor courts, 1550–1850', *Historical Journal*, 55 (2012), 279–315.
- Walker, S., 'Order and law' in Horrox and Ormrod (eds.), *Social History of England*, 91–112.
- Walter, J., 'Authority and protest' in Wrightson (ed.), *Social History of England*, 221–41.
- 'The social economy of death in early modern England' in Walter and Schofield (eds.), *Famine, Disease and the Social Order*, 75–128.
- Walter, J. and Schofield, R., 'Famine, disease and crisis mortality in early modern society' in Walter and Schofield (eds.), *Famine, Disease and the Social Order*, 1–74.
- Walter, J. and Schofield, R. (eds.), *Famine, Disease and the Social Order in Early Modern Society* (Cambridge, 1989).
- Watson, C., "'To beare the towne harmles": manorial regulation of mobility and settlement in early modern Lancashire', *Rural History*, 28 (2017), 119–35.
- Watts, J., 'The pressure of the public on later medieval politics' in Clark and Carpenter (eds.), *Political Culture*, 159–80.
- 'Public or plebs: the changing meaning of 'the Commons', 1381–1549' in H. Pryce and J. Watts (eds.), *Power and Identity in the Middle Ages: Essays in Memory of Rees Davies* (Oxford, 2007), 242–60.
- Whittle, J., *The Development of Agrarian Capitalism: Land and Labour in Norfolk, 1440–1580* (Oxford, 2000).
- 'Individualism and the family–land bond: a reassessment of land transfer among the English peasantry, c.1270–1580', *P&P*, 160 (1998), 25–63.
- 'Land and people' in Wrightson (ed.), *Social History of England*, 152–73.
- 'Lords and tenants in Kett's Rebellion, 1549', *P&P*, 207 (2010), 3–52.
- 'Tenure and landholding in England, 1440–1580: a crucial period for the development of agrarian capitalism?' in B.J.P. van Bavel and P. Hoppenbrouwers (eds.), *Landholding and Land Transfer in the North Sea Area (late Middle Ages–19th century)* (Turnhout, 2004), 237–49.
- Whittle, J. and Griffiths, E., *Consumption and Gender in the Early Seventeenth-Century Household: the World of Alice Le Strange* (Oxford, 2012).
- Whittle, J. and Rigby, S.H., 'England: popular politics and social conflict' in Rigby (ed.), *Companion to Britain*, 65–86.
- Whittle, J. and Yates, M., "'Pays réel or pays légal"? Contrasting patterns of land tenure and social structure in eastern Norfolk and western Berkshire, 1450–1600', *AgHR*, 48 (2000), 1–26.
- Winchester, A.J.L., *The Harvest of the Hills: Rural Life in Northern England and the Scottish Borders, 1400–1700* (Edinburgh, 2000).
- 'Upland commons in northern England' in De Moor, Shaw–Taylor and Warde (eds.), *Management of Common Land*, 33–57.
- Winchester, A.J.L. and Straughton, E.A., 'Stints and sustainability: managing stock levels on common lands in England, c.1600–2006', *AgHR*, 58 (2010), 30–48.

