

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.

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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.

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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, Gimmingham 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

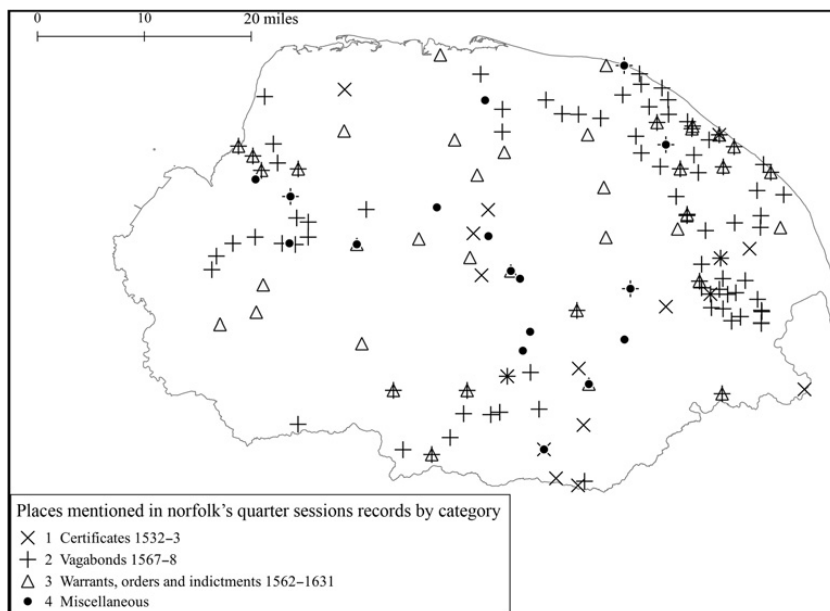
³² NRO, C/S 1/3; C/S 1/6; C/S 3/box 13A; C/S 3/box 28.

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, Hasingham, 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 3 14/w 1/1/255, 23 Apr. 1420.

⁷⁶ SA, p 3 14/w 1/1/234, 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, C 11/1/1–3, C 11/2/4–6. 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 3 14/1/1/4–178.

⁸¹ CUL, EDR, C 11/1/2, 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, C 11/1/3, 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.

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 ameracements 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 constableness 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.