

**Manorial Officeholding in Late Medieval and Early
Modern England, 1300-1600**

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Alex Spike Gibbs – Manorial Officeholding in Late Medieval and Early Modern England,
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Abstract

This thesis investigates the role and identity of manorial officers, individuals drawn from a lord's tenants who were vital in administering his manor court and directly-farmed lands. It analyses officeholding from a social and political standpoint, examining the role of officers in governing village communities, and how this was affected by the decline of lordship and development of the state. The study deliberately bridges the medieval/early modern divide, analysing the period 1300-1600.

The evidence base for this investigation relies on the reconstruction of officeholding from the court rolls of three case-study manors. These consist of Little Downham (Cambs.), Horstead (Norf.) and Worfield (Salop.). The first part of the thesis utilises quantitative methodologies to analyse the change in presentments made by officers (chapter one) and patterns in participation in office (chapter two). The second part adopts a qualitative approach to examine the role of officers in governing village communities (chapter three), attitudes to office among manorial tenants (chapter four), and the interaction of officeholding with the state and especially with the emergent civil parish (chapter five).

Four central conclusions emerge from this work. Firstly, manorial officeholding remained an important institution in the English countryside across the period 1300-1600. Secondly, this was achieved via support from tenants who were invested in manorial office rather than pressure from lords or the crown. Thirdly, officeholding worked to create and reinforce social stratification, helping maintain the position of a village elite. Fourthly, the officeholding system was robust enough to survive the expansion of the state into local communities under successive English monarchs.

These conclusions in turn have implications for the wider historical literature concerning late medieval and early modern England. They reinforce the revisionist argument that lord-tenant relations were not inevitably hostile and that many wealthier tenants benefitted from seignorial structures. More significantly, they add weight to the notion of a medieval equivalent to the early modern 'middling sort', suggesting that the emergence of a local elite was operative through manorial structures long before 1600.

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Declaration

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration. It is not substantially the same as any work that I have submitted, or, is being concurrently submitted for a degree or diploma or other qualification at the University of Cambridge or any other university. I further state that no substantial part of my dissertation has already been submitted, or, is being concurrently submitted for any such degree, diploma or other qualification at the University of Cambridge or any other university or similar institution. It does not exceed the prescribed word limit of 80,000 words.

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List of Abbreviations

a – acres

AgHR – *The Agricultural History Review*

CIPM – *Calendar of Inquisitions Post Mortem*

CUL, EDR – Cambridge University Library, Ely Diocesan Records

EcHR – *The Economic History Review*

JBS – *Journal of British Studies*

KCA – Cambridge, King's College Archives

ODNB – *Oxford Dictionary of National Biography*

P&P – *Past and Present*

SAC – Shrewsbury, Shropshire Archive Centre

SR – *Statutes of the Realm*, vols.1, 3-4, (London, 1810-28)

TNA – Kew, The National Archives

VCH Cambs. – Salzman, L.F. et al., (eds.), *The Victoria History of the County of Cambridgeshire and the Isle of Ely*, 10 vols., (London: Published for the University of London Institute for Historical Research by Oxford University Press, 1938-2002).

Worfield CWAs – Walters, H.B. (ed.), 'The Churchwardens' Accounts of the Parish of Worfield', Parts I-VI, *Transactions of the Shropshire Archaeological and Natural History Society*, 3rd ser., 3-4, 6-7, 9-10, (1903-4, 1906-7, 1909-10).

Introduction

Historical Approaches to Manorial Officeholding

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

However, alongside these references to more novel governing apparatuses, the articles are also replete with references to what could be considered a quintessentially medieval institution, namely that of the 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 Tythingses or in any of them’.⁵ Explicit references to the leet’s officers are made in articles 10 and 16, in the former that ‘all...offycers for the publique affayers of the Tythyngs...shalbe countenanced and borne

¹ S. Hindle, ‘Hierarchy and Community in the Elizabethan Parish: the Swallowfield Articles of 1596’, *The Historical Journal*, 42, 1999, 835-51, 848.

² Hindle, ‘Hierarchy and Community’, 836, 843-4, 848; P. Collinson, ‘*De Republica Anglorum*: or History with the Politics Put Back’ in P. Collinson, *Elizabethan Essays*, (London: Hambledon, 1994), 1-30, 23-5; M.J. Braddick, *State Formation in Early Modern England*, (Cambridge: Cambridge University Press, 2000), 75; S. Hindle, *The State and Social Change in Early Modern England, 1550-1640*, (Basingstoke: Macmillan, 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: Ashgate, 2007), 19-36, 19; M. Gaskill, ‘Little Commonwealths II: Communities’ in K. Wrightson (ed.), *A Social History of England, 1500-1700*, (Cambridge: Cambridge University Press, 2017), 84-104, 92.

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

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

⁵ Hindle, ‘Hierarchy and Community’, 849 [12].

out of us all' and the latter 'that the offycers shall not be dislyked...in fyrtherynge...any other busyness of the Tythynges'.⁶ Article 25 addresses the specific apparatus of the manor court, stating that 'tow of us shall be present at Sessions leete & Law days for to use the best means for to keepe downe Synne'.⁷ Such language speaks to the persistence of manorial officeholding as a governing structure in early modern village life, but also suggests a longer continuity. Even in 1596, as the inhabitants of Swallowfield attempted to formulate a solution to new problems, in a meeting that involved participants from across the boundaries of several manors, the participants still operated, at least partially, within a system of local governance rooted in the manor.

The example of Swallowfield encapsulates, in a rare source generated by village elites, the fundamental subject at the heart of this thesis. This is the long history of the manor as an institution of local governance, and how this was administered through a set of individuals acting in various manorial offices. Whilst little has been written about manorial officeholding as a topic in itself, officers' prominence in the surviving documentation of the manor means that they have been studied in order to analyse other aspects of medieval social and economic history. The following surveys some of these historiographical trends, although much more detail is given in the main body of the thesis, where relevant points in the literature are discussed in detail.

The earliest approaches focused on manorial officials as seignorial servants and particularly their role in managing their lord's demesne. H.S. Bennett and Paul Vinogradoff examined manorial accounts and estate literature, using these to investigate the expectations lords had of their servants, and the agricultural practices these individuals used to meet these expectations.⁸ In more recent years, there has been a resurgence of interest in officials as estate managers, but utilising more systematic and quantitative approaches. Partially, this stems from an interest in the management practices of lords, but is part of a more general inquiry into the ability of peasant cultivators to be rational economic agents.⁹ David Stone's study of Wisbech revealed

⁶ Hindle, 'Hierarchy and Community', 849 [10], 850 [16].

⁷ Hindle, 'Hierarchy and Community', 851 [25].

⁸ P. Vinogradoff, *Villainage in England*, (Oxford, 1892), 317-9; H.S.A. Bennett, *Life on the English Manor: a Study of Peasant Conditions, 1150-1400*, (Cambridge: Cambridge University Press, 1937), 155-92.

⁹ D. Stone, *Decision-Making in Medieval Agriculture*, (Oxford: Oxford University Press, 2005), 13-4, 168-9; B. Dodds, 'Demesne and Tithe: Peasant Agriculture in the Late Middle Ages', *AgHR*, 56, (2008), 123-41, 124.

that peasant reeves could be effective managers capable of responding to price trends, and who were able to exploit the opportunities for their skills following depopulation after the Black Death, although this positive view of price-responsiveness has recently been challenged.¹⁰

Whilst these approaches have shed light on previously unappreciated aspects of the medieval economy and management, their main drawback is a lack of attention to the social context of officeholding. This is largely guided by the source type; manorial accounts provide minimal opportunities to explore social relations. In some of the older management literature officeholding is seen as having no social value at all, as seen in Bennett's claim that 'once the reeve had received [an] acquittance he could...safely return into his humble obscurity, from whence he had been drawn to play so important a part in the affairs of his rural community'.¹¹

A second strand in the historiography takes a completely converse approach, using officeholding to study the social structure of medieval village communities. This approach is associated with the so-called 'Toronto School' of medieval historians, a group of North-American scholars led by J.A. Raftis active in the second half of the twentieth century.¹² These scholars attempted to reconstitute the structure of villages which were part of the estates of the Abbot of Ramsey in Huntingdonshire through a statistical approach.¹³ The school developed 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.¹⁴

¹⁰ Stone, *Decision-Making*, 105, 168, 224; D. 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: Oxford University Press, 2014), 399-420., 413-6; E.B. Schneider, 'Prices and Production: Agricultural Supply Response in Fourteenth-Century England', *ECHR*, 67:1, (2014), 66-91, 84-5.

¹¹ Bennett, *Life on the English Manor*, 192.

¹² 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: Medieval Institute Publications, 1995), xi-xvii, xii-xiv.

¹³ DeWindt, 'Introduction', xiv; 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: Cambridge University Press, 1984), 140-79, 155-7.

¹⁴ 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-Needlingworth: Structures of Tenure and Patterns of Social Organization in an East Midlands Village, 1251-1457*, (Toronto: Pontifical Institute of Mediaeval Studies, 1972), 206-33; A.R. DeWindt, 'Peasant Power Structures in Fourteenth-Century King's Ripton', *Mediaeval Studies*, 38, (1976), 236-67, 244-58; E. Britton, *The Community of the Vill: a*

Officeholding was further used to advance an argument concerning the breakdown of the medieval 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.¹⁵ 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, whilst elites themselves increasingly looked beyond the village to create regional powerbases driven by individualistic ambitions.¹⁶ Anne Dewindt suggested that this breakdown of community may in part have been caused by new post-plague officers being less experienced.¹⁷ 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.¹⁸ Offices were now being used for ‘schooling the individual’ to 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.¹⁹ Thus her view is more positive as officeholding was a way to help preserve the community during a period of crisis.

Whilst the detailed statistical work performed by members of the Toronto School is impressive, this work is problematic for reasons both of interpretation and evidence. On a methodological

Study in the History of the Family and Village Life in Fourteenth-Century England, (Toronto: Macmillan of Canada, 1977), 98-102; S. Olson, ‘Jurors of the Village Court: Local Leadership Before and After the Plague in Ellington, Huntingdonshire’, *JBS*, 30:3, (1991), 237-56, 238-42; S. Olson, ‘Families Have Their Fate and Periods: Varieties of Family Experience in the Preindustrial Village’, 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: Medieval Institute Publications, 1995), 409–48, 410-28; S. Olson, *A Chronicle of All that Happens: Voices from the Village Court in Medieval England*, (Toronto: Pontifical Institute of Medieval Studies, 1996), 104-61

¹⁵ J.A. Raftis, ‘Changes in an English Village after the Black Death’, *Mediaeval Studies*, 29, (1967), 158-77, 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: Manchester University Press, 2016), 208.

¹⁶ I. Blanchard, ‘Social Structure and Social Organization in an English Village at the Close of the Middle Ages: Chewton, 1526’, 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: Medieval Institute Publications, 1995), 307-39.

¹⁷ DeWindt, ‘Peasant Power Structures’, 249.

¹⁸ Olson, ‘Jurors of the Village Court’, 251-6; Olson, ‘Families Have Their Fate and Periods’, 446-8.

¹⁹ Olson, *Chronicle of All That Happens*, 195-203.

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.²⁰ The contention that the village community declined after the Black Death has come in for specific criticism.²¹ 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 amercements without regard for the ability of villagers to pay.²² The indicators used 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, whilst 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.²³ Beyond manorial evidence, efforts at community cohesion are seen in religious institutions such as the growth of guilds and reconstructing of parish churches, which Christopher Dyer interprets as a policy of the 'deliberate promotion by the village elite...to foster a community spirit in danger of being eroded by economic realities.'²⁴

A third approach also focuses on intra-village dynamics but draws heavily on insights from the post-medieval era. Early modernists have increasingly identified a vibrant 'political' culture in the villages of sixteenth- and seventeenth-century England.²⁵ This is seen to have been

²⁰ K. Wrightson, 'Medieval Villagers in Perspective', *Peasant Studies*, 7:4, (1978), 203-16; 211-3; Smith, 'Modernization', 156; Z. Razi, 'The Toronto School's Reconstitution of Medieval Peasant Society: a Critical View', *P&P*, 85:1, (1979), 141-57; Z. Razi, 'Family, Land and Village Community in Later Medieval England', *P&P*, 93, (1981), 3-36, 29; J.M. Bennett, *Women in the Medieval English Countryside: Gender and Household in Brigstock Before the Plague*, (New York: Oxford University Press, 1987), 212-3; C.C. Dyer, 'Review of *A Chronicle of All the Happens: Voices from the Village Court in Medieval England*, by Sherri Olson', *The American Historical Review*, 103:1, (1998), 157-8, 158; P.L. Larson, 'Village Voice or Village Oligarchy?: the Jurors of the Durham Halmote Court, 1349 to 1424', *Law and History Review*, 28:3, (2010), 675-709, 678 n.10; Schofield, *Peasants and Historians*, 208.

²¹ 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: Palgrave Macmillan, 2007), 19-49, 20.

²² C.C. Dyer, 'The English Medieval Village Community and its Decline', *JBS*, 33:4, (1994), 407-29, 421-4.

²³ Razi, 'Toronto School's Reconstitution', 149-52.

²⁴ Dyer, 'Village Community', 428-9.

²⁵ 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: Macmillan, 1996), 10-46, 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.),

facilitated by an increased interaction with the state, as local communities were made responsible for maintaining roads, outfitting soldiers, enforcing religious policy, and raising and distributing poor relief to their fellow villagers. This both gave new roles to pre-existing officials such as churchwardens and constables and also created new offices such as that of overseer of the poor.²⁶ Keith Wrightson has suggested these changes led to the emergence of an upper stratum of village society he termed ‘the middling sort’, a set of local elites who used state power to govern their local communities, and in doing so increasingly gained a level of political consciousness setting them apart from their more plebeian fellow villagers.²⁷ Medievalists have recently sought to find parallels in the village communities of fourteenth- and fifteenth-century England, and have explored manorial officeholding as a similar institution.²⁸ In

Remaking English Society: Social Relations and Social Change in Early Modern England, (Woodbridge: Boydell, 2013), 1-40, 25-6, 31; J. Healey, ‘The Political Culture of the English Commons, c.1550-1650’, *AgHR*, 60, (2012), 266-87, 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: Cambridge University Press, 2001), 1-42, 2-4.

²⁶ K. Wrightson, ‘Aspects of Social Differentiation in Rural England, c.1580-1660’, *Journal of Peasant Studies*, 5:1, (1977), 33-47, 40; Hindle, *State and Social Change*, 215-6; J. Kent, *The English Village Constable 1580-1642: a Social and Administrative Study*, (Oxford: Clarendon, 1986), 16-19, 28-56; R.A. Houston, ‘People, Space and Law in Late Medieval and Early Modern Britain and Ireland’, *P&P*, 230, (2016), 47-89, 56-7, 68; Sharpe, *Crime*, 85-7; R. Hutton, *The Rise and Fall of Merry England: the Ritual Year, 1400-1700*, (Oxford: Oxford University Press, 1994), 73; K. Wrightson and D. Levine, *Poverty and Piety in an English Village: Terling, 1525-1700*, revised edition, (Oxford: Clarendon, 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, Cambridge University Press, 1995), 164-207, 170-80; B. Kümin, *The Shaping of a Community: the Rise and Reformation of the English Parish, c.1400-1560*, (Aldershot: Scolar Press, 1996), 243-58; M.K. McIntosh, *Poor Relief in England, 1350-1600*, (Cambridge: Cambridge University Press, 2012), 232-52, 280-3; S. Hindle, *On the Parish?: the Micro-Politics of Poor Relief in Rural England, c.1550-1750*, (Oxford: Clarendon, 2004), 10-13; S. Webb and B. Webb, *English Local Government: Volume 1 the Parish and the County*, (London: Longman, 1906), 21; P. Slack, *Poverty and Policy in Tudor and Stuart England*, (London: Longman, 1988), 131; Wrightson, ‘Politics of the Parish’, 25-8; B. Kümin, ‘The Secular Legacy of the Late Medieval English Parish’, in E. Duffy and C. Burgess (eds.), *The Parish in Late Medieval England*, (Donington: Shaun Tyas, 2006), 95-111, 105; V.R. Bainbridge, *Gilds in the Medieval Countryside: Social and Religious Change in Cambridgeshire, c.1350-1558*, (Woodbridge: Boydell, 1996), 125, 150; S. 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: Palgrave, 2001), 125-52, 136-7; S. Gunn, *The English People at War in the Age of Henry VIII*, (Oxford: Oxford University Press, 2018), 32-3, 51-2.

²⁷ Wrightson, ‘Social Differentiation’, 34-45; Wrightson and Levine, ‘Poverty and Piety’, 174-84; K. Wrightson, ‘Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century England’, J. Brewer and J. Styles (eds.), *An Ungovernable People?: the English and their Law in the Seventeenth and Eighteenth Centuries*, (London: Hutchinson, 1980), 21-46, 45-6; K. Wrightson, *English Society, 1580-1680*, (London: Hutchinson, 1982), 222-7; Wrightson, ‘“Decline of Neighbourliness”’, 38-9.

²⁸ 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: Boydell, 2004), 135-58, 135-7.

comparing responses to dearth c.1280-1322 and c.1580-1640, Richard Smith has recently 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’.²⁹ However, such examinations have not yet moved beyond comment, with little analysis of how far manorial officeholding worked similarly or differently to later officeholding structures.

It is this final strand in the literature which acts as a springboard for the following thesis.

Manorial officeholding is examined over the long term, across a three-hundred-year time frame, in the same three locales. This stretches from c.1300, a period of high demographic pressure, in which high prices and low wages are generally seen to have advantaged landlords who maintained at least the potential to exercise significant authority over their unfree tenants, to c.1600, where again population was high, but the position of landlords was far weaker, with the rise of engrossing peasants as a new class of yeoman farmers.³⁰ Between these two periods can be placed the challenging conditions of the late fourteenth and fifteenth centuries, which saw demographic and economic stagnation, along with the decline of serfdom, and also, across the period as a whole, the growth of the state via institutions such as the commissions of the peace and the development of the civil parish.³¹

²⁹ 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: Boydell, 2017), 35-54, 44.

³⁰ B.M.S. Campbell, *English Seigniorial Agriculture*, (Cambridge: Cambridge University Press, 2000), 3-10; B.M.S. Campbell, ‘The Land’, in R. Horrox and W.M. Ormrod (eds.), *A Social History of England, 1200-1500*, (Cambridge: Cambridge University Press, 2006), 179-237, 233-7; 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: Brepols, 2004), 237-49, 237-46; J. Whittle, *The Development of Agrarian Capitalism: Land and Labour in Norfolk, 1440-1580*, (Oxford: Clarendon, 2000), 168-171, 305-10; R.H. Britnell, *Britain and Ireland 1050-1530: Economy and Society*, (Oxford: Oxford University Press, 2004), 444-5; K. Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain*, (New Haven, CT. and London: Yale University Press, 2000), 132-41; B.M.S. Campbell, ‘England: Land and People’, in S.H. Rigby (ed.), *A Companion to Britain in the Late Middle Ages*, (Oxford: Blackwell, 2003), 3-25, 16-9.

³¹ J. Hatcher, ‘The Great Slump of the Mid-Fifteenth Century’ in R.H. Britnell and J. Hatcher (eds.), *Progress and Problems in Medieval England: Essays in Honour of Edward Miller*, (Cambridge: Cambridge University Press, 1996), 237-72, 270-2; Britnell, *Britain and Ireland*, 496-501; M. Bailey, *The Decline of Serfdom in Late Medieval England: from Bondage to Freedom*, (Woodbridge: Boydell, 2014), 287-98; Hindle, *State and Social Change*, 1-36; Sharpe, *Crime*, 169-70; Kūmin, *Shaping of a Community*, 247-58.

The long time frame, which works across the medieval/early modern divide, allows one to explore the relationship between these political, economic and social changes and manorial officeholding. On the one hand, the aim is to examine how far officeholding structures adapted or were made obsolete by these wider changes, yet equally important is to examine how these changes were themselves mediated in their effects on local communities via manorial officeholding. The manor was undoubtedly the most immediate organ of governance for the majority of English rural people even in the late middle ages, providing a structure that enforced lordship, regulated agriculture, acted as a forum for interpersonal litigation, policed petty crime and regulated the tenure of landholdings.³² Some early modernists have argued for an extension of this principle into the period beyond 1500, arguing that the manor remained vital until the Civil War at the earliest, providing a cheap and local forum for dealing with village problems.³³

Therefore, the following thesis aims to investigate the changing functions and identity of manorial officers across the period 1300-1600. It does this in order to explore what manorial officeholding can reveal about the relationship between lord, crown and community, the internal governance of villages and the growth of the early modern state. To achieve these aims, the scope of the study excludes aspects of manorial officeholding, which whilst worthy of study, do not speak directly to these wider themes. The most obvious omission are manorial officers who were not selected from among the tenants but instead salaried appointees, including stewards and bailiffs. Such positions, which were externally appointed by lords, have less potential to reveal the social importance of officeholding, which is best revealed through examining those officers who were drawn from medieval village communities. A second aspect which is

³² S.H. Rigby, *English Society in the Later Middle Ages: Class, Status and Gender*, (Basingstoke: Macmillan, 1995), 26-7; C.D. Briggs, *Credit and Village Society in Fourteenth-Century England*, (Oxford: Oxford University Press on behalf of the British Academy, 2009), 12-3; 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, 17; M. Bailey, *The English Manor, c.1200-c.1500*, (Manchester: Manchester University Press, 2002), 168-9; S. Walker, 'Order and Law', in R. Horrox and W.M. Ormrod (eds.), *A Social History of England, 1200-1500*, (Cambridge: Cambridge University Press, 2006), 91-112, 97-8.

³³ W.J. King, 'Untapped Resources for Social Historians: Court Leet Records', *Journal of Social History*, 51:4, (1982), 699-705, 699; W.J. King, 'Early Stuart Courts Leet: Still Needful and Useful', *Histoire Sociale/Social History*, 23:46, (1990), 271-99, 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: Royal Historical Society, 1984), 73-85, 75-85; 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: Hambledon, 1997), 43-60, 43, 59; Sharpe, *Crime*, 84-5.

considered in passing but not in particular detail, is the role of officials as demesne managers. This is largely driven by the fact that the key sources for the study are court rolls, rather than manorial accounts, which provide the information necessary to assess management techniques. The scope of the project also does not allow for much investigation of the direct evidence of the status of officeholders outside of their official roles, such as their wealth, landholding or kinship ties.

Finally, the thesis focuses on the ‘public’ work of officers, as it aims to consider the role of manorial structures in governing village communities. This means that officers’ work in interpersonal litigation is only discussed occasionally, and that officials who dealt solely with civil cases, like trial jurors, are not examined. However, the ‘public’ focus means that the work of both courts leet and baron is analysed. Whilst in legal terms barons and leets had different purposes in meeting strictly seigniorial and royal requirements respectively, both types of court were part of the same manorial structure as the right to hold a leet was a franchise granted to lords. This led them to be directed by the same seigniorial steward, occur at the same place and often time, and be recorded in the same set of records. The legal distinction was blurred on the ground with business strictly belonging to one type of court seen in the other. From the point of view of officers, both types of courts involved meeting obligations to external authorities, whilst also being part of the same structure governing local political, economic and social life.

Case studies

The evidentiary basis for this thesis rests on three 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 Little Downham (Cambridgeshire), Horstead (Norfolk), and Worfield (Shropshire) (see figure 0.1). These were chosen primarily for record survival, with an effort made to find manors that had relatively complete sets of surviving court rolls over the 300-year time frame. However, beyond this necessary requirement, the case studies were deliberately selected to encompass a range of settlement forms and localities, in order to explore how different regional factors affected officeholding.

Figure 0.1 – Locations of three case-study manors



Boundary data = 1851 counties.

Little Downham was located in the Cambridgeshire fenland, 2½ miles north-west of Ely.³⁴ The manor was held by the bishop of Ely throughout the study period, as part of the bishop's 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.³⁵ The inhabitants

³⁴ M.C. Coleman, *Downham-in-the-Isle: a Study of an Ecclesiastical Manor in the Thirteenth and Fourteenth centuries*, (Woodbridge: Boydell, 1984), 1, 4.

³⁵ *VCH Cambs.*, 8-27.

lived in a nucleated settlement, with the smaller hamlet of Downhamhythe to the west providing access to navigable waterways.³⁶ 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.³⁷ In 1251, 444½a consisted of demesne, 294a were held by 33 customary tenants, 158½a by four free tenants and 24a by 24 cottars.³⁸ 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.³⁹ The prosperity of the manor changed with the Black Death; whilst 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 £2.⁴⁰ 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.⁴¹ 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 of tenurial change.⁴² 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.⁴³

The manor was leased from 1430-1 until 1478-9, after which it came back under direct management.⁴⁴ The manor was apparently leased again by the 1540s, when it was valued at £27 17s 9½d to £37 7s excluding arrears.⁴⁵ Population reconstructions can be made from various taxation sources.⁴⁶ At Downham, population followed national trends, halving between 1327

³⁶ Coleman, *Downham*, 4-5.

³⁷ Coleman, *Downham*, 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*, 31:2, (2010), 5-23, 12.

³⁸ Coleman, *Downham*, 13.

³⁹ Coleman, *Downham*, 20-1.

⁴⁰ *VCH Cambs.*

⁴¹ Coleman, *Downham*, 95-6.

⁴² See, for example, CUL, EDR, C11/1/2, m.11, 16 Mar 1362; C11/1/2, m.21, 4 Mar 1370; C/11/2/4, 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*, 62:2, (2014), 210-30, 216.

⁴³ See, for example, CUL, EDR, C11/3/7, m.4, 16 May 1464; C11/3/7, m.17, 24 Sep 1473; C11/3/10, unfoliated, 24 Feb 1487.

⁴⁴ CUL, EDR, D10/3, m.9, 1430-1; D10/3, m.46, 1478-9.

⁴⁵ *VCH Cambs.*, 90-5.

⁴⁶ For methodology see appendix 2.

and 1377 due to 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.⁴⁷ 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.⁴⁸

Table 0.1 – Population Estimates

	Little Downham	Horstead	Worfield
Date	Population Estimate	Population Estimate	Population Estimate
1327	442-589	N/A	855-1140
1377-9	185-204	127-140	N/A
1524	350-472	94-125	384-518
1563	380-400	N/A	637-670
1603	N/A	154-200	N/A

See appendix 2 for methodology and sources

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 (figure 0.2). The trend in sessions per year was downwards, from 2-8 for the 1320s-60s, to 2-4 for the 1370s-1430s, and a final fall to generally 2 until the 1580s. 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 of the three case studies, including bylawmen and fenreeves not seen at the other two manors. The period of leasing changed the officeholding structure, with the reeveship and messorship abandoned 1444-1471, apart from in 1455-6, in favour of a seigniorial bailiff, before being reintroduced.⁴⁹

⁴⁷ 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, 48.

⁴⁸ E.A. Wrigley and R.S. Schofield, *The Population History of England, 1541-1871: a Reconstruction*, (London: Edward Arnold, 1981), 332-6.

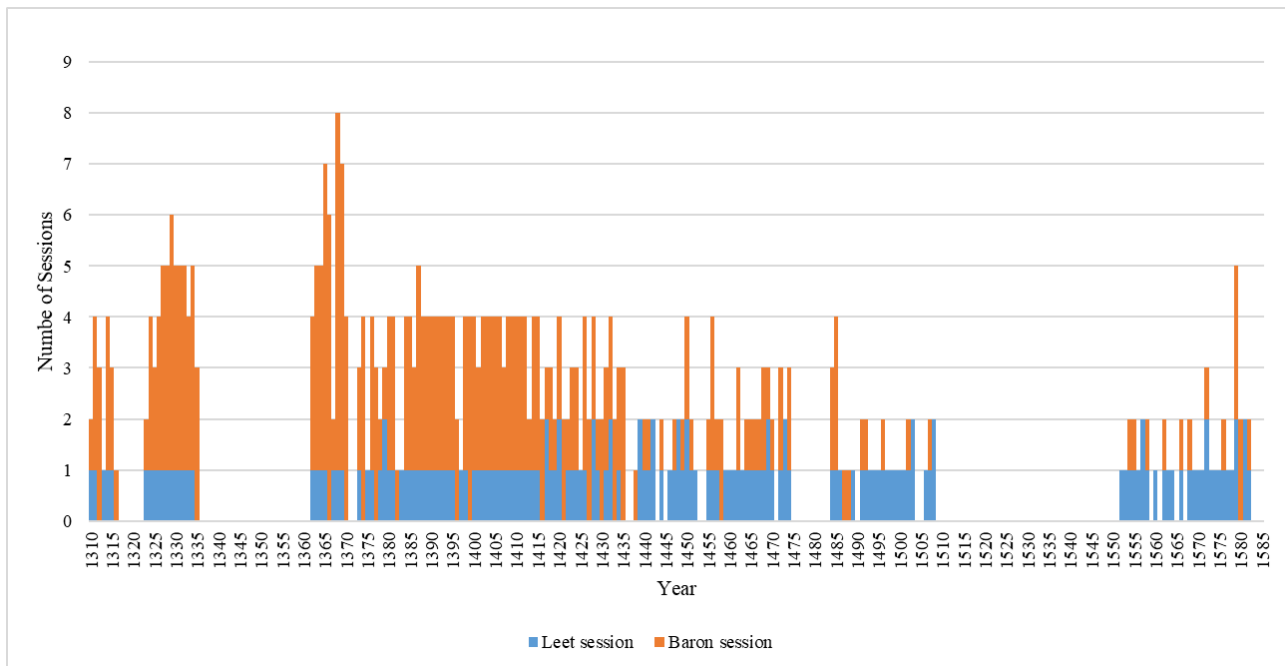
⁴⁹ CUL, EDR, D10/3, m.19, 1444-5; D10/3, m.26, 1455-6; D10/3, m.38, 1470-1.

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

Office	Little Downham	Horstead	Worfield
Capital Pledge/ Jury Leet	1310-1579	1395-1599	1327-1598
Jury Baron	1310-1582	1392-1599	1350-1600
Reeve	1314-1435, 1472-1508	1392-1472 (nominal)	1327-1599
Messor/beadle	1316-1439, 1472-1503	N/A	1327-1598
Taster	1311-1579	1395-1492	1327-1597
Bylawman	1311-1414	N/A	N/A
Fenreeve	1326-1579	N/A	N/A
Constable	1329-1579	1439-1599	1384-1597
Vills	N/A	N/A	1327-1589

N/A refers to officers that do not appear on the relevant manor. Nominal refers to the fact that whilst 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. Sources, CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11; KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; SAC, P314/W/1/1/1-838.

Figure 0.2 – Sessions surviving and analysed for Little Downham



N leet sessions = 169; N baron sessions = 300. Sources: CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11.

Horstead, situated around 7 miles from Norwich, was a different type of community. The manor was located in an area of complex boundaries, which were typical of medieval Norfolk.⁵⁰ 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.⁵¹ By the sixteenth century, the civil parish contained both Horstead and Stanninghall whilst the ecclesiastical parish just included Horstead.⁵² Moreover, Horstead manor had a separate portion within the neighbouring area of Coltishall, this vill being split between four lords.⁵³ The two different portions led to a mismatch between manorial and leet boundaries. Horstead's leet authority, which included Stanninghall, was confined to the

⁵⁰ B.M.S. Campbell, 'The Complexity of Manorial Structure in Medieval Norfolk: a Case Study', *Norfolk Archaeology*, 39, (1986), 225-61, 227-42; M. Bailey, *A Marginal Economy?: East Anglian Breckland in the Later Middle Ages*, (Cambridge: Cambridge University Press, 1989), 45-6.

⁵¹ W.J. Blake, 'Norfolk Manorial Lords in 1316: Part II', *Norfolk Archaeology*, 30:4, (1952), 263-86, 280; P. Millican, *A History of Horstead and Stanninghall, Norfolk*, (Norwich, 1937), 89-92.

⁵² A. Dyer and D.M. Palliser (eds.), *The Diocesan Population Returns for 1563 and 1603*, (Oxford: Oxford University Press for the British Academy, 2005), 441 n.111.

⁵³ W.J. Blake, 'Manorial Lords', 274.

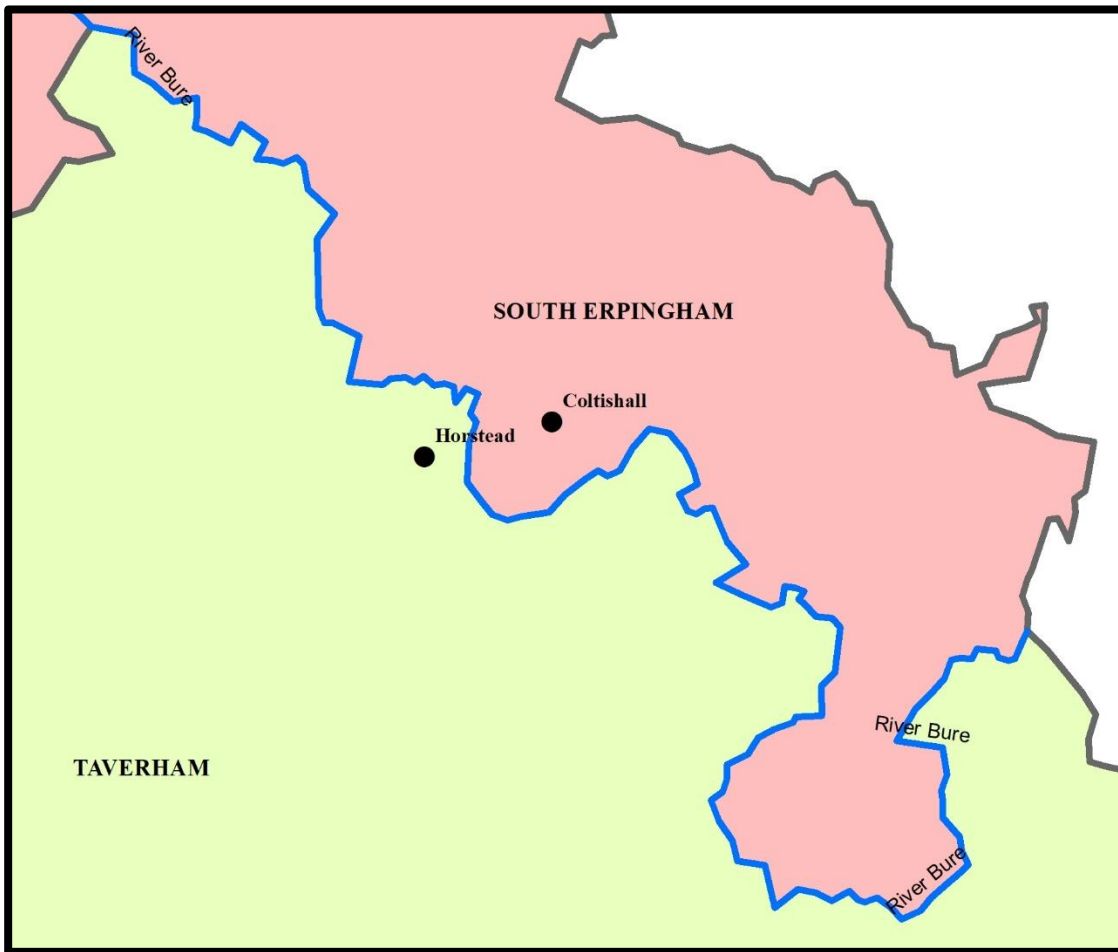
Hundred of Taverham, whilst its Coltishall portion lay within the Hundred of South Erpingham, bounded by the river Bure, and was therefore subject to leet authority by the Hundred court since the crown retained the View of Frankpledge in this locality (figure 0.3).⁵⁴ The manor was valued at £20 in 1428.⁵⁵ Horstead's population was significantly smaller than Downham's, but it is vital to remember that this 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 over the sixteenth century by about a third (figure 0.1). Unfree heritable 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.⁵⁶

⁵⁴ See appendix III, Millican, *Horstead and Stanninghall*, 201-3; F. Blomefield, *An Essay Towards a Topographical History of the County of Norfolk*, vol.6, 2nd edition, (London, 1807), 303-10.

⁵⁵ C. Noble, *CIPM*, vol. XXIII, (Woodbridge: Boydell, 2004), 46-7, [96].

⁵⁶ 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*, 48:1, (2000), 1-26, 8; Whittle, *Agrarian Capitalism*, 82. See p. 39.

Figure 0.3 – Map of Norfolk hundreds with location of villages



Boundary data = 1831 hundreds.

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.⁵⁷ After seizure, presumably on Woodstock's attainr, the manor was granted to various Plantagenet and then Lancastrian allies in the county, before being granted in perpetuity to King's College by Edward IV in 1462, in whose hands it remained until the twentieth century.⁵⁸ The manor was subject to drastic enclosure of its commonfields in the post-Black Death period, but maintained

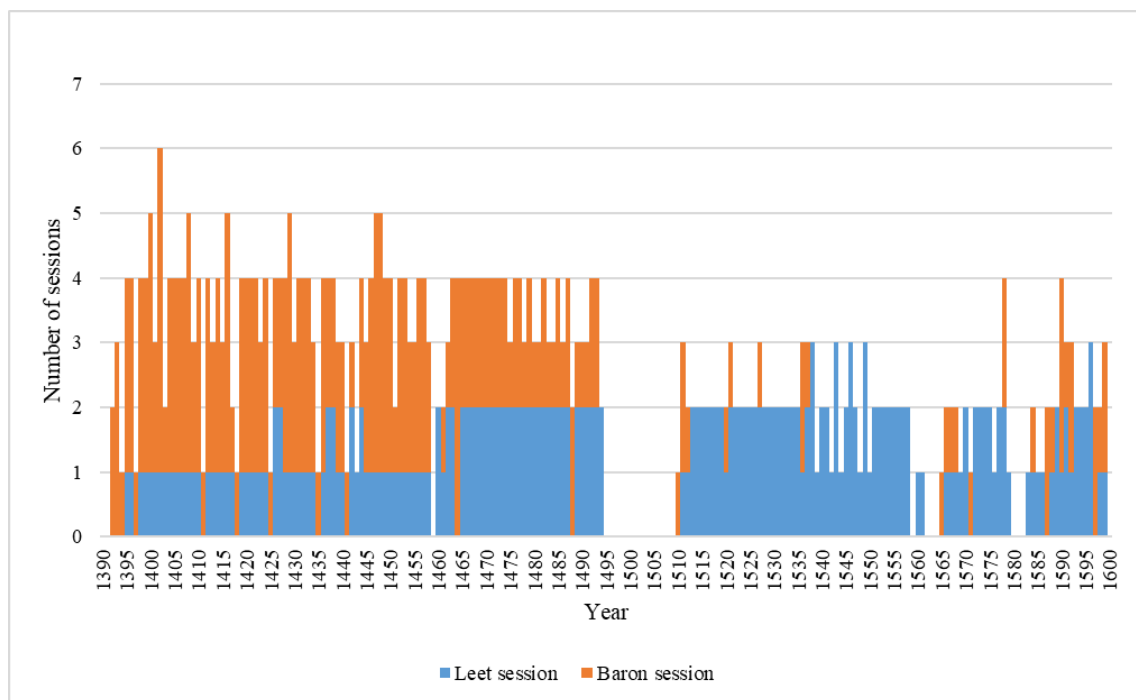
⁵⁷ Millican, *Horstead and Stanninghall*, 80; KCA, HOR/27, unfoliated, 28 Oct 1392.

⁵⁸ 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: Oxford University Press, 2000), 72, 80-1.

common pastures down to 1599, when these were abolished and enclosed by petition of the tenants.⁵⁹ In 1586 the manor contained about 1600a of farmland, of which only 230a were demesne, which was leased through most of the study period.⁶⁰

The court rolls for Horstead survive for 1392-1600, and only contain significant gaps of more than three years for 1494-1510 and 1562-5. As at Downham, there was a downward trend in sessions per year, from 3-4 for the 1390s-1490s, to 2-3 for the 1510s-1590s, with courts baron generally falling whilst leets continued to be held (figure 0.4). Horstead had the fewest officials of the case studies, with the ‘reeveship’ being nominal, in that whilst men were selected they always paid a fine not to serve (table 0.2). 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.

Figure 0.4 – Sessions surviving and analysed for Horstead



N leet sessions = 264; N baron sessions = 253. Sources: KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376.

⁵⁹ B.M.S. Campbell, ‘The Extent and Layout of Commonfields in Eastern Norfolk’, *Norfolk Archaeology*, 38, (1981), 5-31, 10-11.

⁶⁰ Millican, *Horstead and Stanninghall*, 83.