Bibliography

- Wood, A., *The 1549 Rebellions and the Making of Early Modern England* (Cambridge, 2007).
- Faith, Hope and Charity: English Neighbourhoods, 1500–1640* (Cambridge, 2020).
- Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke, 2002).
- Workman, K.J., ‘Manorial estate officials and opportunity in late medieval English society’, *Viator: Medieval and Renaissance Studies*, 26 (1995), 223–40.
- Wrightson, K., ‘Aspects of social differentiation in rural England, c.1580–1660’, *Journal of Peasant Studies*, 5 (1977), 33–47.
- ‘The “decline of neighbourliness” revisited’ in D.R. Woolf and N.L. Jones (eds.), *Local Identities in Late Medieval and Early Modern England* (Basingstoke, 2007), 19–49.
- Earthly Necessities: Economic Lives in Early Modern Britain* (New Haven, CT, 2000).
- English Society, 1580–1680* (London, 1982).
- ‘Medieval villagers in perspective’, *Peasant Studies*, 7 (1978), 203–16.
- ‘The politics of the parish in early modern England’ in Griffiths, Fox and Hindle (eds.), *Experience of Authority*, 10–46.
- ‘The social order of early modern England: three approaches’ in L. Bonfield, R. M. Smith and K. Wrightson (eds.), *The World We Have Gained: Histories of Population and Social Structure* (Oxford, 1986), 177–202.
- ‘“Sorts of People” in Tudor and Stuart England’ in J. Barry and C. Brooks (eds.), *The Middling Sort of People: Culture, Society and Politics in England, 1550–1800* (Basingstoke, 1994), 28–51.
- ‘Two concepts of order: justices, constables and jurymen in seventeenth-century England’ in J. Brewer and J. Styles (eds.), *An Ungovernable People: the English and Their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), 21–46.
- Wrightson, K. (ed.), *A Social History of England, 1500–1700* (Cambridge, 2017).
- Wrightson, K. and Levine, D., *Poverty and Piety in an English Village: Terling, 1525–1700*, rev. edn (Oxford, 1995).
- Wrigley, E.A. and Schofield, R.S., *The Population History of England, 1541–1871: a Reconstruction* (London, 1981).
- Xu, M., ‘Analysing the actions of the rebels in the English Revolt of 1381: the case of Cambridgeshire’, *EcHR*, 75 (2022), 881–902.
- Yates, M., *Town and Countryside in Western Berkshire, c.1327–c.1600: Social and Economic Change* (Woodbridge, 2007).
- Younger, N., *War and Politics in the Elizabethan Counties* (Manchester, 2012).

UNPUBLISHED DISSERTATIONS

- McGibbon Smith, E.N., ‘Reflections of reality in the manor court: Sutton-in-the-Isle, 1308–1391’, unpublished Ph.D. thesis, University of Cambridge (2006).
- Owen, G., ‘A comparative study of rural and urban manorial officialdom in the later medieval period’, unpublished Ph.D. thesis, University of Birmingham (2021).
- Tompkins, M., ‘Peasant society in a Midlands manor: Great Horwood, 1400–1600’, unpublished Ph.D. thesis, University of Leicester (2006).

Bibliography

DATA SETS

- Satchell, A.E.M., Kitson, P.K., Newton, G.H., Shaw-Taylor, L. and Wrigley, E.A. *1851 England and Wales Census Parishes, Townships and Places* (UK Data Archive, 2018).
- Satchell, A.E.M., Kitson, P.K., Newton, G.H., Shaw-Taylor, L., Wrigley, E.A. and Stanning, G., *1831 England and Wales Ancient Counties* (UK Data Archive, 2018).
- Satchell, A.E.M., Kitson, P.K., Newton, G.H., Shaw-Taylor, L., Wrigley, E.A. and Stanning, G., *1831 England and Wales Census Hundreds and Wapentakes* (UK Data Archive, 2018).

INDEX

- Abergavenny, Lord, 224
Abers, Thomas, 214
affeerors
 found in case studies, 25
 service as by free, 125
Aldith, Roger, 75
Aldous, Richard, 195
ale tasters
 found in case studies, 25
 role of, 3, 96
 service as by free, 125
Alrewas (Staffs.), 85, 121
Andwell (Hants.), 123
Ash (Surr.), 123, 125
assize, courts of, 59, 183
Atte Lane, John, jnr, 241
Atte Lane, John, snr, 241
Atte Well, Alexander, 128
Atte Wode, Philip, 129
Atte Yate, John, 219
Ault, Warren, 146, 166
- Bailey, Mark, 27, 30, 119, 127, 140, 146
bailiffs
 hundred, 187, 195, 220
 manorial, 28, 32, 74, 76, 77, 80, 128–9, 140, 155, 195
Bale (Norf.), 210, 211
Barker, Roger, 197
Barnet (Herts.), 121
Barrett, Humphrey, 193
Bateman, Nicholas, 221
beadles
 found in case studies, 25
 role of, 3, 96
 selection of, 72, 74–5
 service as by free, 123
Beaminster (Dors.), 90
Beauchamp family, 29
- Beckerman, John, 83, 121
Beeston (Norf.), 40
Bennett, H.S., 4
Bible, Authorised version of 1539, 181
Billingham (Dur.), 18, 90
Billingsley, Richard, 82
Billingsley, William, 193
Birdbrook (Essex), 85, 124, 125,
Black Death
 and ‘crisis of management’, 77
 economic effects, 118
 impact on manorial structures, 3, 8–10, 35, 53
 impact on proportion of population serving in
 office, 94–5, 115
 impact on serfdom, 121, 134
 impact on village community, 6, 7
 social effects, 149
Blanchard, Ian, 6
Blockmans, Wim, 236
Blythburgh (Suff.), 181, 194
Boldinge, Sir Francis, 183
Book of Brome, 39
Book of Common Prayer, 183
Book of Sports, 184
Botelho, Lynn, 187
Bradeney, John, 100
Bradford-on-Tone (Som.), 79
Braiseworth (Suff.), 124
Bramfield (Suff.), 124, 125
Brancaster (Norf.), 207, 212–13
Brenner, Robert, 233
Bridgnorth (Salop.), 28, 156, 181–4
Briggs, Christopher, 80
Britton, Edward, 17, 90
Bromley, John, 219
Broughton (Hunts.), 17
Buk, John, 241
Buk, John, jnr, 89
Buk, Robert, 73

