

## Fragments from a medieval archive: the life and death of Sir Robert Constable\*

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ABSTRACT

This article asks what we can know of historical individuals in pre-Reformation England. While recognising the challenges of writing medieval biography, it points to the opportunities offered by a range of under-utilized sources for engaging both with medieval individuals and the pre-modern world more generally. Using the records of numerous property disputes and related cases litigated at the Westminster equity courts, it examines the actions and attitudes of one individual: Sir Robert Constable of Flamborough (c. 1478-1537), a Yorkshire landowner who was frequently brought before the courts for his involvement in local property disputes and ultimately implicated in the Pilgrimage of Grace. It explores Constable's activities through the multiple and often contradictory versions of events presented to the king, his advisors and the law courts, assessing his motivations and character while also recognising that the fragmentary nature of the evidence means that Constable will always be an uncertain subject.

In focusing on Constable and his connections to the lives and landscapes around him, the article also highlights much about the experiences and agency of the medieval men and women who shared his world. It gives particular consideration to the local personalities and community politics surrounding episodes of enclosure, building on recent work by social historians, archaeologists and historical geographers in order to draw attention to the roles played by both ordinary and not-so-ordinary individuals in shaping the landscape around them. In doing so, the paper not only underlines the importance of thinking geographically

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about the pre-modern world, but also goes some way towards ‘peopling’ the medieval countryside, conceptualizing it as a landscape brought into being through the attitudes and actions of those living and working within it.

KEYWORDS

Medieval; biography; landscape; enclosure; rebellion; court records.

As Stephen Daniels and Catherine Nash note, the arts of geography and biography have long been intertwined. In the introduction to a special issue of the *Journal of Historical Geography*, they highlight a range of historical engagements between biographical and geographical writing arguing that ‘life histories are also... life geographies’.<sup>1</sup> In following their lead, we may point to two developing areas of research in which the biographical and the geographical impulse are seen to interact. Firstly, a number of geographers have drawn attention to ‘the difference that thinking geographically makes to the writing of a life’, an idea echoed by biographers and historians influenced by the wider ‘spatial turn’ in the humanities.<sup>2</sup> Thus, for example, the medieval historian David Gary Shaw has argued that ‘in considering people, we need to know *where* their social selves were’, arguing for a physical and geographical perspective which takes bodies, families, property, places and social networks into account in exploring the lives of individuals.<sup>3</sup> Secondly, geographers have themselves engaged with biographical approaches to the past. The last twenty years have witnessed a proliferation of books and articles drawing on geo-biographical perspectives, often as a tool for examining the histories of the discipline, the historical geographies of empire and women’s histories and geographies, and sometimes accompanied by critical reflections on how the researcher’s own ‘self’ intersects with the subject’s.<sup>4</sup>

Yet for geographers at least, biographical approaches to the past have predominantly been an exercise in modern historiography, only rarely touching on pre-modern lives. Most of the existing geo-biographies take nineteenth and twentieth-century individuals as their subjects, although notable examples from the eighteenth century and earlier can also be identified.<sup>5</sup> Far fewer in number are the geographers who have engaged with medieval or sixteenth-century individuals, a reflection in part of geography’s recent neglect of the Middle Ages more generally.<sup>6</sup> Thus the royal and saintly lives discussed by historical geographers like Rhys

Jones and David C. Harvey are very much the exception to the geo-biographical rule.<sup>7</sup> This paper addresses just this gap in our understanding, presenting one such medieval life geography as a way exploring the actions and motivations of one man whilst also going some way towards ‘peopling’ the medieval landscape: that is, understanding the landscape as being brought into being through the attitudes and actions of the individuals, groups and communities living within it, many of whom it is now difficult to recover from the archive. At the same time, in focusing on one late medieval individual and his connections to the lives and landscape around him, the paper explores important questions about how we can know the pre-modern world.

The phrase ‘peopling the landscape’ recently acquired currency within the discipline of archaeology where it is used to describe archaeologists’ efforts to interrogate individuals’ and communities’ interactions with past landscapes, particularly in the context of the prehistoric landscape.<sup>8</sup> This is not to suggest that historians and geographers have previously been unconcerned with the people living within past environments. Much mid-twentieth century historical geography and economic history sought to understand the impact lords and peasant communities had on the landscape around them. Initially conceptualized in terms of Anglo-Saxon and Norman lords’ power to re-plan settlements and lay out field systems, the new ‘history from below’ of the 1970s recognized that the reactions and initiatives of ordinary villagers might also make important contributions to change whilst nevertheless maintaining the binary opposition between manorial authority and local custom.<sup>9</sup> However, the early, probably pre-Conquest origins of both nucleated villages and open field systems means that there is often little in the way of surviving evidence to answer such questions and both the lords and the other people involved in laying out both the planned settlements of the North and the classic Midland, open field villages remain ‘very shadowy figures’.<sup>10</sup>

More recently, social history's interest in the negotiations, mediations and everyday politics taking place within – and constitutive of – local communities and environments has also refocused attention on the people living within past landscapes.<sup>11</sup> Andy Wood, Steve Hindle, Steve Hipkin and Nicola Whyte have all scrutinized the ways community politics, customary practices and local personalities might interact to shape episodes of landscape change, particularly in the context of enclosure and the extinguishing of common rights in the later sixteenth and seventeenth century.<sup>12</sup> Whilst being sensitive to the nexus of social relationships and the complex socio-environmental interactions which underlie episodes of agricultural and social change, this work has nevertheless helped to draw attention to some of the people living within early modern landscapes. This article builds on the work of these social historians, focusing attention not only on the people living and working within past landscapes, but also on the role both ordinary and not-so-ordinary individuals played in shaping those landscapes at times of social and economic change, here in the decades immediately prior to and during the English Reformation of Henry VIII's reign.

At the same time, in recognizing the difficulties inherent in recovering the individual experiences of medieval men and women from the archive, the paper examines what we can know of historical subjects in pre-Reformation England, a period for which relatively few of the traditional biographical sources used by historical geographers are available. With the exception of famous collections like the Paston letters, there are almost no diaries, memoirs or family letters written by medieval men and women.<sup>13</sup> Nor are there the kinds of textual and visual sources familiar to geographers working on later periods, a fact which may in part explain historical geographers' recent reluctance to engage with the life geographies of medieval individuals.<sup>14</sup> As a consequence, those individuals for whom contemporary

hagiographies, *vitae* and *gesta* exist have received a greater share of biographical attention, with both the existing corpus of book-length biographies of medieval individuals and the pre-1500 entries in the nineteenth-century edition of the *Dictionary of National Biography* dominated by kings, aristocrats, bishops, saints and theologians, almost all of them men.<sup>15</sup> The new online edition of the *Dictionary* includes a significantly expanded number of women's biographies, as well as an increased focus on non-metropolitan, subaltern and unglamorous lives, a consequence both of changing priorities within historical writing as a whole and a widening of the source materials used to compose the biographies.<sup>16</sup> More generally, biographers and historians have recently employed an expanded range of sources in order to begin to write life stories of those below the elite, as well as looked again at what saints' *vitae* or liturgical Pontificals might reveal about the lives of more ordinary individuals.<sup>17</sup>

Nevertheless, while few medievalists would now agree with K. B. McFarlane – who in the 1920s concluded that medieval biography was a total impossibility – writing medieval biographies remains challenging, all too frequently involving the historian in 'an encounter with the limits of possibility' and occasionally leading him or her towards experiments with imaginative reconstruction.<sup>18</sup> Although by no means a problem unique to medieval biographies, concerns to recover subjects' interiority are often frustrated by the available documentary sources – usually fairly dry chronicles, deeds, royal writs and court records – which tend to tell us about people's actions not their motivations and personality.<sup>19</sup> Sources improve for the fifteenth and sixteenth centuries, but in order to reconstruct much of the lives of individuals other than monarchs, powerful noblemen, high-ranking ecclesiastics and the occasional man or woman of more modest status, historians and historical geographers must usually rely on fragmentary sources, piecing together lives from the scraps that remain whilst

always being aware of what the survivals and losses may mean for the story we are able to tell.