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 25 hamlets all part of the same lordship (figure 0.5). This created a leet which was structured differently to the other two case studies. Each of these vill presented separately, or in smaller combinations, with the jury leet then presenting more serious business as well as affirming the presentments of the townships, meaning that the jurors were one-step removed from presentment unlike at the other two manors examined. The manor was originally held by the crown, giving it Ancient Demesne status, before being held by a succession of aristocratic lords from 1238.⁶¹ 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.⁶² The lords enjoyed 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.⁶³ The vill of Ackleton also formed a separate submanor, but was subject to the leet's jurisdiction.⁶⁴ In 1436, the manor contained 100a of arable demesne, a 40a wood, and 6a of pasture in the lady's hand.⁶⁵ 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.⁶⁶

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 1375.⁶⁷ However, by the

⁶¹ J. Randall, *Worfield and its Townships: being a History of the Parish from Saxon to Norman times*, (Madeley, 1887), 7.

⁶² 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)', *Oxford Dictionary of National Biography*, (Oxford: Oxford University Press, 2004), <<http://www.oxforddnb.com>>, accessed 4 March 2018; 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*.

⁶³ Smith, *Worfield*, 22-3, 29; S. Gibbs, 'Felony Forfeiture at the Manor of Worfield, C.1370-C.1600', *The Journal of Legal History*, forthcoming.

⁶⁴ Smith, *Worfield*, 18; J.L. Kirby (ed.), *CIPM*, vol. XVIII, (London: Her Majesty's Stationary Office, 1987), 326 [958].

⁶⁵ M. Holford et al., (eds.), *CIPM*, vol. XXIV, (Woodbridge: Boydell, 2010), 363-4 [514].

⁶⁶ Smith, *Worfield*, 195 map 2b.

⁶⁷ Eyton, R.W., *Antiquities of Shropshire*, vol. III, (London, 1856), 110; TNA, SC 12/14/24; A.E. Stamp et al., (eds.), *CIPM*, vol. XIV, (London: Her Majesty's Stationary Office, 1952), 149 [148].

early fifteenth century a severe decline had taken place, with the manor worth only £26 13s 4d in 1411 and £20 13s 4d in 1436.⁶⁸ 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.⁶⁹ 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'.⁷⁰ In terms of population, the lack of poll-tax data obscures the trend, but the effect of demographic decline seems to have been prolonged, with the inhabitants in 1524 numbering less 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).⁷¹

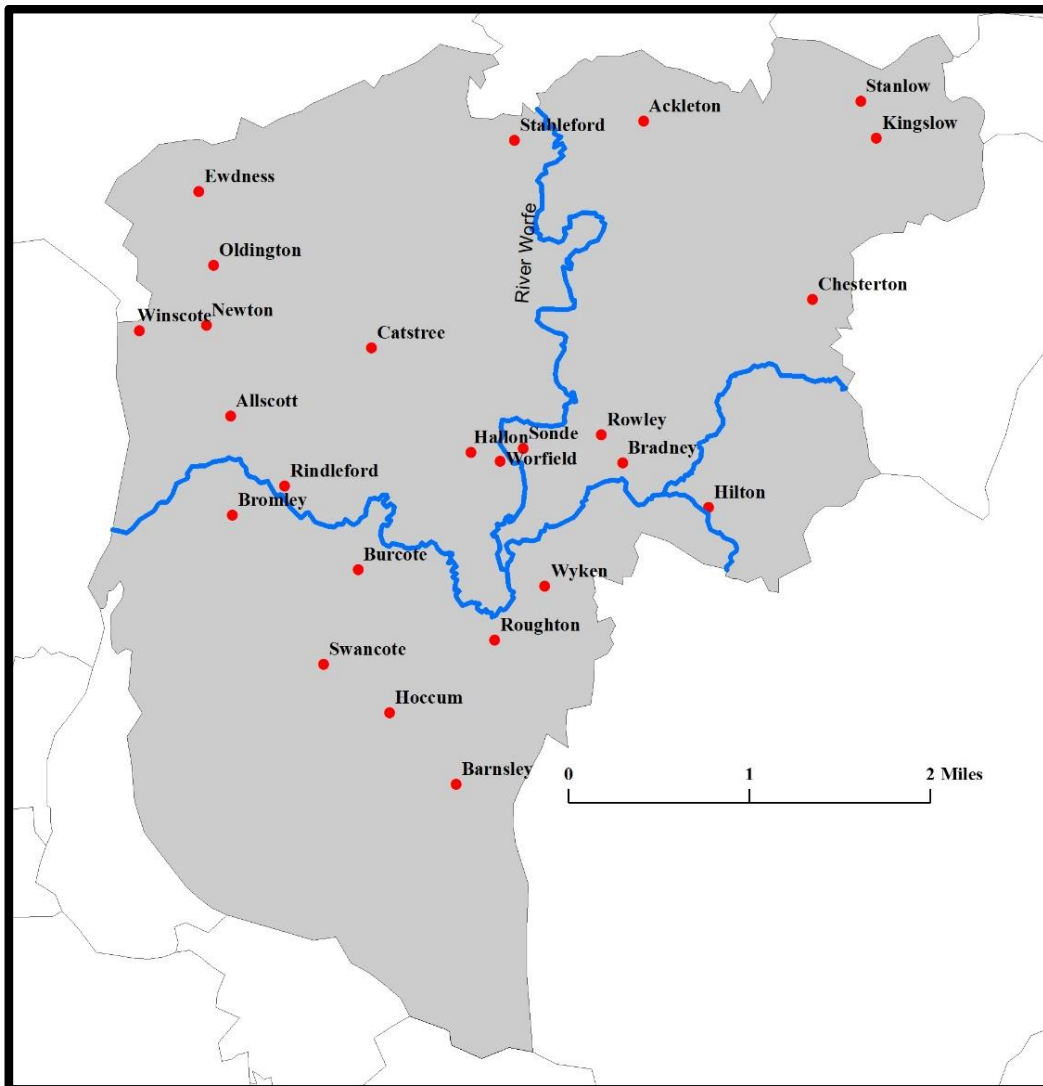
⁶⁸ J.L. Kirby, ed., *CIPM*, vol. XIX, (London: Her Majesty's Stationary Office, 1992), 304 [853]; Holford et al., *CIPM*, vol. XXIV, 363-4 [514].

⁶⁹ See, for example, SAC, 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', 216-8.

⁷⁰ See, for example, SAC, P314/W/1/1/298, 15 Nov 1446; P314/W/1/1/688, 12 Apr 1553; 5586/2/1/42; 2028/1/5/8.

⁷¹ J.S. Moore, 'The Mid-Tudor Population Crisis in Midland England', *Midland History*, 34:1, (2009), 44-57, Tables 3 and 4, 54.

Figure 0.5 – Map of townships making up Worfield manor

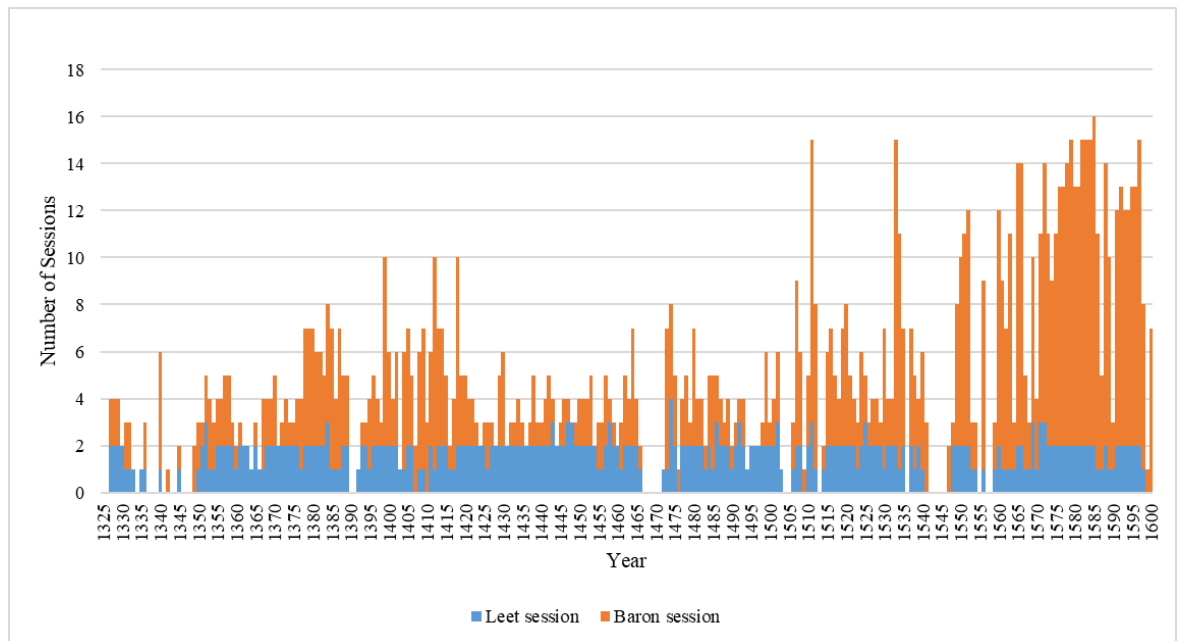


Boundary data = 1851 parishes.

Worfield's court rolls survive for 1327-1600, 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 3-7 for the 1320s-1540s, to frequently over 10 for the 1550s-1590s, although many of these sessions simply record a single land transfer (figure 0.6). The parish's churchwardens' accounts survive for most of the sixteenth century, as do the constables' accounts for the 1590s. Worfield had a substantial

set of officials, although a crucial contrast with the other case studies is that it had jurors leet rather than capital pledges.⁷²

Figure 0.6 – Sessions surviving and analysed for Worfield



N leet sessions = 423; N baron sessions = 908. Sources: SAC, P314/W/1/1/1-838.

Plan of the Study

By paraphrasing Ralph Evans, the aim of this thesis can be boiled down to a simply-stated research question: whose was manorial officeholding, and did this change over time?⁷³ The main body of the thesis is split into two parts adopting different approaches to answer this question. Part I, encompassing the first two chapters, is a ‘total’ approach to the history of manorial officeholding, utilising all available data for the three case studies. The first chapter analyses the changing functions of officers, seeing how far their work was driven by the relative needs of the lord, crown and community. The second examines participation in officeholding,

⁷² The term ‘jurors leet’ is a modern term used by the author to distinguish these officials who were often simply called the ‘twelve sworn’ in the language of the court rolls. However, they were clearly distinct from the typical ‘jurors baron’ seen at Worfield who were listed separately.

⁷³ R. Evans, ‘Whose was the Manorial Court?’ in R. Evans (ed.), *Lordship and Learning: Studies in Memory of Trevor Aston*, (Woodbridge: Boydell, 2004), 155-68.

seeing how far offices were dispersed among village inhabitants or concentrated in the hands of a few. A quantitative approach allows for the 'what' and 'who' of officeholding to be precisely measured, and aspects of similarity and dissimilarity across regions and time to be analysed.

Part I provides context for the investigation of key issues in Part II. This consists of a further three chapters which make greater use of illuminating qualitative evidence in order to examine the preferences and objectives of those serving in office and how these changed according to differing circumstances. Chapter three examines the issue of village governance, asking how far manorial officeholding was used to manage local communities, and what this reveals about community dynamics and the existence of a local elite. The following chapter uses a qualitative approach to consider attitudes to office, and how lord and tenants related to manorial officeholding as an institution. The fifth chapter considers, through a comparison with parochial structures, how manorial officeholding was affected by, and impacted on, the development of the state in the early modern era.

Part I

Chapter 1: The Function of Officers

Two Views of Manorial Officeholding

This first chapter examines the analyses of manor courts by two separate camps of medieval and early modern historians. These interpretations have remained disconnected leading to two very different pictures of the functions of manor courts, and the officers that ran them.

For most medievalists, focused on the period before the Black Death, manor courts were primarily an instrument for the lord to control his tenants and extract rents and services from them, in an era when lords dramatically increased their profits over the thirteenth century.¹ This is particularly true of manorial officers; whilst tenants did use courts for their own non-seigniorial functions in terms of interpersonal business, the role of officials is seen as having been mainly to the benefit of the lord.² In fact, it has been argued that the device of presentment was introduced by lords to provide a more effective way to manage their rights, although presentments were used for public business in leets before being introduced by seigniorial administrators.³ Whilst acknowledging some successful

¹ R.H. Hilton, 'Peasant Movements in England before 1381', *EcHR*, 2, (1949), 117-36, 121; R.H. Hilton, *The English Peasantry in the Later Middle Ages: the Ford Lectures for 1937 and Related Studies*, (Oxford: Clarendon, 1975), 231-4; R.H. Hilton, *The Decline of Serfdom in Medieval England*, 2nd ed., (London: Macmillan, 1983), 18-9; C.C. Dyer, *An Age of Transition?: Economy and Society in England in the Later Middle Ages*, (Oxford: Clarendon, 2005), 86-9, C.C. Dyer *Lords and Peasants in a Changing Society: the Estates of the Bishopric of Worcester, 680-1540*, (Cambridge: Cambridge University Press, 1980), 52, 265; R. Faith, *The English Peasantry and the Growth of Lordship*, (London: Leicester University Press, 1997), 256; J.S. Beckerman, 'Procedural Innovation and Institutional Change in Medieval English Manorial Courts', *Law and History Review*, 10:2, (1992), 197-252, 199-200; Evans, 'Whose was the manorial court?', 155-8; J.L. Bolton, *The Medieval English Economy, 1150-1500*, (London: Dent, 1980), 20, 112-3; Rigby, *English Society*, 25-8; C.D. Briggs, 'The Availability of Credit in the English Countryside, 1400-1480', *AgHR*, 56, (2008), 1-24, 14; Briggs, *Credit*, 13; J. Whittle and S.H. Rigby, 'England: Popular Politics and Social Conflict', in S.H. Rigby (ed.), *A Companion to Britain in the Late Middle Ages*, (Oxford: Blackwell, 2003), 65-86, 75; M. Bailey, 'Peasant Welfare in England, 1290-1348' *EcHR*, 51, (1998), 223-51, 224; P.V. Hargreaves, 'Seigniorial Reaction and Peasant Responses: Worcester Priory and its Peasants after the Black Death', *Midland History*, 24:1, (1999), 53-78, 54.

² Bailey, *English Manor*, 169-174; P.R. Schofield, *Peasants and Community in Medieval England, 1200-1500*, (Basingstoke: Palgrave Macmillan, 2003), 48; Z. Razi, 'Serfdom and Freedom in Medieval England: a reply to the revisionists' in P.R. Coss and C. Wickham (eds.), *Rodney Hilton's Middle Ages: an Exploration of Historical Themes*, (Oxford: Oxford Journals, 2007), 182-7, 186.

³ Z. Ravi and R.M. Smith, 'The Origins of the English Manorial Courts as a Written Record: a puzzle' in Z. Razi and R.M. Smith, *Medieval Society and the Manor Court* (eds.), (Oxford: Clarendon, 1996), 36-68, 52-3;

resistance, Ralph Evans notes that at Thorncroft ‘the manorial court...consistently secured eventual compliance’ to the desires of the lord.⁴ Officers acting in the court were used to monitor lord’s rights over unfree tenants, protect seigniorial property, manage customary land and ensure suitors attended the court. Although nearly all modern scholars note the flexibility in application of these obligations occasioned by the fact that officers were drawn from the tenants and so could protect their interests, this does not detract from the fact that their role was in essence to enforce the lord’s rights.⁵

This view of courts as largely seigniorial institutions has been questioned and modified by various arguments but never overturned. The Toronto School provides the most comprehensive challenge. Drawing on the work of George Homans, who focused on the reciprocity of lord-tenant relations, this group 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 as lord of Ellington and Upwood ‘might be said to appear in the court rolls...as a very powerful equal’.⁶ This led them to see the manor court and its officers as primarily working to regulate the village community in a quasi-democratic way. However, later work has challenged the Toronto view due to both issues of evidence and intellectual underpinnings, meaning that this community

Beckerman, ‘Procedural Innovation’, 227; M. Mulholland, ‘The Jury in English Manorial Courts’ in J.W. Cairns and G. McLeod (eds.), *The Dearest Birth Right of the People: the Jury in the History of the Common Law*, (Oxford: Hart Publishing, 2002), 63-73, 71-2.

⁴ 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: Clarendon, 1996), 199-259, 254.

⁵ Schofield, ‘Peasant and Community’, 42-4, 168; Evans, ‘Merton College’s Control of Its Tenants’; 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 Discord in Medieval Society: Essays in Honour of Christopher Dyer*, (Turnhout: Brepols, 2010), 179-95, 180; C.C. Dyer, ‘The Ineffectiveness of Lordship in England, 1200-1400’, in P.R. Coss and C. Wickham (eds.), *Rodney Hilton’s Middle Ages: an Exploration of Historical Themes*, (Oxford: Oxford Journals, 2007), 69-86, 77.

⁶ G.C. Homans, *English Villagers of the Thirteenth Century*, (Cambridge, MA.: Harvard University Press, 1941), 339-48; J.A. Raftis, *Tenure and Mobility: Studies in the Social History of the Mediaeval English Village*, (Toronto: Pontifical Institute of Mediaeval Studies, 1964), 207; J.A. Raftis, *Peasant Economic Development within the English Manorial System*, (Montreal: Queen’s University Press, 1997), 11; J.A. Raftis, ‘Social Structures in Five East Midland Villages: a Study of Possibilities in the use of Court Roll Data’, *ECHR*, 18, (1965), 83-100, 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: Oxford University Press, 2001), 101; Schofield, *Peasants and Historians*, 105-6.

focused view of manorial courts has had limited traction within more recent scholarship of the manor court.⁷ Revisionism in the understanding of medieval serfdom has similarly questioned the rapaciousness of lords, emphasising that their power over their tenants was bounded by custom, and that prevailing economic conditions led to lords commuting labour services in favour of waged labour.⁸ Yet even if lords were not incentivised to squeeze tenants, their courts and officers were still utilised to meet seigniorial interests, and were fundamentally structured around the relationship between lord and tenants.⁹

A second part to the medieval model is that a change occurred after the demographic collapse of the Black Death and further resurgences of plague. This led, after an 'Indian Summer' of high prices, to the increasing unprofitability of demesne farming, triggering a shift in seigniorial policy from direct management to the leasing of agricultural land, meaning that lords sought less control over their tenants through courts and officers.¹⁰ Simultaneously, serfdom, in some places through active resistance, but largely via a more passive concern to keep tenants, declined and then disappeared across England, meaning that manor courts were no longer required to monitor personal unfreedom.¹¹ These changes have led many medievalists to suggest that manor courts, and thus

⁷ Smith, 'Modernization', 156-7; Wrightson, 'Medieval Villagers in Perspective', 205-10; Razi, 'The Toronto School's Reconstitution', 141-157; Razi, 'Family, Land and the Village Community', 15-6, 31-4; Z. Razi, 'The Struggles between the Abbots of Halesowen and their Tenants in the Thirteenth and Fourteenth Centuries' in J. Thirsk, T.H. Aston, C.C. Dyer and P.R. Coss (eds.), *Social Relations and Ideas: Essays in Honour of R.H. Hilton*, (Cambridge: Cambridge University Press, 1983), 151-67, 151-3, 166.

⁸ J.Z. Titow, *English Rural Society, 1200-1350*, (London: Allen & Unwin, 1969), 58-60; J. Hatcher, 'English Serfdom and Villeinage: Towards a Reassessment', *P&P*, 90, (1981), 3-39, 7-14; M. Bailey, 'Villeinage in England: a Regional Case Study, c.1250-c.1349', *EcHR*, 62:2, (2009), 430-57, 451-4; Britnell, *Britain and Ireland*, 235-6; Campbell, 'The Land', 210-2; Campbell, 'Land and People', 17.

⁹ Evans, 'Whose was the Manorial Court?', 168.

¹⁰ B.F. Harvey, *Westminster Abbey and its Estates in the Middle Ages*, (Oxford: Clarendon, 1977), 148-151; M. Bailey, 'Rural Society', in R. Horrox (ed.), *Fifteenth-century Attitudes: Perceptions of Society in Late Medieval England*, (Cambridge: Cambridge University Press, 1994), 150-68, 152-4; Hilton, *Serfdom in Medieval England*, 33; Bolton, *English Economy*, 214; Dyer, *Age of Transition*, 96-7; Dyer, 'Political Life', 144-6; Dyer, *Lords and Peasants*, 113; Rigby, *English Society*, 84-5; Campbell, 'Land and People', 17.

¹¹ P.L. Larson, *Conflict and Compromise in the Late Medieval Countryside: Lords and Peasants in Durham, 1349-1400*, (London: Routledge, 2006), 235-30; Bailey, *Decline of Serfdom*, 326-9; Briggs, 'Availability of Credit', 14.

manorial officeholding, were in terminal decline by the sixteenth century.¹² In Bailey's summary this began in the fifteenth century, with court rolls becoming 'shorter, less frequent and less informative' and then continued into the sixteenth century with courts being almost entirely focused on land transactions from 1600 onwards.¹³ On the other hand, medieval 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.¹⁴ This has been interpreted as part of an attempt by the village elite 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 courts and officeholding fulfilled this need has been disputed.¹⁵

The early modern reinterpretation of the vitality of manorial courts provides a very different picture. The earliest revisionists began by showing the continued use of courts leet in policing crime due to their provision of a cheap and local form of justice in a period where there were simply not enough magistrates to control disorder heightened by socio-economic problems.¹⁶ Marjorie McIntosh, in one of the few studies to cross the medieval/early modern divide, showed how manor courts in much of England gained in importance as a space to control misbehaviour from the fifteenth century onwards.¹⁷ This has been expanded to consider their role in dealing with village problems more generally. Studies have noted that manor courts remained important for commons' management as a forum to make and enforce bylaws.¹⁸ Brodie Waddell has taken a long view of

¹² 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: Brepols, 2010), 51-80, 67; Beckerman, 'Procedural Innovation', 200.

¹³ Bailey, *English Manor*, 186-7.

¹⁴ Bailey, *English Manor*, 186-7; Dyer, *Changing Society*, 368-9; Smith 'Contrasting Susceptibility', 49-50.

¹⁵ Bailey, 'Rural Society', 161; Dyer, 'Village Community', 428; Dyer, 'Political Life', 146-7.

¹⁶ King, 'Untapped Resources', 699; King, 'Early Stuart Courts Leet', 298-9; McIntosh, 'Tudor Manorial Leets', 75-85; Harrison 'Governance of Tudor England', 43, 59; Sharpe, *Crime*, 84-5.

¹⁷ McIntosh, *Controlling Misbehavior*, 43-5.

¹⁸ 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 P. Warde, L. Shaw-Taylor and M. de Moor (eds.), *The Management of Common Land in North West Europe, C.1500-1850*, (Turnhout: Brepols, 2002), 59-85, 63-8; A.J.L. Winchester, 'Upland Commons in Northern England', in P. Warde, L. Shaw-Taylor and M. de Moor (eds.), *The Management of Common Land in North West Europe, C.1500-1850*, (Turnhout: Brepols, 2002), 33-57, 40-2; A.J.L. Winchester, *The Harvest of the Hills: Rural Life in Northern England and the Scottish*

manor courts, arguing that they remained important up to the mid-nineteenth century. He has emphasised that the flexibility of the courts made this possible, through a shift from policing crime and disorder to maintaining the fabric of the manor through bylaws and orders to repair hedges and ditches.¹⁹ These larger arguments about the continued importance of manor courts have been reinforced by several local case studies with a wide geographical range.²⁰ The role of manorial lords is almost entirely absent in these accounts, and the picture edges towards a view of courts similar to that of the Toronto School.²¹ So, the early modern interpretation differs to that typical of the medieval, in that courts appear as a ‘little commonwealth’, with officers acting to govern the local community, rather than a tool largely for enforcing the rights of a powerful lord over their tenantry. They describe the success of the development of manorial courts as public bodies seen in studies of the fifteenth century, but without the perspective of decline from a fourteenth-century, seigniorially-focused high-point.

Therefore, clearly a change occurred at some point between 1270-1350 and 1600-1850, with a shift from manorial officers being focused on seigniorial concerns, to a new focus on community concerns. However, few works have explored this intermediate period beyond general surveys, partially due to the decreasing detail in fifteenth-century court rolls.²² Even in the better-explored periods, works have focused on different regions. Whilst medievalists tend to examine the better surviving rolls for southern and eastern England, early modernists have often focused on northern

Boards, 1400-1700, (Edinburgh: Edinburgh University Press, 2000), 33, 148-51; D. Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England 1603-1660*, (Oxford: Clarendon, 1985), 12-3; C. Watson, ‘“To Beare the Towne Harmles”: Manorial Regulation of Mobility and Settlement in Early Modern Lancashire’, *Rural History*, 28:2, (2017), 119-35, 120.

¹⁹ B. Waddell, ‘Governing England through the Manor Courts, 1550-1850’, *The Historical Journal*, 55:2, (2012), 279-315, 280, 301-7.

²⁰ M. Griffiths, ‘Kirtlington Manor Court’, 1500-1650’, *Oxoniensia*, 45, (1980), 260-83; Whittle, *Agrarian Capitalism*, 28-84; J. Healey, ‘The Northern Manor Court and the Politics of Neighbourhood: Dilston, Northumberland, 1558-1640’, *Northern History*, 51:2, (2014), 221-41; P Sharpe, *Population and Society in an East Devon Parish: Reproducing Colyton, 1540-1840*, (Exeter: University of Exeter Press, 2002), 211-2; Watson, ‘“Towne Harmles”’, 119-35.

²¹ Hoyle and French’s sceptical view on early modern manor courts provides an exception to this, in that they argue the manor court of Earls Colne declined precisely because of its limited use to the manor’s lord: H. French and R.W. Hoyle, *The Character of English Rural Society: Earl’s Colne, 1550-1750*, (Manchester: Manchester University Press, 2007), 165-71, 295.

²² Dyer, ‘Political Life’, 139.

manors. Understanding the changing function of officers is vital in establishing how far their role continued to be important in governing the late medieval and early modern English countryside over time, as well as to consider who officers primarily served, providing a context for the rest of the thesis in thinking about the longer-term history of manorial officeholding. Therefore, this chapter will attempt to trace the chronology of the changing role of officers over the 300 years examined, looking for points of discontinuity between medieval and early modern.

Overall Pattern

A quantitative methodology is adopted to examine this change, utilising the presentments made by the full complement of officers which are recorded in the court rolls of each manor. Presentments were made by several different types of officers, but overwhelmingly came from the two types of jury for the courts leet and baron seen at all three manors along with individual townships at Worfield. At Downham and Worfield, presentments were also made by a range of other officials, including the reeve, messor and beadle, although these all but disappeared after 1400. Thus, the presentment is better at tracking the role of juries than other officials, presumably capturing the totality of their role within the manorial system, as the office expressly existed to meet the need of presenting infractions. Even though the work of some other officials is not necessarily perfectly recorded in presentments, counting them remains the best way of tracking change in officials' function over time. This is partially due to their consistency, but also because they were exactly the type of officer's business that the surviving records of court rolls were designed to capture.

Whilst presentment jurors are the officers whose function is best recorded in court rolls, the way they performed their role, conversely, is the least well documented. The presentment procedure was driven by lists of articles that would be delivered to the jury by the steward at the court session preceding that at which the presentments would be made.²³ The jury would then investigate and

²³ Lists of articles survive in guidance literature on how to hold a court: P.D.A. Harvey, *Manorial Records*, revised edition, (London: British Records Association, 1999), 48; Bailey, *English Manor*, 193, 223-226. For a summary see F.J.C. Hearnshaw *Leet Jurisdiction in England: especially as Illustrated by the Records of the Court Leet of Southampton*, (Southampton: Southampton Record Society, 1908), 43-64. John Beckerman has also identified a list of articles in English from c.1400: J.S. Beckerman (ed.), 'The Articles of Presentment of a Court Leet and Court Baron, in English, c.1400', *Bulletin of the Institute of Historical Research*, 47, (1974), 230-4.

present all breaches of the articles at the following session, where they are recorded in the surviving rolls.²⁴ Aspects of this process are occasionally glimpsed in the records of the case-study manors. At Downham, in 1410, John Deye and Simon Cok as jurors were amerced for ‘not coming at the appointed time to receive their charge’, presumably an order to respond to the articles, as was a capital pledge in 1411.²⁵ In 1412, John Barndeley was similarly punished at Worfield as he ‘did not come to affirm the charge of the oath for [the jury]’, all references to the first stage of this process.²⁶ Worfield’s jury in 1430 was described as having been ‘charged and sworn to examine and return’.²⁷ In 1502 the jury of the same manor asked for a delay until the next session ‘of all matters touching or pertaining to the lord’, making no presentments.²⁸

The method by which jurors gathered information to answer the charges is largely invisible in the records. For aspects involving the physical environment, jurors are recorded as going to view in order to make their judgement. For instance, at Downham in 1503 an ordinance was made that each capital pledge would view a common drain on St Blaise’s day, with each in default surrendering 12d.²⁹ At Horstead in the 1420s the capital pledges were ordered to measure the depth of the water in the common river to see if it was at the customary level.³⁰ The pains system, by which offenders were ordered to correct faults by a certain date or face an amercement, must have also guided information gathering, with jurors presumably either going to view the fault or inquiring about it on the deadline set by the court when the pain was given. Other information was clearly given by the victims of the wrongs presented, although how jurors evaluated the veracity of this is unclear.³¹

How jurors themselves retained the articles they received and the information they gathered and then organised this into presentments is also mysterious. Presumably the list of articles to which officials responded at any court were familiar to at least some of the jurors in any panel, who may

²⁴ Beckerman, ‘Procedural Innovation’, 228-250; Evans, ‘Whose was the Manorial Court?’, 164.

²⁵ CUL, EDR, C11/2/4, m.24, 5 Mar 1410; C11/2/4, m.27, 15 Jul 1411.

²⁶ SAC, P314/W/1/1/241, 25 Oct 1412.

²⁷ SAC, P314/W/1/1/275, 25 Jan 1430.

²⁸ SAC, P314/W/1/1/501, 7 Nov 1502.

²⁹ CUL, EDR, C11/3/10, m.20, 31 Jan 1503.

³⁰ KCA, HOR/37, unfoliated, 11 Jun 1423; HOR/37, unfoliated, 23 Sep 1423; HOR/37, unfoliated, 11 Jan 1424; HOR/37, unfoliated, 24 Mar 1424; HOR/37, unfoliated, 11 Jun 1424.

³¹ Beckerman, ‘Procedural Innovation’, 247-8.

have heard them many times as they served at multiple sessions.³² The slim evidence of the commonplace book of Robert Reynes suggests that by the later fifteenth century, prominent jurors may have possessed written copies of articles which they could perhaps consult and share with their fellows.³³ Amercements of jurors for failure to keep deliberations secret show that presentment juries clearly met at some point either before or during the court session, presumably to discuss the information they had gathered and turn this into a set of presentments.³⁴ Writing may have had a role in this process. Michael Clanchy has emphasised that many medieval villagers even by 1300 were ‘pragmatically literate’.³⁵ In the St Albans *Modus Tenendi Curias*, the capital pledges are specifically directed ‘to inquire among yourselves [about the articles] and if you wish for a clerk you shall have one’ suggesting the possibility to make notes of offences, or combine information from various jurors into a common set of presentments.³⁶ The survival of a written set of presentments in English along with a Latin fair copy for the court leet at Peterborough may be an example of this process.³⁷

One illuminating case is seen at Horstead in 1492, where the jury asked to change their presentment of a deathbed land transfer, showing how the information used to create a presentment could be later deemed incorrect. They had presented in a June court of the previous year that Katherine Dalgate had surrendered her land in favour of two executors from Beeston and Norwich, who did not come to take the land meaning it was seized into the lord’s hand. However, they now said that the truth ‘without fraud or evil contrivance’ was that Katherine had surrendered the land in favour of Nicholas Kempe, who proceeded to take on the land.³⁸ Why the jury received imperfect information in the first place is unclear, although in the case of a deathbed transfer, the jurors were entirely dependent on the account of the witnesses at the tenant’s demise, whilst in other instances it

³² For multiple service see pp. 90-1.

³³ C. Louis (ed.), *The Commonplace Book of Robert Reynes of Acle: an Edition of Tanner MS407*, (London: Garland, 1980), 144-5.

³⁴ For punishments of jurors see p. 177.

³⁵ M. Clanchy, *From Memory to Written Record: England, 1066-1307*, 3rd edition, (Chichester: Wiley-Blackwell, 2013), 48-54.

³⁶ Bailey, *English Manor*, 226.

³⁷ M. Bateson (ed.), ‘The English and Latin Versions of a Peterborough Court Leet, 1461’, *The English Historical Review*, 19:75, (1904), 526-8.

³⁸ KCA, HOR/41, m.8, 7 May 1492.

was presumably easier to gather other accounts or see offences in person. A similar case of incorrect information occurred at the manor in 1526. At the previous leet the capital pledges had presented Thomas Rede, a mercer of Norwich, and therefore likely not present at the session, for obstructing a common path with a new watercourse. However, Thomas appeared in the court with charters, which, being read to the capital pledges and homage, proved the path lay on his land. This led to the previous presentment being nullified, although this was explicitly done with the consent of the capital pledges, suggesting that written evidence alone was not sufficient to overturn the jury's decision, and that the officers had to confirm what the written evidence claimed.³⁹ Generally, however, a presentment acted as a summary judgement, and the information occasioning it was undisputed, a process which unfortunately obscures how jurors operated.⁴⁰

The structure of the presentment system meant that juries were bounded in what they could present, an important consideration when using presentments to trace changing functions (figure 1.1). The first bound is that created by 'reality', the actual activity occurring within the manor. Whilst jurors' judgements were sometimes challenged and called false, it is unlikely that officials completely fabricated presentments on a regular basis, and their presentments likely accorded with the real actions of the individuals they presented.⁴¹ A second, concentric bound, was placed by the articles to which jurors responded, which were most likely set by the steward. Occasionally, specific areas of inquiry related to particular cases are recorded, typical examples include viewing seigniorial property, inquiring into heirs of dead tenants and whether they died seised, establishing boundaries, and, occasionally, establishing matters of custom in response to particular disputes.⁴² However, no record of the general articles, which guided the vast majority of presentments, are available for the three case-study manors. Within these articles, jurors were able to exercise some discretion over what business they focused on. Evidence of ameracements for concealment display that jurors did

³⁹ KCA, HOR/45, m.20, 30 Oct 1526.

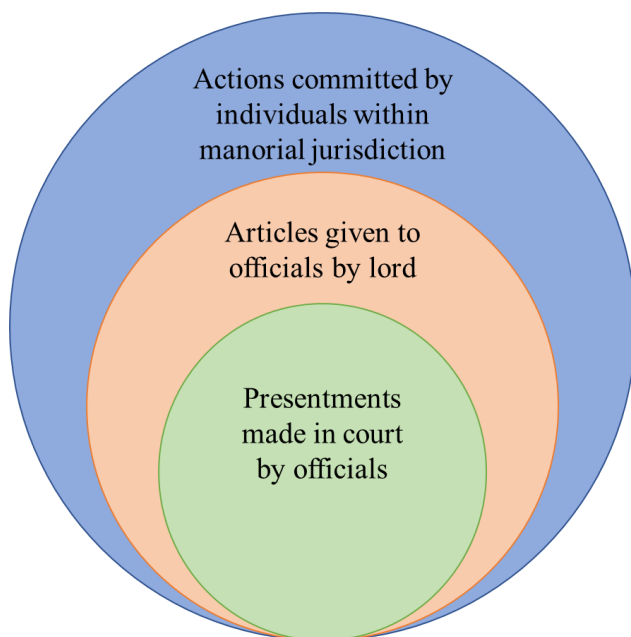
⁴⁰ Beckerman outlines the high threshold of proof needed to challenge a presentment, which in practical terms required documentary evidence and thus was clearly inappropriate for the vast majority of presentments made: 'Procedural Innovation', 237-40.

⁴¹ For protests against juries' presentments see pp. 185-6.

⁴² See, for example, SAC, P314/W/1/1/1, 1 May 1327; P314/W/1/822, 5 Oct 1592; KCA, HOR/36, unfoliated, 10 Aug 1407, HOR/37, unfoliated, 11 Jun 1424; HOR/49, m.9, 24 Mar 1553.

not automatically present all offences against the articles they were given.⁴³ At the same time, however, they reveal these men did not have free rein, with the fear of punishment by stewards again influencing their choice over what to present.⁴⁴

Figure 1.1 – Model of presentment system



Changes in presentments as a subset of ‘real’ activities could therefore be affected by both the lord’s representative and manorial officers. The former could choose to formally add or remove articles, or perhaps informally stress or relax which articles he directed juries to respond about. Officials could exercise a constrained choice in which real incidents to report according to the articles, as well as perhaps interpret articles either narrowly or broadly. This makes interpretation

⁴³ See p. 178.

⁴⁴ How a steward would discover concealment is unfortunately largely unclear in the records, although instances can be found in the rolls of other courts. Evans plausibly suggests that stewards relied on aggrieved tenants who may not have benefited from a concealment or had a pre-existing score to settle with a neighbour: Evans, ‘Whose was the Manorial Court?’, 164.

difficult. For instance, the disappearance of a form of presentment may have been driven by the ceasing of that activity on the manor, the steward choosing to remove a specific article of inquiry, or the jurors illicitly choosing not to respond to an article. However, even if it is impossible to assign agency for the appearance and disappearance of specific presentment types, the element of agency of both lord and officials means changing patterns can be used both as an index of how far the lord was using manorial structures and of the priorities of the tenants who filled manorial office.

The methodology used to examine presentments is as follows. For each manor all surviving presentments made by all types of officer were collected together. These include presentments of ale tasters, jurors baron for Horstead, jurors baron for the Coltishall fee and capital pledges at Horstead; reeves, messors, bylawmen, fenreeves, jurors baron and capital pledges at Downham; and reeves, beadles, ale tasters, jurors baron, jurors leet and, most significantly, townships at Worfield. These were then divided into five categories consistent across all manors, with a few extra categories utilised for types of presentments unique to one or two manors, and then grouped by decade.

The first category, 'lord', contains all business directly pertinent to the lord and his authority on the manor. It includes the monitoring of servile incidents, trespasses in seigniorial property, illicit land transactions outside the court, the lord's rights to various types of forfeit property, collective payments made by tenants and individual payments concerning rent and non-attendance of court. The second category, 'land', contains all presentments relating to tenants' management of land including cases of inheritance and *intervivos* transfers. The third category, 'royal', contains all business related to the leet functions of the court that met the needs of the crown. It encompasses peacekeeping, enforcing legislation such as the assize of bread and ale, maintaining royal roads and the tithing system, as well as collective payments to the monarch. The fourth category, 'community', contains all presentments concerned with the maintenance and protection of communal infrastructure. It includes the management of commons, maintenance of roads, fences and bridges, trespasses on tenants' crops and the monitoring of bylaws. The final, smaller category, 'nuisance', consists of presentments for petty misbehaviour not covered by the 'royal' category.

Of the smaller categories, ‘monitor’, seen exclusively at Worfield, is the largest. Due to its leet structure, a substantial role for Worfield’s jury leet was to confirm the presentments made by the smaller vills, creating a particular form of presentment. At Worfield and Horstead, on several occasions juries said they had nothing to present, which again is included as its own category. Very rarely at all three manors a jury presented some strictly interpersonal business. This has been ignored because it lies outside the scope of this project and is recorded so inconsistently.