Index

- Buk, Thomas, 155
Buk Bateman, John, 73, 241
Bungay (Suff.), 182
Burdon, Robert, 72
Bushbury (Staffs.), 181
Buxham, John, 219
bylawmen
 found in case studies, 25
 role of, 3, 96, 169, 173
- Caen, Abbey of, 24
Cam, Helen, 205
capital pledges
 and corporate identity, 71, 87
 found in case studies, 25
 and manorial boundaries, 157
 presentments of, 212, 213, 214
 role in choosing constables, 213, 217
 service as by free, 125
- Castowe, Richard, 223
Catstre, Roger, 197
Charles I, 206, 207
Charles, Nicholas, 82
Chatteris (Cams.), 160
Child, John, 220
churchwardens
 and manor court, 201, 228
 role of, 12, 69
 and state formation, 179, 180–7, 200
 wealth of officeholders, 68
- Clanchy, Michael, 39
Clidehowe, Clement, 72
Cok, Richard, 86
Cok, Simon, 38
Coke, Sir Edward, 26, 195
Cole, Thomas, 81
Coleman, Clare, 27, 170
collectors of the poor, 69
Colleson, John, 73
Colleson, John, jnr, 89
Colleson, Thomas, 73, 100, 101
Coltishall (Norf.), 22–6, 63, 76, 130, 157–9
commissioners of bows and artillery, 183
common lands
 hiring of oxherd, 214
 and inequality, 230, 233
 presentments concerning, 239
 role of manor court in monitoring, 10, 36, 146, 227–8, 236
 role of officials in monitoring, 236
 and social control, 174
commonplace book of Robert Reynes, 39, 200
constables
 aided by churchwardens, 182, 183
 found in case studies, 25
 incentives of officeholders, 16
 limitations as officials of state, 15
 and manor court, 211–14, 225–6, 228
 and ‘middling sort’, 174
 monitored by churchwardens, 198–9, 221
 and quarter sessions, 207–11
 role of, 3, 12
 and state formation, 205–7, 224
- Constance, Earl Marshall, 26
Cook, William, 100
Cornwall, Dukes of, 31
Cosens, Robert, 102, 104, 108
Coupere, Agnes, 139
Coupere, Alice, 157
Cratfield (Suff.), 26–7
 capital pledges
 non-appearance, 127
 patterns of service, 110
 refusal to be sworn, 85
 and tithing system, 84–5
 capping legislation, enforcement of, 194
 churchwardens
 presented for not maintaining butts, 198
 role in holding manor court, 195
 service by as jurors, 190
 service by in manorial office, 188–9, 193
 survival of accounts, 179
 transformation of role, 180–7
 collective annual payments to lord, 49
 concerns about boundaries, 156–7, 159
 concerns over landscape, 161
 constables
 assaulted tenant, 222
 ordered to be sworn before magistrate, 218
 service by in manorial office, 215, 225
 gaming legislation, enforcement of, 57
 impact of enclosure, 161–3, 172
 jurors baron
 given delay, 38
 patterns of service, 110
 officials
 patterns of service, 112
 proportion of population serving, 91–4, 116
 selection body, 79
 women serving, 88
 parish
 geographical relationship with manor, 199
 role in gift economy, 196
 presentments
 concerning assize, 54, 59
 concerning community, 62
 concerning dilapidated property, 49
 concerning illicit land transfers, 49
 concerning land transfers, 62

