

## 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’.<sup>1</sup> 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’.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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

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

<sup>2</sup> *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.

<sup>3</sup> 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.

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

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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.<sup>5</sup> Explicit references to officers associated with these tithings are made in articles 10 and 16, in the former that ‘all . . . offycers for the publike 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’.<sup>6</sup> 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’.<sup>7</sup> 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.<sup>8</sup> 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)

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

<sup>8</sup> 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.

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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

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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.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

<sup>9</sup> 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.

<sup>10</sup> D. Stone, *Decision-Making in Medieval Agriculture* (Oxford, 2005), 13–14, 168–9; B. Dodds, 'Demesne and tithes: 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.

<sup>11</sup> 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.

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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.<sup>12</sup> 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.<sup>13</sup> In his study of 1941, he emphasised the importance of manorial officeholding in creating social hierarchies, noting the existence of 'an aristocracy of jurymen'.<sup>14</sup>

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.<sup>15</sup> 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.<sup>16</sup> Despite discovering this evidence of stratification, the

<sup>12</sup> 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.

<sup>13</sup> 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.

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

<sup>15</sup> 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.

<sup>16</sup> 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*

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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.<sup>17</sup> 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.<sup>18</sup>

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.<sup>19</sup> 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.<sup>20</sup> Anne DeWindt suggested that this breakdown of community may in part have been caused by new post-Plague officers being less experienced.<sup>21</sup> 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.<sup>22</sup> 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.

<sup>17</sup> 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.

<sup>18</sup> 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.

<sup>19</sup> 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.

<sup>20</sup> 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.

<sup>21</sup> DeWindt, ‘Peasant power structures’, 249.

<sup>22</sup> 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.<sup>23</sup>

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.<sup>24</sup>

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'.<sup>25</sup> The contention that the village community declined after the Black Death has also been subject to specific criticism.<sup>26</sup> 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 amercedments without regard for the ability of villagers to pay.<sup>27</sup> The indicators used

<sup>23</sup> Olson, *Chronicle of All that Happens*, 195–203.

<sup>24</sup> 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.

<sup>25</sup> 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

<sup>26</sup> 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.

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

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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.<sup>28</sup>

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.<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup> 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.<sup>32</sup> In the longer term, in response to the dwindling profits of direct management, lords

<sup>28</sup> Razi, 'Toronto School's reconstitution', 149–52.

<sup>29</sup> 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.

<sup>30</sup> 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.

<sup>31</sup> 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.

<sup>32</sup> 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.<sup>33</sup> This meant that they no longer required demesne-managing officials, leading to the disappearance of these offices from account records.<sup>34</sup>

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.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> 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,

<sup>33</sup> 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.

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

<sup>35</sup> 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.

<sup>36</sup> 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.

<sup>37</sup> 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.

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

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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’.<sup>39</sup>

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.<sup>40</sup> 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.<sup>41</sup> 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.<sup>42</sup> Manor courts remained important for commons’ management as a forum to make and enforce bylaws.<sup>43</sup> 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,

<sup>39</sup> Dyer, ‘Village community’, 428–9.

<sup>40</sup> 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.

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

<sup>42</sup> 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.

<sup>43</sup> 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.

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

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.<sup>45</sup> 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.<sup>46</sup> 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.<sup>47</sup> 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’.<sup>48</sup> 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.<sup>49</sup>

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.

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

<sup>45</sup> 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.

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

<sup>47</sup> McIntosh, *Controlling Misbehavior*, 1–18.

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

<sup>49</sup> *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.<sup>50</sup> 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.<sup>51</sup>

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

<sup>50</sup> 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.

<sup>51</sup> 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.<sup>52</sup> Parochial elites increasingly disassociated themselves from the local culture of the village, leading to a 'decline of neighbourliness' as communities became 'more sharply segmented'.<sup>53</sup> 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.<sup>54</sup>

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.<sup>55</sup> This led officials to introduce policies designed to reduce burdens such as policing vagrancy and ensuring parishes were not burdened with children.<sup>56</sup> Stephen Gunn has posited that

<sup>52</sup> 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;

<sup>53</sup> Wrightson, 'Decline of neighbourliness', 38–9.

<sup>54</sup> 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.

<sup>55</sup> 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.

<sup>56</sup> 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*

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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’.<sup>57</sup> 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’.<sup>58</sup> 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.<sup>59</sup> 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’.<sup>60</sup>

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’.<sup>61</sup> 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.<sup>62</sup> 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.

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

<sup>58</sup> Wood, *1549 Rebellions*, 1.