This paper makes extensive use of the records of the English central equity courts, particularly the Star Chamber and Chancery courts. One of three distinct legal systems in use in medieval and early modern England, the central equity courts aimed to offer justice – or equity – to those who felt they could not receive it in either the common law or church courts.<sup>20</sup> The Star Chamber and the Chancery courts sat at Westminster and both were primarily concerned with civil litigation: that is, cases brought by private individuals who sued the defendants over perceived wrongs. The Star Chamber in particular specialized in cases involving local disorder, riots or violence, but at their heart many of the suits were about establishing property rights. Cases were often concurrently litigated in the Star Chamber and Chancery, as well as in the Courts of Assize, Quarter Sessions and King's Bench, although the loss of much of the pre-1700 material from the local law courts means that these cases are difficult to trace outside the equity courts.<sup>21</sup>

Unlike the common law courts, the equity court procedure was based on written rather than spoken evidence. Plaintiffs submitted a written bill setting out their complaints against the defendants, who in turn submitted an answer. Some cases were apparently abandoned at this early stage, but where the case continued court officials collected evidence via written depositions of witnesses.<sup>22</sup> As a result, the courts produced a large body of written material, much of it in English, rather than Latin, which is now stored at The National Archives in Kew, yet remains relatively under-utilized.<sup>23</sup> The pre 1558 material from both the Star Chamber and the Chancery is well catalogued and both are now accessible to online keyword searching. That said, the archiving system was incredibly complex and perhaps as much as

half of the original Star Chamber archive has been lost.<sup>24</sup> Depositions survive less well than the bills and answers – together known as pleadings – and the loss of the decree and order books means the outcome of the vast majority of cases is unknown. Moreover, the plaintiffs, defendants and witnesses offered very different perspectives on the case, each underwritten by specific aims which are sometimes now very difficult to recover.

While not on the same scale as the court records used by European historians like Carlo Ginzburg, Emmanuel Le Roy Ladurie and Natalie Zemon Davis to explore the lives, personal relationships and world views of medieval and sixteenth-century peasants, the equity court papers do offer us a way into the lives of ordinary and not-so-ordinary English and Welsh men and women.<sup>25</sup> Having initially worked on the equity court records for what they might reveal about how property disputes were litigated and negotiated in sixteenth-century Yorkshire – as well as a way into thinking about how people understood and experienced the changing landscape around them – I was surprised to come across the same name time and time again, Sir Robert Constable of Flamborough.<sup>26</sup> In fact, Constable appeared in the Star Chamber and Chancery courts with such frequency that a picture can be built up of the man, his activities and his relationships with the people and landscapes around him. Although certainly not a peasant or a tradesman like those on which the European microhistories focus, as a wealthy northern landowner known to the king and court yet himself situated below the ranks of the major aristocracy, Constable is unusual in lying beyond the circle of royalty and high ecclesiastical office on which much of the published biographical material focuses. Just as importantly, Constable's life throws light on broader social interactions taking place across early sixteenth-century England, drawing into the story not only the most powerful men in the land – including the king, Thomas Cromwell, the Duke of Norfolk and the Percy family – but also much more ordinary people including small freeholders, tenant farmers, Constable's



servants and the often nameless individuals who participated in enclosure riots. Here the court papers offer us insights into the lives of those men and women – including alewives, widows and heiresses – who might otherwise go largely unrecorded in this and other archives. Moreover they do this at a time of significant economic and social change, just as the Reformation swept across Europe and the English royal court was being shaken by political and religious upheavals of the 1530s. Using the equity court papers in combination with other sources – most notably, the records of a court specially commissioned in King’s Bench in the aftermath of the Pilgrimage of Grace – the paper not only explores Constable’s actions and motivations through the multiple and often contradictory accounts of him presented to the courts, but also reflects on the part both he and other people played in shaping the late medieval Yorkshire landscape.<sup>27</sup>

#### SIR ROBERT CONSTABLE OF FLAMBOROUGH

Like most medieval men and women, relatively little is known about Constable except what can be gleaned from the court records, a family pedigree, a handful of deeds and sporadic references to him in the official records of the period. While many landholding families left large collections of estate and personal papers in local archive offices, the Constable family’s fall from grace in the mid-sixteenth century and the sale of their Yorkshire estates to other local landowners in the seventeenth century means that few of their papers survive.<sup>28</sup> Thus Constable left no journal or memoir, no estate or personal papers, no contemporary image or description of his physical appearance and only two original letters. His short entry in the *Oxford Dictionary of National Biography* primarily focuses on his military and administrative positions, saying almost nothing about him as a landowner or about his involvement in the property disputes and legal cases discussed here.<sup>29</sup>

The Constables were an established gentry family who had held a considerable estate centred on the large fortified manor house at Flamborough on the East Yorkshire coast since at least the twelfth century.<sup>30</sup> Initially only of local importance, the family's fortunes improved under Sir Marmaduke Constable (1456/7-1518), an able soldier and administrator who served the Earl of Northumberland, Richard III and later Henry VII and thereby helped the family to acquire both property and influence.<sup>31</sup> At around this time junior branches of the family were established by Marmaduke's brothers and sons at Caythorpe (parish Rudston), Northcliffe (parish Sancton) and Everingham, and by 1537, the main branch of the family were said to own 51 manors, primarily in the East Riding of Yorkshire.<sup>32</sup>

Sir Marmaduke's eldest son and heir, Sir Robert Constable, was born around 1478. Constable probably trained as a soldier and was knighted as a teenager after fighting for the royal army at Blackheath during the Cornish rebellion of 1497. In 1513, he fought for the king at Flodden against the Scots, where he served under the second Duke of Norfolk alongside his father, brothers and cousins.<sup>33</sup> Constable succeeded to the family estates in 1518 after the death of his father, who – according to local tradition – choked to death on a frog which hopped into his glass in the garden of Flamborough Castle.<sup>34</sup> He married Jane Ingleby of Ripley (North Yorkshire) by whom he had three sons – including Sir Marmaduke Constable (d. 1560), who like his father was active in East Riding affairs and was later MP for Warwickshire – and four or five daughters.<sup>35</sup> By the time Constable was in his twenties, he was a man of considerable local importance, serving as Justice of the Peace alongside his father from at least 1500, commissioner of array for the East Riding and a commissioner of sewers.<sup>36</sup> He was later a member of the king's Council of the North, as was his brother Sir Marmaduke Constable of Everingham (d. 1545).<sup>37</sup> Like his father, he served the earls of

Northumberland taking on the stewardships of Leconfield and Pocklington, as well as Hotham, Sheriff Hutton and Holderness on behalf of the Crown. He was also steward of Howden for the Bishop of Durham and managed parts of the St Quintin estate in Yorkshire and Lincolnshire on behalf of his grandson, the royal ward William St Quintin.<sup>38</sup>

### PROPERTY, POWER AND THE COURTS

As a non-aristocratic but wealthy landowner whose family and estate papers have been lost, Sir Robert Constable is precisely the type of individual we might not know much about were it not for the evidence from the court cases. Yet Constable was brought before the central equity courts at Westminster on no less than 16 occasions in the 1520s and 1530s, before finally being brought before a specially commissioned court in 1537 for his involvement in the Pilgrimage of Grace. The court cases tell us little about certain aspects of Constable's life such as his family relations, his reading habits or his religious outlook, although we know from other sources that he was a committed Catholic. However they do tell us a great deal about his relationships with tenants and landowning peers, his attitudes to enclosure and his strategies for defending and enhancing his claims to property.