Index

- concerning lord's rights, 51
- concerning peacekeeping, 54
- concerning seigniorial resources, 50
- concerning suit of court, 52
- concerning tithing system, 56
- seigniorial, 53
- reeves
 - patterns of service, 100
 - selection process, 73
- residual leets, development of, 83
- serfdom
 - control of movement, 140
 - labour services, 134
 - leyrwrite, 134
 - marriage fines, 136
 - personal servility, 126
- tasters
 - patterns of service, 104
- Crostwick (Norf.), 157
- Crowland Abbey (Cambs.), 122
- Crowley, D.A., 85
- Curtis, Daniel, 233
- Cuxham (Oxon.), 76

- Dalgate, Katherine, 40
- Davenport, William, 101
- de Castel, Alice, 224
- de Coppeley, Henry, 121
- Dennison, Tracy, 235, 237
- DeWindt, Anne, 6
- Deye, John, 38
- Dilly, William, 102, 104
- Directory of Worship, 183
- Dorchester (Dors.), 31
- Dowelle, Richard, 151
- Downing, Nicholas, 129
- Drayton, John, 129
- Drungewick (Suss.), 74
- Dunstable, John, 72
- Durham, bishopric of, 121
- Durrington (Wilts.), 123, 125
- Dyer, Christopher, 10, 17, 115

- Earls Colne (Essex), 124, 177
- Edward IV, 24
- Edward VI, 181
- Ellington (Hunts.), 7, 90
- Ely (Cambs.), 27, 155, 160
- Ely Coucher Book, 135, 169
- Ely, Bishop of, 27, 220
- Ely, Prior of, 52
- English Civil War, 14, 20, 202, 225, 231
- Evans, Ralph, 34

- Fasselyn, John, 222
- Felsted (Essex), 75
- fieldreeves
 - found in case studies, 25
 - role of, 96, 173
- Fordington (Dors.), 31–2
 - archery legislation, enforcement of, 58
 - collective payments made to lord, 49
 - concerns about boundaries, 160
 - concerns over landscape, 165–8
 - constables
 - manor court used to monitor, 221–2
 - selection body, 217
- fieldreeves
 - monitored pasture rights, 167
 - patterns of service, 102–4
- gaming legislation, enforcement of, 57
- jurors leet
 - role of, 84
 - sworn for year, 82
- labour legislation, enforcement of, 57
- messors
 - patterns of service, 102
- misconduct
 - heightened monitoring of misbehaviour, 150–1
- named suitors
 - selection process, 83–4
- officials
 - patterns of service, 113
 - proportion of population serving, 91–5, 116
 - women serving, 88
- parish
 - use of manor court to enforce decisions, 200
- presentments
 - concerning assize, 55, 59
 - concerning community, 61
 - concerning dilapidated property, 53
 - concerning illicit land transfers, 50
 - concerning land transfers, 62
 - concerning lord's rights, 51
 - concerning peacekeeping, 54
 - concerning seigniorial resources, 50
 - concerning tithing system, 56
 - seigniorial, 64
- reeves
 - landholding sizes of, 74
 - patterns of service as reeve, 102
- serfdom
 - control of movement, 139
 - labour services, 134
 - leyrwhite, 134
 - marriage fines, 136