A strict definition based on the phrasing within the rolls has been applied in identifying presentments as opposed to other ways business could be introduced to the court. Only entries which begin with the statement ‘the [officer(s)] present that...’ or ‘it is accounted by the [officer(s)] that...’ followed by ‘and that...’ have been counted. Crucially, this means the measure only charts the changing functions of presenting officials and not changes in the underlying business transacted in the court. This is particularly significant for land business, as transfers could be made without recourse to presentment by surrender and admission in court. Therefore, presentment only reveals a proportion of all land business. For example, at Downham in a session of January 1503, whilst Thomas Hall’s pre-mortem surrender in favour of his son John Hall was presented by the jury, and so counted as a presentment, Thomas Whitby’s surrender in favour of Thomas Wetherfield, which he made whilst present at court, was not counted.⁴⁵

There are two important limitations to the categorisation approach. On a practical level, the issue of record survival is paramount as it can radically change the number of presentments in any given decade. This is matched by changing numbers of sessions per decade caused by either increasing frequency or infrequency in the calling of courts. Here, all decades with any surviving courts are included, although discussion in the text indicates where changing numbers of sessions may be exerting an influence over the pattern displayed. Consequently, changes in the number of presentments between decades should be treated carefully. On the other hand, there is no reason that changes in numbers of presentments surviving should have affected any category of business differently to the others, as presentment lists contained all of the different categories intermingled. Attention should be focused on the changing quantitative relationship between the categories within

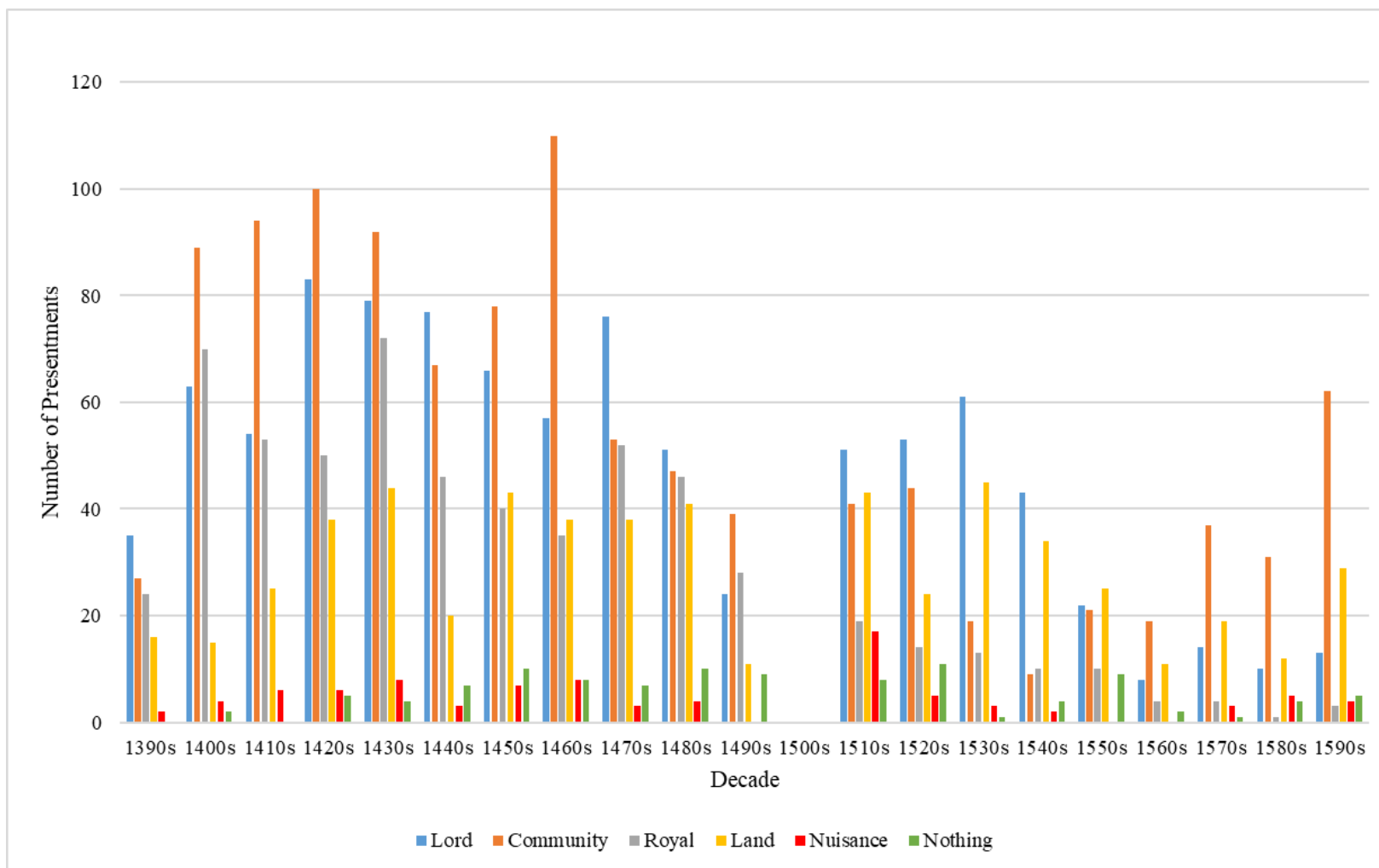
⁴⁵ CUL, EDR, C11/3/10, m.20, 31 Jan 1503.

the various decades rather than necessarily raw totals, with broad trends rather than precise statistical change being a more valuable measure of the role of presenting officers.

The second, more knotty problem, is that of deciding what business fits into each category, and even how to delineate the categories at all. This is due to the lord's interest in all types of presentment. Manorial courts, including leets, were seigniorial jurisdictions, and existed to enforce the lord's authority over his tenants. Therefore, to some extent lords were the beneficiaries of all presentments made in these courts; lords accrued the profits of ameracements and the forfeited pains which resulted from punishments for presentment. Stewards, as the lord's representative, had considerable influence over the presentment process. However, a crude division can be established between business where the lord was a direct beneficiary, for example in amerencing tenants for failing to perform a labour service, and where he was an indirect beneficiary of the punishment, such as when an offender was presented for overstocking common land, where those affected by the offence were clearly the commoners rather than the lord.

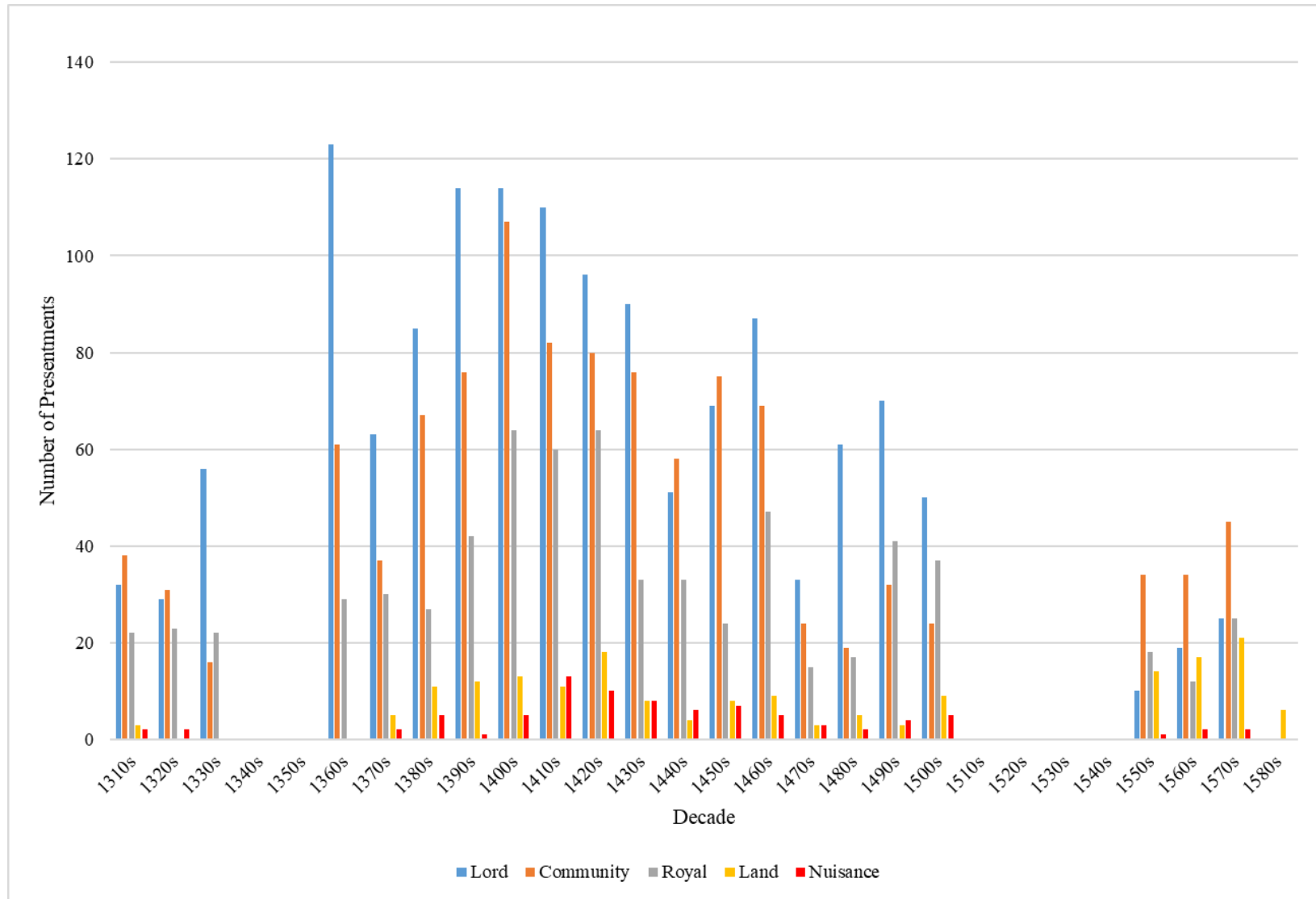
Presentments concerning land prove the most difficult to fit into one category. For example, when it is presented that a tenant has died and that his heir must pay a heriot and entry fine to inherit the land, one could argue that the lord is the beneficiary, the jury ensuring he gets the profits owed to him via the inheritance. However, at the same time, the jury is ensuring the correct inheritance of the land, allowing the heir his claim according to custom. Thus, even though inheritance presentments are enforcing a seigniorial right, the fact that they were effectively allowing tenants to transfer their land to their heirs means that they have been treated in the separate 'land' category. In the case of *intervivos* transfers, these have been included if they were made legitimately in the court, even if on some occasions the beneficiary is presented as not coming to pay the entry fine and consequently it is ordered to seize the land. This is because whilst this was ensuring the seigniorial right to profit from transfers, there was still at least an attempt by one party to make a legitimate transfer. In cases of alienation without any licence by the court, transfers have been categorised in the 'lord' category.

Figure 1.2 – All presentments by categories for Horstead



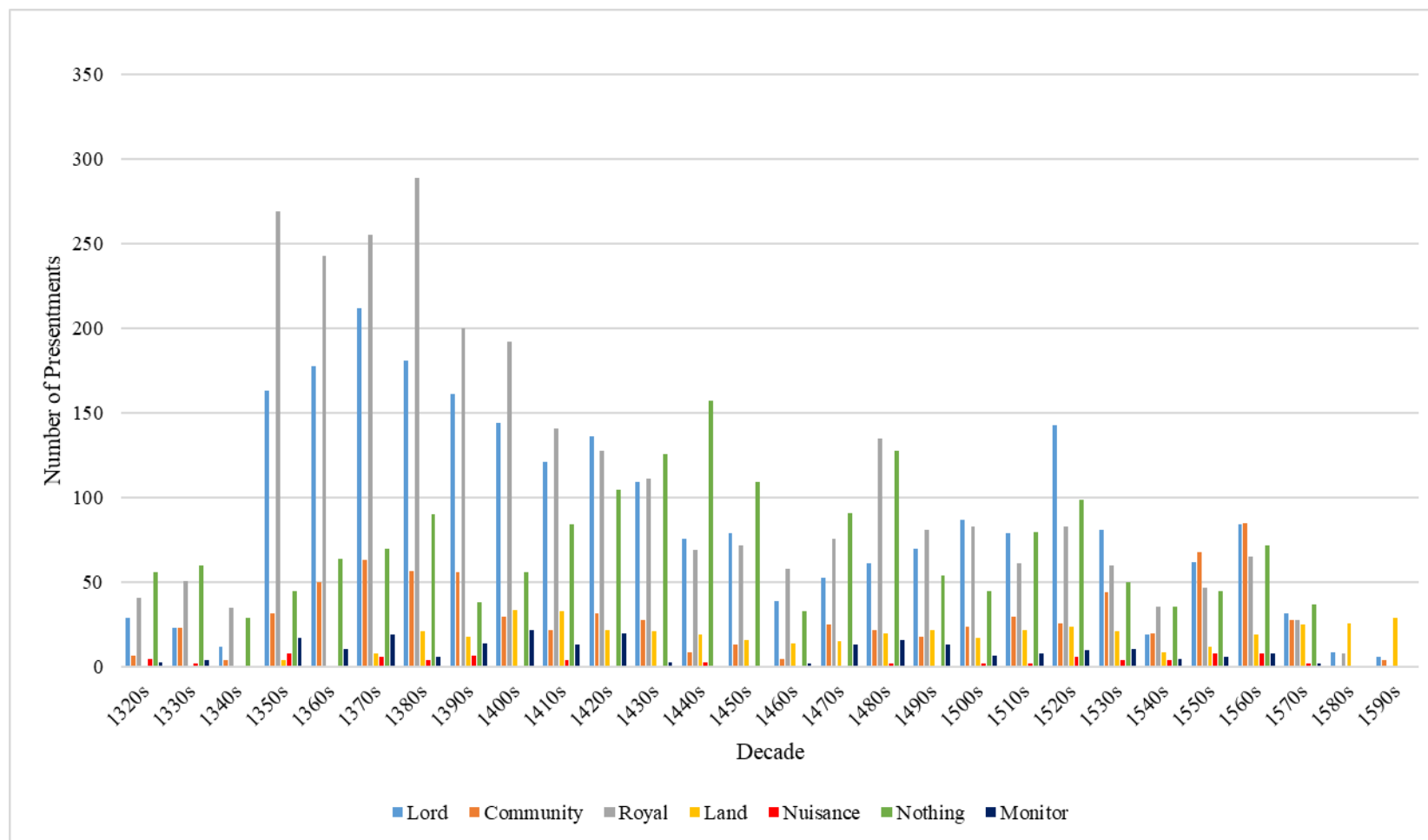
N=3382. Sources: KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376.

Figure 1.3 – All presentments by categories for Little Downham



N=3431. Sources: CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11.

Figure 1.4 – All presentments by categories for Worfield



N=8877. Sources: SAC, P314/W/1/1/1-838.

The results of this analysis are seen in figures 1.1-1.3. The three graphs of presentments show significant diversity between manors. One obvious contrast is between Downham and Horstead on the one hand, and Worfield on the other, in terms of the number of ‘community’ presentments. These always constituted a significant category at the former two manors, usually being either the largest or second-largest category, whilst at Worfield the category was a lot smaller, and only rivalled seignorial and ‘royal’ presentments for a short period between the 1550s and 1570s. Another obvious difference is the ‘land’ category. This type of business was virtually not presented at pre-Plague Downham and Worfield, even though land transfers were made and recorded by other means. However, ‘land’ grew at Worfield to account for a regular amount of business from the 1380s, but remained a relatively minor category. Similarly, at fifteenth-century Downham, whilst the number of ‘land’ presentments had grown, they were a relatively small proportion in comparison with other types of business. At Horstead, by contrast, ‘land’ business accounted for a substantial part of the total presentments throughout the period, driven by Norfolk’s developed market in customary land.⁴⁶

Consideration of ‘land’ presentments, however, highlights some of the broad trends in presentments seen across all three courts. After the gap in records for the early sixteenth century, Downham’s presentments for the 1550s-1570s show ‘land’ presentments, whilst still the smallest category excepting nuisance, accounting for a higher proportion of total presentments. In the 1580s they accounted for all presentments, although this draws from only seven sessions meaning it may be relatively unreliable. This brings Downham closer to the situation seen at Worfield and Horstead. At the former manor, ‘land’ presentments by the 1580s were accounting for the majority of business, whilst at Horstead ‘land’ was the second-highest category for nearly all decades of the sixteenth century, although it did decline proportionally from the 1560s to 1590s. This suggests the work of manorial officers was converging towards being focused on land transfer, a picture that would accord well with the view that copyhold was the main vestige

⁴⁶ Whittle, *Agrarian Capitalism*, 173-7; B.M.S. Campbell, ‘Population Pressure, Inheritance and the Land Market in a Fourteenth-century Peasant Community’ in R.M. Smith (ed.), *Land, Kinship and Life-cycle*, (Cambridge: Cambridge University Press, 1985), 87-134, 120-6.

of the manorial system that survived into the early modern period.⁴⁷ However, it cannot be argued that this had occurred before the beginning of the seventeenth century, suggesting manorial officeholding had not simply become about monitoring landholding by 1600.

Another pattern seen across all manors is the sustained importance of seigniorial presentments throughout the fifteenth, and for Worfield and Horstead, early sixteenth centuries, with these remaining in the top two categories of business. The ultimate decline in the proportion of seigniorial presentments only occurred by the late sixteenth century, with presentments at a far smaller proportion from the 1560s at Horstead, 1580s at Worfield, and by the 1550s onwards at Downham. 'Royal' presentments also declined proportionally at both Horstead and Worfield, at the former from the 1510s onwards, and at the latter from the 1550s, as in this second case they were overtaken by 'community' presentments. At Downham there was also some decline, although 'royal' presentments were still high in the 1570s. Finally, the lack of presentments of nothing, or 'omne bene' is testament to the sustained importance of manorial officers. Whilst these presentments did rise at Worfield and Horstead around the turn of the sixteenth century, both manors saw these decline from this point onwards. Moreover at the former manor, this pattern is slightly misleading as it includes vills that presented nothing, within sessions where other townships presented. Therefore, a straight line cannot be drawn between 'omne bene' and official irrelevance. Officers may have seen periods where they presented less, but this was not a one-way process towards redundancy.

The overall analysis of officer presentments demonstrates that manorial officers' functions remained relatively static for much of the fifteenth and early sixteenth centuries. The pattern of presentments focused on 'lord', 'community' and 'royal' at Downham was established from the surviving rolls of the first half of the fourteenth century, with the addition of 'land' focused presentments at a relatively low level from the 1370s onwards. At Worfield the pattern became established from around the 1350s although there was a small growth in the number of 'land' presentments, a trend that largely reflects the formal recording of jury baron presentments from the 1370s. This pattern consisted of a mix of largely 'royal' and seigniorial presentments. At

⁴⁷ Bailey, *English Manor*, 187; Harvey, *Manorial Records*, 57; French and Hoyle, *Earls Colne*, 34, 173-4; J.H. Baker, *An Introduction to English Legal History*, 4th ed., (London: Butterworths, 2002), 27.

Horstead, a relationship of relatively similar levels of 'lord', 'community' and 'royal' presentments, followed by a slightly smaller number of 'land' presentments, was in existence from the first surviving rolls of the 1390s onwards. Changes begin to occur in the sixteenth century, with officers being divested of presentments in the 'lord' and 'royal' categories. At Horstead this involved a terminal decline in 'royal' presentments from the 1510s onwards followed by lord presentments from the 1560s, leaving officers focused on 'community' and 'land' presentments. At Worfield, 'royal' presentments fell from the 1550s and seigniorial presentments from the 1570s, whilst 'community' presentments grew proportionally from the 1550s but then all but disappeared in the 1580s. This left a court focused on 'land' presentments, a trend linked to the end of the recording of presentments made by vills. At Downham, the least change occurred, although the picture is obscured by the loss of rolls for much of the sixteenth century. However, even here seigniorial presentments and 'royal' presentments were less important, with 'community' presentments now unmatched as a category. Yet, this analysis can only describe, and now it is necessary to go beyond the macro-categories, to explain the changes being observed. For the following sections, only the presentments of capital pledges, jurors leet and baron, and vills have been examined, with other officers' presentments considered collectively afterwards.

Seigniorial Presentments

Quantitative analysis reveals that seigniorial concerns were still drivers of manorial jurors' presentments up until the last decades of the sixteenth century. However, the category of 'lord' contains a large variety of different types of business. Breaking this down is essential, not only to consider the different functions to which lords put officers across different manors, but also changes over time. Especially important is consideration of which seigniorially-directed functions would set officers against the interests of the community of tenants at large, and which functions would be less divisive. Methodological problems mean that this evidence must be treated carefully. Officers could only present an infraction if it had been made by an offender. Therefore periods of relatively few presentments can represent either lack of seigniorial pressure on officers to present infractions, or alternatively a high level of conformity by the tenant body at large meaning there were no offences to present.

Downham appears as a manor where jurors acted to enforce seigniorial rights prejudicial to the tenants in a way different to that seen at Worfield and Horstead. Two areas stand out. One is the role jurors had in presenting the collective payment of 6s paid by capital pledges at the annual leet to the lord, along with recognitions levied on tenants on the establishment of a new bishop as lord, payments that did not exist at Worfield and for the leet were paid directly to the crown at Horstead.⁴⁸ More significant is the second aspect, the regular presentment of customary tenants for having dilapidated tenements, and the frequent imposition of pains or even orders to seize which accompanied these, generally accounting for c.10-22% of seigniorial presentments from the 1380s to 1500s, and which were still presented in the 1560s and 1570s at 26% and 12% respectively.⁴⁹ The frequency of these presentments is testament to their ineffectiveness, yet they also show jurors acting to at least attempt to control landholding and presumably prevent engrossment, therefore acting directly against the desires of elite tenants, in a way not seen at the other two manors.⁵⁰

Another clear local difference is at Horstead, where the active land market led to a large proportion of seigniorial presentments being focused on the illicit alienation, demising and occupation of land without the court's licence, accounting for a mean of 37% of seigniorial presentments per decade.⁵¹ In comparison, at Worfield only ten cases were recorded, whilst at Downham the proportion grew from c.0-4% from the 1370s to 1450s (1-4 presentments) to c.12-18% (4-11 presentments) in the 1460s to 1500s, and was at c.10% in the 1550s and 1560s (1-2 presentments).⁵² The initial increase in presentments of illicit transfers does correspond with a slight decline in all licit land presentments at Downham for the 1460s to 1500s (a range of 3-9 presentments as opposed to 4-17 for the 1370s to 1450s), potentially suggesting an attempt to circumvent seigniorial payments for land transfers in this period. This differs from Horstead

⁴⁸ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11; C11/1/2, m.11, 16 Mar 1362; C11/2/6, m.9, 19 Jul 1426; C11/2/6, m.30, 17 Jul 1438; C11/2/6, m.36, 1 Apr 1444; C11/2/6, m.50, 4 Mar 1455.

⁴⁹ CUL, EDR, C11/1/3, C11/2/4-6, C11/3/7-11.

⁵⁰ E.N. McGibbon Smith, *Reflections of Reality in the Manor Court: Sutton-in-the-Isle, 1308-1391*, (Unpublished University of Cambridge PhD Thesis, 2006), 149-50; Hargreaves, 'Seigniorial Reaction', 63-5; Whittle and Yates, 'Pays Réel', 9; Harvey, *Manorial Records*, 52.

⁵¹ KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376.

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

when presentments for licit and illicit transfers mainly moved in tandem. Significantly, presentments concerning illicit transfers fell to zero for the 1570s-1580s at Downham and 0-1 for the 1580s-1590s at Horstead, occurring at both manors in periods of relatively high numbers of general ‘land’ presentments. This may suggest a withdrawal of seigniorial interest in using jurors to monitor illicit transfers in the late sixteenth century but also a general acceptance by tenants of using the manor court to exchange land.

Other trends were more universal. One clear pattern seen at both Downham and Horstead was the reduction in presentments for damaging and trespassing in the lord’s crops, falling from c.6-12% at Horstead for the 1390s to 1400s to only being presented once, in 1439, and at Downham falling from c.9-15% for the 1360s to 1390s, to c.1-4% for the 1400s to 1420s before disappearing completely.⁵³ This does not include presentments discussing damage to both seigniorial and tenant crops, which have been categorised in ‘community’. The trend reflects the move away from direct management to leasing, which at Downham occurred from the accounting year 1430-31.⁵⁴ However, this did not entirely remove the role of juries in monitoring seigniorial property, due to the existence of non-agricultural seigniorial resources at every manor. At Worfield, throughout the rolls, juries monitored trespasses and foraging in the lord’s woodland, waste and fishing places.⁵⁵ These accounted for a substantial c.41-48% per decade of the admittedly few recorded pre-Plague seigniorial presentments, before dropping to a modest but consistent c.1-12% of presentments down to the 1570s, although rising slightly in the 1580s to 1590s. At Horstead, the existence of a rabbit warren and private fishing places accounted for some ‘lord’ presentments, but at the relatively low level of 0-8% from the 1420s onwards. Downham’s function as an hunting estate with a 250-acre deer park drove the 1-16% of property presentments for the 1430s onwards, with offenders presented for hedgebreaking and poaching, along with trespasses in the lord’s fen and fishing places.⁵⁶ Whilst such presentments do represent the lord using officers to guard resources from local inhabitants, these presentments do

⁵³ KCA, HOR/26-33, HOR/36, HOR/37, unfoliated, 11 Jun 1439; CUL, EDR, C11/1/2-3; C11/2/4-6.

⁵⁴ CUL, EDR, D10/3, m.9, 1430-1.

⁵⁵ SAC, P314/W/1/1/4-822.

⁵⁶ KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11; Coleman, *Downham*, 4.

differ from those of collective fines, ruined tenements and illicit land transfers. The latter were directly linked to the status of inhabitants as tenants, requiring them to pay fines and controlling their ability to accumulate and dispose of their land freely, whereas resource presentments focused on the lord's separately-held property.

Even less disadvantageous was jurors' continued role in monitoring the lord's rights to stray animals, found items and goods forfeited by felons due to all three manors' leet jurisdictions. These generally accounted for 1-20% of seigniorial presentments at Horstead and Downham, but were significantly more important at Worfield, accounting for a mean 57% of all seigniorial presentments from the 1350s to 1590s.⁵⁷ This was a result of the large size of the manor, giving the lord extensive rights to strays, along with the decentralised leet structure which led to every hamlet presenting stray animals and found items separately. This in turn led to this type of presentment being the core driver of seigniorial presentments at Worfield, with low numbers leading to low numbers of seigniorial presentments overall.

At Downham and Horstead, jurors had a further role in monitoring seigniorial livestock, with jurors at Horstead for 1412-1440 and Downham from the 1360s to 1420s, routinely presenting if animals had died due to defect of custody of officials.⁵⁸ However on no occasion did either jury actually present an offender, even though at Horstead presentments were very detailed, describing deaths by common murrain, dogs and even a storm of 22 June 1412.⁵⁹ At Downham jurors also presented the names of those who owed agistment for pasturing their animals on seigniorial land.⁶⁰ At Horstead, the monitoring role of jurors was sometimes even more significant, with jurors providing detailed reports of farmers of the manor on two occasions. The first of these, including both the ordinary jury and the Coltishall jury, was a report of 1393 whilst the manor was in crown hands, which claimed the former farmer, Lord Morley, had made waste

⁵⁷ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11; KCA, HOR/34-41, HOR/45, HOR/48-52, SAC, P314/W/1/1/34-831.

⁵⁸ CUL, EDR, C11/1/2-3, C11/2/4-6; KCA HOR/33-36.

⁵⁹ KCA, HOR/33 m.9, 23 Sep 1412; HOR/34, unfoliated, 30 Dec 1419; HOR/37 unfoliated, 9 Sep 1427.

⁶⁰ CUL, EDR, C11/1/2, m.12, 8 Sep 1362; C11/1/3, m.5, 13 Feb 1380; C11/2/4, m.32, 11 Apr 1413; C11/2/6, m.49, 24 May 1452; C11/3/10, m.5, 23 Aug 1491.

to the value of 200s in the manor house, wood and mill.⁶¹ The second presentment of 1465, accused a former farmer, Peter Clerk, of entering the manor after the end of his farm and taking a door, windows and a gate from properties of the manor, which Peter then came and returned after being placed under pain.⁶² These monitoring roles show manorial officers still serving the lord, but in a way unlikely to directly conflict with the tenants' interests.

Presentments of non-attendance at court and licence for freedom from suit of court were consistently made, with virtually all decades seeing at least one presentment on each manor. Suit-related presentments are difficult to interpret. Whilst theoretically suit of court could be a liability for tenants, the fact that licences could be purchased to avoid amercements presumably lessened any disability, whilst sometimes presentments for non-attendance look more like regular fines rather than actual efforts to enforce suit.⁶³ For example, at Downham the fact that both the Prior of Ely and the Master of St John's hospital held land meant that they frequently appeared in default of suit.⁶⁴ The proportion of suit-related presentments rose as the diversity of seigniorially-driven business declined. At Downham, this proportion remained within a range of around 3-30%, with no obvious trend towards a greater proportion of suit presentments.⁶⁵ At Worfield, the proportion of suit presentments grew across the period, from a mean of 16% for the 1370s to 1490s, to 37% for the 1500s to 1570s.⁶⁶ Interestingly, the last twenty years of the sixteenth century saw no suit presentments on the manor, possibly showing an abandonment even of this relatively light imposition on tenants. Horstead followed a very similar trend to Worfield transitioning from suit presentments averaging 13% for the 1390s to 1490s, to 41% in the sixteenth century. By the 1580s and 1590s suit presentments were the crucial driver of seigniorial presentments at the Norfolk manor with proportions reaching 80% and 85% respectively.⁶⁷

⁶¹ KCA HOR/26, unfoliated, 29 Oct 1393.

⁶² KCA HOR/39, m.10, 9 Oct 1465.

⁶³ M.K. McIntosh, *Autonomy and Community: the Royal Manor of Havering, 1200-1500*, (Cambridge: Cambridge University Press, 1986), 188-9.

⁶⁴ *VCH Cambs.*, 90-5.

⁶⁵ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11.

⁶⁶ SAC, P314/W/1/1/75-797.

⁶⁷ KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376.

Serfdom Presentments

A subset of seigniorial presentments worth special attention are those concerned with enforcing personal servility. Quantitatively this was a relatively small category even of seigniorial business across all three manors, with presentments per decade rarely rising above ten. On the other hand, the enforcement of serfdom is of particular interest as it represents an area of potential conflict between the function lords desired of manorial officers, and what the larger community of tenants and even the officers themselves wanted to present. By tracking the number and types of servile presentments made by officers, it is possible to judge how far lords still controlled their functions, and thus to what extent officers were the lord's servants. Each manor must be treated carefully, as customs of servility were highly localised.⁶⁸ Unfortunately, much of the available evidence to build up a picture of servility on a given manor is based on presentments, leading to a certain circularity to arguments. However, the survival of some customary information for Worfield, and to a lesser extent Downham, can mitigate against these problems.

These concerns aside, the broad picture seen in the servile presentments is of relatively consistent enforcement in the fifteenth century, followed by disappearance by the middle of the sixteenth century at all manors except Downham. Some aspects disappeared almost immediately after the Black Death. For example leyrwite, which was presented eight times at Downham 1310-35, was not presented in the surviving rolls from 1362 onwards, despite the fact that in a 1380 inquiry into marriage fines using a terrier it was presented as customary for bond tenants to pay leyrwite for their daughters.⁶⁹ Leyrwite may have been presented more frequently at fourteenth-century Horstead, however its only appearance in the surviving rolls in 1402 suggests it was abandoned by the beginning of the fifteenth century, a pattern that fits the national picture

⁶⁸ Hatcher, 'Serfdom and Villeinage', 8-9; E. Miller and J. Hatcher, *Medieval England: Rural Society and Economic Change, 1086-1348*, (London: Longman, 1978), 122-4.

⁶⁹ CUL, EDR, C11/1/1, m.1, 24 Nov 1310; C11/1/1, m.1, 25 Feb 1311; C11/1/1, m.4, 23 Sep 1314; C11/1/1, m.6, 15 Dec 1315; C11/1/1, m.7, 19 Dec 1324; C11/1/1, m.8, 16 Dec 1325; C11/1/2, m.5, 6 Dec 1330; C11/1/2, m.6, 29 May 1332; C11/1/2, m.9, 28 Nov 1334; C11/1/3, m.5, 13 Feb 1380. The terrier was likely the Ely Coucher Book, as it uses the identical phrase of 'paying leyrwite for his daughter and gersuma to marry her' as the inquiry, showing the book's relevance in determining customary obligations well into the fourteenth century; E. Miller, (trans.), F. Willmoth and S. Oosthuizen, (eds.), *The Ely Coucher Book, 1249-50: the Bishop of Ely's Manors in the Cambridgeshire Fenland*, (Cambridge: Cambridge Records Society, 2015), 49, 51.

of this servile incident.⁷⁰ At Worfield, leyrwite was only reported once, in 1327, suggesting it was not even effectively monitored before the plague.⁷¹ Similarly, restrictions of sales of livestock by customary tenants at Downham were enforced three times 1363-4 and then completely disappeared excepting one presentment in 1412.⁷²

Labour services constituted a more serious disability than leyrwite, and are visible at all three case study manors, although the types and chronologies are quite different (table 1.1). They remained relatively persistently presented at Worfield, with the last presentment occurring in 1521.⁷³ However, these failures to perform labour services took place in a context of sustained but limited requirements as seen in the 1602 customs for Worfield, which ordered the copyholders collectively to repair the lord's two mills, as well as to mow the lord's meadow in exchange for payment of 16d.⁷⁴ This repeated a schema of labour obligations enshrined in the 1403 custumal.⁷⁵ These limited labour services were likely linked to the privileged status afforded customary tenants at Worfield due to the manor's status as Ancient Demesne.⁷⁶ Recorded presentments for failure to perform services reflect these slight requirements. In 1475, 1477, 1481 1521, 1523 the mill was reported to be in disrepair and therefore the suitors of the mill were ordered to repair it under pain, with no amercement levied, whilst in 1512, 1534, 1535 and 1570 individuals and vills were amerced for failing to repair the mill.⁷⁷ This service, whilst potentially onerous, was infrequent, only being required when the mill was damaged, and at least

⁷⁰ KCA, HOR/36, unfoliated, 2 Aug 1402; Bailey, *Decline of Serfdom*, 41.

⁷¹ SAC, P314/W/1/1/1, 1 May 1327.

⁷² CUL, EDR, C11/1/2, m.13, 30 Nov 1363; C/11/1/2, m.13, 6 May 1364; C/11/1/2, EDR, m.13, 28 Sep 1364; C11/2/4, 25 Mar 1412.

⁷³ SAC, P314/W/1/1/570, 17 Apr 1521.

⁷⁴ SAC, 2028/1/5/8.

⁷⁵ SAC, 5586/2/1/42. The 1403 custumal makes no mention of the responsibility to perform mill repair services, but presentments of this in courts before 1400 and the context of the custumal as for dispute resolution makes it likely that this is an omission of an existing custom.

⁷⁶ McIntosh, *Autonomy and Community*, 29; P.R. Hyams, *King, Lord and Peasants in Medieval England: the Common Law of Villeinage in the Twelfth and Thirteenth Centuries*, (Oxford: Clarendon, 1980), 246-9.

⁷⁷ SAC, P314/W/1/1/371, 14 Jun 1475; P314/W/1/1/386, 30 May 1477; P314/W/1/1/418, 3 Apr 1481; P314/W/1/1/560, 17 Apr 1521; P314/W/1/1/572, 10 Aug 1523; P314/W/1/1/506, 27 Jan 1512; P314/W/1/1/648, 18 Jun 1534; P314/W/1/1/649, 29 Jul 1535; P314/W/1/1/773, 2 Nov 1570.

had some benefit to the tenants who utilised the mill.⁷⁸ The only labour presentment concerning the lord's meadow was made in 1491, and was a matter of custom rather than offence, confirming that the tenants of the vill of Sonde owed service with the other tenants at the meadow.⁷⁹ Thus whilst labour service presentments do reveal jurors working for the lord at Worfield, the fact services were slight and presentments generally do not reveal conflict, suggests that they were not particularly working against the tenants.

This picture is in marked contrast to that for Horstead. Here presentments for poor performance of labour services peaked to 16 in the 1400s before declining to low numbers down to the 1430s and then disappearing entirely. This pattern is far more consistent with resistance to services and eventual success in having them commuted and abandoned, a pattern seen in the fact that presentments involved multiple tenants presumably acting collectively.⁸⁰ The services were boon works geared towards demesne agriculture, involving Autumn and Summer works, including carrying, weeding and ploughing, so were presumably perceived as a significant disability.⁸¹ No formal record of commutation is recorded in the rolls, but the lack of any presentments beyond the 1430s support this conclusion, therefore providing an example of changing circumstances refocusing manorial officers' role away from seigniorial exaction.

Downham is again different, providing an example of a far longer enforcement of labour services, as revealed by infrequent but persistent presentments down to the 1570s, well into the early modern period. Whilst in absolute terms the number of presentments is small, the pattern suggests that most tenants continued to perform their expected services, and thus were not presented due to conformity rather than a lack of seigniorial expectations. The Ely Coucher Book

⁷⁸ For the relatively positive attitudes of tenants towards using seigniorial mills see J. Langdon, *Mills in the Medieval Economy: England 1300-1540*, (Oxford: Oxford University Press, 2004), 283-90.

⁷⁹ SAC, P314/W/1/1/489, 1 Aug 1492.

⁸⁰ R.H. Britnell, 'Feudal Reaction after the Black Death in the Palatinate of Durham', *P&P*, 128, (1990), 28-47, 41-5.

⁸¹ KCA, HOR/26, unfoliated, 11 Jun 1395; HOR/26, unfoliated, 18 Oct 1395; HOR/26, unfoliated, 22 Mar 1396; HOR/29, m.1, 11 Jun 1398; HOR/36 unfoliated, 9 Oct 1399, HOR/30, unfoliated, 9 Feb 1400; HOR/29, unfoliated, 4 Apr 1402; HOR/36, unfoliated, 2 Aug 1402; HOR/36, unfoliated, 6 Aug 1404; HOR/32, unfoliated, 1 Oct 1405; HOR/32, unfoliated, 23 Jan 1406; HOR/32, unfoliated, 30 Sep 1406; HOR/36, 11 Jun 1407, HOR/36, unfoliated 10 Aug, 1407; HOR/33, m.7, 4 Dec 1411; HOR/37 unfoliated, 7 Apr 1429.

of 1249-50 gives some idea of the extent of labour services at Downham revealing extensive week and boon works for both yardlanders and cottars, although significant commutations could have occurred in the late thirteenth and early fourteenth centuries.⁸² The nature of the works presented may have changed over time, with earlier entries stating that tenants did not come to work when summoned, whilst in the fifteenth century, apart from ploughing in 1412, presentments mainly concerned carrying services, common drives and collections from fens, rather than agricultural work.⁸³ Two presentments of the 1570s also concerned common carrying, usually seen as a less onerous obligation, although they show remarkable harshness with the 1571 example complaining about tenants carrying too little. The 1579 example is even more extreme with the reeve being ordered to seize all the customary lands held both directly and through his wife by the offender, Edward North, for failure to carry from Doddington to Downham, although as it states North committed diverse other offences this may be the result of a longer history of troublemaking.⁸⁴ Yet, however, one mitigates this seigniorial action, the fact that jurors were still presenting offences against labour services in the 1570s shows a far more seigniorially-orientated function for officers at Downham.

⁸² Miller et al., *Coucher Book*, 47-51.

⁸³ CUL, EDR, C11/1/2, m.14, 2 May 1365; C11/1/2, m.14, 11 Jul 1365; C11/1/2, m.15, 19 Oct 1365; C11/1/2, m.15, 9 Jun 1366; C11/1/2, m.15, 23 Jul 1366; C11/1/2, m.16, 29 Nov 1367; C11/1/2, m.25, 30 Nov 1375; C11/1/3, m.18, c.21 Jun 1387, C11/2/4, m.10, 1 Oct 1403; C11/2/4, m.13, 15 Dec 1404; C11/2/4, m.30, 25 Mar 1412; C11/2/5, m.12, 19 Mar 1420; C11/2/6, m.49 24 May 1452; C11/2/6, m.56, 3 Jan 1459; C11/3/7, m.4, 18 Jul 1461; C11/3/10, m.13, 23 Aug 1498; C11/3/11, unfoliated, 9 Mar 1571; C11/3/11, unfoliated, 21 Sep 1579. The importance of carrying services to the Bishop of Ely within the integrated manors of the liberty is discussed by E. Miller, *The Abbey and Bishopric of Ely: the Social History of an Ecclesiastical estate*, (Cambridge: Cambridge University Press, 1951), 85.

⁸⁴ This customary work is recorded in the Coucher Book: Miller et al., *Coucher Book*, 48, 50.