When Constable was negotiating his eldest son's marriage in the early 1520s, the bride's father, Thomas Lord Darcy, commented on Constable's 'troublous and dangerous' disposition.<sup>39</sup> This was probably a reference both to his natural temperament and his past involvement with the courts. While continuing to act as a JP, the sheer number of equity cases in which Constable was implicated is also evidence of his tendency to take justice into his own hands. He mostly appeared as a defendant, mainly in cases brought by his social inferiors rather than his peers.<sup>40</sup> The charges brought against him included withholding deeds,

forcibly evicting tenants and landowners from their farms, assaults, riots and even a murder. Violence was a common theme, but at their root many of the cases were disputes over property ownership. Thus, for example, Constable was twice accused of kidnapping young women, one from a manor house at Bishop Burton and the other from a nunnery at Yeddingham. Both the suits had obvious property dimensions. In the Bishop Burton case, Constable claimed to be acting on behalf of the king in rescuing a royal ward, though the plaintiff alleged that Constable had subsequently married the girl to his youngest son and thereby gained control of her York property.<sup>41</sup> A similar accusation was made in the second case, where the plaintiff Thomas Lutton complained that Constable had enticed Lutton's niece Elizabeth from the nunnery and married her to one of his servants Thomas Scaseby, presumably in order to gain control of her property at Flamborough and elsewhere.<sup>42</sup>

As well as kidnapping heiresses, Constable was repeatedly accused of evicting families from their lands. According to Lutton, Constable had evicted him from his farm in the northern Wolds as well as installed his own tenants into the Flamborough property. Forcible evictions were also mentioned at Willoughton (Lincolnshire) and Hunsley (parish Rowley) where Sir William Percy, the uncle of the sixth Earl of Northumberland and Constable's brother-in-law, claimed that Constable had sent his son to enter riotously into a sheep walk at Hunsley and keep Percy from its use by means of a garrison at the nearby manor house of Hotham.<sup>43</sup>

These kinds of forcible dispossessions were a common strategy pursued by those attempting to establish rightful ownership. By claiming that they had been dispossessed litigants forced the courts to settle property disputes, just as actions for trespass, the statutes of forcible entry and the assize of novel disseisin had allowed fourteenth and fifteenth-century litigants to use the courts to decide title. This is not to suggest, however, that the sole aim of these dispossessions was to ensure cases reached the courts and thus settle disputes by legal means.

Litigation in the central equity courts was, after all, only one of the means by which property disputes could be resolved. Self-help remedies including bodily occupation might be just as important. The phrase ‘possession is nine-tenths of the law’ was first recorded in the sixteenth century, and clearly underlines the way that contemporaries equated physical possession with legal title and occupation – here achieved by evicting tenants or freeholders, but alternatively through practices like hedge-breaking, animal trespasses and mass occupations – with ownership.<sup>44</sup>

Several other tenants and freeholders also complained that Constable had wrongfully evicted them from their property, but here the documents hint at something more complex than property disputes. In these cases not just legal title but also agricultural practice, customary rights and ultimately local livelihoods were at stake. In August 1532, Constable was accused of evicting four husbandmen from their houses and around 500 acres at Arras (parish Market Weighton). He was said to have ejected the men’s cattle from their pastures, reaped the men’s crops and turned 400 of his sheep onto the open arable fields.<sup>45</sup> Arras lay on the spine of the Wolds in an area dominated by a number of large sheep walks, several of them owned by the Bishop of Durham or Watton Priory for whom Constable acted as steward.<sup>46</sup> Now entirely depopulated, pottery finds from the site suggest that the surviving settlement was small by the early sixteenth century, perhaps consisting of only the five homesteads mentioned in 1526.<sup>47</sup> Constable’s actions are probably best read as a deliberate attempt to depopulate the hamlet and expand sheep grazing in the region, though the court seemingly found in favour of the husbandmen for there were still at least four farmers at Arras in the late 1550s.<sup>48</sup>

If Constable’s actions at Arras make him look like an exploitative and depopulating landlord, he exhibited a very different attitude towards enclosure elsewhere in the southern Wolds. At

North Cave in 1534, Constable was accused of sending more than 40 of his servants and tenants to occupy a close where they destroyed wheat and hay by grazing their horses, oxen and cattle.<sup>49</sup> The close was clearly an enclosed parcel of land, for Constable's men had pulled up and burnt the hedge, a well documented means of opposing enclosure.<sup>50</sup> By breaking the hedges, the rioters allowed the commoners' animals in to graze on the land and, in doing so, resisted a freeholder's attempts to enclose land from the open field system. In the previous year, another local landowner Marmaduke Monkton had complained that Constable and around 70 riotous persons had unlawfully entered into closes at South Kettlethorpe, a farm 2 km east of North Cave.<sup>51</sup> There was no mention here of damage to hedges: instead, Constable and his men ploughed up Monkton's pastures, manuring and sowing them with seed so as to convert the land to arable. In 1535, Constable was charged with much the same at neighbouring South Cave, where the tenant of the East Hall manor, Richard Smetheley, accused Constable's men of driving his sheep and cattle out of his closes and then ploughing up the pastures.<sup>52</sup> Again, there was no reference to the destruction of hedgerows, but much as in hedge-breaking incidents, the participants in these mass ploughings aimed to bring land that had been removed from the open field system and put down to private use back into common – and in these cases, arable – cultivation.<sup>53</sup>

Although JPs were sometimes involved in overseeing the reopening of recently enclosed land investigated under one of the government's commissions into depopulation and the decay of tillage, there is nothing in the documents to suggest that Constable was acting on behalf of the courts in returning the pastures to arable. At South Cave, he was almost certainly acting with the backing of the manorial landowner, but more importantly he also seems to have had a great deal of popular support. In the mid 1530s, the local tenants were themselves in the Chancery courts suing Smetheley over his attempts to extend pastoral husbandry at the

expense of their common rights. Smetheley claimed that the tenants' actions were brought by the 'malice and evil will' of Constable, a piece of legal rhetoric which nevertheless points to a connection between Constable and the tenants.<sup>54</sup> Constable had acted on behalf of the inhabitants of South Cave in an earlier Chancery case brought against them by the former lord of the manor, and there certainly seems to have been some kind of a coalition between Constable and the tenants.<sup>55</sup> After all, mustering such a large number of ploughs – 18 were said to have been used at South Cave and a staggering 36 at South Kettlethorpe – would have required both considerable planning and significant cooperation from the local community. Thus the court cases offer us insights into the ways large landowners might sometimes work with smaller tenants and freeholders in order to protect common rights and resist enclosure and the conversion of arable land to pasture.<sup>56</sup> In other words, Constable was not always the depopulating landlord he appears to have been at Arras, but instead sometimes acted as a champion for the local cause.

At the same time, the court cases help to delineate regional geographies. Mapping the court cases reveals a clear cluster of activity in the southern Wolds and along the south-western scarp, no doubt in part because Constable was then managing an estate at North Cliffe on behalf of the young son of a cousin (see figure 1).<sup>57</sup> The plaintiff in the South Kettlethorpe case complained that Constable was 'of great blood, ally, authority and power in the said County, and specially where the premises lieth'. This was a standard legal argument aimed at convincing the equity courts to deal with the case rather than refer it back to the common law courts, but it was certainly true that Constable had considerable influence in the southern Wolds. He was clearly able to mobilize large groups of servants, tenants and villagers and was said to have brought 100 men with him to Bishop Burton in 1524, as well as sent almost 70 to South Kettlethorpe in 1533 and 40 to North Cave in the following year. Exactly why

there was no similar cluster of activity based on the Constable estates at Flamborough and elsewhere in the Wolds remains unclear, but it may be that Constable's influence was already well established in the north-east Wolds and that disputes were more likely to reach the courts where he tried to consolidate landholding and status outside his traditional power base.

[Figure 1 to go here]

More generally, all but one of the equity court cases refer to property in the East Riding. Constable spent time in York with the Council of the North and at the royal court in London and elsewhere, as well as regularly visiting Westminster to answer to the charges brought against him. Yet it was clearly in the East Riding that his property interests and administrative remit were centred. Seven of his eight stewardships lay within the county, with the eighth not far beyond the county boundary at Sheriff Hutton (North Yorkshire). In this sense, the court cases provide evidence of Constable's spatial horizons, as well as for the smaller region in which his day to day activities as landlord and local administrator were focused.