<sup>59</sup> *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.

<sup>60</sup> 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.

<sup>61</sup> 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.

<sup>62</sup> 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.<sup>63</sup> 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.<sup>64</sup> 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.<sup>65</sup>

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.<sup>66</sup> 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.<sup>67</sup> While the power of the state was

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

<sup>64</sup> 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.

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

<sup>67</sup> 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),

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limited, it was able at least to monitor compliance with these requirements.<sup>68</sup> 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.<sup>69</sup>

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.<sup>70</sup> The reeve retained a legal role in the later Middle Ages, representing villages in royal courts.<sup>71</sup> He could act politically, and occasionally operated as mainpinner (a provider of surety) to his lord if the latter became a Member of Parliament.<sup>72</sup> Manorial officers were also used informally to meet vills' obligations to the crown, such as assessing taxation and raising military levies.<sup>73</sup> 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.

<sup>68</sup> 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.

<sup>69</sup> 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.

<sup>70</sup> 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.

<sup>71</sup> 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.

<sup>72</sup> 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.

<sup>73</sup> 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.<sup>74</sup> 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’.<sup>75</sup> 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’.<sup>76</sup>

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.<sup>77</sup> 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.<sup>78</sup> 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

<sup>74</sup> 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.

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

<sup>76</sup> Wrightson, ‘Decline of neighbourliness’, 20.

<sup>77</sup> 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.

<sup>78</sup> Britton, *Community of the Vill*, 44–9, 104–5.

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

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.<sup>81</sup> 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.<sup>82</sup> 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.<sup>83</sup> 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.<sup>84</sup>

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.<sup>85</sup> 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.<sup>86</sup> 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.<sup>87</sup> 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'.<sup>88</sup>

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

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

<sup>80</sup> Larson, 'Village voice', 702–3.

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

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

<sup>86</sup> *Ibid.*, 141, 189–200, 351.

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

<sup>88</sup> 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.<sup>89</sup> However, this technique has not yet been

<sup>89</sup> 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.<sup>90</sup>

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.<sup>91</sup> 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.<sup>92</sup> 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.<sup>93</sup>

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.

<sup>90</sup> McIntosh, *Controlling Misbehavior*, 211–12; McIntosh, 'Response', 291–2.

<sup>91</sup> 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.

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

<sup>93</sup> 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.<sup>94</sup>

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

<sup>94</sup> 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.

<sup>95</sup> 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.

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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.<sup>96</sup> By the sixteenth century, the civil parish contained both Horstead and Stanninghall while the ecclesiastical parish just included Horstead.<sup>97</sup> Moreover, Horstead manor had a separate portion

<sup>96</sup> 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.

<sup>97</sup> *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.

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within the neighbouring area of Coltishall, this will be split between four lords.<sup>98</sup> 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).<sup>99</sup> The manor was valued at £20 in 1428.<sup>100</sup> 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).

<sup>98</sup> Blake, 'Manorial lords', 274.

<sup>99</sup> 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.

<sup>100</sup> *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.<sup>101</sup>

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.<sup>102</sup> 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.<sup>103</sup> 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

<sup>101</sup> 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.

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

<sup>103</sup> 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.<sup>104</sup> 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.<sup>105</sup>

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.

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

<sup>105</sup> Millican, *Horstead and Stanninghall*, 83.

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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.<sup>106</sup> 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.<sup>107</sup> 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.<sup>108</sup> 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.<sup>109</sup> 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.<sup>110</sup> 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.<sup>111</sup> 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.<sup>112</sup>

<sup>106</sup> 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.

<sup>107</sup> 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.

<sup>108</sup> 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.

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

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

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

<sup>112</sup> 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.

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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.<sup>113</sup> 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.<sup>114</sup> The inhabitants lived in a nucleated settlement, with the smaller hamlet of Downhamhythe to the west providing access to navigable waterways.<sup>115</sup> 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.<sup>116</sup> 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.<sup>117</sup> 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.<sup>118</sup> 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.<sup>119</sup> 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.<sup>120</sup> 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

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

<sup>114</sup> *VCH Cambs.*, 8–27. <sup>115</sup> Coleman, *Downham*, 4–5.

<sup>116</sup> *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.

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

<sup>120</sup> Coleman, *Downham*, 95–6.