Table 1.1 - Number of presentments of servile incidents per decade

Decade	Labour Services			Marriage			Chevage/Fled Serfs		
	Little Downham	Horstead	Worfield	Little Downham	Horstead	Worfield	Little Downham	Horstead	Worfield
1310s	1	N/A	N/A	0	N/A	N/A	0	N/A	N/A
1320s	0	N/A	0	4	N/A	0	0	N/A	0
1330s	3	N/A	1	5	N/A	0	0	N/A	0
1340s	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
1350s	N/A	N/A	0	N/A	N/A	2	N/A	N/A	1
1360s	6	N/A	0	1	N/A	2	1	N/A	0
1370s	1	N/A	0	1	N/A	2	1	N/A	0
1380s	2	N/A	0	1	N/A	2	0	N/A	0
1390s	0	4	0	3	0	6	1	4	0
1400s	3	16	0	0	1	7	0	1	0
1410s	2	1	0	3	3	2	1	1	0
1420s	1	1	0	0	1	7	0	8	0
1430s	0	2	0	0	4	7	3	8	0
1440s	0	0	0	1	2	7	2	6	0
1450s	2	0	0	0	0	10	2	7	0
1460s	1	0	0	0	1	3	12	8	0
1470s	0	0	2	0	0	1	6	9	0
1480s	0	0	1	0	0	1	15	9	0
1490s	1	0	1	1	0	0	9	5	0
1500s	0	N/A	0	0	N/A	0	6	N/A	0
1510s	N/A	0	1	N/A	0	1	N/A	6	0
1520s	N/A	0	2	N/A	0	0	N/A	1	0
1530s	N/A	0	2	N/A	0	0	N/A	7	0
1540s	N/A	0	0	N/A	0	0	N/A	0	0
1550s	0	0	0	0	0	0	0	0	0
1560s	0	0	0	0	0	0	0	0	0
1570s	2	0	0	0	0	0	0	0	0
1580s	0	0	0	0	0	0	0	0	0
1590s	N/A	0	0	N/A	0	0	N/A	0	0
Total	25	24	10	20	12	57	59	80	1

N/A refers to decades for which no court rolls survive. Sources: CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-10; KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; SAC, P314/W/1/1/1-840.

Marriage fines, the second incident investigated, follows a different pattern (table 1.1). Marriage fines were levied across England and could act as a legal test of villeinage.⁸⁵ Downham and Horstead saw relatively similar patterns in levying this fine and presenting non-payers, with low but consistent levels of presentment through the fifteenth century down to a 1466 license at Horstead and a 1494 order to seize for marrying a daughter without license at Downham, after a 55-year gap since the last presentment.⁸⁶ Worfield's chronology is similar, although the last presentment was significantly later in 1519 for a widow's remarriage without license, yet the lack of amercement suggests that the license was paid afterwards amicably, and followed two decades of no presentments. However, the attention to marriage in the fifteenth century at Worfield is significantly greater with presentments ranging from 2-10 between the 1390s and 1450s, for a mean of 6.6 per decade, only dropping to a 1-3 range similar to Horstead and Downham in the 1460s onwards. Special attention to marriages is also seen in two presentments of the custom of marriage at Worfield made in 1396 and 1473.⁸⁷ These both confirmed that all customary tenants had to pay marriage fines, the latter specifying that those marrying their daughters inside the manor paid a minor fee and those outside the manor a major fee at the discretion of the steward.

This suggests a special seigniorial attention towards controlling marriage, striking as at Worfield virtually no other servile incidents were routinely enforced, showing that even in a manor with seemingly low seigniorial exaction officers could still act decisively for the lord. This was not inconsistent with the manor's ancient demesne status; custom varied between ancient demesne manors and could combine lighter and harsher elements of serfdom.⁸⁸ This picture must also be tempered by the fact that many of the women presented were remarrying widows, enlarging the category liable to pay marriage fines, and perhaps shows an element of control over land as well as personal servility lay behind the stronger regulation of nuptiality.

The third category of servile incident is that of controlling movement of serfs, either through the payment of chevage or listing fled serfs.⁸⁹ Examining this incident draws a sharp divide between

⁸⁵ Bailey, *Decline of Serfdom*, 37-8.

⁸⁶ KCA HOR/39, m.13, 24 Oct 1466; CUL, EDR, C11/2/6, m.32, 13 Dec 1440; C11/3/10, m.9, 14 Sep 1494.

⁸⁷ SAC, P314/W/1/1/201, 22 Nov 1396; P314/W/1/1/351, 19 Aug 1473.

⁸⁸ Miller and Hatcher, *Medieval England*, 119.

⁸⁹ Whilst these categories are distinct, they were often presented simultaneously and thus are treated together here.

Worfield, where only one presentment was made about two customary tenants remaining outside the manor in 1358, and the other two manors where control of movement became a significant category of presentment in the fifteenth and early sixteenth centuries (table 1.1).⁹⁰ This kind of control would seem to put jurors directly into the lord's servant category, as they were defending an oppressive seigniorial right. Certainly, at Downham the upsurge in presenting fled villeins in the 1460s to 1500s appears conflictual, with the regular presentments of serfs for being outside the manor and not paying chevage being combined with orders to reeves and bailiffs to attach them by their bodies to appear at the next court.⁹¹ In 1440, this was supplemented by an order to distraint their nearest relation on the manor, and from the 1480s with lists of serfs and their issue outside the manor, providing details of both ages and place of residence.⁹² Yet, it is important to consider this presentment in context. Whilst certainly an example of persistent work for the lord, the regularity of presentment is largely due to the ineffectiveness of orders to seize serfs, suggesting that whilst officers were being pressured by the lord, in reality their frequent presentments had little impact. Bailey has emphasised that this growth of interest in serfs' movement is a national picture, but that only one case has been found of a serf potentially being returned to the manor, a fact unsurprising as manorial courts had no obvious way of compelling individuals living beyond a manor's bounds.⁹³

Horstead reinforces this view even more strongly. Whilst in the 1390s and even in 1414, fled serfs were named so they could be attached by their bodies, from the 1420s onwards the vast majority of presentments were simply the profits of chevage payments.⁹⁴ Horstead's lords did mine these efficiently, with jurors increasing the number of payers from a range of 2-8 in 1420-1457 to 5-15 in 1462-78, although from this point numbers began to decrease, even though detail including residence, occupation, apprenticeship and entrance to holy orders was recorded.⁹⁵ In 1515 and 1530 orders were made to arrest fled serfs again, presumably due to the decline in chevage payments, and in 1532 the report of the death of William Spark in London

⁹⁰ SAC, P314/W/1/1/43, 30 Apr 1358.

⁹¹ See, for example, CUL, EDR, C11/3/7, m.4, 15 May 1464; C11/3/7, m.23, 13 May 1473; C11/3/8, m.2, 2 Jun 1484; C11/3/10, m.14, 5 Mar 1499.

⁹² CUL, EDR, C11/2/6, m.32, 13 Dec 1440.

⁹³ M. Bailey, 'The Myth of "Seigniorial Reaction" in England after the Black Death', in M. Kowaleski, J. Langdon and P.R. Schofield (eds.), *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce Campbell*, (Turnhout: Brepols, 2015), 147-72, 161; Bailey, *Decline of Serfdom*, 295-7.

⁹⁴ KCA, HOR/27, unfoliated, 18 Mar 1393; HOR/26, unfoliated, 11 Jun 1395; HOR/34, 14 Feb 1414.

⁹⁵ KCA, HOR/34, HOR/36-39, HOR/41 m.4, 17 Sep 1489; HOR/41, m.8, 11 Jun 1492; HOR/41, m.11, 11 Jun 1494.

led to an order to arrest his brother by his body and goods as William's executor.⁹⁶ However, these policies, along with increased reports of the issue of serfs remaining inside the manor, even including a quarter-year-old baby, could not reverse the decline with the last chevage payment being presented in 1537.⁹⁷ At Horstead, control of serfs' movement relatively quickly transformed into the exaction of a potentially disabling, but at least regular payment, and attempts to seize serfs in the sixteenth century, despite the quality of information gathered, were ineffective. This trend is seen on other manors where increased information concerning serfs was not easily transferred into instruments to control, or at least profit from, their movement.⁹⁸ Thus whilst manorial officers were acting for their lord in this regard, it cannot be described as particularly in conflict with other tenants.

At all three manors, jurors were involved in enforcing at least one aspect of servility for most of the fifteenth century and for Downham and Horstead into the sixteenth century. This confirms the overall pattern of presentments; lords remained invested in manorial officeholding and the functions of officers long after the Black Death. The patterns in presentments concerning servility also mirror the picture given by general seigniorial presentments, revealing differences between manors in the kind of role officers had in relation to lords. Downham appears as the manor where seigniorial demands most strongly guided officers' presentments. Officials continued to levy common fines, help maintain holdings and even enforce labour services. Worfield, conversely, largely saw the presentment of unobtrusive seigniorial demands, with cases of default of suit and property cases, although the late and consistent monitoring of marriage fines warns against too generous an interpretation. Horstead looks to be somewhere between these opposites. Seigniorial presentments largely focused on ensuring the lord profited from the land market; labour services and marriage fines were abandoned relatively quickly. Two commonalities saw both Downham and Horstead move closer to Worfield by the end of the sixteenth century, with the disappearance of presentments concerning seigniorial agriculture due to the end of direct management by c.1440 and the abandonment of the tracking of serfs by c.1540. However, officers still remained important in presenting more passive profits of manors

⁹⁶ KCA, HOR/45, m.9, 30 Oct 1515; HOR/45, m.25, 3 Nov 1530; HOR/48, m.2, 6 Nov 1532.

⁹⁷ KCA HOR/45, m.9, 30 Oct 1515; HOR/48, m.7, 30 Oct 1537.

⁹⁸ Bailey, 'Myth of "Seigniorial Reaction"', 162; Bailey, *Decline of Serfdom*, 296; Larson, *Conflict and Compromise*, 113-5; E.B. Fryde, *Peasants and Landlords in Later Medieval England, c.1380-c.1525*, (Stroud: Sutton, 1996), 176-7; L.R. Poos, *A Rural Society after the Black Death: Essex 1350-1525*, (Cambridge: Cambridge University Press, 1991), 246.

for lords; monitoring rights to strays and forfeited goods, as well as protecting seigniorial non-agriculture property. It is this gradual winnowing of the variety of seigniorial presentments that explains the decline seen at the macro-category level.

Community Presentments

The contrast in the number of ‘community’ presentments between Worfield on the one hand, where these remained comparatively low until an increase from the 1550s to 1570s, and Horstead and Downham, where these were always a significant category of business, can be explained by changes in the internal makeup of this category. At Horstead and Downham, the broad contours of ‘community’ presentments remained similar over time, although they did differ from one another. Horstead’s officers presented a large number of cases concerning infrastructure in the fifteenth century, with this representing between c.49% and 71% of ‘community’ presentments from the 1390s to 1490s.⁹⁹ This proportion dipped in the sixteenth century, especially between the 1530s and 1560s, a trend occasioned by an absolute fall in infrastructure presentments, which explains the dip seen in ‘community’ presentments generally at mid-sixteenth century Horstead.¹⁰⁰ However, infrastructure presentments grew in the 1570s to 1590s, both absolutely and as a proportion of ‘community’ presentments, explaining the recovery of this macro-category of presentment, and suggesting that officers were still important in maintaining communal structures.¹⁰¹ Typical concerns included the scouring of ditches, the maintenance of fences and the upkeep of common paths. The other large category of ‘community’ presentments at Horstead concerned the management of common rights. These presentments varied in number between decades but overall remained relatively similar, though increased proportionally in the mid-sixteenth century with the fall of infrastructure presentments.¹⁰²

Downham’s ‘community’ presentments remained relatively static over time, with infrastructure accounting for a smaller proportion of presentments at a range of c.13-46% across all recorded decades studied.¹⁰³ Presentments concerning common rights grew proportionally but not absolutely from the 1450s onwards, from a range of c.19-35% (mean 23.9%) to a range of c.20-

⁹⁹ KCA, HOR/26-41.

¹⁰⁰ KCA, HOR/45, HOR/48-52.

¹⁰¹ KCA, HOR/51, HOR/53-54, COL/376.

¹⁰² KCA, HOR/26-41, HOR/45, HOR/48-54, COL376.

¹⁰³ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11.

46% (mean 36.1%). This continued into the late sixteenth century, although always within a context of wide decade-on-decade variation.¹⁰⁴ Proportional growth is explained by a real fall of presentments monitoring the sale of fenland resources outside the manor in the same timeframe. Both manors also saw a continued use of presentment to identify and punish trespasses in the crops and pastures of the tenants and vill as a collective.

At Worfield, however, a more complex pattern emerges, with periods of increase in the absolute numbers in the 'community' category from the 1350s to 1430s and 1530s to 1570s. These two periods of increase were driven by different causes. In the earlier decades, a significant range of c.3-12 presentments per annum were concerned with the breaking of the pounds of individual tenants or vills to free animals impounded for trespass in the commons and fields of individual vills. However, from the 1440s this fell to a range of 0-2 per annum, explaining the overall fall of 'community' presentments. In the second period, the rise was triggered in part by a growth in the number of presentments for animals trespassing in tenants' parks or being allowed to graze in sown fields, this subcategory increasing from a range of 0-7 for the 1320s to 1420s, to 3-13 for the 1530s to 1570s. This was matched by an absolute increase in the numbers of presentments concerning common rights and infrastructure, although proportionally these remained relatively static. This second increase was driven by a greater use of presentment by individual vills to police their own concerns over access to commons and pasture rights, which unlike at Downham and Horstead, were organised at the sublevel of the individual hamlet rather than the manor.¹⁰⁵ Whilst the jury leet did make some presentments concerning infrastructure, these focused on tasks that required significant coordination such as the repair of bridges which crossed the river Worfe.¹⁰⁶ These were orders made to entire vills rather than individual tenants, and were quantitatively few in number. The growth in vill 'community' presentments is partly linked to an increased use of bylaws, which is further discussed in chapter three, but had the effect of bringing Worfield's 'community' presentments more in line with those of the other two manors.

The makeup of 'community' presentments at Downham and Horstead remained broadly similar over time. Thus, the continued importance of 'community' presentments at the close of the sixteenth century was due to a continuation of concerns about infrastructure, commons and

¹⁰⁴ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11

¹⁰⁵ Smith, *Worfield*, 22.

¹⁰⁶ SAC, P314/W/1/1/64, 26 Oct 1366; P314/W/1/1/67, 25 Oct 1367; P314/W/1/1/324, 7 Jun 1464.

protecting crops seen at both manors from their earliest surviving court rolls. These were maintained during a decline in other categories of business, which explains the dominance of community concerns c.1600 for these two locales. Worfield, in contrast, saw a growth of ‘community’ presentments in the 1530s-70s due to an innovation in the use of presentments, with vills increasingly using them to police local community concerns, making the overall level and subcategories of ‘community’ presentments more similar to the other two manors which did not have dispersed leet structures. However, when the numbers of vill presentments fell in the 1580s and 1590s, this in turn caused this category to largely disappear.

Royal Presentments

Much as the proportion of ‘royal’ business was relatively uniform between manors, the subdivisions within this category show surprising similarity. However, it is still worth picking apart the types of ‘royal’ business presented and the differences that did exist between manors, especially as this provides a context for considering how manorial officeholding was affected by the rise of the state. In this section, attention is focused on more consistent categories of ‘royal’ presentment, rather than more innovative presentments responding to new statutory legislation, which are analysed in chapter five due to their importance in establishing the responsiveness of manorial officers to new impulses from above.¹⁰⁷ Attention is focused on more ‘medieval’ presentments that accompanied leet jurisdiction, particularly considering how they declined in the three centuries examined.

One key difference between the manors was the direct payment of leet-cert at Horstead to the crown, leading this to be categorised as a ‘royal’ presentment, rather than a seigniorial presentment as at Downham.¹⁰⁸ Leet-cert of 4s, a fixed sum representing the tithing penny, was paid annually at Horstead between 1395 and 1444 accounting for c.6-17% of ‘royal’ presentments by the capital pledges.¹⁰⁹ The fine was then not presented between 1445 and 1467 before being annually surrendered down to the break in the rolls at 1494, after which it disappears.¹¹⁰ The repayment after the gap is intriguing. Whilst the earlier presentments make no mention that the fine is going to the crown, from 1468 onwards the manorial bailiff is described as surrendering the fine to the bailiff of the Hundred of Taverham to the use of the

¹⁰⁷ See pp. 196-202.

¹⁰⁸ See p. 42.

¹⁰⁹ KCA, HOR/26-37.

¹¹⁰ KCA, HOR/37-41.

King.¹¹¹ Moreover, justification is given to the payment as being ‘out of antiquity at the time of the lord Bardolf’, creating the impression that this was a reassertion of an ancient right. Most likely, this pattern represents a royal reaction against seigniorial laxness.

Peacekeeping, incorporating presentments about petty theft, using the hue and cry, housebreaking and nuisances, but overwhelmingly concerning interpersonal violence, was a mainstay of ‘royal’ presentments at both Horstead and Downham throughout the fourteenth and fifteenth centuries, accounting for c.15-43% of presentments at Horstead and c.20-60% at Downham.¹¹² At both manors there was an absolute decline in peace-breaking presentments in the sixteenth century, although at Downham this was less drastic, with 6-9 presentments per decade for the 1550s-1580s suggesting officers still had an important role in keeping order.¹¹³ At Horstead this was more decisive, with only one presentment for peace-breaking in the 1560s, 1570s and 1590s, and none for the 1580s, which in part explains the overall decline in ‘royal’ presentments seen there.¹¹⁴ Peacekeeping accounted for an even greater proportion of ‘royal’ presentments at Worfield, making up 57-90% of this category between the 1320 and 1570s. This largely consisted of the typical petty offences which were reported by individual townships in this manor’s court. Generally, the peace-breaking presentments that were made by Worfield’s jury leet were for property crimes. On a number of occasions these included detailed accounts of actual felonies, although the last of these, an armed housebreaking and theft of 22d from a cleric, was recorded in 1499.¹¹⁵ The decline in ‘royal’ presentments overall is similarly explained by a decline in the number of peace-breaking presentments, which fell from a mean of 104 per decade for the 1350s-1520s to 34 for the 1530s-80s.

Enforcing the assize of bread and ale was the other dominant driver of ‘royal’ presentments at all manors. At Horstead and Downham, presentments concerning the assize which included naming brewers, bakers and regrators who broke the assize, fining tasters for not performing their office and, at Downham, monitoring measures, accounted for c.33-70% of presentments in the fourteenth and fifteenth centuries, showing persistent enforcement of this aspect of royal

¹¹¹ See, for example, KCA HOR/39 m.17, 11 Jun 1468; HOR/39, m.23, 11 Jun 1471. Whilst the court roll presentments do not indicate that the leet-cert was being paid to the king before 1468, two of the three surviving Horstead bailiff’s accounts note the surrender of leet-cert to the royal bailiff of the hundred suggesting this was typical: KCA HOR/106, 1403-4; HOR/128, 1407-8.

¹¹² KCA, HOR/26-41; CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-10.

¹¹³ CUL, EDR, C11/3/10-11.

¹¹⁴ KCA, HOR/51-54, COL/376.

¹¹⁵ SAC, P314/W/1/1/496, 19 Apr 1499.

legislation.¹¹⁶ However, again in the sixteenth century the manors diverge. At Downham, presentments concerning the assize were maintained, with 12 recorded for the 1570s.¹¹⁷ At Horstead, however, presentments fell to 3-7 a decade for the 1510s to 1540s, and then disappeared entirely after the last presentment in 1545.¹¹⁸ The beginning of this decline was justified by a lack of necessity. In 1492 the capital pledges presented that there were no brewers inside the precincts of the leet who brewed ale to sell and consequently did not elect ale tasters to enforce the assize.¹¹⁹ They repeated this presentment in 1493 and 1494 before ending regular presentments about ale selling entirely, with only one more presentment about selling ale against the assize in 1515, although they continued regularly to present bakers for breaking the assize down to 1545.¹²⁰ However, this was not the end of capital pledges' presentments concerning ale selling; in 1533 Robert Pytelyng was formally allowed to sell ale and bread inside his houses and outside the lordship, whilst in 1543 a tapster was presented for selling by illicit measures to the liegemen of the king, and placed under pain of 3s 4d not to do so again.¹²¹ This may represent a more interventionist enforcement in monitoring the sale of ale rather than the annual licensing offered by the assize, although the lack of any presentments concerning the sale of alcohol after 1543 suggests this was short lived.

Worfield's enforcement of the assize differed in that ale tasters presented directly in court rather than through other officials, although the vills and jury leet did present a significant number of offenders alongside the tasters in the late fourteenth century. Moreover from 1457 onwards the tasters also began to monitor the pricing of meat and fish, an innovation not seen at Horstead and Downham.¹²² This seems likely to have been due to local impetus, mirroring policies seen in the leets of small market towns.¹²³ However, no new bylaw occasioning these presentments is recorded, and on several occasions butchers are presented simply for breaking the assize.¹²⁴ For this reason, these presentments are subsumed into the 'royal' category, as they appear to have been considered by officers as part of their presentments according to the assize. Quantitatively,

¹¹⁶ KCA, HOR/26-41; CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-10.

¹¹⁷ CUL, EDR, C11/3/10-11.

¹¹⁸ KCA, HOR/45, HOR/48; HOR/48, m.16, 21 Apr 1545.

¹¹⁹ KCA, HOR/41, m.7, 11 Jun 1492.

¹²⁰ KCA, HOR/41, m.9, 11 Jun 1493; HOR/41, m.10 11 Jun 1494; HOR/45, m.8, 11 Jun 1515.

¹²¹ KCA, HOR/48, m.2, 16 Jun 1533; HOR/48, m.13, 21 Apr 1543.

¹²² SAC, P314/W/1/1/311, 21 Apr 1457.

¹²³ J. Davis, *Medieval Market Morality: Life, Law and Ethics in the English Marketplace, 1200-1500*, (Cambridge: Cambridge University Press, 2012), 144-52.

¹²⁴ See, for example, P314/W/1/1/470, 27 Sep 1487 and P314/W/1/1/485, 12 Oct 1489.

Worfield's assize presentments as made by its tasters follow the same pattern as Horstead, declining from a range of 13-29 per decade for the 1350s-1500s, to a range of 3-9 for the 1510s-1560s before disappearing, with the last presentment made in 1568.¹²⁵ The villis and jury leet continued to present slightly later, with common brewers and a butcher amerced in 1571, although after this point such presentments disappear entirely.¹²⁶

Other types of 'royal' presentment were far less significant across all manors. In all cases, presentments concerning royal roads made up c.1-20% of 'royal' presentments in the late fourteenth and first half of the fifteenth century, disappearing at Worfield in 1419, Downham after 1455 and Horstead in 1470.¹²⁷ At this point the manors diverge, Worfield saw an earlier re-emergence of presentments with eight in the 1470s-1520s before complete disappearance. Both Downham and Horstead saw presentments re-emerge at the tail end of the sixteenth century, with eight presentments in the 1550s-1570s at Downham and three presentments in the 1560s-1590s at Horstead.¹²⁸ This resurgence may have been driven by new attention to highways in statute legislation.¹²⁹ These patterns should be treated with caution, however. Presentments concerning roads or 'common' roads were made throughout this period, and whilst the distinction is made in courts between these different categories of road, it is possible that it was dropped in periods of few presentments.

The tithing system generated 'royal' presentments at all three manors. Men over twelve were either presented as being sworn in a tithing or being amerced for remaining in the lordship without being sworn for over a year, as sometimes were their employers or capital pledges. At Horstead and Downham, officers may have been incentivised to maintain the system even after its peacekeeping role had diminished as capital pledges paid collective but fixed fines with their tithings. The larger the tithing, the further the burden could be spread. Indeed, at Horstead in 1404 and 1426, capital pledges amerced men for refusing to surrender their tithing penny.¹³⁰ At

¹²⁵ SAC, P314/W/1/1/32-766, 11 Oct 1558.

¹²⁶ SAC, P314/W/1/1/774, 25 Oct 1571.

¹²⁷ CUL, EDR, C11/1/2-3, C11/2/4-6; C11/2/6, m.50, 20 Jun 1455; KCA, HOR/26-39; HOR/39 m.22, 3 Aug 1470; SAC, P314/W/1/1/32-253, P314/W/1/1/253, 10 Apr 1419.

¹²⁸ CUL, EDR, C11/3/10, unfoliated, 8 Oct 1552; C11/3/10, unfoliated, 12 Mar 1554; C11/3/10, unfoliated, 2 May 1555; C11/3/10, unfoliated, 19 Jun 1557; C11/3/10, unfoliated, 5 Mar 1558; C11/3/11, unfoliated, 21 Feb 1572; C11/3/11, unfoliated, 24 Mar 1574; KCA, HOR/52, m.4, 24 Apr 1567; HOR/51, m.7, 12 Apr 1575; COL/376, m.2, 29 Mar 1598.

¹²⁹ 2-3 Philip and Mary c.8, *SR* v.4, p.1, 284-5; 5 Elizabeth I c.13, *SR* v.4, p.1; 18 Elizabeth I, c.10, *SR* v.4, p.1, 620-1.

¹³⁰ KCA, HOR/36, unfoliated, 6 Aug 1404; HOR/37, unfoliated, 11 Jun 1426.

Downham this requirement continued down to the end of the sixteenth century, explaining the continued, if irregular, presentments concerning tithings.¹³¹ The fact that at sixteenth-century Horstead capital pledges continued to making tithing presentments, including eight in the 1510s and five in the 1550s, whilst paying no leet-cert is harder to explain, unless as perhaps a method to control a mobile population.¹³² A similar concern perhaps explains the occasional presentments concerning the maintenance of tithings at Worfield, where a lack of tithing payments means there was never a financial incentive behind this monitoring.

Overall, it is the sharp decline and then disappearance in assize presentments which explains the general fall in 'royal' presentments observed at Worfield and Horstead. At the Norfolk manor, this was compounded by a decline in peacekeeping presentments and the ending of leet-cert. At Downham peacekeeping presentments also fell, but not as drastically, whilst assize presentments recovered in the 1570s. Thus much like with seigniorial presentments, a loss of functions explains the changes seen in the late sixteenth century in this class of presentment.

Land Presentments

The majority of presentments concerning land fall into three categories, namely those recording grants of land by the lord to tenants, those detailing the death of tenants and the inheritance of their land, and those focusing on *intervivos* transfers between living tenants made outside the court, remembering that *intervivos* transfers made inside court did not require presentment to be valid so were not in the jury's remit. The extra-curial category includes both transfers made by tenants as part of the land market, and those made on deathbeds as part of inheritance strategies.¹³³ However, these categories were not presented in the same way on different manors or over time. For example, at both Downham and Worfield no inheritances were presented before the Black Death, with entries concerning inheritance providing no information about how the transfer to an heir was reported to the court. At both manors, inheritances appear to have

¹³¹ CUL, EDR, C11/3/10-11.

¹³² KCA, HOR/45, m.2, 11 Jun 1511; HOR/45, m.4, 11 Jun 1512; HOR/45, m.7, 4 May 1514; HOR/45, m.9, 11 Jun 1516; HOR/45, m.11, 7 Jul 1517; HOR/45, m.13, 11 Jun 1518; HOR/45, m.14, 4 Jul 1519; HOR/49, m. 5, 21 Apr 1550; HOR/49, m.8, 21 Apr 1552; HOR/49, m.9, 21 Apr 1553 ; HOR/50, m.1, 7 Apr 1554; HOR/50, m.8, 21 Apr 1557.

¹³³ P.D.A. Harvey, 'Introduction', in P.D.A. Harvey (ed.), *The Peasant Land Market in Medieval England*, (Oxford: Clarendon, 1984), 1-28, 24-5; Whittle, *Agrarian Capitalism*, 85-177; L. Bonfield and L.R. Poos, 'The Development of Deathbed Transfers in Medieval English Manor Courts' in Z. Razi and R.M. Smith (eds.), *Medieval Society and the Manor Court*, (Oxford: Clarendon, 1996), 117-42, 134-141.

only been systematically recorded via the procedure of presentment from the 1380s onwards. Similarly, whilst jurors routinely, but in the case of Downham, not exclusively, presented extra-curial *intervivos* transfers, at Worfield these were virtually never recorded by the jury, but instead involved the reeve and the beadle as seigniorial agents. The special role of the reeve was recorded in an inquiry of 1405, when it was stated that only transfers made through him were valid.¹³⁴ Therefore, any treatment of these presentments must be very careful, remembering that they were taking place in a context of other procedures to transfer and inherit land.

This concern aside, a pattern does emerge, which is that extra-curial *intervivos* transfers drove increasing 'land' presentments in this period. This is visible at Horstead from the 1410s onwards, when transfers grew from c.1 a decade to 10, and then became the most dominant type of presentment from 1430s until the end of the period.¹³⁵ A high number of deathbed transfers partially drove this trend. These allowed tenants to circumvent customary inheritance in favour of greater personal discretion in settling their land on heirs.¹³⁶ The decrease in the 1560s-1580s was caused by a relative fall in transfers, which may reflect a general slowdown in the land market due to the increasing value of land in this period.¹³⁷ An increase in extra-curial transfers also accounts for the increase in 'land' presentments seen for the 1550s-1580s at Downham, suggesting a greater openness in the land market.¹³⁸ Certainly, in earlier periods tenants may have been dis-incentivised to make transfers; in 1328 the jury presented that custom dictated that not only should the lord collect a heriot in cases of inheritance but also in *intervivos* transfers.¹³⁹ However, this pattern was also due to the less regular presentment of transfers by officers on this manor, meaning patterns seem more erratic.

At Worfield, the fact that *intervivos* transfers were generally not made via the presentment procedure but instead passed through officials' hands, means that the vast majority of 'land' presentments were for inheritance. The fact that they were the dominant type of presentment in the 1580s and 1590s is as much due to the small numbers of presentments in other categories, as

¹³⁴ SAC, P314/W/1/1/232, 6 Apr 1405.

¹³⁵ KCA, HOR/33-41, HOR/45, HOR/48-54, COL/376.

¹³⁶ Bonfield and Poos, 'Deathbed Transfers', 134.

¹³⁷ Whittle, *Agrarian Capitalism*, 106-7.

¹³⁸ CUL, EDR, C11/3/10-11.

¹³⁹ CUL, EDR, C11/1/2, m.1, 7 Jul 1328.

well as the relative size of the manor, which simply meant there was more land to be inherited, rather than a special land focus to Worfield's jury.

'Land' presentments reveal that officials had an important role in allowing increasing flexibility by tenants to manage their land, especially outside the court.¹⁴⁰ This can be seen in more unusual presentments showing officials monitoring deathbed transfers and inheritances to ensure the rights of land-holders and those making bequests. For instance in 1474, the Coltishall jury presented that Idonna Smyth's deathbed request to her executors to sell her land for the betterment of her soul had not been followed. The executors then explained that this was because the land had been unjustly occupied by John Selot for two years, who claimed he had acquired the land of Idonna in her lifetime and held the land through his manor of Hakeford in Coltishall. The jury then replied that this was untrue and so ordered the land to be seized into the lord's hand.¹⁴¹ Whilst it is unclear if the lord would then grant the land so it could be sold, fulfilling Idonna's desires, the presentment at least shows the jurors had a role in monitoring the later status of deathbed transfers.

Other Officials

Apart from ale tasters at Worfield, who were discussed along with the jury presentments above, so far no attention has been paid to the small number of presentments made by other officials at Worfield and Downham.¹⁴² The types of presentments made by reeves, beadles and messors at these manors suggest these officers primarily worked for the lord. Of the 14 presentments made by Worfield's beadle for 1327-1477 all but two concerned seigniorial business, as did all six by the reeve made for 1331-1398.¹⁴³ For the beadle, few of these were directly conflictual with the tenants' interests, with three concerning strays and the other nine concerning trespasses on seigniorial property. The pattern for the reeve is slightly different, with two concerning nonperformance of labour services in the lord's meadow, whilst the other four monitored the management of strays.

¹⁴⁰ Whittle, *Agrarian Capitalism*, 102.

¹⁴¹ KCA, HOR/39, m.30, 1 Aug 1474.

¹⁴² See pp. 58-9.

¹⁴³ SAC, P314/W/1/1/4-384.

For the reeve at Downham, 56 presentments are recorded stretching from 1330, across the gap in the records to 1412.¹⁴⁴ Again the emphasis is seigniorial with all but two presentments being placed in this category. Again, however, most business is non-conflictual, concerning damage to crops and property and managing strays, with only one presentment for the poor performance of a harvesting labour service in 1363.¹⁴⁵ Similarly, of the 60 presentments made by the messor for 1312-1410, all except five concerned seigniorial business.¹⁴⁶ Of these 55, five were about either non-performance or poor-performance of labour services, whilst the rest concentrated on damage to the lord's crops and property. Overall, these officials at both manors were seigniorially-focused, but they only performed this role for the fourteenth and early fifteenth centuries, after which seigniorial business was presented by jurors and capital pledges alone.

Conclusion

An examination of the presentments made by manorial officers displays the transition from a seigniorially-focused manorial court, with officers primarily as the lord's servants, to a community-focused 'little commonwealth' with officers acting as community elites to maintain structures and keep order. This process was occasioned by a reduction in 'lord' presentments from the mid-sixteenth century onwards, accompanied by a fall in 'royal' presentments from a slightly earlier date. Presentments declined as the variety of business presented under these categories fell. With the decline of presentments about serfdom and agricultural resources, officers became focused on a set of less conflictual seigniorial rights such as suit, common fines, protection of property and rights to strays. For 'royal' presentments, a reduction, and in some cases disappearance of the assize of ale was significant. This process occurred according to different chronologies and to different extremes at the three case studies; the role of officers at Downham in the 1570s was much closer to that of the 1310s, than were the roles of late sixteenth-century officers at Horstead and Worfield to the 1390s and 1360s respectively. Yet a process of winnowing led to the categories of 'lord' and 'royal' becoming smaller across the board, whilst those presentments focused on 'community' and 'land' were maintained at levels similar to that of the late fourteenth century.

¹⁴⁴ CUL, EDR, C11/1/1-3, C11/2/4.

¹⁴⁵ CUL, EDR, C11/1/2, m.10, 27 Jul 1363.

¹⁴⁶ CUL, EDR, C11/1/1-3, C11/2/4.

To some extent, therefore, the pessimistic medievalists are right, the work of manorial officers, and the courts that gave them authority, did decline from the heights of c.1300. Whilst the picture provided by counting presentments from fragmentary rolls and changing numbers of sessions can only be partial, in absolute terms there was undeniably a decline in the number of presentments at all manors from c.1400 to c.1600, for a period where the presentment system at all manors was fully developed (figures 1.1-1.3). This occurred, moreover, in the context of later fifteenth and sixteenth century population growth at all manors, meaning that one would expect there to be simply more infractions to monitor (table 0.1). For seigniorial business, officers were likely presenting less due to an actual withdrawal of direct lordship by c.1550 onwards, which meant categories of offence linked to serfdom and directly-managed land simply ceased to exist. For ‘royal’ presentments, however, the lack of presentments linked to the assize of ale and peace-keeping likely represents a change in the jurisdictions used to monitor the sale of alcohol and violence towards the increasingly dominant quarter session, rather than an actual decline in these sorts of offences, meaning that a substantial part of manorial officers’ work had likely been lost.¹⁴⁷ However, this view of diminishment does not give enough credence to the sustained role of officers in policing communities seen at Horstead and Downham, and this novel, if very short-lived, use at Worfield, which has been emphasised by the early modern revisionists. The ‘community’ category remained remarkably stable, with officers fulfilling the same role in 1600 as they had in the fourteenth century. Only Worfield looks like the stereotypical land transfer-focused seventeenth-century manor, and even this was a new development of the 1580s and 1590s.

These changes must have drastically changed the position of officers, and especially jurors. Whilst the fourteenth-century juror at all three manors can be seen as fulfilling, whether willingly or unwilling, a position serving his lord, and even his King, the juror of the late sixteenth century cannot be seen as primarily a seigniorial servant. Yet, men still filled this office, and continued to present a variety of offences linked to their own community, much as their predecessors had in previous centuries. Thus, understanding the identity of these men is vital, and this is the aim of the next chapter.

¹⁴⁷ Whittle, *Agrarian Capitalism*, 54-7; Sharpe, *Crime*, 24-6; Mulholland, ‘The Jury’, 73.

Chapter 2: The Selection of Officers

Oligarchy and Community

Chapter one began by examining the changing role of officers, finding that officials continued to serve crown and lord into the sixteenth century, but ultimately shifted to serving community and facilitating the transfer of land. This chapter explores changing participation in officeholding, examining how many individuals were involved in officeholding across time. Such analysis inevitably takes place in a wider context of the debates over ‘oligarchy’ in the village communities of medieval and early modern England.

Early modernists have frequently argued that local institutions of government were concentrated in the hands of a set of ‘chief inhabitants’ in the villages of their period. They have argued this on two levels. Firstly, studies using tax, land-holding and rate-paying records have demonstrated that officeholding was concentrated in the hands of the wealthy.¹ Secondly, and more pertinent for this study, several historians have established that parochial officeholding and vestry attendance in many early modern communities was monopolised by select groups.² For example, Wrightson and David Levine demonstrated through a quantitative study that parochial office, quarter-session jury service and manorial jury service at Terling were dominated by 10-15 men in any quinquennium, and in turn five of these were especially prominent.³ Similarly, Steve Hindle shows ‘oligarchy’ with an institutional approach, highlighting the spread of the ‘select’ or ‘close’ vestry that formally restricted membership to a small number, along with the more informal oligarchic tendencies of the so-called ‘open’ vestry.⁴ Studies of early modern manor courts have similarly argued that jury service was likely concentrated in the hands of wealthier tenants.⁵ Other early modernists have been

¹ Wrightson and Levine, *Poverty and Piety*, 103-6; H. French, *The Middle Sort of People in Provincial England 1600-1750*, (Oxford: Oxford University Press, 2007), 111-9; French and Hoyle, *Earls Colne*, 254-66; J. Kent, ‘The Rural “Middling Sort” in Early Modern England, circa 1640-1740: Some Economic, Political and Socio-Cultural Characteristics’ *Rural History*, 10:1, (1999), 19-54, 24; Kent, *Village Constable*, 82.

² French, *Middle Sort of People*, 119-24; French and Hoyle, *Earls Colne*, 253-66.

³ Wrightson and Levine, *Poverty and Piety*, 106-7.

⁴ Hindle, *State and Social Change*, 207-15.

⁵ Healey, ‘Northern Manor Court’, 227; Shaw-Taylor, ‘Management of Common Land’, 65; Winchester, ‘Upland Commons’, 40; Winchester, *Harvest*, 40-2; Harrison, ‘Manor Courts and Governance’, 50; M.K.

more sceptical however, arguing either that officers were not the wealthiest men of the parish, especially before the Restoration, or highlighting local traditions of inclusion which could work against oligarchic tendencies.⁶ Mark Goldie has stressed that officeholding was ‘remarkably socially extensive’ although such an assessment is made as part of a contrast of this ‘republicanism’ with monarchical authority, rather than in terms of the communities themselves.⁷ Thus, a general consensus suggests concentration of officeholding in the hands of select groups of wealthier residents, but that this was regionally varied and far from absolute.

Medievalists of all stripes have also noted a degree of concentration in manorial officeholding, although the extent of this, and its significance, is debated. Homans observed that officeholding was largely the preserve of certain families of elite tenants, which he referred to as the ‘aristocracy of jurymen’.⁸ The Toronto School demonstrated this quantitatively, using multiple officeholding as one of their markers to categorise village families as belonging to an elite stratum.⁹ However, they did not see this as conflicting with the essentially communal role of these officials, arguing that office and particularly jurorship saw enough turnover and participation to prevent it being controlled by an oligarchy.¹⁰ 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.¹¹ Whilst a degree of concentration is acknowledged, this is not interpreted as oligarchy.

McIntosh, *A Community Transformed: the Manor and Liberty of Havering-atte-Bower, 1500-1620*, (Cambridge: Cambridge University Press, 1991), 364-6.

⁶ Carlson, ‘Officer of Churchwarden’, 194-200; Kümin, *Shaping of a Community*, 32-8; McIntosh, *Poor Relief in England*, 279-8; J. Pitman, ‘Tradition and Exclusion: Parochial Officeholding in Early Modern England, a Case Study from North Norfolk, 1580-1640’, *Rural History*, 15:1, (2004), 27-45, 37-43.

⁷ M. Goldie, ‘The Unacknowledged Republic: Officeholding in Early Modern England’, in T. Harris (ed.), *The Politics of the Excluded, c.1500-1850*, (Basingstoke: Palgrave, 2001), 153-94, 153-4, 161.

⁸ Homans, *English Villagers*, 312.

⁹ Raftis, ‘Concentration of Responsibility’, 92-118; DeWindt, *Land and People*, 206-33; DeWindt, ‘Peasant Power Structures’, 244-58; Britton, *Community of the Vill*, 98-102; Olson, ‘Jurors of the Village Court’, 238-42; Olson, ‘Families Have Their Fate and Periods’, 410-28; Olson, *Chronicle of All That Happens*, 104-61.

¹⁰ 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.

¹¹ 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.