Index

- Fordington (Dors.) (cont.)
tithingmen
 patterns of service, 107
 refused to select, 129
- Forngett (Norf.), 211
- Forrest, Ian, 18, 69, 90, 173, 230
- Forrest, Mark, 88
- Frary, Martin, 213
- French, Henry, 90, 95, 177
- Fretenham (Norf.), 157–9
- Freyner, Johanna, 148
- Friedland (Bohemia), 235
- Garbot, Thomas, 193
- Gerbod, Roger, 112, 190
- Germany, 232
- Gibson, Richard, 217
- Gimingham Lancaster (Norf.), 207, 210, 212–14
- Glastonbury, Abbey of, 73, 121
- Goldie, Mark, 69
- Great Famine of 1315–21, 149
- Grene, Walter, 80
- Guldon, Thomas, 194
- Gunn, Steven, 13–14
- Gyles, Isabel, 148
- Gysles, John, 104
- Haddeston in Bunwell (Norf.), 121
- Halesworth (Suff.), 26
- Haselwood, Richard, 193
- Haselwood, William, 193
- Hastings family, 29
- Hatcher, John, 139
- Haukyn, John, 171
- Havering (Essex), 76
- Henry III, 130
- Henry IV, 130
- Henry VIII, 181, 207
- Heyne, William, 107
- high constables, 183
- Hilton, Rodney, 154
- Hindle, Steve, 14, 36, 68, 176–7, 201
- Hindolveston (Norf.), 207, 210, 212–13
- Hitchcocks, Roger, 107
- Homans, George, 5–7
- Horsham St Faiths (Norf.), 207, 212–14
- Horstead (Norf.), 21–6
 capital pledges
 measured depth of water, 38
 non-appearance, 82
 and tithing system, 84
 concerns about boundaries, 156–9
 concerns about gaming, 152
 concerns over landscape, 161
- constables
 breaking arrest of, 219
 disobedient towards, 223
 refused to take oath, 217
 service by in manorial offices, 215
- impact of enclosure, 60, 164, 172
- jurors
 distinction of types, 86
 lord's rights to ameracements, 155
 refused to serve, 129–30
 turnover, 82
- jurors baron
 patterns of service, 110
- labour legislation, enforcement of, 57
- misconduct, 151
- officials
 patterns of service, 112
 proportion of population serving, 91–5, 116
 women serving, 88
- parish
 use of manor court to protect property, 199
- presentments
 changing deathbed transfer, 39
 concerning assize, 54, 59
 concerning community, 61–2
 concerning damage to lord's crops, 52
 concerning illicit land transfers, 49
 concerning infrastructure, 60
 concerning land transfers, 62
 concerning lord's rights, 51
 concerning peacekeeping, 54
 concerning seigniorial livestock, 51
 concerning seigniorial resources, 50
 concerning suit of court, 52
 concerning tithing system, 56
 seigniorial, 53
- reeves
 nominal, 76
 refused to choose, 130–2
- residual leets, development of, 83
- serfdom
 control of movement, 140
 labour services, 135
 leyrwite, 134
 marriage fines, 136
- tasters
 patterns of service, 104
- Houston, Rab, 205
- Howard family, 26
- Hoyle, Richard, 14, 177, 201
- Huggen, William, 107
- Hulver, Marion, 223
- Humfrey, John, 104
- Huntingfield Hall (Suff.), 195

Index

- Ingram, Richard, 217
- Jacob, Simon, 72, 174
- Jannes, John, 190
- Jenny, Simon, 72
- Jennys, John, 72
- Johnson, Noel, 231
- Johnson, Tom, 11, 39, 49, 66, 70, 115, 146, 175, 201, 228
- Johnsons, Thomas, 213
- Joseph, Thomas, 132
- jurors baron
- found in case studies, 25
 - presentments of, 37
 - role in selecting constables, 217
 - service as by free, 125
- jurors leet
- found in case studies, 25
 - presentments of, 37, 42, 240
 - role in choosing constables, 217
 - service as by free, 125
 - statute legislation, 59
- Justices of Assize, 208
- Justices of the Peace (JPs), 1, 13, 144, 184, 194, 203–14, 218, 224–6, 228,
- Keable, Robert, 187
- Kede, Simon, 100
- Kempe, Nicholas, 40
- Kent, Joan, 206, 220, 225, 226
- Kettleborough (Suff.), 75
- Kett's Rebellion of 1549, 14, 120, 229
- Kilby, Susan, 146
- King's College, Cambridge, 24
- Kingslowe, Roger of, 127
- Koyama, Mark, 231
- land transfers, 62, 239
- Langham (Norf.), 211
- Lapley (Staffs.), 181
- Larson, Peter, 70, 90, 121
- Laughton (Suss.), 75
- Lawen, Juliana and William, 224
- Lawrence, John, 108
- Leche, Robert, 57
- Levine, David, 68, 115
- Lichfield (Staffs.), 181–2
- Little Downham (Cambs.), 27–8
- bylawmen
 - patterns of service, 102
 - bylaws concerning labour, 171–4
 - capital pledges
 - order to view drain, 38
 - patterns of service, 110
 - selection process, 86
 - and tithing system, 84
 - collective payments made to lord, 49
 - concerns about boundaries, 155, 160–1
 - concerns over landscape, 168–72
 - constables
 - breaking arrest of, 219, 223
 - integration into manorial structures, 220–1, 226
 - refused to take oath, 217
 - service by in manorial office, 215
 - gaming legislation, enforcement of, 57
 - jurors
 - did not come to hear charge, 38
 - distinction of types, 86
 - turnover, 82
 - jurors baron
 - patterns of service, 110
 - labour legislation, enforcement of, 57
 - messors
 - patterns of selection, 88–9
 - patterns of service, 100, 101
 - refused to serve, 80, 128
 - misconduct
 - concern about strangers, 149
 - heightened monitoring of behaviour, 149–50
 - prostitutes ordered to abjure vill, 148
 - punishment of scolds, 148
 - officials
 - collective refusal to serve, 129
 - patterns of service, 111
 - proportion of population serving, 91–5, 116
 - selection body, 78
 - selection process, 77
 - women serving, 88
 - presentments
 - concerning assize, 55
 - concerning community, 60–2
 - concerning damage to lord's crops, 52
 - concerning dilapidated property, 49
 - concerning illicit land transfers, 50
 - concerning inheritance, 62
 - concerning land transfers, 63
 - concerning lord's rights, 51
 - concerning peacekeeping, 54
 - concerning seigniorial livestock, 51
 - concerning seigniorial resources, 50
 - concerning suit of court, 52
 - concerning tithing system, 56
 - seigniorial, 53, 64
 - reeves
 - ordered to seize fled serfs, 140
 - ordered to seize lands, 136
 - patterns of service, 100, 101
 - selection process, 72
 - residual leets, development of, 83