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of tenurial change.<sup>121</sup> 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.<sup>122</sup>

The manor was leased from 1430/1 until 1478/9, after which it came back under direct management.<sup>123</sup> The manor was apparently leased again by the 1540s, when it was valued at £27 17s 9½d to £37 7s excluding arrears.<sup>124</sup> 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.<sup>125</sup> 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.<sup>126</sup>

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

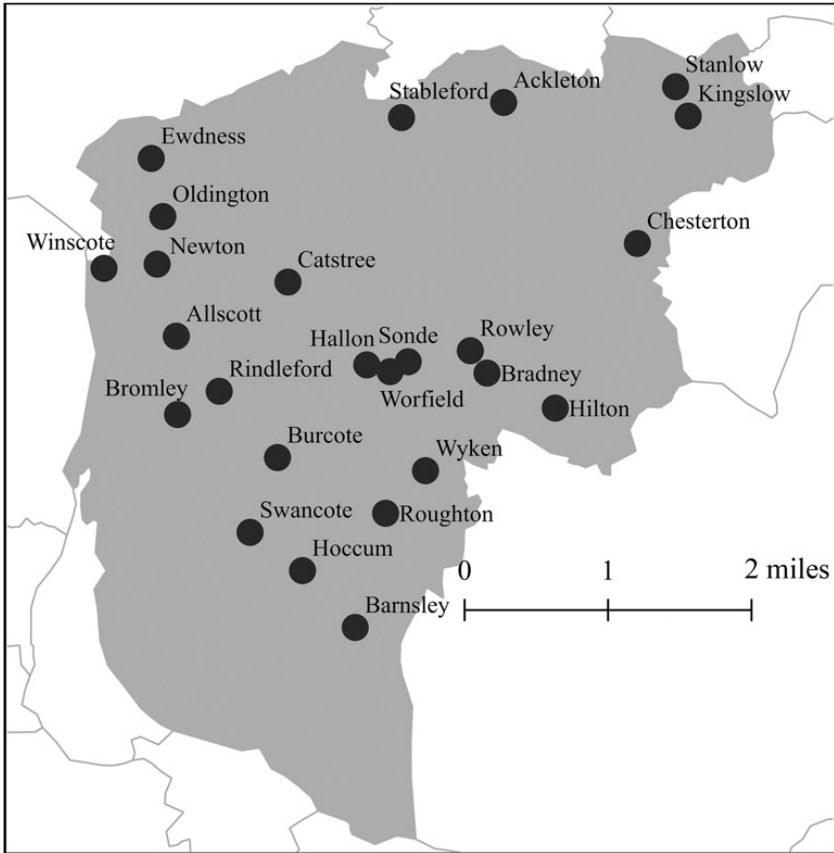
<sup>121</sup> See, for example, CUL, EDR, C11/1/2, m.11, 16 Mar. 1362; C11/1/2, m.21, 4 Mar. 1370; C11/2/4, m.1, 23 Mar. 1400; C11/2/4, m.2, 7 Jul. 1400; M. Bailey, 'The transformation of customary tenures in southern England, c.1350 to c.1500', *AgHR*, 62 (2014), 210–30, at 216.

<sup>122</sup> 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.

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

<sup>125</sup> 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.

<sup>126</sup> 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.<sup>127</sup> 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.<sup>128</sup> The lords enjoyed

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

<sup>128</sup> 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,

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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.<sup>129</sup> The vill of Ackleton also formed a separate submanor, but was subject to the leet's jurisdiction.<sup>130</sup> In 1436, the manor contained 100a of arable demesne, a 40a wood, and 6a of pasture in the lady's hand.<sup>131</sup> 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.<sup>132</sup>

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.<sup>133</sup> 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.<sup>134</sup> 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.<sup>135</sup> 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'.<sup>136</sup> 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 0.1).<sup>137</sup>

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*.

<sup>129</sup> 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.

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

<sup>132</sup> Smith, *Worfield*, 195 map 2b.

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

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

<sup>135</sup> 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.

<sup>136</sup> 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.

<sup>137</sup> 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.<sup>138</sup> 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.<sup>139</sup> 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.<sup>140</sup> 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.<sup>141</sup> 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.<sup>142</sup> 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

<sup>138</sup> 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.

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

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

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

<sup>142</sup> *VCH Dorset*, 229; Hutchins, *County of Dorset*, 791.

## Introduction

3½d in 1321/2, although being farmed at £70 in the same year.<sup>143</sup> However, its value fell after the Black Death, with the manor being farmed at £26 in 1461/2 and £33 2s 1d in 1573.<sup>144</sup> 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.<sup>145</sup> Land was also sublet under licence.<sup>146</sup> 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.<sup>147</sup> 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

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

<sup>145</sup> 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.

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

<sup>147</sup> 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.<sup>148</sup>

### 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.

<sup>148</sup> 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).