It was for these local feuds that Constable was publicly reprimanded in the 1520s and 1530s, when there were also calls for him to be dismissed from the Commission of the Peace as a result of his unseemly behaviour.<sup>58</sup> Interestingly, the spate of cases against him which reached the Star Chamber and Chancery courts from 1532 onwards coincides with his dismissal from the various royal and ecclesiastical stewardships. In 1532, Constable was forced to give up the royal stewardships of Sheriff Hutton and Holderness, having already been discharged as the steward of Howden by the Bishop of Durham, who was suing Constable in the Chancery courts over his claims to arrears.<sup>59</sup>



Tensions also seem to be mounting between the Constable family and their long-standing patrons, the Percy earls of Northumberland. While Constable continued as steward of Leconfield and Pocklington until 1537, sometime before 1530 the sixth Earl had reportedly sent several of his servants to Beverley in order to kill Constable, who was said only escaped with his life 'with great difficulty'.<sup>60</sup> The incident may have been much exaggerated – not least because the complaint was part of a long list of grievances against the Earl and his servants presented by Thomas Wolsey in his capacity of Archbishop of York – but a few years later the dispute between Constable and Sir William Percy erupted. In a Star Chamber case, Percy claimed that Constable had evicted him from the sheep walk at Hunsley and refused to pay for the damage done by his cattle and carts in passing through a pasture at Kenyngthorpe (parish Langton), as well as threatened Percy and his servants at various places around the East Riding. The dispute rumbled on and eventually turned violent during the Lent 1534 Assizes at York when a fight between Percy's retainers and Constable's son, nephew and servants over a buckler – a small shield – in the streets of York led to the death of one of Percy's servants.<sup>61</sup>

Of the three royal stewardships Constable had previously held, Hotham was the only one he retained after 1532, although he continued to hold several other important positions under the earls of Northumberland and northern ecclesiastics like the abbots of Bridlington and Watton.<sup>62</sup> The loss of the other royal offices combined with the king's exasperation at his bad behaviour in Yorkshire suggests that Constable's popularity at court was waning by the early 1530s, a period which also saw a shift in court politics as Thomas Cromwell's influence grew and the Henrician Reformation gathered momentum. As a committed Catholic, Constable probably felt uncomfortable about the annulment of the king's marriage to Catherine of

Aragon and the possibility of a break with Rome. Much of his anger was most likely directed at Cromwell, and it was later reported that he wished Cromwell dead.<sup>63</sup> Whatever the root cause of Constable's increasingly difficult relationship with the royal court, the king and his privy councillors clearly felt Constable should not be dashing round the countryside evicting farmers from their livelihoods. Nor was this the last time he came to the king's attention.

### RELIGION AND REBELLION, 1536-1537

In the autumn of 1536, Constable became embroiled in the Pilgrimage of Grace, an uprising against Henry VIII which started in Lincolnshire in early October and quickly took hold in Yorkshire. Using the records of the court commissioned in King's Bench in spring 1537 alongside letters written by and to the king and Council, this section of the paper assesses Constable's involvement in the Pilgrimage. It does so for the light it sheds on his character as well as for what it reveals about his relationships with the king and Privy Council and his standing amongst the northern gentry and – perhaps most importantly – the local population of the East Riding of Yorkshire.

The Pilgrimage of Grace was the largest and most serious of all the Tudor rebellions. Initially sparked by the dissolution of the lesser monasteries, the causes of the uprising were nevertheless multiple and key among them were resistance to the religious changes introduced by Henry and his chief minister Thomas Cromwell combined with resentment about an increasing tax burden and central government's interference in northern politics.<sup>64</sup> After a series of musters across the East and West ridings, the young lawyer Robert Aske entered York with a force of around 10000 men on 16<sup>th</sup> October, where the mayor declared for them. Hull surrendered to the rebels from Holderness, Beverley and the neighbouring

districts three days later by which time the commons of North Yorkshire, Durham, Westmorland, Cumberland and parts of Lancaster had risen in support of Aske.<sup>65</sup>

The gentry seem to have played a relatively minor role in the initial spread of the rebellion and many of them fled rather than offer their support to the uprising. Constable and more than 40 knights and gentlemen took refuge with Thomas, Lord Darcy at Pontefract Castle, but three weeks after the beginning of the trouble, the castle surrendered to the rebels and the captured gentry were coerced into leading the rebellion.<sup>66</sup> Like the other gentlemen sucked into the rebellion, Constable seems to have done his best to calm the commons in the early weeks of the uprising and after negotiations at Doncaster between the Pilgrim leaders and the king's representative, the third Duke of Norfolk, a truce was signed in late October. Sir Ralph Ellerker and the lawyer Robert Bowes were dispatched to carry the Pilgrims' petition to the king and the rebel army uneasily returned to their homes.<sup>67</sup> Constable went to Hull, from whence rumours reached Cromwell that he was checking the city's defences, readying the North for further defiance and equipping a ship, although Cromwell's informant was unsure whether this was to flee or fetch ordnance from Flanders.<sup>68</sup>

Henry's answer to the Pilgrims' petition reached the North in mid November 1536 and though he offered further negotiations between Norfolk and the Pilgrims, he made no answer to the articles in the petition. Suspensions of the king increased and the Pilgrim Council met again at York on 21<sup>st</sup> November when Constable adopted a more openly aggressive stance, arguing that the northern counties should be secured before they next met with Norfolk.<sup>69</sup> His preference for a military solution presumably stemmed from his early training as a soldier, but it was probably also informed by a strong dislike of Cromwell and a deep concern about his influence over the king.<sup>70</sup> He read out a captured letter sent to Sir Ralph Eure at

Scarborough Castle in which the king's and Cromwell's real attitude towards the rebels was revealed in threats that 'if the commons were not pacified such vengeance should be taken as should make them an example to the whole world'.<sup>71</sup> Yet Constable's arguments went against the general feeling amongst the other gentlemen and negotiations with Norfolk went ahead as planned in early December.<sup>72</sup> Thus the uprising was brought to a peaceful conclusion with the promise of a future parliament in the North at which the Pilgrims' concerns could be discussed and the issuing of a general pardon covering the commons, their captains and the gentry, including Constable.<sup>73</sup>

The reasons for Constable's involvement in the Pilgrimage are far from clear, although his commitment to the traditional religion, his friendship with Lord Darcy – a wealthy Yorkshire landowner, soldier and royal administrator with whom Constable had fought against the Moors in 1511, and whose daughter his son had married – and his connections with the Percy family may all have contributed to his stance.<sup>74</sup> He later claimed he was at Pontefract on the king's orders and that he and the other gentleman at the castle had been driven into the rebellion 'for lack of furniture and for fear of our lives', but he certainly seems to have subsequently adopted a leading role alongside Aske, Darcy and a handful of other gentlemen.<sup>75</sup> Whatever his motivations, he was probably relieved to find the rebellion had run its course and grateful to receive the royal pardon. He certainly acted to stifle Sir Francis Bigod's failed second uprising early in 1537, writing letters to both Bigod and the commons advising them to wait peacefully for Norfolk to return to the North.<sup>76</sup>

Yet the king was apparently intent on revenge and seems to have had little intention of honouring the terms of the pardon. As early as 4<sup>th</sup> December 1536, the Privy Council wrote to the Duke of Norfolk expressing the king's desire to see some of the 'vile persons' involved in

the Pilgrimage punished. Particular reference was made to Constable as the ‘most notable and most wilful’ of the traitors and Henry requested Norfolk use his ‘dexterity’ to engineer a conviction.<sup>77</sup> Constable’s belief in the necessity of a military response to the king probably hardened the monarch’s attitude to him, as did the belief that Constable, Darcy and Aske had together devised the rebels’ list of demands drawn up at Pontefract in early December, but the king and his ministers had identified Constable as a ringleader of the rebellion long before the meetings at York and Pontefract.<sup>78</sup> The day prior to the York conference, the Duke of Suffolk had noted that Darcy, Aske and Constable ‘are they who have most credit among the rebels’ and immediately after it, Norfolk wrote to the king and Council identifying the ‘three most arrant traitors’ Darcy, Aske and Constable as the ringleaders of the rebellion.<sup>79</sup>

Exactly why Constable was seen as such a key figure in the rebellion even before the news of his hostile stance at York reached the king and Council is not entirely clear. Several of the other captured gentlemen played important roles in the October negotiations with Norfolk, including Sir Ralph Ellerker and Robert Bowes, both of whom later recovered the king’s favour.<sup>80</sup> Constable’s role in garrisoning Hull after the October 1536 truce was probably key to his eventual downfall. His military expertise, his authority amongst the Pilgrim army – mentioned by Marmaduke Neville in January 1537, as well as by the Duke of Suffolk and Sir Francis Bigod – and the belief that the commotion spread from Lincolnshire into Yorkshire via Howden where Constable was steward were also important.<sup>81</sup> Constable’s bad behaviour in Yorkshire in the five years before the rebellion broke out probably also contributed to the king’s opinion of him as a difficult and over-mighty subject running wild in the North. Henry was probably in agreement with Norfolk when he noted in a letter to Cromwell that ‘hemlock... in a good salad’ was no worse than the continued presence of Constable and Darcy in the North.<sup>82</sup>