However, in this regard Edward Britton is the black sheep of the Toronto family. He interpreted a similar statistical trend at Broughton 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 could be true for other studies made by the School.¹² The conception of a manorial-officeholding village oligarchy can also be found in a wide range of other studies by medievalists.¹³ Dyer notes that there was an element of oligarchy in the selection of officers, but that the number of positions meant this oligarchy was ‘necessarily broad’.¹⁴ Views of a more oppressive dominant group are informed by direct comparison with the early modern era, noting the similarity of concentration in office between the two periods.¹⁵ Quantitative studies of the manors of Halesowen, Norton and Billingham have reinforced this view.¹⁶ Therefore, the scholarship has edged towards the position that concentration in manorial office was typical in the Middle Ages, and so similar to that of the early modern village.

Much like the examination of the work of manorial officers in chapter one, the main drawback of this literature is the lack of cross-period studies.¹⁷ Whilst many writers have looked for parallels between medieval and early modern, none have examined change across these periodisations for the same places, to see whether there were changes in participation and concentration over time. Here, evidence from the three case-study manors is analysed quantitatively, by identifying each individual who held any office, and then examining patterns of service to see trends in officeholding 1300-1600.¹⁸ Admittedly, this approach is focused on the internal evidence of officeholding and does not

¹² Britton, *Community of the Vill*, 44-9, 104-5.

¹³ 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, 106-7, 126-7; F.M. Page, *The Estates of Crowland Abbey: a Study in Manorial Organisation*, (Cambridge: Cambridge University Press, 1934), 68; Z. Razi, *Life, Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen 1270-1400*, (Cambridge: Cambridge University Press, 1980), 76-7; Razi, ‘Family, Land and Village Community’, 15; Fryde, *Peasants and Landlords*, 14-5 .

¹⁴ Dyer, ‘Power and Conflict in the Medieval English Village’, in C.C. Dyer, *Everyday Life in Medieval England*, (London: Hambledon, 1994), 1-12, 7; Dyer, *Age of Transition*, 65; Dyer, ‘Political Life’, 142-3.

¹⁵ M. Spufford, ‘Puritanism and Social Control?’ in A.J. Fletcher and J. Stevenson (eds.), *Order and Disorder in Early Modern England*, (Cambridge: Cambridge University Press, 1985), 41-57, 49-50; Sharpe, *Crime*, 83-5, 172-3; Smith, ‘Contrasting Susceptibility’, 49.

¹⁶ Razi, *Life, Marriage and Death*, 123; Larson, ‘Village Voice’, 702-3.

¹⁷ See pp.23-8.

¹⁸ For the methodology used to identify individuals see appendix 1.

attempt to evaluate officeholding individuals by wealth or landholding using other sources of information. However, it provides a vital context for considering manorial officeholding comparatively, and so creates a framework by which periods of increased or decreased ‘oligarchy’ can be evaluated.

Selected Officials

For the sake of analysis, manorial officeholders can be divided into two types. The first type are empanelled officials, namely capital pledges, jurors leet and jurors baron, who are listed independently at the head of every court session. The second type, discussed in this section, are selected officials, meaning that their selection and swearing-in are explicitly recorded in the rolls, and that they served for terms of a year or longer and thus across multiple sessions. These officials include reeves, messors, beadles and tasters. Such officials could be selected by three processes, namely selection by the lord or his representative alone; selection by the community of tenants, either via a discrete jury or collectively; or selection by a system of rotation, with tenants serving in turn for their landholdings.¹⁹ These processes could be combined, and frequently the lord chose from certain candidates put forward by the tenants.²⁰

For the three case studies, the beadleship at Worfield is the only example of an office which was selected by rotation. The beadle’s major duties were to facilitate the running of the manor court at

¹⁹ For selection by lord alone see: P.D.A. Harvey, *A Medieval Oxfordshire Village: Cuxham, 1240-1400*, (London: Oxford University Press, 1965), 65; McIntosh, *Autonomy and Community*, 205; for selection by community see: Evans, ‘Merton College’s Control of its Tenants’, 221; Larson, *Conflict and Compromise*, 59; J. Hatcher, *Rural Economy and Society in the Duchy of Cornwall, 1300-1500*, (Cambridge: Cambridge University Press, 1970), 38; for selection by rotation see: M. Forrest, ‘Women Manorial Officers in Late Medieval England’, *Nottingham Medieval Studies*, 57, (2013), 47-67, 52-3, 55; Whittle, *Agrarian Capitalism*, 51.

²⁰ Harvey, *Manorial Records*, 45. For lord choosing from candidates selected by community see: Olson, *Chronicle of All That Happens*, 115; M. Thornton, ‘Lord’s Man or Community Servant?: the Role, Status, and Allegiance of Village Haywards in Fifteenth-Century Northamptonshire’ in S. Turner and R.J. Silverster (eds.), *Life in Medieval Landscapes: People and Places in the Middle Ages: Papers in Memory of H.S.A. Fox*, (Oxford: Windgather Press, 2012), 213-24, 220; J. Birrell, ‘Confrontation and Negotiation in a Medieval Village: Alrewas before the Black Death’ in J. Langdon, R. Goddard and M. Müller (eds.), *Survival and Discord in Medieval Society: Essays in Honour of Christopher Dyer*, (Turnhout: Brepols, 2010), 197-211, 199-200; Page, *Crowland Abbey*, 69.

Worfield through summoning and distraining defendants and empanelling trial juries.²¹ Providing the officer was incumbent on Hallon, one of the townships that made up the manor.²² Within the township, the beadleship was allotted via landholding, and in 1380 an inquisition declared that Roger Aldith would have to serve for land he held in Hallon.²³ More information is provided by a note made in 1557 detailing ‘the appoytin\g/ & true cessyng of the byddell of halon by the consent of the township for ev(er) aft(ur)’.²⁴ This describes a rotational system with 12 different lands being responsible for providing the beadleship (table 2.1). The tenant, or in two cases tenants, of each land unit was to serve for one year each except for John Wannerton and his wife Alice who were to serve for three years, meaning that the rotation period lasted fourteen years before returning to the first tenant. Yet, whilst twelve different lands served, the number of individuals was far smaller, with only seven (including Alice Wannerton who was unlikely to serve whilst her husband was alive) serving across the fourteen years. This potential to serve was not equally distributed, with John/Alice Wannerton and John Walker only serving once, Alice Warter and Richard Prests serving twice, Richard Rowley serving three times (including joint service), and William Billingsley (including joint service) topping the list at four times. As of 1557, the effects of the beadleship being confined to one township with individuals holding multiple lands within a fixed rotation was to limit the office to a small group.

²¹ See, for example, SAC, P314/W/1/1/123, 24 Jan 1381; P314/W/1/1/268, 30 Sep 1426; P314/W/1/1/393, 16 Apr 1478; P314/W/1/1/486, 6 Apr 1491; P314/W/1/1/514, 22 Nov 1514; P314/W/1/1/642, 12 Dec 1532; P314/W/1/1/794, 19 Feb 1579.

²² SAC, 2028/1/5/8; P314/W/1/1/246, 2 Nov 1417; P314/W/1/1/289, 3 Oct 1438; P314/W/1/1/292, 1 Oct 1440.

²³ SAC, P314/W/1/1/121, 2 May 1380.

²⁴ SAC, 2028/1/5/4.

Table 2.1 - Rotation of beadleship as recorded in 1557 memorandum at Worfield

Individual 1	Individual 2	Description of Land	Time
Richard Prests	N/A	Messuage and half yard land at ‘Symeyate’	1 year
Alice Wartor	N/A	Messuage and half yard land late of Roger Barkare of 2 years	1 year
William Byllingsley	N/A	Messuage and half yard land of his one other lying now in the tenure of Richard Wever	1 year
William Byllingsley	Richard Rowley	Nook of land of William Billingsley and nook of land of Richard Rowley jointly together	1 year
Richard Rowley	N/A	Messuage and other his land now in his own occupation	1 year
Richard Rowley	N/A	Toft and half yard land called the ‘mersshe ground’	1 year
John Walker	N/A	Messuage and other land late of one Bullock	1 year
Alice Wartor	N/A	Messuage and half yard land late of Roger Barkare land called Butter yard	1 year
John Wannerton	Alice Wannerton	His land late of George Barkare	3 years
Richard Prests	N/A	Messuage and nook of land now in the tenure Roger Wever late lands of one Wood	1 year
William Byllingsley	N/A	2 nooks of land whereof the one is of late George Byllingsley and one Wood So that for these 2 nooks	1 year
William Byllingsley	N/A	Messuage and half yard land late one Holygrefe	1 year

N/A indicates when no second individual is recorded. Source: SAC, 2028/1/5/4.

The longevity of such a pattern is evident in three periods in the rolls when beadle selections are well recorded, namely 1326-9, 1429-54 and 1506-20.²⁵ These reveal relative concentration in earlier periods, in line with that of 1557, with at least one individual serving twice in each of the time-frames. This was seemingly due to engrossment of the holdings which provided beadles, with Thomas Wynter serving in 1327 and 1329, John Dene in 1440 and 1443, John Holygreve in 1445 and 1448, and George Barker in 1506 and 1508, the short intervals consistent with holding multiple lands in the rotation.²⁶ By contrast, William Wermod served twice through being selected in 1429 and 1442, a 13-year gap which corresponds to the twelve land cycle seen in the 1557 document, suggesting he may have served twice due to a full rotation.²⁷ Thus, clearly some degree of concentration in holding the beadleship, despite a rotational system, had a long heritage.

Analysis of a final set of 25 selections for 1571-97 reveals that this system remained robust until the end of the period under study and roughly conformed to the 1557 document.²⁸ Fourteen persons were selected across the 25 selections, with 7 serving once, 6 serving twice and one person serving 6 times. The pattern of multiple selection is also broadly similar. For example Richard Rowley was selected annually 1577-78, once in 1581, and then annually 1592-94, suggesting a pattern of multiple service due to holding multiple lands within the cycle, and also a large gap suggesting a repeat of the cycle.²⁹ The types of land described match the 1557 document, with the same combination of half virgates, jointly held pairs of nooks and even the two named lands of the 'Symeyate' and 'mersshe ground' appearing.³⁰

However, this pattern belies a more complex picture, and further concentration, as it only accounts for those who were presented to serve in office due to their landholding, rather than those who actually performed the office of beadle. In fact, of the 25 selections, six saw a deputy sworn instead

²⁵ SAC, P314/W/1/1/1-8, 275-309, 502-659.

²⁶ SAC, P314/W/1/1/1, 19 Jun 1327; P314/W/1/1/8, 18 Apr 1329; P314/W/1/1/292, 1 Oct 1440; P314/W/1/1/295, 30 Oct 1443; P314/W/1/1/297, 9 Oct 1445; P314/W/1/1/299, 15 Oct 1448; P314/W/1/1/502 21 Oct 1506; P314/W/1/1/503, 19 Oct 1508.

²⁷ SAC, P314/W/1/1/275, 4 Oct 1429; P314/W/1/1/294, 11 Oct 1442.

²⁸ SAC, P314/W/1/1/774-834.

²⁹ SAC, P314/W/1/1/790, 7 Oct 1577; P314/W/1/1/794, 9 Oct 1578; P314/W/1/1/801, 5 Oct 1581; P314/W/1/1/822, 5 Oct 1592; P314/W/1/1/824, 4 Oct 1593; P314/W/1/1/827, 26 Sep 1594.

³⁰ SAC, P314/W/1/1/786-834.

of the tenant.³¹ In 1579, this was due to physical unsuitability, with John Walker being affirmed as deaf by the vill of Hallon.³² However, on the other five occasions, the status of the landholder precluded him from serving as beadle. Lammetous Rydley, who appointed a deputy in 1576 and 1577, is described as a gentleman, whilst male members of the Bromley family, who were chosen in 1582, 1583, 1584 and 1590, served in offices at the county level, and saw themselves, and were presumably seen, as being above holding manorial office.³³ However, their role as customary landholders who were theoretically obligated to serve reveals an important tension between a method of selecting office and changes to how land was held in manors in the early modern period. Much as these individuals held land but did not serve in the offices associated with it, it is likely they sublet their land rather than cultivating it themselves, acting as investors in customary land. Whilst subletting was likely a phenomenon in earlier periods at Worfield, the difference in status between tenant and occupier was probably far smaller, with customary land only opening up as an investment opportunity with the move from villein to copyhold tenure.³⁴ Thus it is only at this point that it began to affect how rotational offices were apportioned.

That deputisation led to further concentration in officeholding is demonstrated by looking at the identities of these stand-ins. In the 25 selections, 12 men actually served, as opposed to 14 who held the obligation to serve, a difference caused by the fact that all but two of the men chosen as deputies also served separately due to holding land with the beadleship attached. This could lead to single

³¹ SAC, P314/W/1/1/786, 1 Oct 1576; P314/W/1/1/797, 14 Oct 1579; P314/W/1/1/804, 27 Sep 1582; P314/W/1/1/806, 3 Oct 1583; P314/W/1/1/805, 24 Sep 1584; P314/W/1/1/818, 14 Oct 1590.

³² SAC, P314/W/1/1/797, 14 Oct 1579.

³³ SAC, P314/W/1/1/786, 1 Oct 1576; P314/W/1/1/790, 7 Oct 1577; P314/W/1/1/804, 27 Sep 1582; P314/W/1/1/806, 3 Oct 1583; P314/W/1/1/805, 24 Sep 1584; P314/W/1/1/818, 14 Oct 1590; W.J. Jones, 'Bromley, Francis (c.1556-91), of Hodnet, Salop', in P.W. Halsler (ed.), *The History of Parliament: the House of Commons 1558-1603*, vol. I, (London: Her Majesty's Stationary Office for the History of Parliament Trust, 1981), 489-90; N. M. Fudge, 'Bromley, George (c.1526-89), of Hallon in Worfield, Salop and the Inner Temple, London' in Halsler, *History of Parliament*, 490-1; Smith, *Worfield*, 61-2. In 1577, Lammetous Ridley put forward a deputy but he was not sworn.

³⁴ J. Whittle, 'Conclusions', in J. Whittle (ed.), *Landlords and Tenants in Britain, 1440-1660: Tawney's Agrarian Problem Revisited*, (Woodbridge: Boydell, 2013), 216-221, 216-7; P.R. Schofield, 'Extranei and the Market for Customary Land on a Westminster Abbey Manor in the Fifteenth Century', *AgHR*, 49:1, (2001), 1-16, 16; P.D.A. Harvey, 'Conclusion', in P.D.A. Harvey (ed.), *The Peasant Land Market in Medieval England*, (Oxford: Clarendon, 1984), 328-56, 328-9; J. Whittle, 'Land and People', in K. Wrightson (ed.), *A Social History of England, 1500-1700*, (Cambridge: Cambridge University Press, 2017), 152-73, 167-8 .

individuals serving frequently over short periods of time. For example, William Warter was selected twice due to his own half virgate in 1580 and 1596, presumably due to one complete cycle of the beadleship rotation.³⁵ However, he also served as deputy in 1582, 1583 and 1590, holding the office three times more in the rotation.³⁶ It seems likely that deputies were generally subtenants of leased lands, creating engrossed holdings through a combination of direct tenancy and subtenancy.³⁷ This can be seen in 1576, when Rydley's messuage and half virgate is explicitly described as in the occupation of Richard Wever, who, consequently, was sworn as Rydley's deputy.³⁸ However this was not automatic; of two surviving leases of tenant lands mentioning the beadleship, one included filling the office in the lease whilst a second excluded this right, as did an *intervivos* transfer of 1575, the latter effectively severing the obligation to fill the beadleship from the land.³⁹

At Worfield, a rotational method of selection, confined to one township, led to a small group of individuals serving as beadle. This group was further decreased by a long history of engrossment, leading to the same tenants serving multiple times due to holding multiple pieces of land within a rotation, combined with a later practice of deputisation which favoured subtenants who already held land in Hallon. This system can be contrasted with selections by the community of tenants which determined the choice of reeve at Worfield, the messor and reeve at Downham and tasters at all three manors. The nature of these is far harder to reconstruct as they were not directly linked to holding land, and thus were less liable to be recorded in manorial documentation. At Worfield, the custumal for 1602 describes that 'the homage ought yearly to choose a reive' whilst the 1403 custumal claims that the tenants yearly ought to choose from among themselves a reeve.⁴⁰ The focus of both of these claims is a collective responsibility. From the seigneurial perspective, this is a crucial contrast with the rotational method. Whilst the lord looked to a specific individual or set of

³⁵ SAC, P314/W/1/1/799, 27 Sep 1580; P314/W/1/1/831 16 Sep 1596.

³⁶ SAC, P314/W/1/1/804, 27 Sep 1582; P314/W/1/1/806, 3 Oct 1583; P314/W/1/1/818, 14 Oct 1590.

³⁷ J. Thirsk, *English Peasant Farming: the Agrarian History of Lincolnshire from Tudor to Recent Times*, (London: Routledge and Kegan Paul, 1957), 14; S. Hipkin, 'The Structure of Landownership and Land Occupation in the Romney Marsh Region, 1646-1834', *AgHR*, 51:1, (2003), 69-94, 93-4; J. Rhodes, 'Subletting in Eighteenth Century England: a New Methodological Approach', *AgHR*, 66:1, (2018), 67-92, 85-7.

³⁸ SAC, P314/W/1/1/786, 1 Oct 1576.

³⁹ SAC, P314/W/1/1/765, 26 Jun 1567; P314/W/1/1/836, 27 Apr 1598; P314/W/1/1/783, 24 Apr 1575.

⁴⁰ SAC, 2028/1/5/8; SAC, 5586/2/1/42.

individuals to fill an office in the latter system, in the ‘free’ system, they delegated responsibility to their tenants, or a subgroup of these, collectively.⁴¹ From the perspective of the community of tenants, collective responsibility presumably allowed more freedom in choosing officers, allowing dynamics below the level of lord-tenant relationships to shape this decision, and possibly making it more ‘political’.

The actual freedom of the community of tenants to choose officials varied over time. For much of the fourteenth century, the rolls of both Worfield and Downham indicate entirely unrestricted selection by tenants. At the Shropshire manor this was achieved via annual selections, with individuals chosen in one year, sworn, serving their term, and then being replaced the following year with a new individual. At pre-plague Downham, officers served far longer terms, with selections only being made when an officer was removed. Messors’ selections are noted eight times for 1316-1334; in six cases these men explicitly replaced the previous officer.⁴² The former messors had sometimes served multiple years and had to make a payment to be removed from office. In 1325, Geoffrey Cardinal was selected to replace Simon Cardinal who was dismissed due to his infirmity, paying 2s to be allowed to withdraw.⁴³ Similarly, in 1328, Simon Cardinal, who had served for three years, paid 40d to be removed, and in 1329 William Scut paid 6d to withdraw.⁴⁴ Reeve selections are recorded less frequently, with the only example in 1316.⁴⁵ Account roll evidence reveals that this is not the only occasion the individual serving as reeve changed, with at least four different individuals serving for 1318-1336. However, longevity of service was again common, with William Stoneye likely serving five consecutive years and Simon Buk serving for six.⁴⁶

⁴¹ The collective method of selection is outlined in contemporary estate literature: See D. Oschinsky (ed.), *Walter of Henley and Other Treatises on Estate Management and Accounting*, (Oxford: Clarendon, 1971), 274-7, 316-7.

⁴² CUL, EDR, C11/1/1, m.6, 27 Feb 1316; C11/1/1, m.6, 13 Dec 1323; C11/1/1, m.8, 24 Sep 1325; C11/1/2, m.2, 5 Dec 1328; C11/1/2, m.3, 13 Dec 1329; C11/1/1, m.5, 6 Dec 1330; C11/1/2, m.7, 25 Sep 1333.

⁴³ CUL, EDR, C11/1/1, m.8, 24 Sep 1325.

⁴⁴ CUL, EDR, C11/1/2, m.2, 5 Dec 1328; C11/1/2, m.3, 13 Dec 1329.

⁴⁵ CUL, EDR, C11/1/1, m.6, 27 Feb 1316.

⁴⁶ Coleman, *Downham*, Table III, 115.

Changes occurred at both manors in the later fourteenth century, with apparently free choice being replaced by a two-stage system, in which the tenants would choose several candidates, and the lord, via the steward, would select one of these to be sworn and serve in office. At Worfield this system first appears in 1393, when two candidates were chosen, and one was sworn.⁴⁷ It then became the more common form of choosing the reeve for the fifteenth and sixteenth centuries, although there continued to be occasional years where only one individual was named and then immediately sworn.⁴⁸ At Downham, the system appears in the first surviving courts after the Black Death, with two candidates for the reeveship and messorship selected in 1364.⁴⁹ This was replaced with a three candidate selection for both officers from 1378 onwards, a system largely maintained down to the 1510s, and thus across the break in selections occasioned by the use of bailiffs in the mid-fifteenth century.⁵⁰ It also heralded a change to an annual selection system.

Unfortunately, whilst at Worfield the rolls in the vast majority of cases state which candidate was actually sworn, the Downham rolls often simply leave the word *quibus* with no explanation of who was chosen.⁵¹ The reason for the transition to a candidature system is never stated, although its obvious advantage to the lord was that it allowed more control over who was placed in office. Certainly at Downham the lord insisted on three candidates. When, in 1410, only two candidates for reeve and one candidate for messor were chosen, the whole homage was amerced 20s for refusing to choose three candidates for each office as they had been ordered.⁵²

The process by which these candidates were chosen was unfortunately outside of seigniorial control, or perhaps more accurately interest, and thus is largely absent from the records of the manor court. However, some information can be gleaned about the pool of potential candidates as well as the body that chose them. Tenants rather than any inhabitants were liable to be selected, as

⁴⁷ SAC, P314/W/1/1/187, 29 Oct 1393.

⁴⁸ SAC, P314/W/1/1/187-837.

⁴⁹ CUL, EDR, C11/1/2, m.11, 28 Sep 1364.

⁵⁰ CUL, EDR, C11/1/3, m.2, 21 Sep 1378; C11/1/3, C11/2/4-6, C11/3/7-10.

⁵¹ See, among many examples, CUL, EDR, C11/1/3, m.16, 10 Sep 1386; C11/2/5, m.5, 23 Sep 1415; C11/2/6, m.12, 26 Sep 1427. Page found this same failure to name which official was sworn for the manors of Crowland Abbey: Page, *Crowland Abbey*, 71.

⁵² CUL, EDR, C11/2/4, m.25, 22 Sep 1410.

is clearly stated in Worfield's 1403 custumal.⁵³ This is unsurprising as officeholding was a manorial obligation linked to tenure and seizure of land was utilised as a punishment against failure in official roles.⁵⁴ Beyond this, Downham's rolls reveal that serving as reeve and messor was confined to larger landholders. Three reeve selections for 1484-7 indicate that the obligation to be a candidate for reeve was linked to holding half and full virgates. In 1484, John Dunstable and Simon Jenny were selected 'for one full virgate of land formally Colsens' and Richard Tailour and Simon Jacob 'for one full virgate formally John Bateman'. In 1485 Robert Burdon, Richard Tailour and Simon Jacob were selected 'for a full virgate of land called Bukkys', along with John Jennys, with Burdon and Jennys sworn for two half virgates. The sole candidate in 1487, Clement Clidehowe, was selected 'for one double customary virgate of land which he holds of the lord called Purdies Ground'.⁵⁵ The names of two of the virgates reflect the surnames of former reeves. Thomas Colleson and John Colleson were selected frequently between 1385 and 1435 and Robert Buk and John Buk Bateman were selected between 1378 and 1435, suggesting a level of continuity between these virgate holdings and the selection of reeves.⁵⁶

A dispute over the selection of the messor in 1434 provides greater detail. On this occasion, rather than a blanket punishment over the whole homage, the rolls name 11 men who were tenants of full and half virgates who 'out of antiquity did the office of lord's messor'.⁵⁷ They then decided that Robert Rote should be messor, explicitly because he held a full virgate formerly of 'Kaillokkys'. That the reeveship and messorship were limited to half- and full-virgaters was related to tenurial practice. At Downham, a seigniorial policy of maintaining traditional half virgates and virgates seems to have led to a small pool of only 11 candidates in 1434.⁵⁸ Clearly, some transformation had occurred by the 1484-7 selections.⁵⁹ In 1484 four candidates were chosen as two pairs jointly holding shared virgates, in 1485 three candidates held one full virgate, with one being chosen for

⁵³ SAC, 5586/2/1/42.

⁵⁴ SAC, P314/W/1/1/775, 25 Oct 1571; CUL, EDR, C11/3/11, unfoliated, 9 Mar 1571.

⁵⁵ CUL, EDR, C11/3/8, m.1, 29 Jan 1484; C11/3/10, m.2, date indecipherable; C11/3/10, unfoliated, 24 Feb 1487.

⁵⁶ CUL, EDR, C11/1/3, C11/2/4-6.

⁵⁷ CUL, EDR, C11/2/6, m.25, 14 Jan 1434.

⁵⁸ Coleman, *Downham*, 17.

⁵⁹ CUL, EDR, C11/3/8, m.1, 29 Jan 1484; C11/3/10, m.2, date indecipherable; C11/3/10, unfoliated, 24 Feb 1487.

half of this holding, and in 1487 Clement Clidehowe was probably the only candidate because he held two virgates as one holding. However, this process still apparently kept the number of potential reeves and messors relatively small. This gives the selection of officials at Downham a more oligarchical appearance.

The types of candidates chosen reveal informal limitations in access to office. This is most obvious in terms of gender. Whilst the rotational beadleship at Worfield meant that women served in office, no woman was ever chosen as reeve, and no women appear in any office at Downham. This must have been due to systematic exclusion as at Worfield free bench customary law meant that widows could be secure landholders.⁶⁰ The non-rotational nature of office meant that ‘unsuitable’ candidates were not seen in selections as they were for the Worfield beadleship. Occasional payments were made not to serve at Downham, but these were governed by a lack of desire rather than another impediment.⁶¹ At Worfield, one deputisation did occur in 1527, when John Walker was chosen as the sole candidate for reeve. However, as John was the vicar at Worfield, Roger Catstre, the reeve for the preceding year, was chosen in his place.⁶² Why Walker was selected in the first place when he was clearly deemed unsuitable to serve is unclear, although it seems likely this was an attempt to ensure that the office circulated widely.

That selection by tenants could have radically different effects on officeholding at these two manors is seen by analysing the pattern of those selected. At Worfield, 186 individuals can be identified as chosen as candidates to be reeve. Of these, 144 (77%) only appear once, a further 31 (17%) appear twice, 8 (4%) appear three times, with only two individuals appearing four times and one appearing six.⁶³ Selections can also be analysed by ‘slots’: the total number of stated potential opportunities for candidacy or service in office. Figure 2.1 demonstrates that the proportion of slots was heavily skewed towards singly and doubly appearing candidates. Of the individuals chosen four times, one was clearly due to longevity, with John Bradeney being selected in 1427 and 1429, and then again

⁶⁰ SAC, 2028/1/5/8

⁶¹ See p. 167.

⁶² SAC, P314, W/1/1/629, 27 Sep 1528.

⁶³ SAC, P314/W/1/1/5-837.

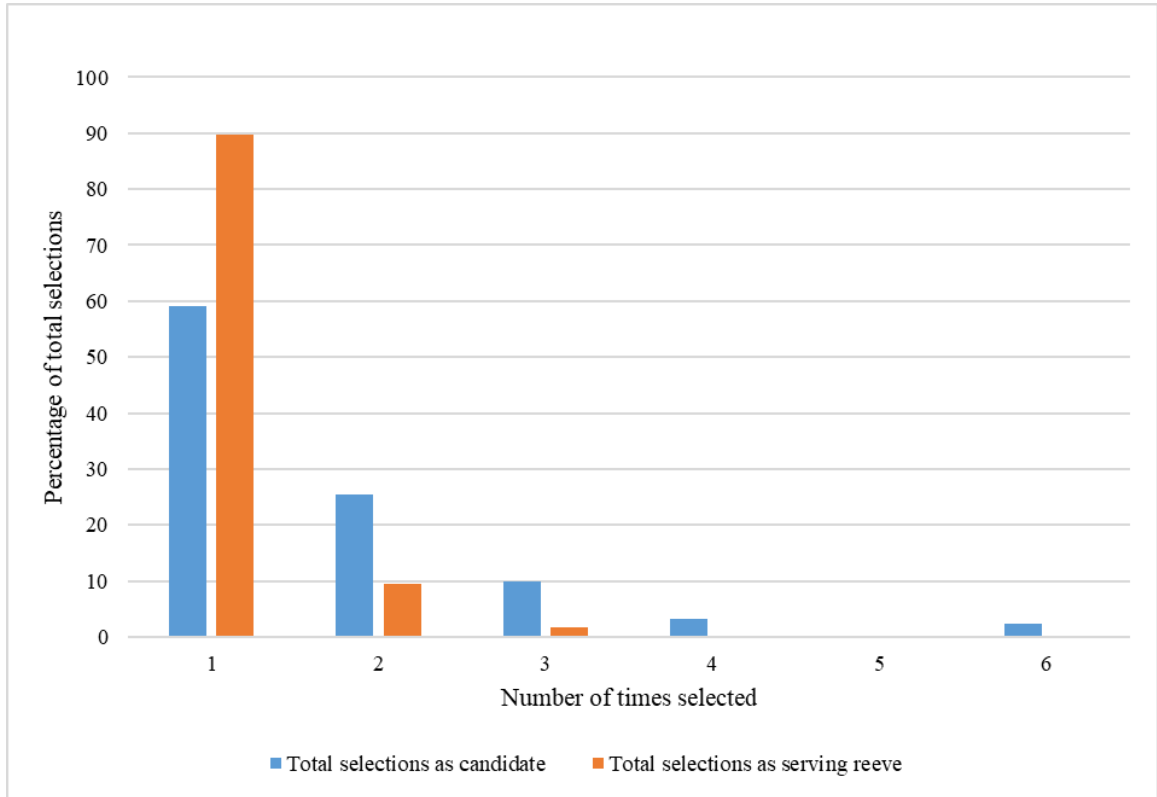
in 1445 and 1447.⁶⁴ The other frequent candidates were chosen in quick succession, with Thomas Golde being selected four times between 1481 and 1485, and William Bradeney six times between 1577 and 1584.⁶⁵ However, analysis of the subset of selections where it can be established who actually served as reeve, rather than being a candidate, suggests an even more dispersed picture. Of the 159 individuals who actually served as reeve, 150 (94%) served once, 8 served twice and one person served three times. The latter was John Bradeney, who served when selected in 1427 and 1429, and then served in 1445, again suggesting longevity was significant in serving more than twice.⁶⁶ Therefore serving as reeve appears to have been widely distributed among the population of tenants at Worfield, with no pattern of oligarchy in serving in this office. This contrast with the more restricted beadleship, suggests that a rotational system could have the effect of concentrating officeholding, in a way avoided by tenants when they worked within a less regimented system.

⁶⁴ SAC, P314/W/1/1/272, 3 Oct 1427; P314/W/1/1/275, 4 Oct 1429; P314/W/1/1/297, 9 Oct 1445, P314/W/1/1/299, 14 Oct 1447.

⁶⁵ SAC, P314/W/1/1/422, 25 Oct 1481; P314/W/1/1/428, 3 Oct 1482; P314/W/1/1/451, 30 Sep 1484; P314/W/1/1/459, 10 Oct 1485; P314/W/1/1/790, 7 Oct 1577; P314/W/1/1/794, 9 Oct 1578; P314/W/1/1/799, 27 Sep 1580; P314/W/1/1/801, 5 Oct 1581; P314/W/1/1/803, 27 Sep 1582; P314/W/1/1/805, 24 Sep 1584.

⁶⁶ SAC, P314/W/1/1/272, 3 Oct 1427; P314/W/1/1/275, 4 Oct 1429; P314/W/1/1/297, 9 Oct 1445.

Figure 2.1 – Proportion of total selections to reeveship by number of times selected at Worfield



N selections as candidate = 244, N selections as serving reeve = 169. SAC, P314/W/1/1/5-837.

At Downham, a completely different pattern emerges. Of 57 individuals who can be identified as reeve candidates, 31 (54%), a small majority, were candidates once. However, they only made up 16% of the total 197 slots. Another 20 (35%) were candidates 2-6 times, 5 (9%) were chosen 9-14 times, whilst Thomas Colleson appeared an outlying 41 times as a candidate.⁶⁷ The effects of this is revealed in an analysis of the proportion of slots held by different categories (figure 2.2). A group of frequently appearing individuals had significantly more appearances as candidates, with those 9% in the 9-14 category taking up 28% of slots and Colleson alone appeared in 21% of slots, and thus more than the total of the 31 persons appearing once. Year-on-year selection of the same

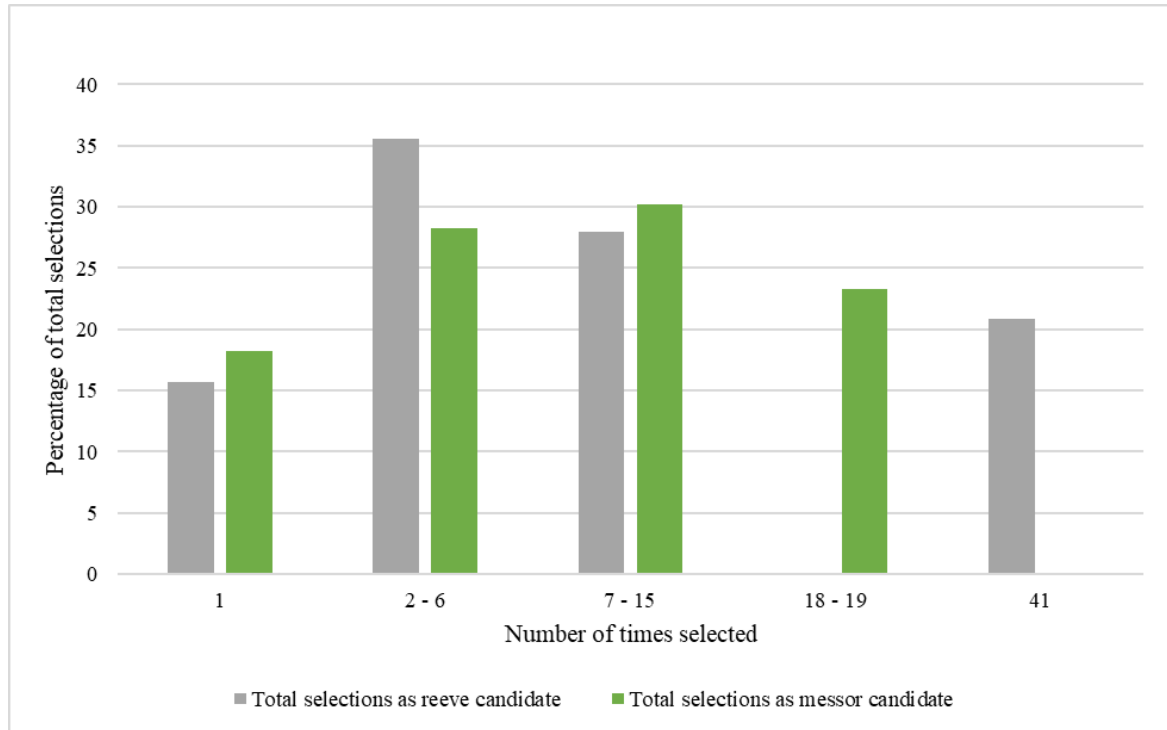
⁶⁷ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-10.

individuals for the reeveship facilitated this pattern. For instance, John Lovechild was candidate 14 times between 1376 and 1405, in 22 recorded selections, Simon Kede 11 times between 1412 and 35, in 18 recorded selections, and Thomas Colleson 41 times between 1385 and 1435, in 44 recorded selections.⁶⁸ Thus for certain periods, the same candidates were chosen in an overwhelming majority of years. Unfortunately, the court rolls for Downham do not consistently record those who actually served as reeve in a given year. However, the combination of evidence from Downham's surviving account rolls, along with the names of reeves in incidental entries within court rolls, suggest that frequent selection as a candidate often led to frequent actual service as reeve. Simon Kede served at least 5 times of his 11 candidate selections whilst Thomas Colleson served at least 11 times of his 41 selections.⁶⁹ These are minimum figures, and the actual number of times these men served was likely significantly higher.

⁶⁸ CUL, EDR, C11/1/3, C11/2/4-6.

⁶⁹ Kede: CUL, EDR, D10/3 m.4, 1428-9; D10/3 m.5, 1429-30; D10/3 m.9, 1430-1; D10/3 m.10, 1431-2; D10/3 m.11, 1434-5; Colleson: C11/2/4, m.2, 7 Jul 1400; C11/2/4, m.33, 27 Jun 1407; C11/2/4, m.23, 22 Nov 1409; C11/2/4, m.26, 4 Dec 1410; D10/3 m.1, 1411-2; D10/3 m.2, 1412-3; D10/3 m.6, 1414-5; D10/3 m.7, 1415-6; D10/3 m.8, 1418-9; D10/3 m.3, 1423-4.

Figure 2.2 – Proportion of total selections to reeveship and messorship as candidate by number of times selected at Little Downham



N selections to reeveship = 197, N selections to messorship = 159. CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-10.

A similar concentration in candidature is seen in messor elections at Downham. Of 50 recoverable candidates, 29 (58%) were candidates once, whilst 14 (28%) appeared 2-6 times. Figure 2.2 shows the relatively small proportion of the total 159 recorded slots these groups held, at 18% and 28% respectively. The 5 (10%) individuals appearing as candidates 7-15 times held 30% of the slots, whilst the two most prominent individuals, Nicholas Wright and William Scut, were candidates 18 and 19 times respectively.⁷⁰ Thus there is no Colleson equivalent for the messorship, although again there is a drastic concentration of candidature among a few individuals. Again, frequent annual selection of the same individuals explains this; Wright was a candidate 18 times in 33 recorded selections between 1385 and 1421, and Scut was a candidate in every recorded selection for 1386-

⁷⁰ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-10.

1407.⁷¹ Unfortunately, the names of messors are not recorded in Downham's account rolls, meaning that reconstructing the identities of those who actually served is not possible.

Whilst at Worfield the office of reeve was widely distributed among the population at 'risk' in a relatively even way, at Downham a system of filtration occurred which meant that certain parts of this population were chosen a disproportionate number of times, often through the annual selection of the same candidates. It is instructive to re-examine the 11 men mentioned in the 1434 presentment, which gives a rare insight into the population 'at risk' of being messor in the selection of that year, although as men not on this list were selected as candidates in 1435 and 1439 this may not be a complete list of all potential messors.⁷² Table 2.2 shows the number of times each of these men is visible as a messor candidate through the surviving court rolls. This data must be treated carefully, however, as the rolls for 1435-38 are very fragmentary for Downham, meaning that the selection of messors is only recorded in 1435 and 1439, before the office of messor was removed in exchange for a bailiff. This means that some of the messor candidatures of these individuals may be missing, and others may never had the potential to serve, with the candidates recorded being biased towards those who had begun serving in office at an early date. However, even with this caveat, the pattern is striking, with 6 of these 11 men never being recorded as candidates for the messorship. These included individuals such as Henry Warrener and Thomas Stephenson, who first appear as officers in 1415 and 1426 respectively, and thus have a similar longevity to John Colleson jnr and John Buk jnr. The evidence hints at the possibility that even beyond suitable half- and full-virgaters appearing only once as candidates for office, there was an even larger group of these landholders who were never selected as candidates.

⁷¹ CUL, EDR, C11/1/3, C11/2/4-6.

⁷² CUL, EDR, C11/2/6, m.25, 14 Jan 1434.

Table 2.2 - Reconstruction of careers as messors for individuals named in presentment of 1434 at Little Downham

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

Sources: CUL, EDR, C11/1/3, C11/2/4-6, C11/3/7.

Unfortunately, the mechanisms of this filtration process at both Worfield and Downham are virtually invisible. The only evidence is provided by selections which record the body described as ‘electing’ or ‘presenting’ candidates, named in about half of cases at each location. Both saw a shift towards a nominally more select franchise, with selections typically made by the homage or whole homage in the earlier period being replaced by choices decided by the jurors or capital pledges. At Worfield this transition occurred between the periods 1328-1407 and 1409-1599. At Downham it occurred between 1316-1440 and 1472-1574, although a paucity of information about selecting bodies after 1411 may have meant it started at an earlier date.⁷³

How far this change in recorded procedure matched a real contraction in the franchise selecting officials is impossible to measure. Statements that the ‘whole homage’ chose officials may have simply been used to give an impression of consent, legitimating decisions already made by a more influential subgroup of tenants. The change at Worfield from homage to jury is not seen in the

⁷³ SAC, P314/W/1/1/5-837; CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11.

manor's customals; in 1602 selecting the reeve was still a matter for 'the homage'.⁷⁴ Equally, detailing the jury as the selecting body may simply have been giving a more official slant to a decision made communally prior to the court session. At Downham, there is perhaps some change: whilst the whole homage was punished for failing to select officials in 1410, by 1434 a select group was targeted, although this was explicitly the landholders responsible for providing the office rather than the jury.⁷⁵ Attributing the choice to specific individuals may have been a seigniorial innovation, as it made it more possible to punish certain ringleaders in disputes. For Horstead's nominal reeveship this is certainly the case, with jurors being amerced for failing to present which lands owed the fine for office.⁷⁶ Moreover, the changing nomenclature of selecting bodies does not correlate with any statistical difference in the patterns of selection generated from court rolls and accounts.⁷⁷ Therefore, even if the move from the homage to the jury as a selecting body reflected a real change, jurors do not seem to have used this new responsibility to monopolise these roles.