Index

- Little Downham (Cambs.) (cont.)
serfdom
 control of movement, 139–40
 labour services, 135–6
 leyrwite, 134
 marriage fines, 136
 restrictions on sales of livestock, 134
tasters
 patterns of service, 104–7
- Littleport (Cambs.), 155
- lords
 decline of traditional role, 3, 9–10, 229
 expectations of demesne managers, 4
 and leasing of demesnes, 8, 20
 and logic of collective selection of officials,
 79–80, 114
 relationship with communal structures, 233–6
 relationship with tenants, 7, 35, 66–7, 119–20,
 142–3, 195, 199, 229–30
 rights enforced through manor court, 34–5,
 36, 53
 role in selecting officials, 75–7
 specific relationship with village political
 structures in England, 236–7
- Low Countries, 232–5
- Lyme, James, 212
- Lyntley, William, 217
- McIntosh, Marjorie, 11, 20, 58, 145, 150
- Malham, Richard de, 74
- Manea (Cambs.), 155
- manners, reformation of, 238
- Massingham, John, 211
- Mayton (Norf.), 159
- Meauwe, Richard, 211
- messors
 choosing freemen as, 121
 found in case studies, 25
 requirement to serve in office, 127
 role of, 3, 96
 selection of, 72
- middling sort, 1, 17, 18, 108, 147, 154, 176, 177,
 185
 ambivalent relationship with state, 15, 16
 medieval parallels, 173–5, 228
 rise of, 3, 13, 68, 71, 110, 116, 144, 230–1
 use of manor, 201
- Mileson, Stephen, 146
- Miller, Edward, 139
- Miller, William, 102
- misconduct
 concern of village elites, 153, 173–4
 definition of, 42, 239
 monitoring of, 228
 presentments of, 212
- Modus Tenendi Curias*, 39, 82
- Moles, John, 132
- Mony, Thomas, 213
- Morfe, Forest of, 30, 156, 165
- Mowbray family, 26
- Mowtyng, William, 112
- named suitors
 found in case studies, 25
- Natyl, Bartholomew, 78
- neighbourliness, decline of, 13, 17, 144
- Neville family, 29
- Newport Pond (Essex), 90
- Norfolk, Dukes of, 26
- North, Edward, 136
- Norton (Dur.), 18, 90
- Norwich (Norf.), 21, 40
- officials
 connection of service to landholding,
 86–7
 definition of ‘selected officials’, 70
 definition of ‘empanelled officials’, 71
 inequality in service as, 113
 patterns of service of, 108
- Ogilvie, Sheilagh, 235, 237
- Ogod, William, 79
- Olson, Sherri, 6–7, 154
- Orford, William, 222
- Ottobouren (Germany), 233, 234
- overseers of the poor, 12, 174, 177, 178, 184, 211
- Owen, Grace, 121, 132
- Page, Alice, 150
- Page, Frances, 122
- parish, 1, 9, 13, 16, 21, 149, 205
 civil, 20, 176, 224, 228–9, 231, 237
 dominance of by elites, 69
 and poor rates, 14, 144
 relationship with manor, 179, 193–202
- Pattingham (Salop.), 156
- peacekeeping, 146, 175, 183, 204, 208, 214, 220,
 223, 236, 239
- Peasants’ Revolt of 1381, 118, 120, 229
- Pepiz of Cottenham, John, 122
- Peterborough (Cambs.), 39
- Pitman, Jan, 69
- Ponchardon, John, 220
- Posos, Lawrence, 206
- presentments
 identification of, 239
 overall pattern, 42–8
 procedure by which juries made, 38–41
- Preston, George, 213
- Pytelyng, Richard, 218