Constable was summoned to London in early February 1537 but he apparently made excuses not to go, no doubt fearing the king's wrath. He had probably by then returned to Flamborough: the king's messenger was said to have found him 30 miles from his usual house – presumably to be taken as Holme-on-Spalding-Moor – at a place 'standing upon the sea side'.<sup>83</sup> In March the Privy Council wrote to Norfolk advising him to keep a 'special eye' on Constable after rumours reached Westminster that he might flee the country via the port of Hull.<sup>84</sup> Norfolk responded pragmatically, noting that he thought Constable unlikely to steal away, although if he so chose to he could set sail for the Continent from Flamborough without anyone in London being the wiser.<sup>85</sup> By April the king has lost patience and Constable, Darcy and Aske were all committed to the Tower of London, ostensibly for their part in Bigod's second rebellion, and their lands inventoried and confiscated.<sup>86</sup>

The trial began in May, when Constable was among 17 men and one woman tried for treasons committed after the December 1536 pardon.<sup>87</sup> The key evidence against Constable was essentially fabricated, revolving around him having sheltered the rebel William Levening, a man who had in fact already been acquitted of treason.<sup>88</sup> There was also considerable debate about the precise text of the letter Constable had sent to Bigod, with the prosecution arguing that he had not condemned the second uprising strongly enough, saying only that he was ill and that the time of the year was unfavourable.<sup>89</sup> He had also reportedly signed off the letter by praying God to send Bigod 'luck in all his worshipful affairs'.<sup>90</sup> The evidence was largely circumstantial and fairly shaky, but with the king determined to secure convictions and punish the perpetrators of the first rebellion despite the existence of the general pardon, there was little hope of justice.<sup>91</sup>

The jury was packed with relatives and neighbours of the accused – who were almost certainly put under great pressure to prove their own fidelity by returning guilty verdicts – and on 16<sup>th</sup> May, Constable and his fellow defendants were found guilty of treason.<sup>92</sup> That day, Constable wrote to his son Marmaduke asking him to intercede with the Earl of Rutland and the Queen, begging him to ‘[m]ake quick suit either now or never’.<sup>93</sup> At the same time, Constable wrote a short letter to Cromwell outlining his debts and the wages he owed to his servants. There was no personal appeal to Cromwell, just a pragmatic acceptance of his fate and a concern that ‘those poor gentlemen that were so lately bound for me and never had profit by me should be undone’.<sup>94</sup> The two letters preserved within state papers of Henry VIII are the only items written by Constable to have survived.<sup>95</sup> The rest of Constable’s personal archive was presumably either lost while in government hands in the aftermath of the attainder or dispersed once it had been returned to the family in the late sixteenth century.

The rebels were originally sentenced to be executed at Tyburn in London.<sup>96</sup> Yet nearly a month later, Henry instead decided to have Constable, Darcy and Aske sent north for execution. While Norfolk initially believed that Constable and Darcy’s deaths would be ‘little regretted’, Henry had subsequently heard from another rebel that the men were still held in high regard in the North where their death sentences had caused much discontent.<sup>97</sup> In the end Darcy was beheaded in London at Tower Hill, but Constable, Aske and Lord Hussey were sent north, an indication that the king clearly saw Constable as one of the principal leaders of the rebellion.<sup>98</sup> Doncaster was originally suggested as the site of their execution, but by the end of June, Henry had decided Constable would be executed at Hull – the city he had garrisoned against government forces in the autumn of 1536 – and Aske at York where ‘he was in his greatest and most frantic glory’.<sup>99</sup> Towards the end of June, the three men and their guards set out on their final journey north.<sup>100</sup> Hussey was executed at Lincoln on 29<sup>th</sup> June

and the group probably reached Hull a day or two later.<sup>101</sup> Having refused to confess anything further either in the Tower or on the gallows, Constable was hung in chains from the highest gate of the town walls – probably Beverley Gate to the north-west of the city – on a Friday market day in early July 1537.<sup>102</sup>

In sending the three men back to their home counties for execution, Henry intended not only to set an example but also ‘to see who would groan at their execution’. In doing so, he hoped to root out any remaining troublemakers and thus ‘knit up this tragedy’ so ending the threat of further disorder in the North.<sup>103</sup> Henry thereby aimed to reassert his power over the northern population and in this sense, the decision to execute the traitors in Yorkshire reveals as much about the king’s relationship with the barons, gentry and common people in and around Hull, York and Lincoln as it does about his dealings with Constable.

The dead bodies of Constable, Aske and Hussey were, nevertheless, central to Henry’s attempt to reassert his power in the North and the choice of Beverley Gate as the site of Constable’s execution highly significant. Bigod’s men had been captured there during the second Yorkshire rebellion early in 1537 and it was probably the site of their subsequent execution.<sup>104</sup> As the major northern entry to the city, moreover, the gate lay on the main route along which anyone travelling to Beverley, York, Malton or the former Constable manors of Flamborough and Holme-on-Spalding-Moor would have passed.<sup>105</sup> This then was a site of symbolic and practical significance, a key location within the county’s regional geography at which the authorities ensured maximum visibility for Constable’s corpse. Norfolk reported triumphantly that ‘[Constable’s] bones will hang there this hundred year’ and his remains were probably still there in the early 1540s, when Henry VIII visited the town.<sup>106</sup> Public display of a corpse functioned as ritual humiliation of the traitor and his family as well as a



signal of the king's power to ensure the bodily and political destruction of his enemies and thus a deterrent to anyone plotting further treasons.<sup>107</sup> This was both a very public and importantly a local execution for a local man, no doubt reflecting Constable's previous involvement both in county administration and in the local disputes discussed in this paper.

A later antiquarian history of the town notes that an undated plan in the Cotton Library relating to the improvements to the city's fortifications ordered by the king after his visit in October 1541 shows a body hanging from Beverley Gate, presumably Constable's by then putrefying corpse.<sup>108</sup> Bulmer's source for the information is unknown and the most likely of the town plans amongst the Cotton manuscripts is now badly damaged with the relevant section of the town walls missing.<sup>109</sup> Of the many lost and fragmentary documents, this is perhaps the most frustrating: for having apparently never sat for a portrait, this would be the only surviving visual record of the life – and perhaps more tellingly, the traitorous death – of Sir Robert Constable of Flamborough.

## CONCLUSIONS

In telling Constable's story, this paper has offered an assessment of his actions and attitudes, his motivations and character. Constable was known for his 'dangerous disposition' and there is little sign that he mellowed with age.<sup>110</sup> His quick temper and hot-headed nature may help to explain his actions during the rebellion, as well as his tendency to wade into the local disputes discussed here. He was clearly willing to use abductions, violence and direct action as a means of negotiating property rights and though he was certainly not alone in this, his conduct brought him into increasing disrepute at the royal court. Yet he was also a popular

Yorkshire landowner, an able administrator and a local anti-enclosure champion whose death was probably greatly regretted in the region, at least by some.

Ultimately, of course, Sir Robert Constable will always be an uncertain subject: both a violent bully who eventually got his comeuppance and a marked man unfairly singled out for his role in the Pilgrimage of Grace by a vengeful King Henry. The fragmentary nature of the evidence – affected as it is by the loss of Constable's letters and personal papers and the lack of particular kinds of visual and textual sources – combined with the difficulties of working with multiple accounts of events drawn from the court records mean that Constable will remain to some extent unknowable. Yet my aim here has been to demonstrate the value of the equity court records – here used alongside the letters and papers of Henry VIII – as sources for engaging both with ordinary and not-so-ordinary individuals and with the medieval world more generally. As a wealthy landowner, Justice of the Peace and royal steward, Constable was certainly not what we might call ordinary. Nonetheless, the paper highlights the value of the equity court documents as sources for writing about the lives, personalities and social relationships of a far wider range of individuals than those for whom biographical accounts were written or personal archives and estate collections have survived. Moreover, in thinking geographically about Constable's life – that is, in exploring the connections between him and the people and landscapes that surrounded him – the paper has touched upon a number of key themes in Tudor social, economic and political history, including enclosure and agricultural change, the religious changes of the Reformation and the relationship between Westminster and the provinces, particularly the 'rebellious' North. It is in this knitting together of the personal and the political, the local and the national, the man and his landscape that the importance of a geo-biographical approach lies.