Tasters were also selected via a free method, but the way this operated worked differently across all three manors. At Horstead, two tasters were chosen to serve annually from 1395 until the end of regular selection in 1491. The aim seems to have been to spread the office as widely as possible. Of the 138 individuals recorded, 117 (85%) only served once, whilst a further 16 (12%) served twice and 5 (4%) served three times. Figure 2.3 displays this information in terms of selections, with the overwhelming majority of services performed by the group who only served once.⁷⁸ This was also the pattern seen in the selection of tasters at Worfield from 1409 to 1599, where of the 240 individuals recorded, 215 (90%) served once, 23 (10%) served twice and one person served three and four times.⁷⁹

⁷⁴ SAC, 2028/1/5/8

⁷⁵ CUL, EDR, C11/2/4, m.25, 22 Sep 1410; C11/2/6, m.25, 14 Jan 1434.

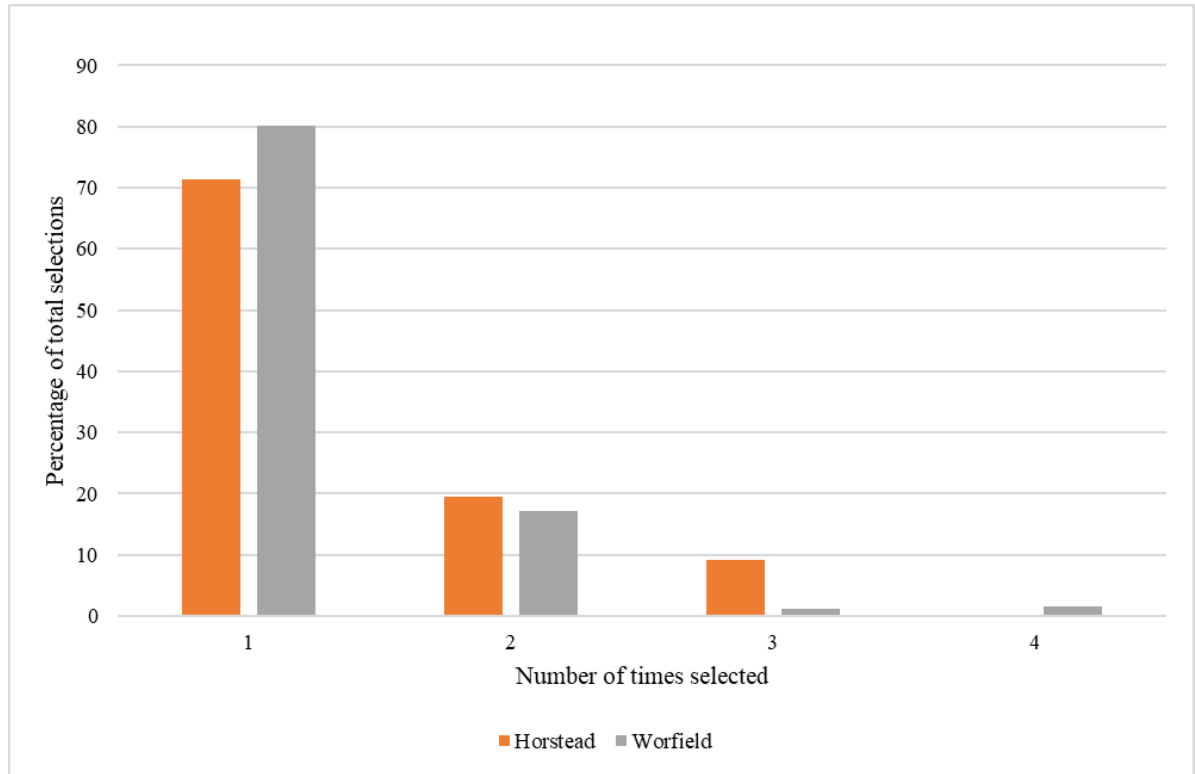
⁷⁶ See p. 169-71.

⁷⁷ SAC, P314/W/1/1/238-837; CUL, EDR, D10/3, m.52, 1487-8; m.55, 1488-9; m.58, 1494-5; m.59, 1495-6.

⁷⁸ KCA, HOR/26-41.

⁷⁹ SAC, P314/W/1/1/238-837.

Figure 2.3 – Proportion of total selections to tastership by number of times selected at Horstead and Worfield post 1409



N Horstead = 164, N Worfield post-1409 = 268. Sources: KCA, HOR/26-41; SAC, P314/W/1/1/238-837.

However, pre-1409 the method of selection at Worfield was different. Tasters often served for long terms when chosen, meaning that only 50 individuals are recorded as serving between 1328 and 1405.⁸⁰ These men served in continuous blocks. For instance, Roger Hitchcocks and William Huggen served 1362-8 and it is probable that Adam Swancote and William Heyne did 1328-36.⁸¹ This system of selection for multiple years is seen throughout the period 1311-1502 at Downham, again giving a continuously more concentrated office. Whilst selections are, unfortunately, poorly recorded, the evidence of tasters' names provided by annual fines can provide a picture of who

⁸⁰ SAC, P314/W/1/1/5-233.

⁸¹ SAC, P314/W/1/1/52-68; P314/W/1/1/5-19.

served in any year.⁸² This provides a different picture to that seen at the other two manors, with only 27 (32%) of the 84 total individuals recorded in this office being fined once. A further 18 (21%) were fined twice, 26 (31%) were fined 3-5 times, 12 (14%) were fined 6-8 times and one individual was fined 11 times. These fines, moreover, speak to continuous service in office, often being found year-on-year. For example, John Gysles' 11 fines were divided between two near continuous sets of service, with 4 for 1409-14, and a further 8 for 1418-26.⁸³ Similarly, Simon Cok served 1391-4 and 1409-14, William Warren 1400-07, Geoffrey Garlek 1429-1440 and John Lovechild 1368-84.⁸⁴ The office of ale taster reinforces the differences between Downham and the other two case-study manors, with the practice at Downham being to limit selection to a small group of individuals, whilst at Horstead, and Worfield after 1409, the practice was to spread office as widely as possible.

Shifting attention to officials instituted by bylaws, a different pattern might be expected. Such officers were more focused on tenants' requirements rather than that of the lord, and thus may have been subject to more inclusive selection practices. At Horstead, pig reeves were selected twice, for 1595 and 1596, in the rolls examined.⁸⁵ On the first occasion, they were chosen by the capital pledges and on the second by the jury baron, suggesting a limited franchise, although as already noted this cannot be seen elsewhere to have led to greater concentration in office. Different individuals were chosen at each selection.

At Downham, fenreeves' selections are only recorded 19 times across the whole period examined, with the only successive occasions being for 1484-5.⁸⁶ The lack of recorded selections is undoubtedly in part due to record survival, but also reflects the fact that selections were likely on a requirement rather than an annual basis, and the evidence of fenreeves incidentally named in the rolls suggests long periods of service. For instance, John Duxham and Simon Jennys occupied this

⁸² CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-10.

⁸³ CUL, EDR, C11/2/4-6.

⁸⁴ CUL, EDR, C11/1/2-3, C11/2/4-6.

⁸⁵ KCA, HOR/54, m.1, 26 Mar 1595; m.2, 24 Mar 1596.

⁸⁶ CUL, EDR, C11/1/1, m.8, 29 Apr 1326; C11/1/2, m.11, 16 Mar 1362; C11/1/2, m.22, 27 Jun 1373; C11/2/4, m.4, 29 Sep 1400; C11/2/6, m.16, 12 Jul 1429; C11/3/7, m.10, 21 May 1466; C11/3/7, m.15, 17 May 1469; C11/3/8, m.2, 2 Jun 1484; C11/3/8, m.4, 18 May 1485; C11/3/10, m.9, 14 Sep 1494; C11/3/10, m.21, 4 Apr 1506; C11/3/11, unfoliated, 10 Oct 1556; C11/3/11, unfoliated, 5 Mar 1558; C11/3/11, unfoliated, 24 Mar 1574; C11/3/11, unfoliated, 24 Mar 1575; C11/3/11, unfoliated, 8 Oct 1579.

office throughout the late 1440s and much of the 1450s, suggesting they may have served consistently across this period for which few selections are recorded.⁸⁷ Of the 13 cases where a selecting body is given, the jurors baron or capital pledges are described as choosing the officers all but once, when in 1400 the fenreeves were chosen by the homage.⁸⁸ This suggests the formal franchise selecting these officers was not different to that choosing reeves and messors. However, an element of geographical representativeness was recorded in selections in 1466-85, at which separate fenreeves, or pairs of fenreeves, were chosen for Downham and Downhamhythe.⁸⁹ These locative identifiers may only have referred to the zones for which each fenreeve was responsible, although it is possible that individuals were chosen from each settlement to fulfil this role.

The record of 35 selections of bylawman for 1311-1414 provides a more stable basis for analysis of a community-focused office.⁹⁰ Of the 19 occasions where a selecting body is given, in every instance bar the 1406 selection, the choice was made by the homage or whole homage, a pattern identical to the choice of reeves and messors before the transition to jury selection.⁹¹ Bylawmen were selected relatively frequently, and on an annual basis from 1385-1414. An examination of the 87 individuals recorded as bylamen reveals a similar pattern of concentration in the hands of a few frequently serving individuals as Downham's reeveship and messorship (figure 2.3). Whilst 77 (89%) individuals were only selected once or twice, they represent less than half of all recorded slots (47%). A further group of 13 individuals (15%) who served 3-6 times make up 40% of slots, whilst John Rote, who served 9 times, made up 5% of slots alone. Again, this pattern was largely the result of repeated selections of the same individuals to office. John Rote was selected in 9 of 15 selections for 1398-1414, and William Scut was chosen in 8 of 16 selections for 1376-1402.⁹² Changes in the number of bylawmen operative also concentrated the office. Whilst between 1311 and 1328, 8-12 bylawmen were chosen in selections, preventing extreme concentration, from 1334

⁸⁷ CUL, EDR, C11/2/6, C11/3/7.

⁸⁸ CUL, EDR, C11/2/4, m.4, 29 Sep 1400.

⁸⁹ CUL, EDR, C11/3/7, m.10, 21 May 1466; C11/3/7, m.15, 17 May 1469; C11/3/8, m.1, 2 Jun 1484; C11/3/8, m.3, 18 May 1485.

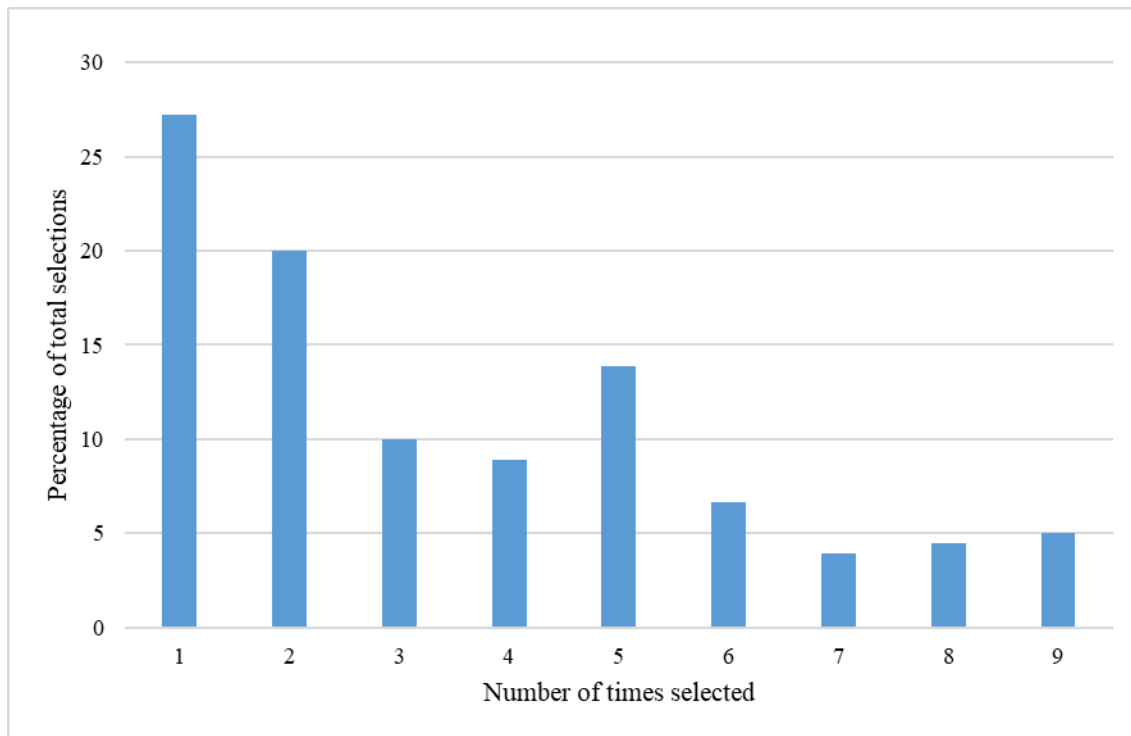
⁹⁰ CUL, EDR, C11/1/3, C11/2/4-5.

⁹¹ CUL, EDR, C11/2/4, m.16, 15 Jun 1406.

⁹² CUL, EDR, C11/1/3, C11/2/4-5.

onwards this dropped to 2-6 bylawmen.⁹³ In 1402, the whole jury were named as bylawmen, increasing the number to 12 but this was not a permanent change.⁹⁴

Figure 2.4 – Proportion of total selections to bylawman by number of times selected at Little Downham



N = 180. Sources: CUL, EDR, C11/1/1-3, C11/2/4-5.

An examination of selected officials suggests that local cultures of officeholding, rather than differences in the mechanisms of selection, or whether an officer more obviously served lord or tenants, determined how far office was concentrated in the hands of a few. Even though the beadleship at Worfield was rotational, this did not stop a process of engrossment and deputisation to subtenants concentrating service in this office, and moreover ensuring some individuals served

⁹³ CUL, EDR, C11/1/1-3, C11/2/4-5.

⁹⁴ CUL, EDR, C11/2/4, m.7, 25 Jul 1402.

more frequently than others. However, this pattern more likely reflects accidents of changing land tenure, rather than any sort of deliberate oligarchy. Selection by tenants had strikingly different effects between manors. Whilst at Worfield and Horstead, office was widely distributed among the candidate pool, at Downham office was disproportionately held by some individuals from the candidate pool over others. Changes in the nomenclature of those choosing officers had no obvious effect, suggesting that patterns of selection were deep-rooted, with no visible attempt to tighten officeholding seen at any point at either Downham or Worfield. Similarly, patterns were independent of whether any officer was a seignorial or community servant, with Downham's bylawmen and fenreeves seeing the same pattern of concentration as its reeves, messors and tasters. The limited evidence for Downham shows that being chosen as reeve and messor was formally contingent upon being a half-virgater or full-virgater, although that within this group there were clear divisions in the ability to serve. Downham appears as the most oligarchical manor, with Worfield and Horstead seeing office more widely distributed among the pool of candidates, even if in the former case the beadship was significantly more restricted.

Impanelled Officials

As argued in chapter one, impanelled officials' role gave them significant power within the manor, through their ability to influence what offences they reported.⁹⁵ Therefore, understanding how far jury service was monopolised, and how this changed over time, is vital in considering how far manorial offices display elements of oligarchy seen in the early modern period. Unfortunately, contemporary sources are reticent about how jurors were chosen.⁹⁶ Larson has found some evidence of jury elections for late medieval Durham manors, but states that these were likely atypical responses to periods of crisis.⁹⁷ It is clear that officers were impanelled in the session preceding that when they would present, so they could hear the set of articles to which they would respond and swear to report honestly, a system revealed in punishments for jurors not being present to hear the charge.⁹⁸ In 1437 Nicholas Charles was punished as a capital pledge 'of the last leet', who did not

⁹⁵ See pp. 31-3.

⁹⁶ Beckerman, 'Procedural Innovation', 228 n.138; Mulholland, 'The Jury', 68.

⁹⁷ Larson, 'Village Voice', 685-6, n.33.

⁹⁸ See pp. 28-9; Beckerman, 'Procedural Innovation', 228-9.

come to render his verdict and had not done his perambulation, suggesting he had been selected in the previous session but then had failed to perform his role in the intervening term.⁹⁹ An earlier case saw a capital pledge not coming with his fellows to render his verdict on the day fixed beforehand, again suggesting a system of empanelling officers for a specified future session.¹⁰⁰ Contemporary guidance literature supports this interpretation. In the St Albans *Modus Tenendi Curias*, the first charge ordered the ‘presenters’ at the court leet to return ‘whether the presenters be all here as they should be’, suggesting a designated group was operative prior to the session.¹⁰¹

This system of empanelment raises questions concerning the frequent delay of presentments that led to jurors and capital pledges asking to have until the next session to respond to a charge. If a new jury was impanelled each session, there must have been ways to ensure continuity of information between panels. Partly this was possible because whilst the entire set of jurors was not usually the same between sessions, many individuals did serve session-after-session meaning there was a core of continuous jurors. Sometimes jurors from a previous session presented specific cases even if they were not a member of the jury in the current session. Thus in 1477, Richard Billingsley, a juror of the previous leet, incurred a pain of 20d for not coming with his fellows to render a verdict verifying the presentment made by two villis, as they had been ordered in the last leet when they had made their presentments.¹⁰² Therefore, jurors may have had a role in making presentments in courts even where they are not mentioned in the jury list, suggesting a continuity in office that went beyond a single session. At Horstead, and less consistently Downham, for capital pledges this became the norm through the development of ‘residual’ leets, where the court baron session directly following the annual leet would include presentments made by capital pledges which they had not been able to present in the preceding ‘full’ leet. Whilst occasionally a second list of capital pledges would be given, on most occasions the rolls refer to capital pledges as those of the previous leet, suggesting a panel serving over two consecutive sessions.¹⁰³

⁹⁹ KCA, HOR/37, unfoliated, 11 Jun 1437.

¹⁰⁰ KCA, HOR/37, unfoliated, 14 Sep 1424.

¹⁰¹ Bailey, *English Manor*, 223.

¹⁰² SAC, P314/W/1/1/384, 10 Apr 1477; P314/W/1/1/387, 7 Oct 1477.

¹⁰³ See, among many examples, KCA, HOR/32, unfoliated, 10 Aug 1405; HOR/37, unfoliated, 9 Sep 1427.

Thus, limited evidence suggests that impanelled officers were drawn from a distinct group. Continuity in the role played by jurors suggests an identity which stretched beyond any individual session. Unfortunately, details about what allowed one to be within this group are non-existent, with no explicit statements about property qualifications or locations from which they could be drawn. The only visible criterion is gender, with no women ever impanelled, mirroring their exclusion from juries in royal courts.¹⁰⁴

However, that impanelled officials were listed at the head of most sessions, combined with the fact that typically at least 12 were chosen per session means that they can be analysed statistically, in a way sensitive to change over time. Such an approach allows for an understanding of how far membership of panels was limited to a small coterie of individuals within relatively distinct chronological periods. It is important to remember that membership of a panel cannot be directly equated with influence, and that care is advisable in light of the absence of information about juries' internal deliberations. For example, if juries had to unanimously approve presentments, each juror could potentially have significantly more authority than if only a majority was required, which would allow a smaller group to potentially dominate the body.¹⁰⁵ Even in an unanimous system, some individuals may have been better respected due to age or longevity of service, or were able to exert social or cultural capital to ensure their fellow jurors supported their opinions. If jurors did use written materials, as discussed above, this may have favoured more literate officials.¹⁰⁶ However, qualitative evidence emphasising that jurors were to keep their deliberations secret at least suggests the capacity of those outside panels to influence them was severely circumscribed.¹⁰⁷ In 1500, two Downham men were amerced for eavesdropping on the jury, showing that this privacy from outside influence was monitored.¹⁰⁸ Therefore, measuring the changing participation of individuals in juries

¹⁰⁴ J. Masschaele, *Jury, State and Society in Medieval England*, (New York: Palgrave Macmillan, 2008), 128-131.

¹⁰⁵ Mulholland suggests juries had to be unanimous in their verdicts but appears to suggest presentment and trial as two functions of the same jury body rather than functions performed by separate bodies as seen in the manor courts explored here: Mulholland, 'The Jury', 68, 70-2.

¹⁰⁶ See p. 30.

¹⁰⁷ See p. 177.

¹⁰⁸ CUL, EDR, C11/3/10, m.15, 14 Jul 1500.

provides a good proxy to the capacity to influence these panels, even if this influence was likely unequal between individuals.

Table 2.3 summarises for capital pledges at Horstead and Downham, and jurors leet at Worfield, the information available per decade about these offices. For the former two manors, typically, one full leet occurred per year in which a set of capital pledges were named. Sometimes a second list is also given for the following residual leet, these have been included in the analysis, as have lists which combine juries baron and capital pledges together. Thus at both manors, a full decade should include around 10 lists although sometimes a decade might exceed this due to the difference between the modern year and Michaelmas-to-Michaelmas year. Leets at Worfield were biannual, and a new jury was empanelled and listed for each leet. This meant that opportunities to serve were significantly higher than at the other manors, and that a full decade should include 20 lists. The completeness of information varies between manors. Whilst generally 70% or more of lists survive for Horstead (7 lists or greater per year) and Worfield after the 1370s (14 lists or greater per year), at Downham a combination of record survival deficiencies and a period when lists were not recorded, means that only 5 decades contain 7 or more lists.

Table 2.4 summarises the information provided by jury baron lists at all three manors.

Generalisations about what a complete set of lists should be for a decade are harder to make.

Changing numbers of lists are informed not only by gaps in the roll series, but also by genuine differences in number of sessions per year (figures 0.1-0.3). However, broadly the information is more complete, with no systematic period of poor recording like that seen for Downham's capital pledges. For both tables, the number of slots refers to the opportunities to serve in any decade, taken by combining all the lists together, whilst the ratio expresses the relationship between this and the number of recorded individuals serving.

Table 2.3 - Capital pledge and juror leet lists and numbers

Decade	Little Downham				Horstead				Worfield			
	Number of pledge lists	Number of pledge slots	Number of individuals	Ratio Expressed out of 100	Number of pledge lists	Number of pledge slots	Number of individuals	Ratio Expressed out of 100	Number of juror leet lists	Number of juror leet slots	Number of individuals	Ratio Expressed out of 100
1310s	5	64	25	39.06	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1320s	5	60	15	25	N/A	N/A	N/A	N/A	2	24	19	79.17
1330s	4	48	17	35.42	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1340s	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2	23	22	95.65
1350s	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3	37	23	62.16
1360s	7	80	15	18.75	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1370s	4	48	15	31.25	N/A	N/A	N/A	N/A	4	48	20	41.67
1380s	1	12	12	100	N/A	N/A	N/A	N/A	19	228	30	13.16
1390s	N/A	N/A	N/A	N/A	4	48	15	31.25	15	180	31	17.22
1400s	N/A	N/A	N/A	N/A	10	114	29	25.44	14	169	31	18.34
1410s	1	12	12	100	8	96	22	22.92	15	180	31	17.22
1420s	1	12	12	100	9	110	22	20	19	228	35	15.35
1430s	N/A	N/A	N/A	N/A	7	81	28	34.57	20	240	38	15.83
1440s	3	21	13	61.90	9	106	29	27.36	21	252	43	17.06
1450s	2	21	12	57.14	9	109	27	24.77	18	215	40	18.60
1460s	10	120	20	16.67	10	112	22	19.64	12	143	29	20.28
1470s	4	41	14	34.15	11	134	24	17.91	13	155	39	25.16
1480s	4	48	18	37.5	10	119	23	19.33	19	228	41	17.98
1490s	9	108	19	17.59	5	61	14	22.95	19	236	53	22.46
1500s	7	85	19	22.35	N/A	N/A	N/A	N/A	14	178	57	32.02
1510s	N/A	N/A	N/A	N/A	9	106	26	24.53	15	198	64	32.32
1520s	N/A	N/A	N/A	N/A	9	102	27	26.47	20	275	64	23.27
1530s	N/A	N/A	N/A	N/A	10	132	32	24.24	14	187	57	30.48
1540s	N/A	N/A	N/A	N/A	9	115	28	24.35	6	83	49	59.04
1550s	6	77	29	37.66	9	105	19	18.1	10	138	52	37.68
1560s	5	62	35	56.45	5	59	27	45.76	14	186	52	27.96
1570s	11	147	45	30.61	11	135	18	13.33	20	283	61	21.55
1580s	3	40	19	47.5	7	68	22	32.35	17	244	59	24.18
1590s	N/A	N/A	N/A	N/A	10	137	29	21.17	16	217	50	23.04

Ratios standardised out of 100 so if a different individual appeared in every different slot, the ratio would equal 100. Sources: CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11; KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; SAC, P314/W/1/1/1-840.

Table 2.4 – Juror baron lists and numbers

Decade	Little Downham				Horstead				Worfield			
	Number of juror lists	Number of juror slots	Number of individuals	Ratio Expressed out of 100	Number of juror lists	Number of juror slots	Number of individuals	Ratio Expressed out of 100	Number of juror lists	Number of juror slots	Number of individuals	Ratio Expressed out of 100
1360s	24	287	26	9.06	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1370s	16	187	30	16.04	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1380s	23	265	38	14.34	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1390s	22	252	31	12.30	3	39	23	58.97	31	368	57	15.49
1400s	26	298	26	8.72	N/A	N/A	N/A	N/A	37	443	51	11.51
1410s	23	246	26	10.57	19	221	54	24.43	52	623	49	7.87
1420s	16	191	22	11.52	22	260	44	16.92	35	408	46	11.27
1430s	14	153	39	25.49	20	233	47	20.17	34	408	43	10.54
1440s	12	131	40	30.53	15	182	48	26.37	32	384	47	12.24
1450s	8	91	35	38.46	20	236	50	21.19	35	434	60	13.82
1460s	16	190	43	22.63	29	344	45	13.08	28	336	52	15.48
1470s	10	108	32	29.63	38	448	62	13.84	29	345	52	15.07
1480s	11	134	32	23.88	28	333	51	15.32	41	490	56	11.43
1490s	11	141	36	25.53	11	124	29	23.39	29	334	64	19.16
1500s	13	154	40	25.97	N/A	N/A	N/A	N/A	33	384	49	12.76
1510s	N/A	N/A	N/A	N/A	20	219	43	19.63	49	592	56	9.46
1520s	N/A	N/A	N/A	N/A	18	185	39	21.08	43	519	54	10.40
1530s	N/A	N/A	N/A	N/A	22	297	47	15.82	58	700	57	8.14
1540s	N/A	N/A	N/A	N/A	11	128	29	22.66	24	292	69	23.63
1550s	9	112	45	40.18	8	83	21	25.30	48	577	61	10.57
1560s	8	101	37	36.63	4	48	21	43.75	83	993	61	6.14
1570s	15	192	58	30.21	7	80	32	40	102	1225	67	5.47
1580s	7	74	28	37.84	4	48	24	50	81	957	62	6.48
1590s	N/A	N/A	N/A	N/A	15	163	31	19.02	76	911	56	6.15

Ratios standardised out of 100 so if a different individual appeared in every different slot, the ratio would equal 100. Sources: CUL, EDR, C11/1/2-3, C11/2/4-6, C11/3/7-11; KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; SAC, P314/W/1/1/186-837.

Analysis of this material reveals two contrasting chronological trends. The first, seen at Downham and Worfield, was an increase over the 300 years studied in the number of individuals involved in impanelled office. This is most prevalent at Downham, where serving both as a capital pledge and juror baron became more open, although the changes occurred at different times. For jurors baron, up to the 1420s, a range of 22-38 individuals served in c.24 lists per decade. From the 1430s onwards, however, numbers of individuals grew to a range of 32-43, even though the number of lists declined to c.12 per decade, a change that was the product of a real decline in sessions as well as issues of record survival. The later sixteenth century decades show a similar pattern of high numbers of individuals to fewer lists (table 2.4). Increased participation in the capital pledge lists occurred later, with a relatively static range of 14-20 individuals serving per decade up to 1508. However, 1552-82 saw a greater range of 29-45 pledges per decade, suggesting a drastic change had occurred across the early sixteenth century (table 2.3).

For Worfield, an increase occurred in terms of the jury leet. The 1490s was the key tipping point, whilst previously a range of 30-43 individuals served a decade, for the 1490s to 1590s this grew to 49-64 (table 2.4). Contrarywise, the number of individuals serving in Worfield's jury baron remained relatively static. There was a small increase in the later sixteenth century but this was caused by an increasing number of sessions driving more lists per decade rather than greater dispersal of service.

Horstead, conversely, saw an overall decrease in the numbers of individuals impanelled. This is not true for capital pledges, for which the picture is generally static, ranging 20-29, and only falling significantly below this number for decades with 5 or fewer lists (table 2.3). Whilst there is fluctuation, no discernible trend towards either more dispersion or concentration of office among individuals is visible. However for jurors baron a clear decline can be seen. For the 1410s-1530s the number of individual jurors per decade ranged around 29-47, excepting the 1470s when 62 individuals served in an atypically high 38 lists. From the 1540s, however, the number of individuals fell to a range of 21-31 (table 2.4). Therefore, during the period in which impanelled office at Worfield and Downham was involving more individuals, at Horstead it was becoming concentrated on a smaller group of men. This was correlated with a decrease in the number of lists, which fell from a mean of c.20 for the 1410s-1530s to c.10 for the 1540s-1590s. However, as this

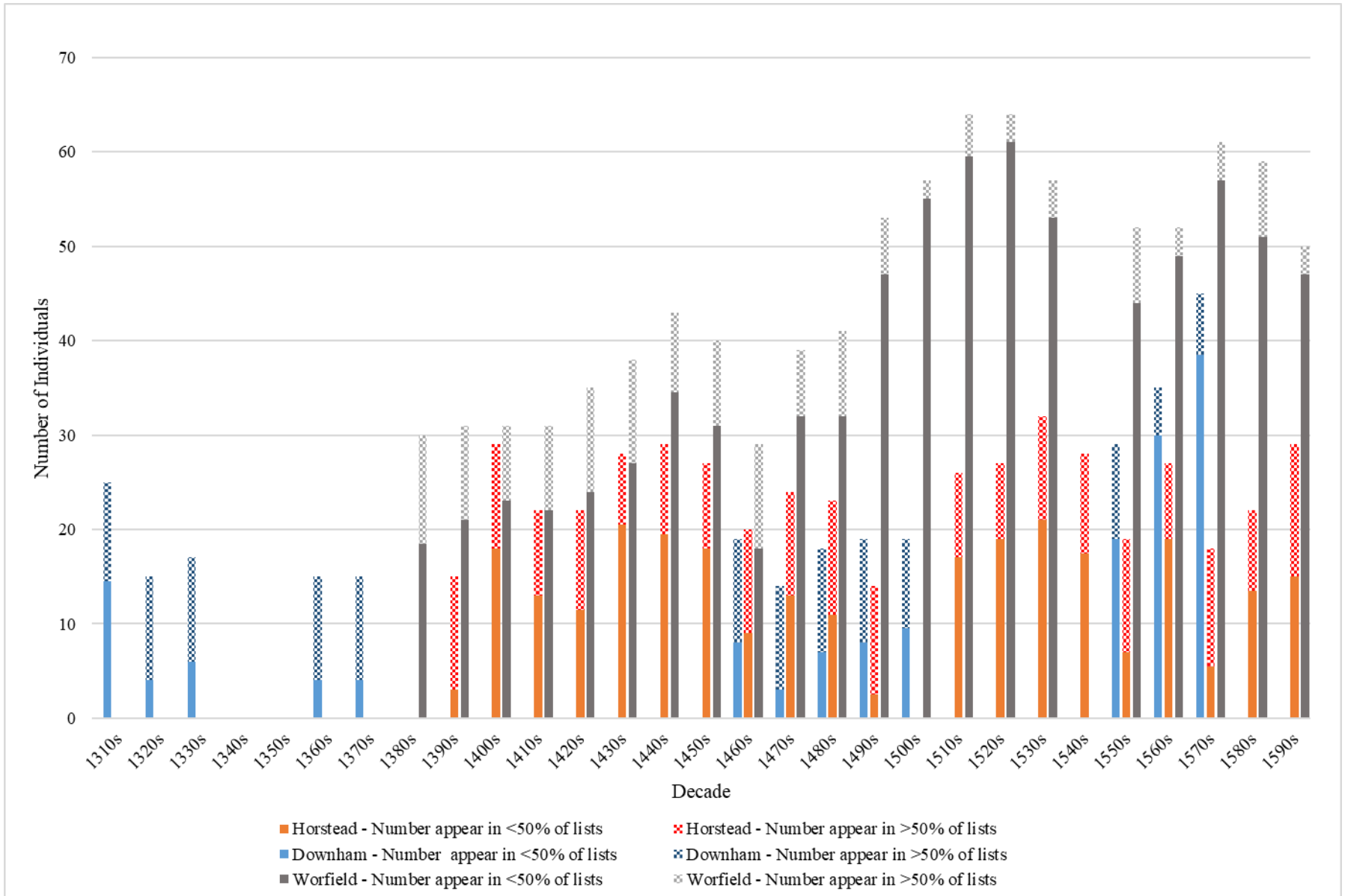
reduction in lists was also true for Downham, where the numbers involved as jurors baron increased, this relationship cannot be seen as inevitable.

The effects of these increases and reductions in individuals can be seen by exploring the distribution of service among empanelled offices in any given decade. Figure 2.5 examines the number of individuals in any decade who are named in below and above half of surviving lists of capital pledges or jurors leet, for all decades for which 40% or more lists survive. For decades with odd numbers of lists, the number of individuals in the middle category were distributed equally between both sections. Figure 2.6 shows the same information for juries baron. Both graphs highlight that increased numbers of individuals reduced the size of the group that appeared in a majority of lists and so could have a sustained influence over jury decisions. This is particularly noticeable for Downham in both offices. Whilst pre-1508, the majority of individuals serving as capital pledges at this manor appear in more than 50% of lists in nearly all decades, in the later sixteenth century, only a minority do so (figure 2.5). The change in jurors baron is similar, whilst from the 1360s to 1420s, individuals serving in more than 50% of lists were either in the majority or a significant minority, from the 1430s onwards this number was only a small minority (figure 2.6). At Worfield, the increases were less significant. Even before the 1490s, most individuals only appear in a minority of lists as jurors leet per decade, so the increase just reduced this proportion even further (figure 2.5). For jurors baron, there is no change (figure 2.6). Thus, at Worfield the shift is more an extension of a pre-existing pattern of wide dispersion of service, rather than a transition from a relatively concentrated to a relatively dispersed system as at Downham.

For Horstead, this transition occurred in reverse. The pattern for capital pledges for all decades studied remained largely similar to Downham's pre-1508 pattern, if slightly less concentrated, with the majority, or at least a significant minority of individuals appearing in more than 50% of lists in any decade. There was no sixteenth-century transition to dispersion as at Downham. The jury baron trend saw increased concentration. Whilst before the sixteenth century Horstead looks similar to Worfield and post-1430s Downham, and actually had the smallest proportions in more than 50% of lists, this increased to about a quarter of individuals appearing in more than 50% of lists in a decade. This shift, however, predated the fall in numbers of individuals, with 18-26% of individuals serving in more than half of lists in the 1520s and 1530s, despite 39 and 47 individuals being listed in these

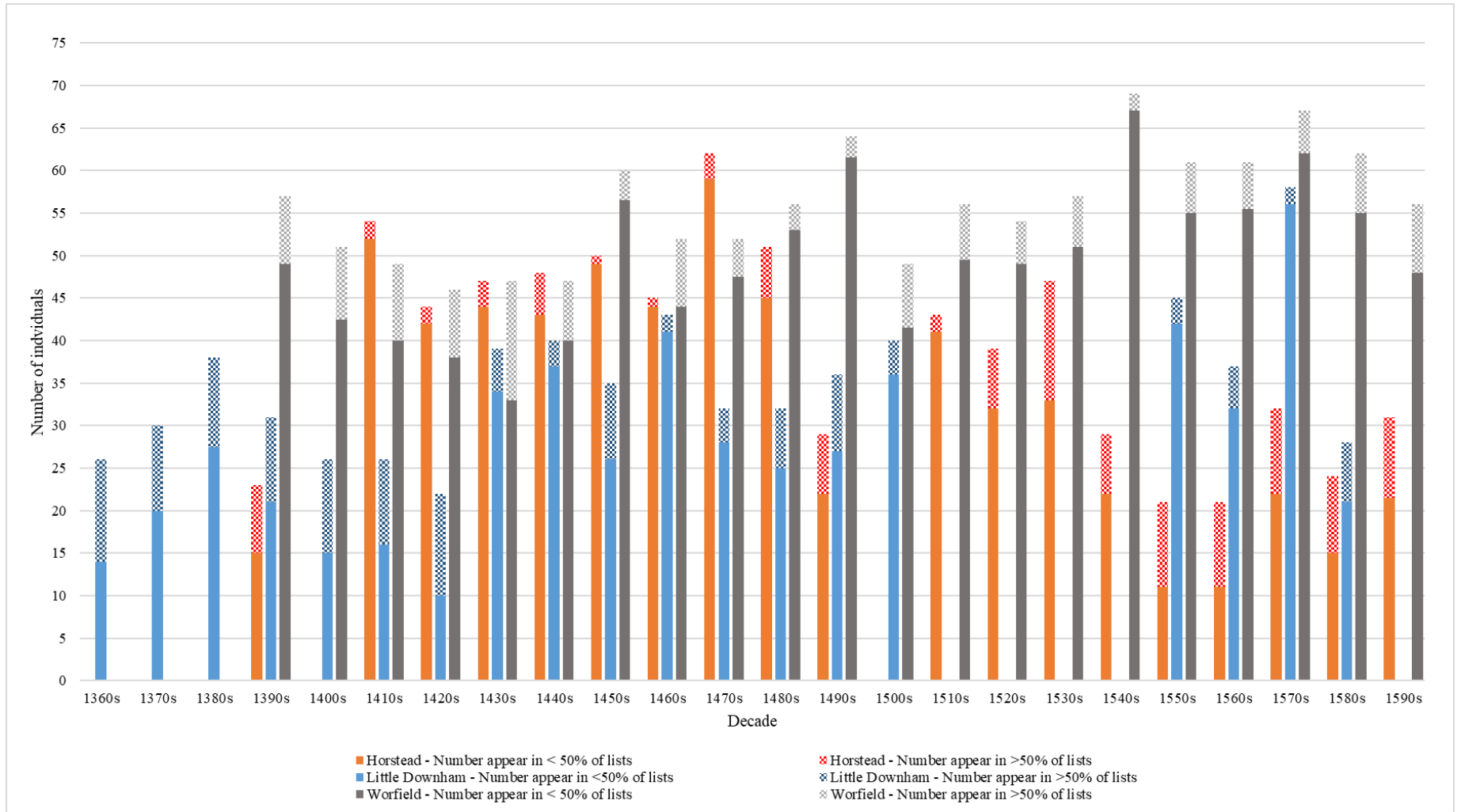
decades. Thus, over the period as a whole, a switch occurred. Whilst in the fourteenth century, Downham looks like it had the most oligarchical empanelled officials, with a significant core of officers being seen in a majority of lists, by the later sixteenth century these offices appear to be far more open, with few individuals having this kind of dominance. At Horstead, however, a fifteenth-century contrast of a relatively dispersed set of jurors baron but concentrated set of capital pledges, was replaced by a pattern of concentration in both types of empanelled offices. Whilst Worfield did see a change, it is hard to argue for a new pattern, instead the sixteenth century saw an intensification of a dispersed trend present in the fourteenth century.

Figure 2.5 – Number of individual capital pledges and jurors leet by proportion of list appearances by decade



For all decades for which more than 4 lists survive. Sources: KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; CUL, EDR, C11/1/1-3, C11/3/7-11; SAC, P314/W/1/1/1-657, 672-837.

Figure 2.6 – Number of individual jurors baron by proportion of list appearances by decade



Sources: KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; CUL, EDR, C11/1/2-3, C11/2/4-6, C11/3/7-11; SAC, P314/W/1/1/186-837.