Index

- quarter sessions, 1, 32, 54, 59, 66, 152, 203–14,
219, 222, 224–6, 228–9, 231, 237
jurors of, 68
records analysed, 207
- Radbode, Thomas, 129
Raffis, J.A., 5
Rede, Thomas, 40
Redgrave (Suff.), 79
reeves
dispute over right to select, 80–1
found in case studies, 25
providing route to leasing from lord, 9
relationship to state, 16
requirement to serve in office, 127
role of, 3, 5, 96
selection of, 72
service as by unfree, 121–2
- Reformation, 178, 181–4
Rickingham (Suff.), 78
Risburghe, William, 213
Rollison, David, 17
Rote, John, 102
Rote, Robert, 80, 128
Rowley, John, 193
Rowley, John of, 128
Rowley, William, 197
Rowley of Newton, William, 241
Rowley of Wyke, William, 241
Rowlowe, Richard, 112
- Scandinavia, 232–5
Schofield, Phillip, 85, 125
Scrope, Richard, 155
Scut, William, 101, 102
Second Serfdom, 232, 234–6
Sedgeford (Norf.), 207, 213
Segatt, Thomas, 218
seignorial reaction, 118
Selot, John, 63
Seneschaucy, 80
serfdom
control of movement, 139–42
decline of, 9, 11, 20, 66, 118–19, 127, 234
as exploitative relationship, 118
labour services, 35, 117–19, 141
leyrwite, 11, 141
limited enforcement of by officials, 142
limits of, 35
marriage fines, 141
personal servility, 125–6
restrictions on sale of livestock, 141
- Sessions of Assize, 204
Shelfanger (Norf.), 210, 211
Sherringe, Francis, 213
Shifnal (Salop.), 194
Shreve, Robert, 159
Shrewsbury (Salop.), 219
Sishwell, William, 212
Sizewell (Suff.), 183
Smith, Jane, 196
Smith, Richard, 15, 18, 201
Smyth, Idonia, 63
Smyth, Robert, 100
Spark, William, 132, 141
Spufford, Margaret, 11, 145
Sreenivasan, Govind, 233
St John's hospital, Master of, 52
Stanfield (Norf.), 211
Stanlowe, Stephen, 219
state
alliances with local communities, 234, 235
capacity, 231–2
formation, 3, 176, 179, 201–2, 206–7, 226,
228, 230–1, 238
and incorporation of local elites, 12–13, 177
interactions with communities in the Middle
Ages, 15–17, 18
specific relationship with village political
structures in England, 237
- statute legislation
asize of bread and ale, 3, 59, 65, 66, 96, 150,
204, 211, 239
and courts leet, 58–9, 65, 67, 228
growth of, 203, 205, 208
labour, 16, 203, 206, 208–9, 214, 224
Statute of Labourers, 15, 205
poor laws, 13, 144, 152–3, 183–4, 211–12
Statute of Artificers, 57
Statute of Winchester, 208, 213, 220
- Stephenson, Thomas, 89
Stockton and Higford (Salop.), 156
Stokenham (Devon), 80–1
Stom, Elizabeth, 222
Stone, David, 121
Stoneleigh (Warks.), 79
Stourton, Arthur, 81
Straven, Sir John, 218
Styward, John, 132
Suffolk, Dukes of, 26
suit of court, 65, 85, 239
supervisors of highways, 214
Swallowfield (Wilts.), 1–2, 237–8
Swan, Richard, 150
Swancote, Adam, 107
Swanton, Walter, 132
- Tailour, Richard, 72
tenure, customary, 122–5, 126
Terling (Essex), 68, 115, 145