At the same time in exploring Constable's life world, the paper has also investigated his relationships with the people and landscapes around him and in doing so has drawn a vast array of other individuals into the story. Some were important historical figures like the king and his principal courtiers, but other far lesser personages also play their parts. These include Anne Cresacre, the ten-year-old heiress and royal ward Constable abducted from Bishop Burton who was said to have kicked and screamed as she was carried away and the husbandman Thomas Alderson who along with his neighbours sued Constable in the Star Chamber for depopulating the hamlet of Arras. These are, of course, exactly the kinds of people – abducted women and evicted smallholders – who we might not otherwise know much about: yet as the paper has demonstrated, even whilst focusing on Constable one can also highlight something of the experiences and agency of others.

This is true even of the many unnamed individuals who appear in the narrative including the South Cave tenants who worked alongside Constable to reverse Smetheley's enclosures, the men of the Pilgrim Army who reportedly held Constable in such high regard and all those who watched as his body gradually rotted to nothing high above the walls of Hull. In particular, the paper has paid careful attention to the role Constable and others played in shaping the landscape at a time of agricultural change. Rather than a simple model of tenant resistance to the landowner-sponsored enclosure, the paper reveals a much more complicated picture of landlord-tenant relations in which large landowners like Constable might sometimes support smaller freeholders and tenants in their opposition to agricultural change. At South Cave, South Kettlethorpe and North Cave, Constable acted as part of a coalition of local tenants and freeholders who opposed attempts to extend pastoral husbandry in the area. Yet Constable was also an enclosing landlord himself and at nearby Arras he evicted the tenants in an attempt to convert the remaining open fields to more profitable sheep pastures.

There is nothing inherently problematic in this view of Constable: here and elsewhere the equity court records reveal a tangled web of interests in enclosure in which alliances and allegiances were constantly shifting.<sup>111</sup> In thus exploring the local personalities and community politics underlying episodes of landscape change and in recovering both ordinary and not-so-ordinary individuals like Constable from the archive, the paper has gone some way towards peopling the medieval countryside, conceptualizing it as a landscape brought into being through the attitudes and actions of those living and working within it.

Writing historical geographies which reveal something of the actions, motivations and personality of pre-modern individuals reminds us once again of the commonalities in the ways medieval and modern men and women thought about the world around them.

Constable's was an inherently medieval life: he died defending the feudal power of the North and proclaiming the old, Catholic religion. Yet it is also a story which reaches across the centuries for in his deeds and feelings we can also recognize something of ourselves, perhaps particularly in his desperate letter to his son. As a response to Nicola Thomas's recent call for a 'renewed biographical emphasis in geography', medieval geo-biographies both broaden and deepen the scope of the biographical turn in human geography. At the same time, they go some way towards bridging the supposed divide between the Middle Ages and the early modern era, challenging the notion that the Reformation, the discovery of the New World or the emergence of capitalism were necessarily the 'fault line' between the medieval and modern worlds many have assumed them to be.<sup>112</sup> It is in this sense that medieval geo-biographies are central to recent debates about the future of historical geography: for in writing stories which rethink what it is that separates the medieval from the modern, we can make important moves towards redressing 'the apparent silence of the Middle Ages... in contemporary geographical discourse'.<sup>113</sup>

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<sup>1</sup> S. Daniels and C. Nash, Lifepaths: geography and biography, *Journal of Historical Geography* 30 (2004), 459-58, especially 450.

<sup>2</sup> F. Driver and E. Baigent, Biography and the history of geography: a response to Ron Johnston, *Progress in Human Geography* 31 (2007), 101-6, see 102 for the quote; N. Thomas, Exploring the boundaries of biography: the family and friendship networks of Lady Curzon, Vicereine of India 1898–1905, *Journal of Historical Geography* 30 (2004), 496-519. On the spatial turn, see in general B. Warf and S. Arias, Introduction: the reinsertion of space into the social sciences and humanities, in: B. Warf and S. Arias (eds), *The Spatial Turn: Interdisciplinary Perspectives*, Abingdon, 2009, 1-10. For examples of the influence of geographical thinking on scholarship about the medieval world, see K. Lavezzo, *Angels on the Edge of the World*, New York, 2006; N. Lozovsky, *The Earth is Our Book: Geographical Knowledge in the Latin West c. 400-1000*, Michigan, 2000.

<sup>3</sup> D. G. Shaw, Social selves in medieval England: the worshipful Ferroure and Kempe, in: N. Partner (ed.), *Writing Medieval History*, London, 2005, 3-21, especially 12.

<sup>4</sup> F. Driver, Henry Morton Stanley and his critics: geography, exploration and empire, *Past and Present* 133 (1991), 134–166; A. Blunt, *Travel, Gender and Imperialism: Mary Kingsley and West Africa*, New York, 1994; M. Bell, Citizenship not charity: Violet Markham on nature society and state in Britain and South Africa, in: M. Bell, R. Butlin and M. Heffernan (eds), *Geography and Imperialism 1820–1940*, Manchester, 1995, 189-220; C. McEwan, The mother of all the peoples: geographical knowledge and the empowering of Mary Slessor, in: Bell, Butlin and Heffernan, *Geography and Imperialism*, 125-50; Thomas, Lady Curzon; R. Johnston, Learning our history from our pioneers: UK academic geographers in the Oxford dictionary of national biography, *Progress in Human Geography* 29.5 (2005), 651-67; A. Maddrell, *Complex Locations: Women's Geographical Work in the UK 1850-1970*, Oxford, 2009. The 30 or so volumes of *Geographers: Biobibliographical Studies* and A. Buttimer, *The Practice of Geography*, London, 1983, also represent a significant contribution to geography's engagement with biography over the past 35 years. For critical reflections on the process of research and writing biography, see T. White, Theodore and Brina: an exploration of the myths and secrets of family life, 1851–1998, *Journal of Historical Geography* 30 (2004), 520–30; F. D. Mackenzie, The story(ing) of Jessie of Balranald: research encounters of a surprising kind, *Cultural Geographies* 14 (2007), 445–452.

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- <sup>8</sup> A. Fleming and Y. Amilak, Peopling the landscape, *Antiquity* 71 (1997), 759-61. For further uses of the phrase, see J. Gardiner and M. J. Allen, Peopling the landscape, in: B. W. Cunliffe (ed.) *England's Landscape: The West*, London, 2006, 35-58; C. Scarre, *Landscapes of Neolithic Brittany*, Oxford, 2011; K. Jennbert, Peopling the landscape: the landscape-variable, invisible, and visible, in: D. Olausson and H. Vandkilde (eds), *Form, Function and Context: Material Culture Studies in Scandinavian Archaeology*, Stockholm, 2000, 51-7. Many of the same concerns are also evident in the work of other archaeologists. See, for example, H. Williams, *Death and Memory in Early Medieval Britain*, Cambridge, 2006; M. Pearson, *In Comes I: Performance, Memory and Landscape*, Exeter, 2007.
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<sup>10</sup> C. Dyer, The past, the present and the future in medieval rural history, *Rural History* 1 (1990), 37-49. See 41 for the quote.

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<sup>13</sup> H. Castor, *Blood and Roses: The Paston Family and the Wars of the Roses*, London, 2004.



<sup>14</sup> Jones, What time, 295-6, who also makes the point that the linguistic skills needed to work on pre-modern subject matter may discourage geographers from doing so.

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<sup>16</sup> Baigent, Geography of biography, 537-542.

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<sup>20</sup> On the common law courts, see S. F. C. Milsom, *Historical Foundations of the Common Law*, London, 1981; on the church courts, see C. Chapman, *Ecclesiastical Courts, Their Officials and Their Records*, Lochin, 1992; A. Tarver, *Church Court Records: An*

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<sup>22</sup> R. W. Hoyle (ed.), *A Handlist of Star Chamber Proceedings before 1558 for Northern England*, Kew, 2003, xiv-xv.

<sup>23</sup> Some of the Star Chamber material has also been reproduced in précis in the *Yorkshire Star Chamber Proceedings* [hereafter YSCP] (4 vols, Yorkshire Archaeological Society Record Series, 41, 45, 51, 70, 1909-27).

<sup>24</sup> Guy, *Star Chamber*; cited in TNA Legal Records Information 3.

<sup>25</sup> C. Ginzburg (translated by J. And A. Tedesci), *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*, Baltimore, 1980; E. Ladurie (translated by B. Bray), *Montaillou: Cathars and Catholics in a French Village, 1294-1324*, London, 1980; Davis, *Martin Guerre*.