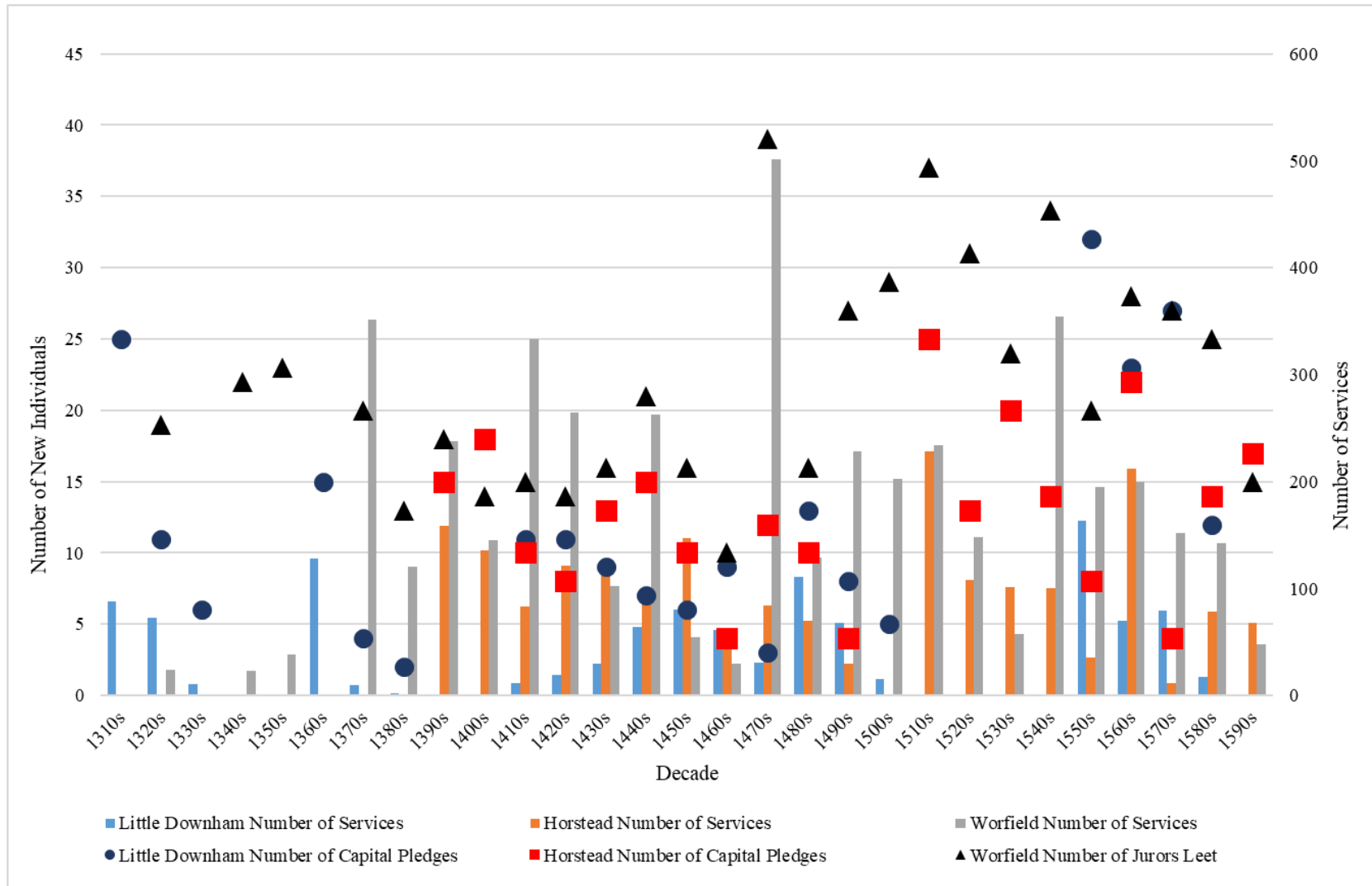
The drivers of these patterns can be revealed through exploring lists of empanelled officers by cohort. Figure 2.7 places each individual capital pledge and juror leet in a cohort based on when they first appeared in office, and then compares the number of new capital pledges and jurors leet in a decade with the number of total services this cohort collectively performed. Figure 2.8 organises jurors baron in the same way. This data must be treated with caution; breaks in the roll series are significant, with over-enumeration of the size of cohorts in the first decade after a gap, as individuals who may have begun service in previous decades are clumped together, and under-enumeration of total services performed in the last decades recorded before a gap, as later services by jurors go unrecorded. However, utilised with caution and focusing on the central decades of well-recorded periods, this method allows exploration of the balance between changing numbers of new officers and the total number of times they would serve.

Such a pattern reveals that at Horstead, the decreasing number of those serving as jurors baron per decade was correlated with the fewer opportunities to serve in the later sixteenth century. Thus, as the total services performed by each cohort shrank from the 1520s onwards, so too did the number of new jurors (figure 2.8). Similarly, the number of new capital pledges at the Norfolk manor moved in line with the total services they performed, increasing in the 1510s and 1560s in tandem (figure 2.7). Partly, this pattern is explained by a greater intermixing of juries and business, meaning that capital pledges often presented baron business in the leet and residual leet, and thus that there were few opportunities for people to serve as jurors baron. However, that this change did not increase the participation rates of capital pledges means that there was a real decrease in participation in empanelled office as a whole. Therefore, the pattern suggests that at Horstead, as opportunities to serve in empanelled office grew smaller, this concentrated service on a small, and increasingly more dominant, group.

Downham's opposite trend can be explained by a different relationship between cohort numbers and services. As figure 2.8 demonstrates, from the 1430s onwards the size of cohorts of jurors baron grew even as the total number of services they performed remained at the same level as the 1400s onwards. These cohort sizes grew even more for 1552-82, whilst the number of services remained static. A similar pattern can be seen in the manor's capital pledge cohorts. Whilst the size of cohorts had declined in line with decreased numbers of services in the fifteenth century, in the 1552-82

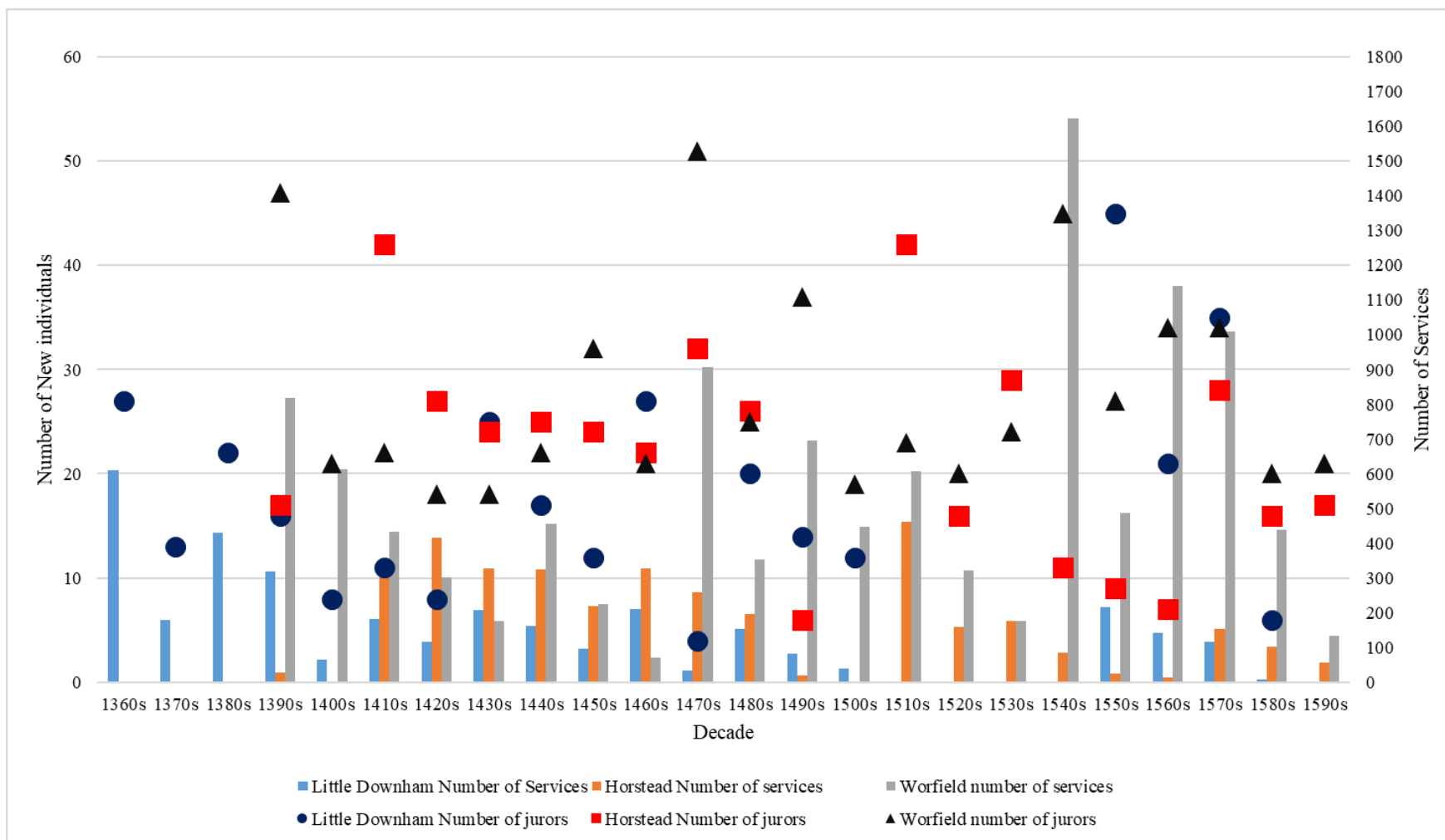
period, cohorts grew and remained high even as the numbers of services they performed remained similar to the preceding period (figure 2.7). The same trend can be seen in Worfield's jurors leet for the 1490s onwards, where cohort sizes grew even as the services they performed remained similar or slightly declined (figure 2.7). Therefore, a change had occurred on both manors. As opportunities to serve remained static or even declined, the number of individuals serving grew, meaning that on average each individual was serving fewer times, a pattern that likely, in aggregate, lessened the potential influence of each individual serving in office. A man beginning empanelled service in the sixteenth century could overall expect to perform less work than his predecessors of the fourteenth and early fifteenth centuries. The same pattern did not occur for Worfield's jurors baron (figure 2.8). Even as the numbers of services each cohort performed increased in the 1540s, 1560s and 1570s, the numbers of new officers did not increase greatly beyond fifteenth-century levels. Thus, these officers saw on average their number of services increase in the late sixteenth century, unlike the jurors leet.

Figure 2.7 – Number of New Capital Pledges and Jurors Leet compared to total services they performed by cohort



Cohort study where every juror is assigned to a decade of first appearance. N Horstead capital pledges = 256, N Horstead services = 2049; N Little Downham capital pledges = 239, N Little Downham services = 1132. N Worfield jurors leet = 573, N Worfield services = 4578. Sources: KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11; SAC, P314/W/1/1/1-840.

Figure 2.8 – Number of New Jurors Baron compared to total services they performed by cohort



Cohort study where every capital pledge is assigned to a decade of first appearance. N Little Downham jurors = 343, N Little Downham services = 3365; N Horstead jurors = 420, N Horstead services = 3666; N Worfield jurors = 581, N Worfield services = 11435. Sources: CUL, EDR, C11/1/2-3, C11/2/4-6, C11/3/7-11; KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; SAC, P314/W/1/1/186-837.

Trends in the numbers of those serving in empanelled office reveals a difference between Downham and Worfield on the one hand, and Horstead on the other. However, further analysis of the careers of individual officers highlights a distinction between Downham and Horstead as opposed to Worfield. At the latter manor, individuals seem to have been both empanelled and not empanelled at various points across their careers as jurors leet, suggesting a very ‘permeable’ form of officeholding, and a relatively large group of potential officers. This contrasts with the picture seen at Downham and Horstead, where the status of capital pledge seems to have been relatively distinctive, in that individuals tended to serve session-on-session from beginning to end of their careers. This is demonstrated in table 2.5, which reconstructs a service rate for capital pledges and jurors leet, by comparing the number of times they served in their career with the potential number of times they could have served in the surviving lists, for all individuals who served more than once.¹⁰⁹ The results reveal that most capital pledges at Downham and Horstead served near-continuously, with more than two thirds of capital pledges present in above 80% of lists at both manors. By contrast only around a sixth of Worfield’s jurors leet were present in more than 80% of lists, and more than half served in less than 50% of lists.

¹⁰⁹ The same methodology is used by Larson, ‘Village Voice’, Table 3, 694.

Table 2.5 – Rate of services of capital pledges and jurors leet

Rate of lists in career (%)	Horstead		Little Downham		Worfield	
	Number of Capital Pledges	Proportion of Total (%)	Number of Capital Pledges	Proportion of Total (%)	Number of Jurors Leet	Proportion of Total (%)
0-<10	0	0	0	0	4	1.1
10-<20	2	1.1	0	0	19	5.3
20-<30	3	1.6	4	2.7	56	15.7
30-<40	8	4.4	5	3.4	60	16.8
40-<50	5	2.7	10	6.8	57	16
50-<60	10	5.5	6	4.1	42	11.8
60-<70	13	7.1	15	10.2	37	10.4
70-<80	16	8.7	8	5.4	24	6.7
80-<90	36	19.7	13	8.8	16	4.5
90-<100	26	14.2	12	8.2	9	2.5
100	64	35	74	50.3	33	9.2
Total	183		147		357	

Rate of service calculated by dividing number of lists an individual served in by the number of lists existing between an individual's first and last appearance. Individuals who served once are excluded. Sources: KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; CUL, EDR, C11/1/1-3, C11/3/7-11; SAC, P314/W/1/1/1-837.

The underlying cause of this was likely linked to the legacy of the capital pledge system as different to that of jurors leet. Whilst previous analysis has tended to equate these two offices, whose roles in the court were functionally the same, there are clear differences between the two bodies. Whilst a virtually free choice seems to have guided the selection of jurors leet at Worfield, capital pledges were part of the tithing system. This pre-existing system of law enforcement placed all males over twelve into groups of ten who were then collectively responsible for ensuring their members obeyed the law. The law-enforcement and surety aspect of this system was in abeyance in the late middle ages, but collective tithing payments were still being made and men were still being sworn into

tithings.¹¹⁰ Capital pledges were the heads of tithings, who had traditionally represented the other nine men in legal assemblies, and this system informed the way views of frankpledge had originally been set up.¹¹¹ Thus the twelve capital pledges in any session should theoretically have been drawn from this subset of tithing heads.¹¹² The qualitative evidence for this varies between Horstead and Downham. At the former, there is no indication that a system of tithing heads was being maintained from which this panel would be drawn. In fact, the distinction between this group and the jury baron began to disappear. In 1472, 1482 and 1484 the two juries were elided into one panel. This became the norm in leets from 1539 onwards, recognising the breakdown in the division between functions performed by both offices.¹¹³

At Downham, the system appears to have been maintained more rigidly. For the period 1379 to 1446, lists of capital pledges are rarely given in the rolls. However, the capital pledges are frequently described with the formula ‘whose names are put in the tithing rolls’, suggesting that this system of documents was still operational, meaning there was no need to record these officials in the court roll.¹¹⁴ It also suggests that those serving were formally capital pledges and thus a select, collective, group. By 1553, however, this system seems to have been breaking down, with a single list entitled ‘capital pledges and homage’ given instead of separate lists for each of these panels, a combination also seen in 1570 and 1579.¹¹⁵ A further change occurred from 1574 onwards, when the term capital pledge was replaced by ‘capital pledges and jury for the lady queen’, and from 1575 onwards just ‘the jury for the lady queen’ suggesting an end date for the tithing system determining jury selection.¹¹⁶

¹¹⁰ P.R. Schofield, ‘The Late Medieval View of Frankpledge and the Tithing System: An Essex Case Study’, in Z. Razi and R.M. Smith (eds.), *Medieval Society and the Manor Court*, (Oxford: Clarendon, 1996), 408-449, 408-9, 426-7; Schofield, *Peasant and Community*, 167.

¹¹¹ Schofield, ‘Late Medieval View’, 408; Bailey, *English Manor*, 178-9.

¹¹² L.R. Poos, ‘The Rural Population of Essex in the Later Middle Ages’, *EcHR*, 38, (1985), 515-30, 518-9.

¹¹³ KCA, HOR/39, m.26, 4 Aug 1472; HOR/39, m.42, 11 Jun 1482; HOR/40, m.2, 3 Aug 1484; HOR/48-54, COL/376.

¹¹⁴ See, among many examples, CUL, EDR, C11/1/3, m.14, 19 Dec 1385; C11/2/5, m.3, 7 Dec 1414.

¹¹⁵ CUL, EDR, C11/3/10, unfoliated, c.1553; C11/3/11, unfoliated 12 Apr 1570; C11/3/11, unfoliated, 21 Sep 1579.

¹¹⁶ CUL, EDR, C11/3/11, unfoliated, 24 Mar 1574; C11/3/11.

The only direct evidence of the selection of any impanelled officer is for September 1465 at Downham when, on the day of the court, Richard Whitepayn was described as chosen and sworn as capital pledge in the place of Richard Cok.¹¹⁷ Richard Cok's last appearance was as a capital pledge in the previous leet and he was deceased by April 1465.¹¹⁸ Thus possibly being a capital pledge was confined to a small group with positions only emerging upon the death of an officer, with another man from his tithing taking his place. Certainly, capital pledges at Downham appear to have been able to act as a collective, in a way that would seem difficult for a more disparate impanelled group. This is revealed in an arrangement of 1447, in which the twelve capital pledges, and those who would be capital pledges in future, collectively rented a watercourse from the lord for an annual rent of 12d, along with an agreement to clean and maintain this, a responsibility leading to a bylaw of 1451 preventing obstruction of the channel.¹¹⁹ This lease presupposes significant longevity, suggesting a collective identity for capital pledges that existed beyond the panels given at the heading of any court.

The combination of qualitative evidence with that of statistical rates reveals that when an individual became a capital pledge, he served near-continuously until he 'retired'. Entry was presumably only possible when a previous pledge was removed. As table 2.6 reveals, this trend towards impermeability was not true of Downham and Horstead's jurors baron, where the distribution was skewed towards a 30-80% rate, giving a far more open form of officeholding. However, again Worfield's empanelled officeholding looks to have been far more permeable, with fewer than 12% of individuals serving as jurors baron at a rate of more than 60%. Differences in permeability between all types of empanelled office occurred in a relatively similar context of career lengths (table 2.7). At all manors, there were a large number of individuals who only appeared once suggesting they were potentially stand-ins or lacked the ability to translate candidacy as an official into long careers in office. Other men served over remarkably long spans, with a few examples of over 40 years, and thus presumably the vast majority of these individuals' adult lives. The impact of life expectancy on ability to exert a long-term influence as an empanelled official was probably

¹¹⁷ CUL, EDR, C11/3/7, m.8, 27 Sep 1465.

¹¹⁸ CUL, EDR, C11/3/7, m.7, 16 May 1464; C11/3/7, m.9, 1 Apr 1465.

¹¹⁹ CUL, EDR, C11/2/6, m.39, 3 Jan 1447; C11/3/7, m.47, 9 Jun 1451.

paramount, with the similarity of career-length structures being due to similar age structures across the manors.

Table 2.6 - Rate of services of jurors baron

Rate of lists in career (%)	Horstead		Little Downham		Worfield	
	Number of jurors	Proportion of Jurors (%)	Number of Jurors	Proportion of Jurors (%)	Number of Jurors	Proportion of Jurors (%)
0-<10	1	0.4	1	0.4	26	6.6
10-<20	7	2.6	6	2.3	62	15.7
20-<30	16	5.8	18	7	70	17.7
30-<40	36	13.1	25	9.8	85	21.5
40-<50	49	17.9	36	14.1	66	16.7
50-<60	59	21.5	42	16.4	41	10.4
60-<70	40	14.6	43	16.8	20	5.1
70-<80	23	8.4	28	10.9	11	2.8
80-<90	14	5.1	18	7	2	0.5
90-<100	1	0.4	5	2	1	0.3
100	28	10.2	34	13.3	10	2.5
Total	274		256		394	

Rate of service calculated by dividing number of lists an individual served in by the number of lists existing between an individual's first and last appearance. Individuals who served once are excluded. Sources: KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; CUL, EDR, C11/1/2-3, C11/2/4-6, C11/3/7-11; SAC, P314/W/1/1/186-837.

Table 2.7 - Length of services of capital pledges, leet jurors and jurors baron

Years Served	Horstead				Little Downham				Worfield			
	Number of Capital Pledges	Proportion of Capital Pledges (%)	Number of Jurors Baron	Proportion of Jurors Baron (%)	Number of Capital Pledges	Proportion of Capital Pledges (%)	Number of Jurors Baron	Proportion of Jurors Baron (%)	Number of Jurors Leet	Proportion of Jurors Leet (%)	Number of Jurors Baron	Proportion of Jurors Baron (%)
Served Once	73	28.5	142	34.5	51	26	82	23.9	198	35.7	178	31.2
1-<5	46	18	91	22.1	63	32.1	89	25.9	98	17.7	98	17.2
5-<10	49	19.1	54	13.1	28	14.3	44	12.8	57	10.3	78	13.7
10-<15	19	7.4	34	8.3	12	6.1	37	10.8	48	8.6	40	7
15-<20	17	6.6	25	6.1	22	11.2	29	8.5	39	7	38	6.7
20-<25	17	6.6	17	4.1	9	4.6	19	5.5	36	6.5	42	7.4
25-<30	15	5.9	21	5.1	9	4.6	13	3.8	33	5.9	35	6.1
30-<35	10	3.9	11	2.7	0	0	8	2.3	21	3.8	27	4.7
35-<40	3	1.2	2	0.5	3	1.5	11	3.2	12	2.2	15	2.6
40-<45	3	1.2	9	2.2	0	0	4	1.2	7	1.3	11	1.9
45-<50	4	1.6	3	0.7	0	0	1	0.3	4	0.7	5	0.9
50-<55	0	0	2	0.5	0	0	1	0.3	0	0	1	0.2
55-<60	0	0	1	0.2	0	0	0	0	1	0.2	1	0.2
60-<65	0	0	0	0	0	0	0	0	1	0.2	1	0.2
Total	256		412		197		338		555		570	

Length of service calculated by difference between first and last appearance in list. Ignores period of poor capital pledge list recording at Downham. Sources: KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; CUL, EDR, C11/1/1-3, C11/3/7-11; SAC, P314/W/1/1/1-837.

Overall, the examination of empanelled officers reveals both expected and unexpected trends. The permeability of juror leet and baron service at Worfield matches the dispersed pattern seen for Worfield's reeves and tasters. In both cases, officeholding was spread among a group of candidates who did not serve continuously in office. Similarly, the rigidity for Downham in capital pledge service matches the continuous and concentrated service seen for the manor's selected offices. Horstead is less correlated, with the continuous service of capital pledges similar to Downham, contrasting with a dispersed pattern of service by tasters, although as this was the only selected office at the manor the picture of concentration provided by pledges is more significant. The more surprising finding is the changes over time seen across the manors. Horstead's pattern towards greater concentration as opportunities to serve decreased in the sixteenth century is more expected, less service allowing a smaller group to have more dominance. However, that at Worfield, and especially Downham, more men were on aggregate performing less work each by the later sixteenth century certainly cannot support a picture of greater oligarchy on the early modern manor. This process, moreover, had deep roots at Downham, starting in the early fifteenth century. Therefore, across the 300 years examined, there seems to have been a move towards more participation in empanelled office.

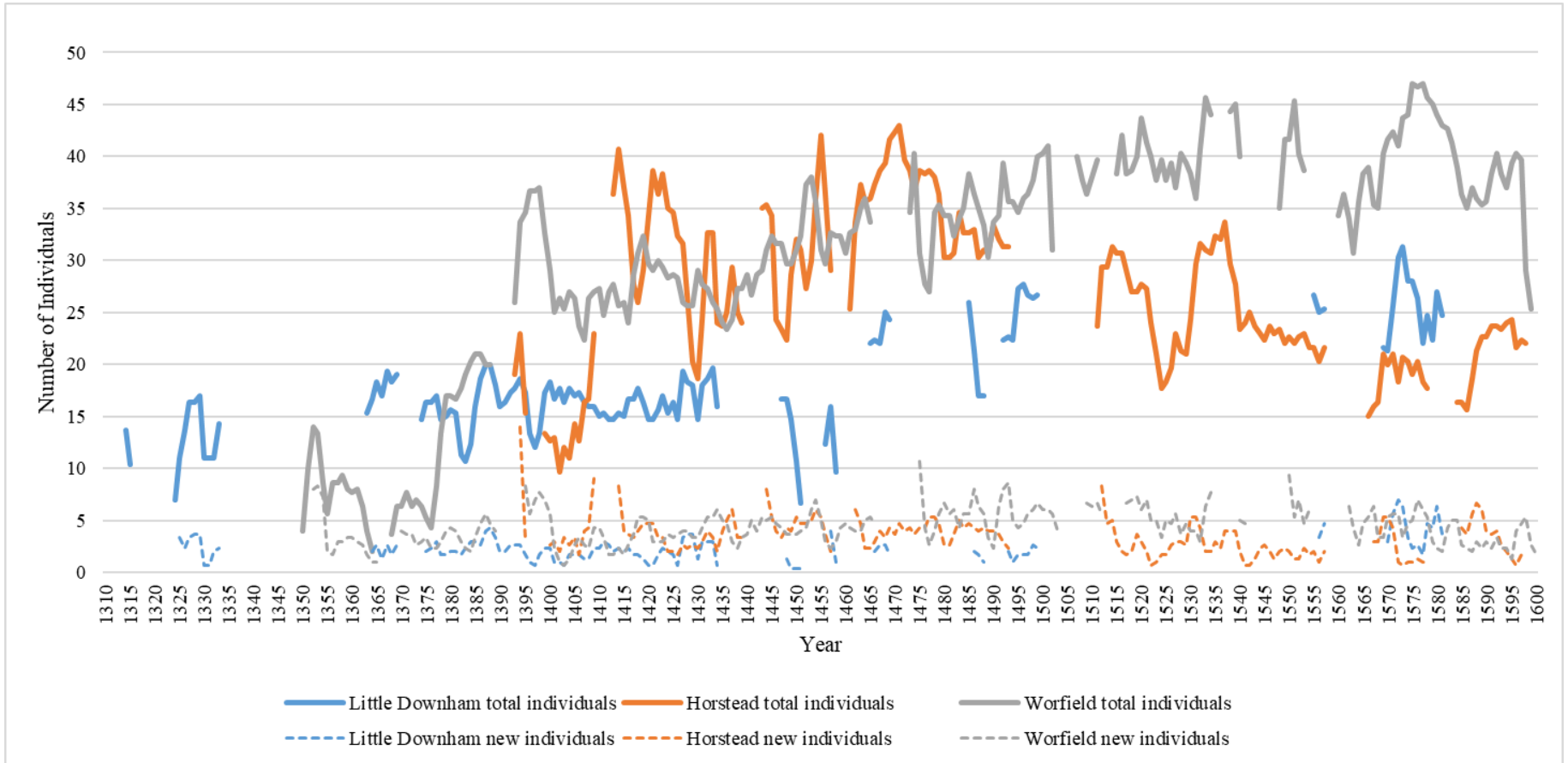
Overall Pattern

Investigations so far have focused on the internal patterns of service within specific types of office. However, individuals tended to serve across multiple offices simultaneously and engaging with the question of 'oligarchy' means exploring the size of this whole group over time. Figure 2.9 presents the total number of individuals named as serving in any office in a year for all periods for which four or more consecutive years have at least one surviving session. This simple measure provides a general picture of the size of the officeholding class. The change between the period before the 1390s at Worfield, and the 1410s at Horstead, and the following era, reflects different recording practices, with jury lists being regularly noted after this date, which alters the number of recorded officers in a year. Changes beyond this point reveal real differences in the number of individuals serving in office.

The trends at different manors largely match those seen in the examination of empanelled office, a fact unsurprising as panels provided the greatest opportunity to serve in a year due to their size and multiple lists per annum. Downham, in the 1360s-1430s had the most restricted set of officers, with most years seeing between 15 and 20 individuals serving. Worfield and Horstead were at higher levels, with the former manor seeing between 25 and 30 persons a year up to 1445 and Horstead, which fluctuated more widely, seeing anything between 20 to 40 persons up to 1494. By the end of the sixteenth century, these numbers had changed at all three manors. At Worfield, a sustained increase from 1435 to 1540 meant that the manor now saw between 35 and 45 individuals in office per year, a pattern maintained into the end of the sixteenth century. At Horstead, conversely, the officeholding body year-on-year decreased from 1510 onwards, a change that grew acute after 1535, with numbers ranging between 15 and 25. Downham's patchier record survival makes tracking later changes difficult, but by the 1460s the officeholding group had grown to a range of 15-30, and then, for the later part of the sixteenth century, 20-30. This is despite a reduction in the number of different offices on the manor with the end of recorded selections for the reeve and messor (see table 0.2), again suggesting that more men were doing less work.

Examining the number of new individuals per year nuances this trend (figure 2.9). The fact that nearly every recorded year saw at least some new blood in the officeholding class is indicative that office was never entirely closed off; an inevitable process when the number of offices, and especially jury positions remained constant, whilst demographic attrition was relatively high. Small increases can be seen at Downham and Worfield, and a converse decrease at Horstead, in line with the general trend in officers per year. However, despite the differences at all manors by the late sixteenth century in total officers, and particularly the increase in cohort size seen for empanelled officers for Downham and Worfield, the number of new individuals per year remains relatively stable. This speaks to a continuous but slow incorporation of new individuals into the officeholding group, which prevented them from displacing currently serving individuals. New individuals on average made up 13% of all the officers in a year at Downham and Horstead, and a slightly higher 17% at Worfield, with this figure only exceeding 30% after periods of poor record survival. Thus whilst new individuals were a constant in officeholding, the ability for a collective new group to influence the officeholding structure was clearly very limited.

Figure 2.9 – Number of individuals serving across all offices per year (3 year moving average)



Three-year moving averages calculated for all periods with four consecutive years with at least one session, with number for first court of any period excluded from measure of new individuals due to disproportionate number of new individuals. 'New' refers to any individuals not previously recorded as serving in manorial office. Sources: CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-10; KCA, HOR/26-41, HOR/45, HOR/48-54, COL/376; SAC, P314/W/1/1/26-84

Changes in the size of the total group involved in officeholding reinforce the picture seen via examining empanelled officers. In absolute terms, both Worfield and Downham saw an increase in the number of individuals involved in officeholding, and on both occasions this began in the fifteenth century and levelled off by the late sixteenth century. At Horstead, conversely, the numbers declined from c.1480 onwards, and continued to fall until the end of the sixteenth century. This again follows trends seen in the manor's jurors baron. The increases at Worfield and Downham were driven in part by a moderate growth in the number of 'new' persons acting as officers, matching the picture seen in the cohort studies. However, these new persons were seemingly only drip fed into officeholding, which, whether by accident or design, must have ensured a relatively stable set of experienced, and thus likely influential, officers served year-to-year.

Officeholding and Population

Whilst data gathered from the court rolls alone can provide robust evidence for absolute changes in numbers involved in officeholding, these figures cannot alone explain these trends, or answer the question of how far manorial officeholding was oligarchical. This requires an understanding of the size of the community in which these officers acted, and how this changed over time. In national terms, the period of 1300-1600 saw drastic population change. The Black Death and subsequent outbreaks diminished a population of 3.9-5.25 million in c.1330 to c.2.8 million by the 1370s.¹²⁰ The fifteenth century unfortunately yields little demographic evidence, but was not a period of national change, with an estimate of c.2.3 million for the 1520s.¹²¹ The sixteenth century reversed these trends, with growth from c.2.8 million in 1541 to c.4.1 million by 1601.¹²² Within this

¹²⁰ B.M.S. Campbell and K. Bartley, *England on the Eve of the Black Death: an Atlas of Lay Lordship, Land and Wealth, 1300-49*, (Manchester: Manchester Medieval Press, 2006), 329; M. Bailey 'Demographic Decline in Late Medieval England: Some Thoughts on Recent Research', *ECHR*, 49:1, (1996), 1-19, 1.

¹²¹ Bailey, 'Demographic Decline', 1.

¹²² Wrigley and Schofield, *Population History*, Table A3.1, 528. Recent new estimates for the medieval period by Broadberry et al. claim lower fourteenth-century figures but largely confirm the population trends: S. Broadberry, B.M.S. Campbell, A. Klein, M. Overton and B. van Leeuwen, *British Economic Growth, 1270-1870*, (Cambridge: Cambridge University Press, 2015), Table 1.06, 20.

changing demographic context, the question becomes how far the number of individuals involved in officeholding was responsive to changes in the population of the communities where they operated.

Rather than using the general population estimates given in table 0.1, here an estimate of the number of adult males is made using the same sources (see appendix 2) and reproduced in table 2.8. The figure of adult males was arrived at as the best proxy for the total group that could potentially be officeholders. Children were clearly not suitable officeholders, and women were largely excluded from office. On the other hand, it is vital to remember that adult males and potential officers were not synonymous. Tenancy was the key criterion for officeholding, and these measures do not provide an accurate picture of this group. The units of taxpaying vill and parish used in these records applied to inhabitants, not manorial landholders. However, whilst non-tenant males were likely excluded from office, much of the work of officers, particularly through leets, affected the wider community, and therefore understanding how far an increase in males created an increase in individuals involved in officeholding is meaningful.

Table 2.8 – Adult male population estimates

Date	Little Downham Adult Male Population Estimate	Horstead Adult Male Population Estimate	Worfield Adult Male Population Estimate
1327	133-177	N/A	257-342
1377-9	56-61	55	N/A
1524	105-142	28-38	116-156
1563	114-120	N/A	191-201
1603	N/A	46-60	N/A

See appendix 2 for methodology and sources

Table 2.9 calculates the mean numbers of individuals holding office per year for periods of relatively complete record survival close to population estimate years as a proportion of these estimates. Table 2.10 gives ratios comparing the number of individuals serving as capital pledges and jurors leet in a decade to the number of adult males. For Horstead, these numbers are adjusted by removing men who only served as Coltishall jurors, on the assumption that most of these men likely lived outside the vill and parish of Horstead and thus are not included in the population

estimates. This allows for the comparison of change in numbers serving and population estimates, to assess whether population change could drive differences in participation in officeholding.

Table 2.9 – Mean numbers of officers per year for select periods compared to reconstructed population estimates

Year of Population Estimate	Little Downham			Horstead			Worfield		
	Period	Mean Individuals per year	Proportion of Male Population %	Period	Mean Individuals per year	Proportion of Male Population %	Period	Mean Individuals per year	Proportion of Male Population %
1327	1323-1334	12	6.78-9.02	N/A	N/A	N/A	1327	22	6.43-8.56
1377-9	1373-1390	16	26.23-28.57	1412-1430	24	43.64	N/A	N/A	N/A
1524	1491-1500	26	18.31-24.76	1515-1535	20	52.63-71.43	1514-1535	40	25.64-34.48
1563	1569-1582	26	21.67-22.81	N/A	N/A	N/A	1559-1580	40	19.9-20.94
1603	N/A	N/A	N/A	1583-1599	16	26.67-34.78	N/A	N/A	N/A

Sources: CUL, EDR, C11/1/1-3, C11/3/10-11; KCA, HOR/33-35, HOR/37, HOR/45, HOR/53-54, COL/376; SAC, P314/W/1/1/1-4; P314/W/1/1/514-649; P314/W/1/1/725-799; table 2.9; appendix 2.

Table 2.10 – Ratios of individuals serving as capital pledge, jurors leet and jurors baron per decade to reconstructed adult male populations

Population Estimate Year	Decade	Little Downham		Horstead		Worfield	
		Ratio of capital pledges to adult males	Ratio of jurors baron to adult males	Ratio of capital pledges to adult males	Ratio of jurors baron to adult males	Ratio of jurors leet to adult males	Ratio of jurors baron to adult males
1327	1310s	14.1-18.8	N/A	N/A	N/A	N/A	N/A
	1320s	8.5-11.3	N/A	N/A	N/A	N/A	N/A
	1330s	9.6-12.8	N/A	N/A	N/A	N/A	N/A
1377-9	1360s	24.6-26.8	42.6-46.4	N/A	N/A	N/A	N/A
	1370s	24.6-26.8	49.2-53.6	N/A	N/A	N/A	N/A
	1390s	N/A	N/A	27.3	41.8	N/A	N/A
	1400s	N/A	N/A	52.7	N/A	N/A	N/A
	1410s	N/A	N/A	40	98.2	N/A	N/A
1524	1500s	13.4-18.1	28.2-38.1	N/A	N/A	N/A	N/A
	1510s	N/A	N/A	68.4-92.9	113.2-153.6	41-55.2	35.9-48.3
	1520s	N/A	N/A	71.1-96.4	102.6-139.3	41-55.2	34.6-46.6
	1530s	N/A	N/A	84.2-114.3	123.7-167.9	36.5-49.1	36.5-49.1
1563	1550s	24.2-25.4	37.5-39.5	N/A	N/A	25.9-27.2	30.3-31.9
	1560s	29.2-30.7	30.8-32.5	N/A	N/A	25.9-27.2	30.3-31.9
	1570s	35-36.8	48.3-50.9	N/A	N/A	30.3-31.9	33.3-35.1
1603	1590s	N/A	N/A	48.3-63	51.7-67.4	N/A	N/A

All ratios have been standardised out of 100, thus if the total number of individuals serving in a decade was equal to the total adult male population the ratio would equal 100. Sources: CUL, EDR, C11/1/1-3, C11/2/4, C11/3/10-11; KCA, HOR/26-33, HOR/45-48, HOR/53-4, COL/376; SAC, P314/W/1/1/506-657, P314/W/1/1/672-797; table 2.9; appendix 2.

Analysis of the admittedly incomplete data suggests three distinct phases of change in the relationship between population and numbers involved in officeholding. Before the Black Death, the proportion of adult males involved in office was low at c.6-9% at both Downham, for the years 1323-34, and Worfield, for 1327, unfortunately the only year with complete enough rolls to give a reasonable estimate of the number of men serving across all offices (table 2.9). The first phase, stretching from c.1327 to c.1377-81 saw a sharp increase in the proportion of men serving at Downham. This was in part due to a modest increase in absolute numbers serving yearly from 12 for 1323-34 to 16 for 1373-90 but was mainly a *de facto* effect due to total population reduction caused by the plague. Whilst unfortunately the lack of poll tax returns for Worfield means it is impossible to estimate its post-Black Death population, it seems likely that here too the population fell dramatically, creating a similar increase in the proportion of men serving. This was likely combined with an increase in absolute numbers serving due to new opportunities to serve as jurors baron, who were recorded from the 1390s onwards (table 0.2). Horstead also saw a large estimated c.44% of its male population serving in office per year in c.1377-81.

The second phase, stretching from c.1377-81 to c.1524, gives evidence that can support a model of population growth driving the increased numbers serving in office from the mid to late fifteenth century outlined above at both Downham and Worfield (figure 2.8). At Downham, there was a slight fall of 2-10% in the proportion of adult males serving between 1373-90 and 1491-1500, whilst the ratio of capital pledges: adult males fell even more drastically between the 1360s-70s and 1500s (tables 2.9-2.10). However, considering the population may have doubled over the same period, only a small fall in participation is startling, and was achieved via a great increase in the absolute numbers of individuals serving in office. Unfortunately, the picture for Worfield is obscured by the lack of late fourteenth-century data, but it similarly seems likely that the increase in absolute numbers was caused by an increase in population across the fifteenth century. Thus, the increase in cohort sizes of empanelled officers from the 1430s at Downham, and 1490s at Worfield, along with general increases in numbers of men serving per year at both manors in the mid-fifteenth century look like they were driven by population growth, presumably as this increased the numbers of men eligible for office.

The decline in the absolute numbers of individuals empanelled and serving at Horstead from c.1510 may also be explained by population which fell at Horstead between c.1377-81 and

c.1524. This in fact increased both the proportion of adult males serving and the empanelled officer: adult male ratios on this manor in the second phase. This picture is reinforced by declining numbers of tenants in this period, which fealty lists demonstrate fell from 50 in 1461 to 28 in 1511.¹²³ This decline in tenants must have reduced the total pool of individuals from which officers could be drawn and explains why absolute numbers involved in office also dropped.