Index

- Teysard, Robert, 100
Thompson, William, 223
Thorncroft (Surr.), 34
tithing system
 peacekeeping role of, 85, 96, 114
tithingmen
 found in case studies, 25
 role of, 96
 services by free as, 123
Tolet, Thomas, 220
Tong (Salop.), 194
Toronto School, 5–8, 17, 36, 67, 69, 90, 114, 153
Tyrol, 232–3, 234
- Ufford (Suff.), 75, 124
Upwood (Hunts.), 7, 90
- vagrancy, 13, 144, 184, 209–11, 224
van Bavel, Bas, 233–4
Vernhams Dean (Hamps.), 123, 125
vestries, 68, 90, 174, 176–7, 185, 201, 202
Veyse, John, jnr, 149
vill
 found in case studies, 25
 as unit of royal administration, 15–16, 22–3,
 176, 207, 208, 213–15, 218–26, 228
Vinogradoff, Paul, 4
Volckart, Oliver, 233
Voshchazhnikov (Russia), 235
- Wacy, John, 129
Waddell, Brodie, 10
Wadesworth, Thomas de, 73
Wakefield (Yorks.), 73, 79, 121
Wales, Princes of, 31
Walhaugh, Robert, 104
Walker, Amica, 151
Walsh, Thomas, 86
Walsham, William, 221
Walter of Henley, 79
Wannerton, John, 188
Warrener, Henry, 89
Warter, William, 101
Watts, John, 115, 228
Wellington (Salop.), 182
Wermod, William, 112
Whitepayn, Richard, 86
Whittle, Jane, 204
Wicks, George, 211
Winchester College, 122
Witcham (Cambs.), 171
Wood, Andy, 14, 174
Woodstock, Thomas of, 24
Worfield (Salop.), 28–31
 affeerors
 refused to serve, 127
- archery legislation, enforcement of, 58
beadles
 patterns of service, 100–1
 role in land transfers, 62
 selection process, 75
capping legislation, enforcement of, 194
churchwardens
 interactions with jurors, 196–8
 made stocks, 193
 service by in manorial office, 190
 survival of accounts, 179
 transformation of role, 180–7
concerns about boundaries, 156
concerns about poor law burdens, 152–3
concerns over landscape, 161
constables
 interaction with manor, 224
 manor court used to monitor, 221
 ordered to be sworn before magistrate,
 218
 role in law enforcement, 219–20
 service by in manorial office, 215
gaming legislation, enforcement of, 57
hermitage, 166
impact of decentralised leet, 164–5, 172
jurors
 turnover, 82
jurors baron
 patterns of service, 110
jurors leet
 given charge, 38
 non-appearance, 82
 patterns of service, 110
 role of, 84
labour legislation, enforcement of, 57
lord's rights to escheats and forfeitures, 154
misconduct
 concern about strangers, 149
 heightened monitoring of misbehaviour,
 151
officials
 patterns of service, 111
 proportion of population serving, 95, 116
 selection body, 77–8
 selection process, 77
 women serving, 88
parish
 use of manor court to maintain, 199
presentments
 concerning assize, 55–6
 concerning illicit land transfers, 50
 concerning inheritance, 62
 concerning land transfers, 62
 concerning lord's rights, 51
 concerning peacekeeping, 54
 concerning seigniorial resources, 50

Index

- concerning suit of court, 52
- concerning tithing system, 57
- seigniorial, 64
- reeves
 - given orders alongside constable, 224
 - patterns of service, 97–100
 - role in land transfers, 62
- serfdom
 - control of movement, 139
 - labour services, 134–5
 - leyrwite, 134
 - marriage fines, 136–9
- tasters
 - patterns of service, 104–7
- vills
 - unit of local identity, 156, 164–5, 173
- Wrightson, Keith, 12–14, 17, 68, 115, 144, 154, 174, 205–6, 222, 231
- Wylbeye, Geoffrey, 159
- Wysbech, Beatrix, 150