<sup>26</sup> McDonagh, *Subverting the ground*.

<sup>27</sup> While the papers of each of equity cases rarely comprise more than a few sheets of parchment or paper, the King's Bench material is far more extensive, consisting of notes on the trial, the prosecution's evidence and the judgement along with the names of the defendants' lawyers and members of the jury. The material is again preserved at The National Archives and is published in précis in J. S. Brewer, J. Gairdner and R. H. Brodie (eds), *Letters and Papers, Foreign and Domestic, Henry VIII* [hereafter LP], 28 volumes (1860-

1932), where it is accompanied by numerous letters from the king and his councillors referring to the trial and remarking on its outcome. Volumes 11, 12 part 1 and 12 part 2 contain most of the material relating to the Pilgrimage and subsequent trial.

<sup>28</sup> Many of the family papers were probably taken into Crown hands at the attainder in 1537 and although possibly returned when the estates were restored, have subsequently disappeared. The archives of related branches of the Constable family contain almost no pre-1600 material.

<sup>29</sup> C. M. Newman, Constable, Sir Robert (1478?-1537), *Oxford Dictionary of National Biography* [hereafter *ODNB*], Oxford University Press, 2004, available at [www.oxford.com/view/article/6110](http://www.oxford.com/view/article/6110), accessed 21 Nov. 2006. The earlier entry in the Dictionary was also inaccurate as to his early involvement in the Pilgrimage of Grace (L. Stephen (ed.), *Dictionary of National Biography*, London, 1887, Vol. 12, 44-5).

<sup>30</sup> Victoria County History [hereafter VCH], *East Riding* II, 154; R. Horrox, Constable family (*per. c.* 1300–1488), *ODNB*, available at <http://www.oxforddnb.com/view/article/52782>, accessed 12 Jan. 2012.

<sup>31</sup> R. Horrox, Constable, Sir Marmaduke (1456/7?–1518), *ODNB*, available at <http://www.oxforddnb.com/view/article/6108>, accessed 12 Jan. 2012.

<sup>32</sup> Newman, Constable. Unless otherwise noted, all places mentioned in the text are in East Yorkshire.

<sup>33</sup> Newman, Constable.

<sup>34</sup> W. E. Hampton, *Memorials of the Wars of the Roses*, Upminster, 1979, 219-20. The fragment of a stone effigy in Flamborough church depicting the open breast of a skeleton with a toad at its heart may be the origin of the story (VCH, *East Riding* II, 163).

<sup>35</sup> Newman, Constable; *House of Commons, 1509-1558*, 686-7 [Sir Marmaduke Constable of Nuneaton]. Notably, we know little about Constable's wife and daughters other than their names and family/marital connections, a reflection of the gender bias within the existing historical sources.

<sup>36</sup> TNA, Court of King's Bench, Crown Side, Indictments Files, Oyer and Terminer Files and Informations Files [hereafter KB9] 422, 480, 508 and 522; Court of King's Bench, Crown Side, Baga de Secretis [hereafter KB8] 3/1/238; LP I, no. 132/32, 804/29, 833/45 and 1123/37. Transcripts of the KB9 material were kindly provided by Richard Hoyle and Henry Summerson.

<sup>37</sup> Newman, Constable; *House of Commons, 1509-1558*, 685-6 [Sir Marmaduke Constable of Everingham].

<sup>38</sup> Newman, Constable; LP 3, no. 458, 665 and 2074; 4, no. 1676/14; 5, 1694.

<sup>39</sup> *House of Commons, 1509-1558*, 686.

<sup>40</sup> Given Constable's local influence and role as a JP, plaintiffs may have preferred the Westminster equity courts to the local common law courts as forums for litigation.

<sup>41</sup> YSCP IV, 28-36. The case was concurrently litigated in the Chancery where Constable sued for Anne Cresacre's property and Rokeby sued for her abduction from Bishop Burton (TNA, Court of Chancery, Six Clerks Office, Early Proceedings, Richard II to Philip & Mary [hereafter C1] 491/43 and C1/563/15). In 1525, Constable was pardoned for the kidnapping (LP 4, no. 1115 and 1136/22).

<sup>42</sup> YSCP I, 186-8; II, 140-2; III, 110-13. In his answer, Constable referred to a dispute over the land between the young woman and her uncle, the man who had brought the case against Constable.

<sup>43</sup> TNA, STAC2/16/204; YSCP III, 18.

<sup>44</sup> A. L. Erickson, Possession – and the other one-tenth of the law: assessing women's ownership and economic roles in early modern England, *Women's History Review* 16 (2007), 369-85. For more on strategies for negotiating property disputes, see McDonagh, Subverting the ground.

<sup>45</sup> YSCP I, 21-2.

<sup>46</sup> VCH, *East Riding* IV, 108, 144 and 157. On the open nature of the Arras sheep walk – later a warren – see A. Harris, The lost village and the landscape of the Yorkshire Wolds, *Agricultural History Review* 6 (1958), 97-100, especially 98.

<sup>47</sup> M. Phillpott, A landscape study of the deserted medieval settlement of Arras, East Yorkshire, *Medieval Settlement Research Group Annual Report* 20 (2005), 31-3; TNA, C1/925/30.

<sup>48</sup> TNA, C1/1444/64-6. The Constable family had apparently largely completed the depopulation of Arras by 1600, when Phillip Constable owned nine-tenths of the hamlet and began proceedings in the Chancery against the sole remaining farmer for overstocking the common (TNA, Court of Chancery, Six Clerks Office, Pleadings, Series I, Elizabeth I to Charles I [hereafter C2] Eliz/C5/33).

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<sup>49</sup> YSCP III, 68-9.

<sup>50</sup> See, for example, N. Blomley, Making private property: enclosure, common right and the work of hedges, *Rural History* 18 (2007), 1-21; C. Dyer, Conflict in the landscape: the enclosure movement in England, 1220-1349, *Landscape History* 29 (2007), 21-33.

<sup>51</sup> YSCP IV, 16-7.

<sup>52</sup> YSCP III, 140-4.

<sup>53</sup> It is possible that Constable was also involved in another similar case from Speeton in the north-east Wolds where the Prior of Bridlington – for whom Constable acted as steward – was accused of sending 16 riotous persons to subvert and till the demesne belonging Thomas Portington (YSCP II, 147). The bill contains no further details about those involved.

<sup>54</sup> TNA, C1/845/36. Spelling and punctuation have been modernized in quoting from the documents.

<sup>55</sup> TNA, C1/535/21.

<sup>56</sup> For further discussion of the South Cave case, see B. McDonagh, Negotiating enclosure in sixteenth-century Yorkshire: the South Cave dispute, 1530-1536, in: J. Whittle (ed.) *Landlords and Tenants in Britain, 1440–1660* (Boydell and Brewer, in press, 2013). pp. 52-66.

<sup>57</sup> J. H. Baker, Constable, Robert (late 1450s-1501), lawyer, *ODNB*, available at [www.oxforddnb.com/view/article/49669](http://www.oxforddnb.com/view/article/49669), accessed 18 May 2009.

<sup>58</sup> Newman, Constable.

<sup>59</sup> LP 5, 506/10 and 1065/20; TNA, C 1/683/42.

<sup>60</sup> LP 12.2, no. 161; YSCP III, 96-9.

<sup>61</sup> F. W. Brooks, *Yorkshire and the Star Chamber*, East Riding Local History Series 4, 1954, 7-9.

<sup>62</sup> LP 12.2, no. 161.

<sup>63</sup> LP 12.1, no. 891.

<sup>64</sup> See, for example, the Pontefract Articles written 2<sup>nd</sup> – 4<sup>th</sup> December 1536 by the Pilgrim Council in advance of their negotiations with Norfolk (printed in A. Fletcher and D. MacCulloch, *Tudor Rebellions*, Harlow, 2008, revised 5<sup>th</sup> edition, 147-9).

<sup>65</sup> See Fletcher and MacCulloch, *Tudor Rebellions*, 31-2; Hoyle, *Pilgrimage*, 4-8 for summaries of the early days of the uprising. For a detailed account of the various East Riding musters and a map of the movements of the rebel army, see S. Neave and S. Ellis, *An Historical Atlas of East Yorkshire*, Hull, 1996, 120-1. The commons is a legal term referring

to all those below the nobility and gentry and distinct from the clergy ([www.oed.com](http://www.oed.com)). It encompassed both men and women, although those who joined the Pilgrim army were presumably almost exclusively men.

<sup>66</sup> Hoyle, *Pilgrimage*, 256-81 and 414-21 argues that Darcy was left with little choice but to surrender the castle to the rebels.

<sup>67</sup> Hoyle, *Pilgrimage*, 300-5.

<sup>68</sup> LP 11, no. 966, 990, 998 and 1017; 12.1, no. 29. See also 12.1, no. 1080 on the ship.

<sup>69</sup> LP 12.1, no. 466. See also Hoyle, *Pilgrimage*, 327-9.

<sup>70</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 37.

<sup>71</sup> LP 12.1, no. 392 and 6. William Stapulton's confession, printed in paraphrase in the Letters and Papers, appears verbatim in J. C. Cox, William Stapleton and the Pilgrimage of Grace, *Transactions of the East Riding Antiquarian Society* 10 (1903), 104.

<sup>72</sup> LP 11, no. 1127; Hoyle, *Pilgrimage*, 327-9.

<sup>73</sup> Newman, Constable; Hoyle, *Pilgrimage*, 355 and 357-64. The promised parliament in fact never took place.

<sup>74</sup> R. W. Hoyle, Darcy, Thomas, Baron Darcy of Darcy (*b.* in or before 1467, *d.* 1537), *ODNB*, available at <http://www.oxforddnb.com/view/article/7148>, accessed 19 Jan 2012. For Constable's involvement in action against the Moors and on his commitment to Catholicism, see Newman, Constable; for the marriage negotiations between Darcy and Constable, see *House of Commons, 1509-1558*, 686. See also, LP 12.1, no. 899.

<sup>75</sup> LP 12.1, no. 1225. The use of 'furniture' here refers to both men and weapons. Darcy argued in a letter to Sir Brain Hastings that he too had joined the rebels out of fear for his life, noting that '[n]o man was ever in such danger as I was in Pomfret Castle' (LP 11, no. 1096).

<sup>76</sup> Hoyle, *Pilgrimage*, 383-5 and 419; LP 12.1, no. 729/2, 136 and 1225.

<sup>77</sup> LP 11, no. 1237.

<sup>78</sup> For the belief that Constable, Darcy and Aske together devised the Pontefract articles, see Norfolk's letter to Cromwell on 22 March 1537 (LP 12.1, no. 698).

<sup>79</sup> LP 11, no. 1120 and no. 1138.

<sup>80</sup> Hoyle, *Pilgrimage*, 298-300 (on the negotiations leading to the truce signed at Doncaster in late October); C. M. Newman, Bowes, Sir Robert (1493?-1555), *ODNB*, available at [www.oxforddnb.com/view/article/3058](http://www.oxforddnb.com/view/article/3058), accessed 3 Jan 2012; L. MacMahon, Ellerker, Sir Ralph (*b.* in or before 1489, *d.* 1546), *ODNB*, available at

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[www.oxforddnb.com/view/article/8644](http://www.oxforddnb.com/view/article/8644), accessed 3 Jan 2012 (for information on Ellerker's and Bowes's later careers).

<sup>81</sup> For Neville's evidence, see LP 12.1, no. 29 and for Bigod's letter, LP 12.1, no. 145. Sir William Fairfax attributed the success of the rebellion at Howden directly to the influence of Constable, who he described as 'a virtuous pilgrim of grace there' (LP 12.1, no. 192).

<sup>82</sup> LP 12.1, no. 698.

<sup>83</sup> LP 12.1, no. 465 and 558.

<sup>84</sup> LP 12.1, no. 558.

<sup>85</sup> LP 12.1, no. 594.

<sup>86</sup> LP 12.1, no. 846, 873, 1163; LP 12.2, no. 34.

<sup>87</sup> The trial was conducted under a special commission of oyer and terminer in King's Bench, as was also the case in the trials of John Fisher, Sir Thomas More and Anne Boleyn (see TNA, KB8/10, parts 1-3).

<sup>88</sup> For a discussion of Leavening's actions during the second rebellion, see Hoyle, *Pilgrimage*, 395-6. For his trial, see LP 12.1, no. 730-2. Norfolk later regretted Leavening's acquittal, noting in May that if he had known the men of Yorkshire as well at the time of the trial as he did then, Leavening would not be in possession of his life (LP 12.1, no. 1172).

<sup>89</sup> LP 12.1, no. 847, 1130 and 1187 (which summarizes the evidence against the principle defendants).

<sup>90</sup> LP 12.1, no. 1088.

<sup>91</sup> Hoyle, *Pilgrimage*, 409 notes that the evidence against Aske, Constable and Darcy did not amount to treason.

<sup>92</sup> LP 12.1, no. 1156 and 1172 (2) (for the jury selection) and no. 1227 (for the trial). See also Hoyle, *Pilgrimage*, 406-7 for a discussion of the trial procedure and jury selection.

<sup>93</sup> LP 12.1, no. 1225.

<sup>94</sup> LP 12.1, no. 1226.

<sup>95</sup> A letter addressed to the pilgrims at Pontefract and dated 4<sup>th</sup> December 1536 may also be written by Constable (LP 11, no. 1244). It has traditionally been attributed to Sir Thomas Tempest (M. Dodds and R. Dodds, *The Pilgrimage of Grace, 1536-1537, and the Exeter Conspiracy, 1538*, Cambridge, 1915, I, 357-8; Hoyle, *Pilgrimage*, 62), but Bush has recently suggested that the anti-Cromwell sentiments and the reference to battle in the letter make Constable its likely author (M. L. Bush, *The Tudor polity and the pilgrimage of grace*,

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*Historical Research* 80 (2007), 47-72, see 49 note 5). The attribution remains highly uncertain.

<sup>96</sup> LP 12.1, no. 1227.

<sup>97</sup> LP 12.1, no. 1252 and 12.2, no. 77.

<sup>98</sup> For Darcy's death, see Hoyle, *Pilgrimage*, 410.

<sup>99</sup> LP 12.2, no. 77 and 156.

<sup>100</sup> LP 12.2, no. 166.

<sup>101</sup> On Hussey, see R. W. Hoyle, Hussey, John, Baron Hussey (1465/6–1537), *ODNB*, available at <http://www.oxforddnb.com/view/article/14266>, accessed 19 Jan 2012.

<sup>102</sup> LP 12.2, no. 178, 229 and 292. Both J. Tickell, *The History of the Town and County of Kingston upon Hull*, Hull, 1798, 167 and Dodds and Dodds, *Pilgrimage of Grace*, II, 220-1 identify this as Beverley Gate.

<sup>103</sup> *State Papers: Henry VIII*, London, 1831, Vol I, 555. This section of Henry's letter does not appear in the edited copy published in LP 12.2, no. 77.

<sup>104</sup> Dodds and Dodds, *Pilgrimage of Grace*, I, 65-6, 82.

<sup>105</sup> See, for example, the map of the East Riding in J. Cary, *New and Correct English Atlas*, London, 1787.

<sup>106</sup> LP 12.2, no. 229; 16, 1232 and appendix no. 6. Henry's subsequent orders about improving the fortifications of the town referred to the gate 'where Constable hangeth'.

<sup>107</sup> S. Tarlow, *Ritual, Belief and the Dead Body in Early Modern Britain and Ireland*, Cambridge, 2010, 146-8; M. Evans, *The Death of Kings: Royal Deaths in Medieval England*, London, 2007, 78-82. For more on the agency of dead bodies, see also P. Schwyzer, *Archaeologies of English Renaissance Literature*, Oxford, 2007.

<sup>108</sup> T. Bulmer & Co., *History, Topography and Directory of East Yorkshire (with Hull)*, 1892.

<sup>109</sup> British Library, Cotton, Augustus i supp 20.

<sup>110</sup> Newman, Constable; Dodds and Dodds, *Pilgrimage of Grace*, I, 46.

<sup>111</sup> McDonagh, *Subverting the ground*, 206.

<sup>112</sup> For further discussion of these assumptions, see D. Gaimster, and P. Stamper, *The Age of Transition: The Archaeology of English Culture 1400-1600*, Society for Medieval Archaeology 15, 1997, ix.

<sup>113</sup> Thomas, Lady Curzon, 499; Lilley, *Cities of God*, 309. See also Jones, *What time*, 295.