Phase three, stretching from c.1524 to the later sixteenth century, saw absolute numbers involved in officeholding fail to keep up with increases in population. At Worfield, and especially Horstead, where population grew between 1524 and 1563, and 1524 and 1603, respectively, the numbers involved in officeholding did not keep up. This led to lower empanelled officer: adult male ratios, and for Worfield a fall in the proportion of adult males in office of c.4-14% and at Horstead a rather more significant c.18-45% (tables 2.9- 2.10). For Horstead, this pronounced pattern may again be due to changes in tenancy. Whilst the number of tenants remained stable, at 28 in 1511 and 29 in 1586, there was potentially an increase in non-resident tenants who may have chosen not to serve.¹²⁴ Certainly, there does not appear to have been much scope by 1511 for non-participation by tenants. Whilst in 1461, 35 of 46 named male tenants can be identified as serving in office, suggesting 11 may never have had officeholding careers, by 1511 26 of the 27 named men served, a pattern that may not have been sustainable if tenant numbers later dropped. These changing tenant numbers may explain why Horstead's officeholding numbers did not increase even initially in line with population unlike Downham and Worfield. The developed land market on the manor allowed for significant engrossment, enabling tenant numbers to move against the tide of population, and reducing the numbers who could serve in office.

Less change is seen at Downham, where severe mid-Tudor mortality looks to have ensured population remained static or even fell slightly between 1524 and 1563. The absolute number of men involved in officeholding a year also remained static, leading to similar proportions of adult males in officeholding. Interestingly, numbers serving as jurors baron and capital pledges increased, leading to higher ratios of empanelled officers: adult males in the 1550s-70s, perhaps due to unobserved further population growth after 1563.

¹²³ KCA, HOR/39, unfoliated, 19 Mar 1461; HOR/45, m.3, 25 Aug 1511.

¹²⁴ KCA, HOR/45, m.3, 25 Aug 1511; Campbell, 'Commonfields', Table 4, 15.

Overall, population does seem to be significant in explaining the growth in numbers serving in office seen in examinations of empanelled officers and the total number of individuals serving per annum. These increases, occurring from the fifteenth century onwards, seem likely to match recovery of population from post-Black Death nadirs at both Downham and Worfield, leading to office being spread between more eligible individuals, who in aggregate served fewer times each. This relationship, however, seems to have been the product of the post-plague period. The low absolute numbers and proportions of adult males serving in manorial office before 1349, a period of high population, suggest that thirteenth-century population growth had not created the same increase in absolute numbers of men involved in office. Most likely, an entitlement to manorial office had occurred in the post-Plague period, perhaps due to the difficulties in filling an inelastic set of offices after a severe population decline. This entitlement seems to have worked to ensure officeholding remained more widely dispersed as population again began to increase in the fifteenth century, meaning that each entitled man served fewer times each. However, by the later sixteenth century, population was again growing whilst numbers of officers remained static or only increased marginally, suggesting that entitlement was not extended further in this period of demographic growth. Thus, exclusion from office did increase in the second half of the sixteenth century. However, this was by no means a new phenomenon, and was marginal in comparison to the exclusiveness of office in the pre-Black Death period.

Officeholding Elites

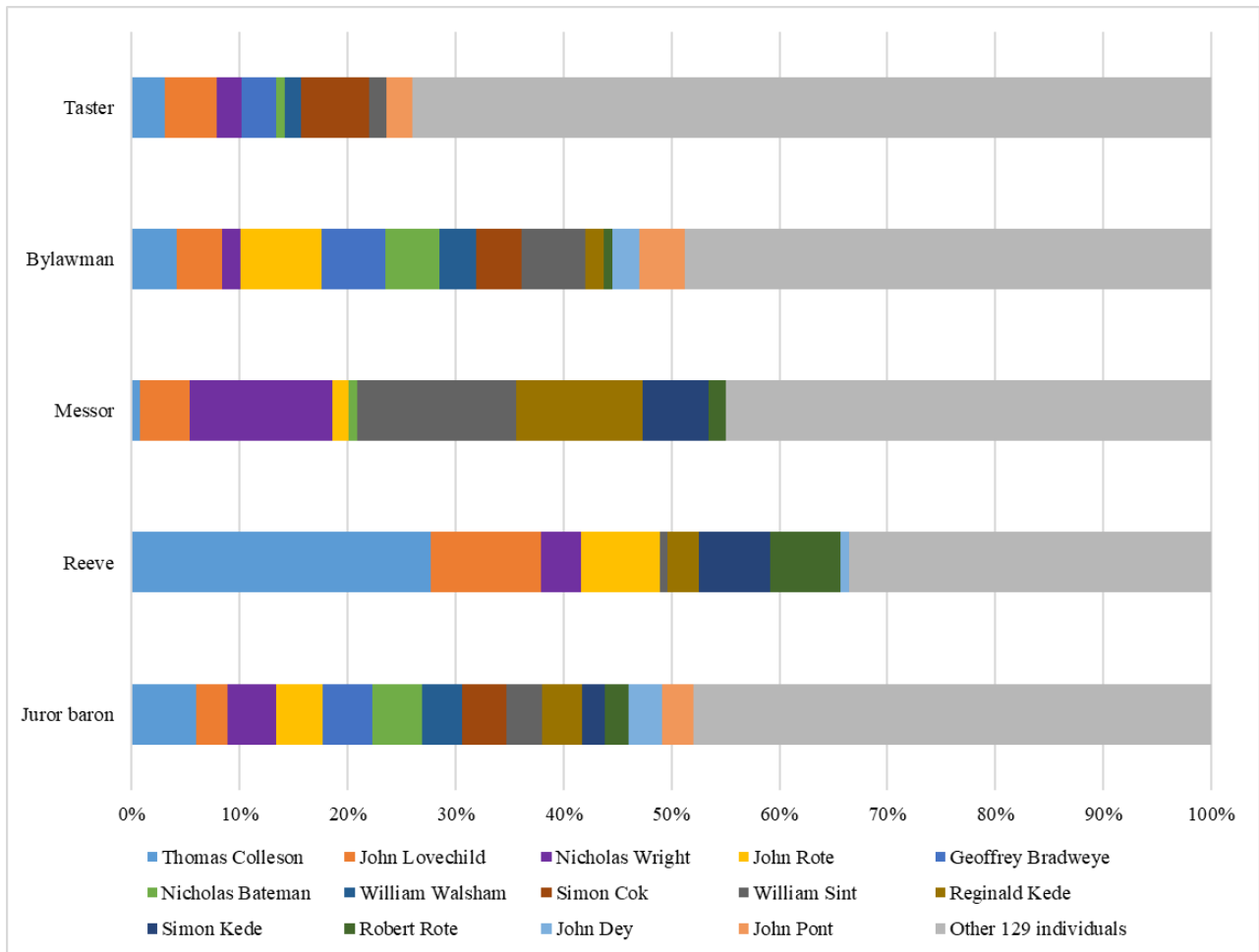
The above measures are vital in understanding the entire size of the officeholding group, both as a totality and in particular roles, and how this changed over time. However, a different perspective is given by examining, rather than average officeholders, those individuals that seem particularly prominent. Here, the top 14 or 15 most prominent men have been studied at each manor for two time-frames, one a period of relatively high numbers involved in officeholding per year, and one a period of relatively low numbers. Through contrasting these specific periods, it is possible to examine how far a core group of men could monopolise officeholding, and how this changed between manors and in periods of low and high participation in office.

Beginning with Downham, the periods 1373-1434 and 1552-82 have been examined. The former is an exceptionally well documented period, and also reflects an era of low annual participation in officeholding. Unfortunately, the second period is less complete, with six years

of missing data, but provides a comparator being in the era after the significant increase in number of individuals holding office annually. The picture for 1373-1434 is of domination by a small set of individuals of all offices excepting that of taster, with these 14 men taking more than half of services in every other role (figure 2.10). Interestingly, whilst men could serve across all offices, the reeveship and messorship seem to have been split up between two groups, with these prominent men specialising in one of these offices, although John Lovechild and Simon Kede do buck this trend. Unfortunately lists of capital pledges were made infrequently in this period, meaning that they cannot be included in this sample, yet the fact that 9 of these 14 appear in this role suggests the possibility of monopolisation.

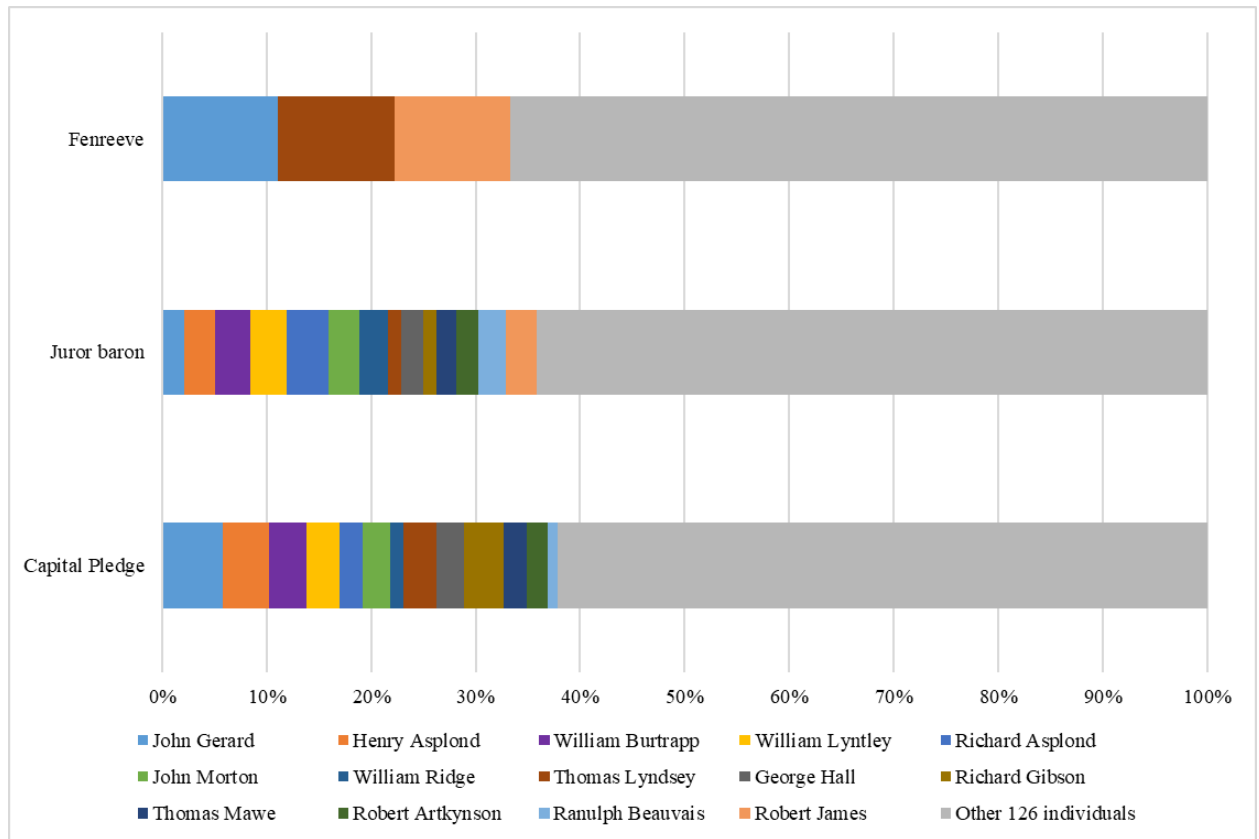
The picture for 1552-82 is slightly different. Even though the number of offices to fill had reduced, meaning that even more concentration in the remaining offices might be expected, the most prominent 14 men in this period held a smaller 36% of the total juror baron slots, and an only moderately larger 38% of capital pledge slots (figure 2.11). More significantly, this group did not dominate the, admittedly slight, nine selections of fenreeves. However, this reduction in the number of slots held by the most prominent group is relatively minor, and in absolute terms it is arguable that despite increases in the total numbers per year the greatest-serving individuals were still serving disproportionately.

Figure 2.10 – Proportion of slots held by 14 most prominent men at Little Downham, 1373-1434



Prominence defined by men appearing highest number of times across all offices and total numbers of times any person selected as an officer. N taster slots = 127; N bylawman slots = 119, N messor slots = 129, N reeve slots = 137, N juror baron slots = 1504. Sources: CUL, EDR, C11/1/2-3, C11/2/4-6.

Figure 2.11 – Proportion of slots held by 14 most prominent men at Little Downham, 1552-1582

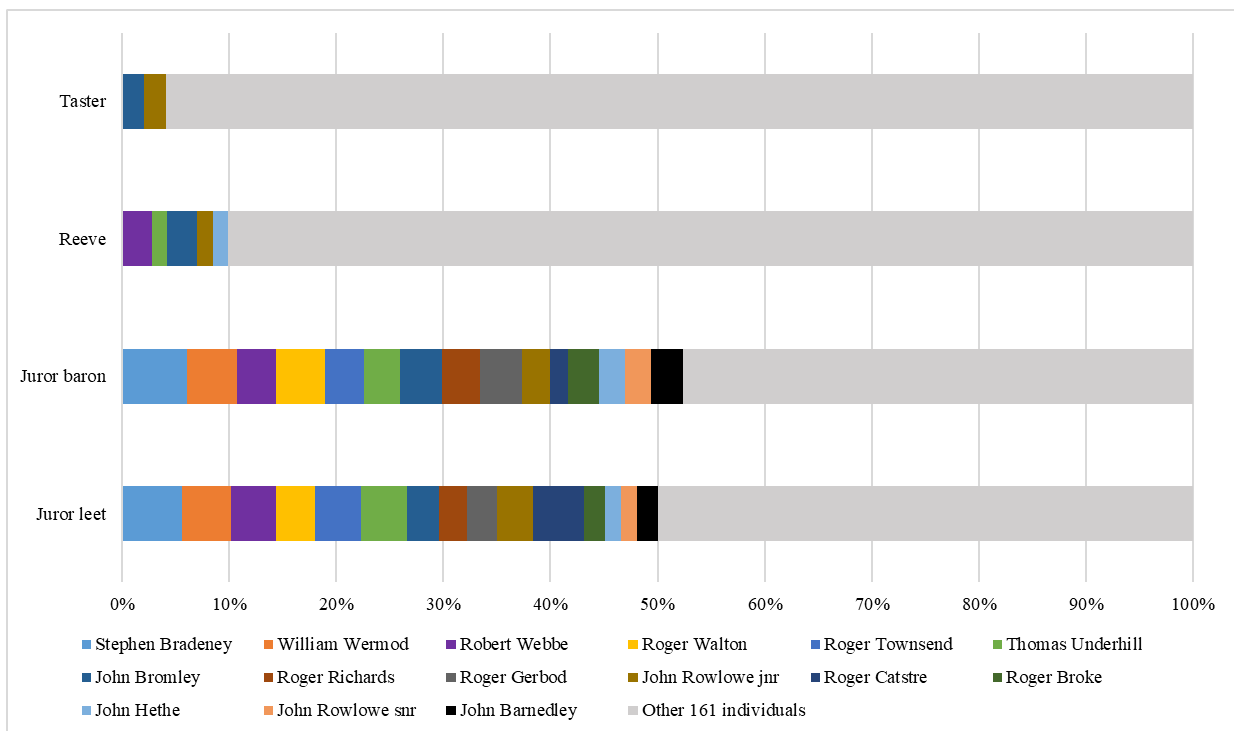


Prominence defined by men appearing highest number of times across all offices and total numbers of times any person selected as an officer. N fenreeve slots = 9, N juror baron slots = 472, N capital pledge slots = 312. Sources: CUL, EDR, C11/3/10-11.

For Worfield, the same exercise was performed for 1400-1440 and 1559-1600, again encompassing a period of lower and higher numbers of individuals per year in officeholding respectively. For 1400-1440 (figure 2.12), a similar pattern to Downham for 1373-1434 can be seen in terms of jury service, with the top 15 individuals again appearing in more than 50% of juror baron slots, and exactly 50% of juror leet slots. However, the pattern for the reeveship is very different with only five of the fifteen appearing, and only making up 10% of services, reflecting the contrast in the distribution of this office between the manors (figures 2.1 and 2.2). Furthermore, in the admittedly small sample of six selections to the beadleship, only William Wermod and Roger Gerbod appear, with the other four slots held by men not appearing in this list.

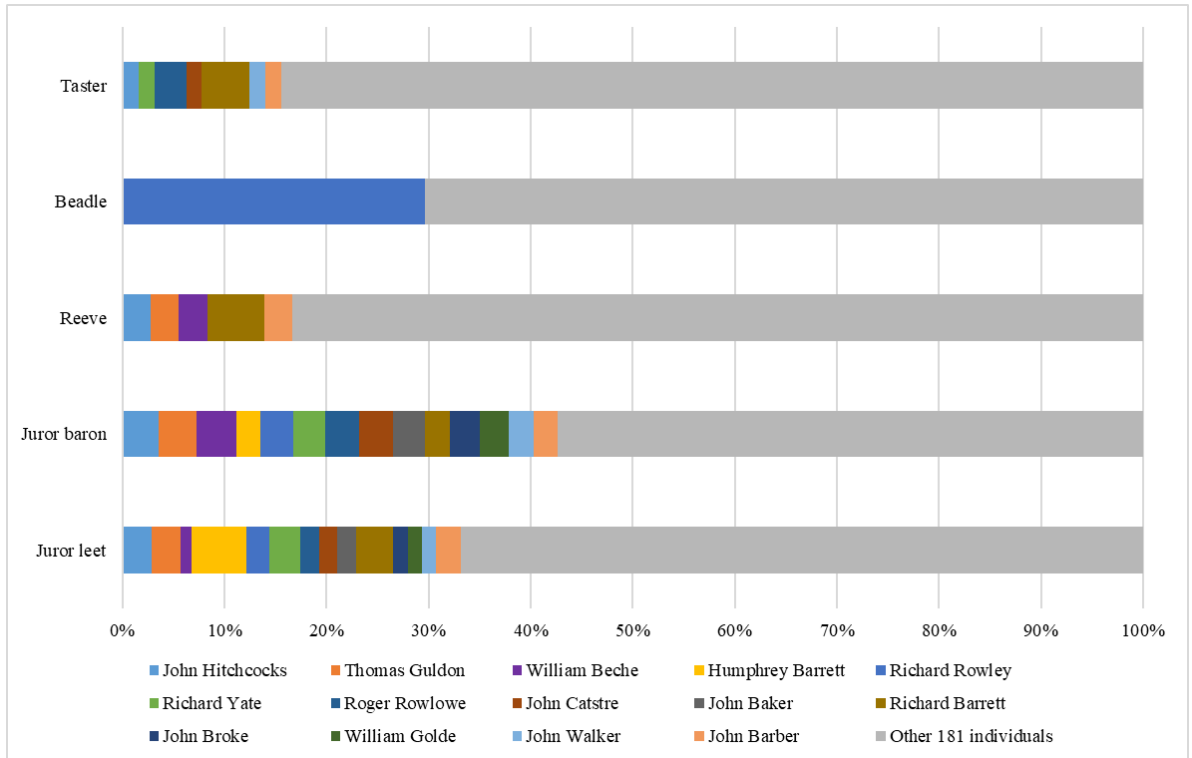
As at Downham, the growth of the number of officers does seem to have reduced the most prominent men's share, with the top 14 for 1559-1600 holding 43% of jury baron slots and 33% of jury leet slots, a reduction on the previous period (figure 2.13). Conversely, however this group's service as reeves and tasters is significantly higher, though still well below turn of the fifteenth-century Downham. Only one of the 14, Richard Rowlowe, served as beadle, however he did serve in nearly 30% of slots for this office. Thus, much like at Downham, the increase in the number of individuals appearing seems to have had a very modest effect in reducing the influence of a core group of officeholders.

Figure 2.12 – Proportion of slots held by 15 most prominent men at Worfield, 1400-1440



Prominence defined by men appearing highest number of times across all offices and total numbers of times any person selected as an officer. N taster slots = 49, N reeve slots = 71, N juror baron slots = 1922, N juror leet slots = 842. Sources: SAC, P314/W1/1/215-292.

Figure 2.13 – Proportion of slots held by 14 most prominent men at Worfield, 1559-1600



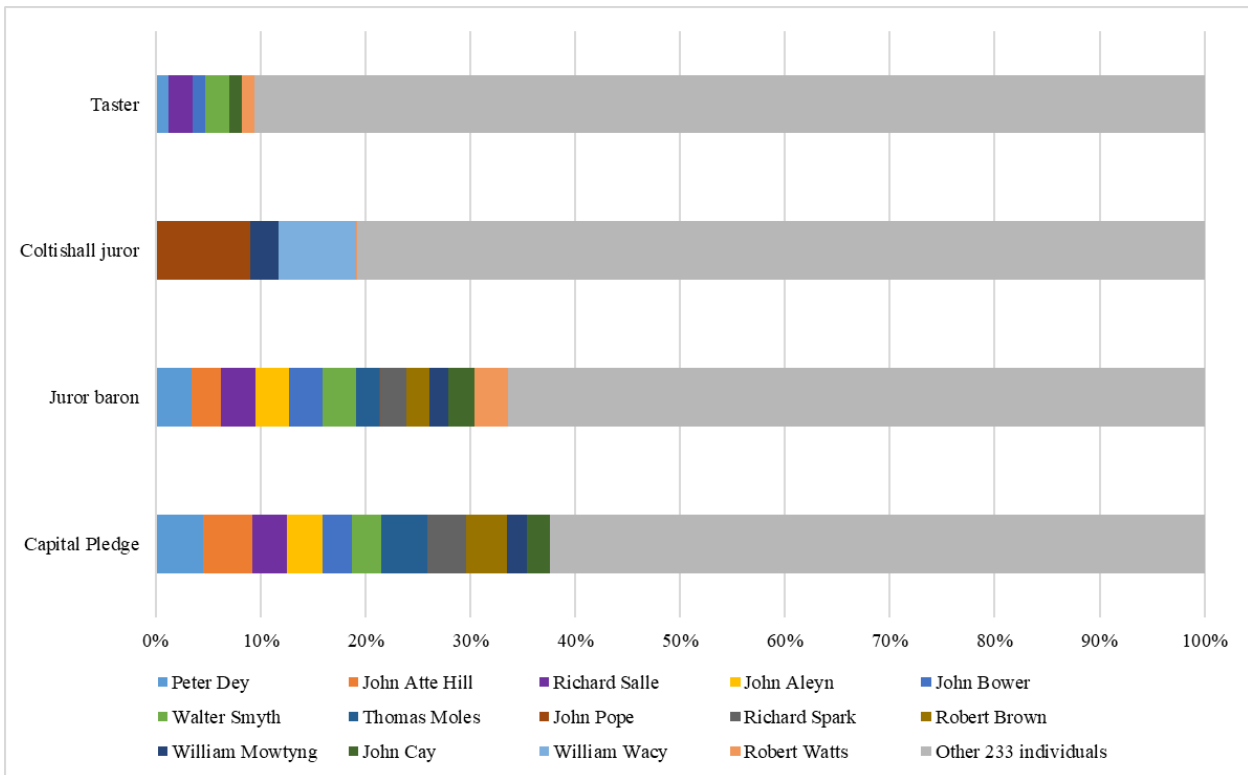
Prominence defined by men appearing highest number of times across all offices and total numbers of times any person selected as an officer. N taster slots = 64, N beadle slots = 27, N reeve slots = 36, N juror baron slots = 4176, N juror leet slots = 942. Sources: SAC, P314/W/1/1/725-838.

The two periods examined for Horstead, 1442-94 and 1510-61, provide a contrast as the former was the period of relatively high participation per year, and the latter the period of lower participation (figures 2.14-15). Both differ from the patterns seen for Worfield and Downham due to the lack of annually selected seigniorial officials such as a reeve, and, more strikingly, by the existence of the separate juries baron for the Horstead and Coltishall fees. No individual was able to dominate both juries in either period and the only man whose prominence was due to service across both was William Mowtyng.

Contrasting the two periods, the same trend as at Downham and Worfield seems to have worked in reverse at Horstead, with a decrease in the total numbers serving per year, causing a greater proportion of slots to be held by the most prominent individuals. This increase is most drastic in terms of the jury for the Coltishall fee, rising from 29% to 37% suggesting that this office was becoming considerably more concentrated in a few hands. However, the picture for capital

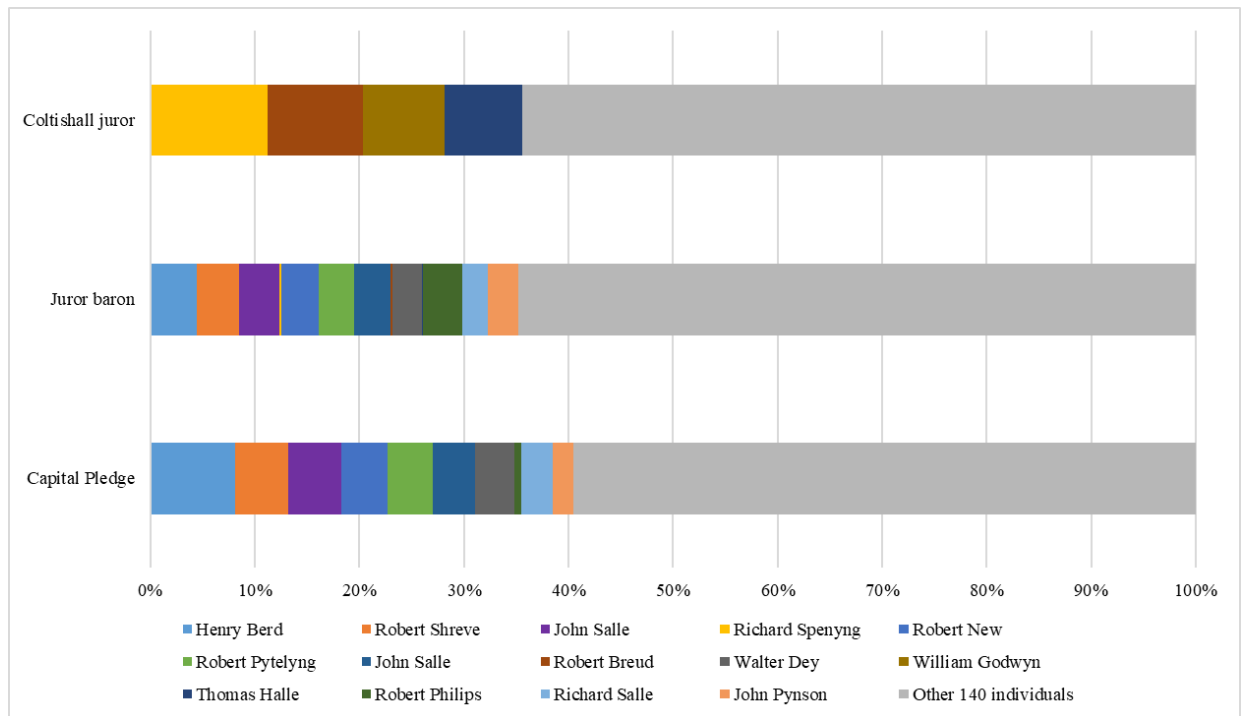
pledges and Horstead jurors is again one of modest change, with increases in proportion of only a few percentage points.

Figure 2.14 – Proportion of slots held by 14 most prominent men at Horstead, 1442-1494



Prominence defined by men appearing highest number of times across all offices and total numbers of times any person selected as an officer. N taster slots = 85, N Coltishall juror slots = 754, N Juror baron slots = 1654, N capital pledge slots = 729. Sources: KCA, HOR/36-41.

Figure 2.15 – Proportion of slots held by 14 most prominent men at Horstead, 1510-1561



Prominence defined by men appearing highest number of times across all offices and total numbers of times any person selected as an officer. N coltishall juror slots = 526, N juror baron slots = 904, N capital pledge slots = 569. Sources: KCA, HOR/45, HOR/48-51.

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

A more striking similarity provides a valuable corrective to some of the approaches seen above. At all three manors in all time periods, there was a core group who did serve a disproportionate number of times in office. The 14-15 most prominent individuals, who made up between 6% and 10% of all individuals serving in office in these periods, never held less than 30% of available slots as juror baron, juror leet or capital pledge. Increasing participation at Worfield and Downham did reduce the dominance of this group, which saw its share drop by 10-20%, but this seems to signal a potential moderate reduction in influence rather than a sea change. Whilst

the officeholding group's size may have increased in the later period, the internal dynamics of this group retained a strongly unequal character.

Conclusion

Detailed examination has revealed that a single designation of 'oligarchical' or 'open' cannot be applied to manorial officeholding in the middle ages or early modern period. Local differences, such as the culture of service in empanelled office, could allow either a few individuals to serve continuously, as at Downham, or disperse office across a wide number of individuals ensuring few served multiple times, as at Worfield and Horstead. Changes over time, such as the growth of numbers serving in empanelled office, could mean that more people were serving fewer times c.1550 than c.1400, as can be seen at Worfield and Downham. Sometimes trends towards oligarchy were clearly related to other changes. Examples include the engrossment and subletting of lands which provided the beadleship at Worfield, or the legacy of the use of capital pledges at Horstead and Downham. Much like the complex trends seen in early modern officeholding, there is not one single story to manorial officeholding across time and space in the middle ages.

This complexity aside, the data examined above does suggest that medievalists have been right to edge towards a comparison with the 'oligarchy' of the early modern parish, especially as this assessment for the period after c.1550 has become more nuanced rather than absolute and sensitive to geographical and chronological variation. That at all manors and in different periods, a group of 14-15 elite men could hold a disproportionate number of slots as capital pledges, jurors leet and jurors baron parallels the dominant men found by Wrightson and Levine at Terling.¹²⁵ For Downham c.1400, this dominance combined with the tendency for selected office to be held by a few men, suggests a period when this oligarchy was acute. These patterns thoroughly reject the apologist attitude of the Toronto School and suggest that the early modern villager would not necessarily see increasing restriction in vestry and parochial office as a completely new phenomenon.

Furthermore, in terms of manorial office, the later sixteenth century cannot be seen as a decisive period of novel transformation, when office increasingly became restricted to a few 'chief inhabitants'. By 1600, at all three case-study manors, officeholding was likely *de facto* more

¹²⁵ Wrightson and Levine, *Poverty and Piety*, 103-7.

oligarchical than any period since the Black Death, if one measures oligarchy in terms of the proportion of the total male population involved in officeholding. At Horstead, this was due to a reduction in numbers serving in office, combined with increasing population, but at Worfield and Downham absolute numbers in office remained static for 1550-1600, and it was only demographic growth that led to greater oligarchy. For these two manors, the years 1430-1550 seem to be those of real change, with an actual increase in numbers serving, and even at Horstead the trend towards fewer numbers serving in office began c.1510. Such a picture may not apply to parochial officeholding, but it does fundamentally question the novelty of the sixteenth century as a period of great social stratification. For Downham and Worfield the pre-Black Death era in terms of officeholding was likely the time of greatest exclusion of a bulk of the population from office. The period before c.1600 instead saw a growth in the absolute numbers of officeholding individuals and expansion in the numbers serving in panels, even as opportunities to serve diminished, suggesting that more people on average has less control over office. Of course, in real terms there were dominant groups in all periods, but even the greatest serving officers saw their share decrease as the numbers involved increased.

From this perspective, the decades before 1600 do not necessarily appear as a time of increased restriction in officeholding, and indeed the period around 1400 could be claimed as the most oligarchical at Downham and Worfield since the Black Death. However, showing concentration in officeholding in of itself is not enough to show officeholding was to some extent oligarchical. It is necessary to now move beyond examining trends in participation and consider the ways officeholding was used, returning to 'community' and 'nuisance' presentments to explore how far governing via office created an elite group.

Part II

Chapter 3: Governing the Village

The Concerns of Village Governors

The first chapter established quantitatively that ‘community’ presentments were an important function of officeholders at Horstead and Little Downham across the period examined, and by the end of the sixteenth century were the most significant part of these officeholders’ role, surviving despite the fall in royal and seigniorial business. At Worfield, these presentments became an important, if short-lived, function for the mid-sixteenth century, before an overall sharp drop in presentments. The second chapter established that only a subset of the membership of these communities actually participated in manorial officeholding, and that this varied between manors, but also over time. This pattern suggests a capacity to govern, allowing for local officers to exert some element of management over their local community via community-focused presentments, and that officeholding was to some degree oligarchical, meaning that there was a distinct group of managers.

However, in itself such evidence is not sufficient to prove governance, taking this to mean the exercising of power to order the local community in a political way. Key to examining this is to consider what concerns about their village communities would motivate a governing class controlling manorial office to utilise for their own ends a structure largely created to meet seigniorial demands.

Concerns creating incentives to govern are inherent in the historiography of the early modern community, which focuses on social difference and control. Two interrelated concerns have been put forward by this literature. The first is that of reducing and controlling poverty. This was fuelled in part by economic necessity. As villages increasingly took responsibility for the poor living within their community, a measure that became mandated by legislation from the reign of Edward VI, and the especially far-reaching poor law acts of 1597 and 1601, rate-payers became concerned to control costs.¹ Having to pay relief not only created new formal structures

¹ Wrightson, ‘Social Differentiation’, 44; Hindle *On the Parish*, 452-4; Hindle, *State and Social Change*, 216-7, 237; Wrightson and Levine, *Poverty and Piety*, 175; C. Muldrew, ‘The “Middling Sort”: an Emergent Cultural Identity’ in K. Wrightson (ed.), *A Social History of England, 1500-1700*, (Cambridge: Cambridge University Press, 2017), 290-309, 300-1.

to collect and distribute rates, but also to decide who was deserving of stretched resources.² It led to other policies designed to reduce burdens, such as policing vagrancy, ensuring parishes were not burdened with children, and removing poor men to meet troop levies.³ Such policies lead to the second concern identified by early modernists. This is an increasing desire to control misbehaviour, in part driven by similar economic pressures, but also wider cultural changes including the spread of Puritanism. This made wealthier villagers more willing to cooperate with JPs in admonishing their poorer neighbours for behaviours which they previously deemed acceptable.⁴

In Wrightson's pioneering thesis, these concerns had an active role in forming governed communities and creating a new social structure. Increasing poverty and religious extremism, combined with greater literacy and the rise of the national market worked 'to promote integration nationally, but differentiation locally' as parochial elites disassociated themselves from the culture of the village.⁵ This led to a 'decline of neighbourliness' as communities were 'more sharply segmented', creating a 'middling sort' of local village elites.⁶ Concerns around poverty and misbehaviour are seen to have created a new impulse to govern c.1600, and therefore helped create new governing structures controlled by an emergent elite group.

However, more recently historians have asked whether such concerns were a purely early modern phenomenon. Partially, this has been achieved by demonstrating a longer history of

² Braddick, *State Formation*, 116; French, *Middle Sort of People*, 252-3; A. Wood, *The 1549 Rebellions and the Making of Early Modern England*, (Cambridge: Cambridge University Press, 2007), 200-1; S. Hindle, 'Exhortation and Entitlement: Negotiating Inequality in English Rural Communities, 1500-1650' in M.J. Braddick and J. Walter (eds.), *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, (Cambridge: Cambridge University Press, 2001), 102-22, 121-2; 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: Ashgate, 2009), 151-173, 166.

³ Wrightson, *English Society*, 130-1; Kent, 'Rural "Middling Sort"', 31-2; Wood, *1549 Rebellions*, 201; Hindle, 'Hierarchy and Community', 850 [13]; A.L. Beier, *Masterless Men: the Vagrancy Problem in England 1560-1640*, (London: Meuthen, 1985), 32; Hindle and Kümin, 'Spatial Dynamics', 167-8, 172; Braddick, *State Formation*, 201; Gunn, *English People at War*, 103; N. Younger, *War and Politics in the Elizabethan Counties*, (Manchester: Manchester University Press, 2012), 173.

⁴ M. Ingram, 'Reformation of Manners in Early Modern England' in P. Griffiths, A. Fox and S. Hindle (eds.), *The Experience of Authority in Early Modern England*, (Basingstoke: Macmillan, 1996), 47-88, 55-6; Wrightson and Levine, *Poverty and Piety*, 173-83, 198-211; French, *Middle Sort of People*, 252; Gaskill, 'Little Commonwealths', 92.

⁵ Wrightson, 'Aspects of Social Differentiation', 34-45; Wrightson and Levine, *Poverty and Piety*, 174-84; Wrightson, 'Two Concepts of Order', 45-6; Wrightson, *English Society*, 222-7.

⁶ Wrightson, "'Decline of Neighbourliness'", 38-9.

poor relief stretching back into the Middle Ages, driven by local initiative but adopting similar rating systems to those seen in the sixteenth century. Local elites were utilising parochial and sub-parochial structures like fraternities before 1536 to control poverty.⁷ More significant when considering manorially-structured governance is the longer history of policing misbehaviour. Margaret Spufford first raised this argument, positing that increased presentation of leyrwite and childwite by elite manorial officers c.1300 was designed to reduce the population of the poor in a period of dearth. This led her to privilege economic climate over religious fervour as the cause of increased policing of misbehaviour in both the medieval and early modern periods.⁸ A more trailblazing approach has been taken by McIntosh who consciously adopts a new periodisation of 1349-1714 in order to explore social control.⁹ Through investigating manor courts, in conjunction with church and common-law jurisdictions, she reveals a broad focus by local communities on 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.¹⁰ This demonstrates that controlling misbehaviour 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.¹¹

McIntosh focuses on creating a national picture rather than local case studies. This means that she does not explore a potential wider implication of her finding, namely that a focus on misbehaviour changed the internal dynamic of village communities, and created something akin to the early modernists' 'middling sort'. This chapter aims to examine misbehaviour from this perspective but also to consider another potential concern that could lead local elites to use the manor court to govern the community. It is argued that usage of the local landscape provides the most obvious candidate. This is not a new idea. Late medieval economic history has long had a geographical focus, and Warren Ault long-ago noted the usage of bylaws made in manorial

⁷ C.C. Dyer, 'Poverty and its Relief in Late Medieval England', *P&P*, 216, (2012), 41-78, 73-8; Dyer, 'Political Life', 153; Dyer, 'Village Community', 415-7; M.K. McIntosh, 'Local Responses to the Poor in Late Medieval and Tudor England', *Continuity and Change*, 3, (1998), 209-45, 219-25.

⁸ Spufford, 'Puritanism and Social Control', 44-57.

⁹ McIntosh, *Controlling Misbehavior*, 211-2; M.K. McIntosh, 'Response', *JBS*, 37:3, (1998), 291-305, 291-2.

¹⁰ McIntosh, *Controlling Misbehavior*, 1-18.

¹¹ Martin Ingram has recently argued that church courts remained far more important than manorial courts in policing misbehaviour in rural communities, although this is specifically in the realm of sexual regulation. M. Ingram, *Carnal Knowledge: Regulating Sex in England, 1470-1600*, (Cambridge: Cambridge University Press, 2017), 117-8.

courts to control common-field agriculture and access to resources in the vill.¹² Bailey has even suggested that this may have been performed by a village elite at the expense of their poorer neighbours.¹³ However, these insights have not been integrated into larger studies of village power structures. Stephen Miles has recently noted that ‘in the absence of a well-developed spatial approach...sophisticated analyses of peasant society are conducted in the abstract realm of quantification and revolve around tenure of office, appearances in the manor court, and patterns of lending and borrowing’.¹⁴ This is despite the complex peasant conceptions of place uncovered by Susan Kilby in a recent analysis of trespass at Walsham-le-Willows.¹⁵

Thus here concern over both misbehaviour and landscape are examined through a detailed study of relevant ‘nuisance’ and ‘community’ presentments to see if manorial officeholding created a structure of village governance. Such analysis is further extended by a consideration of how far governance promoted ‘common’ concerns throughout the whole community, or instead promoted the desires of a few, creating something akin to a proto-middling sort.

Nuisance

As an established concern of manorial courts, it is important to begin by evaluating whether controlling misbehaviour alone can demonstrate the use of manorial officeholding to govern local communities. The quantitative pattern of ‘nuisance’ can be seen in figures 1.1-1.3. Such analysis reveals that these presentments were numerically insignificant compared to other types of business. However, nuisance typifies the problem of a crudely statistical approach in that presentments only targeted specific individuals to compel them to reform their behaviour. For example, in 1474 at Downham, two prostitutes, Johanna Freynere and Isabel Gyles were amerced 6s 8d each for having their doors open at illicit times. They were further ordered to abjure the vill by the Feast of St Andrew under pain.¹⁶ By its very nature such a presentment, if effective, would only appear once. However, the extremity of the punishment makes it unusual,

¹² W.O. Ault, ‘Open-Field Husbandry and the Village Community: a Study of Agrarian By-Laws in Medieval England’, *Transactions of the American Philosophical Society, New Series*, 55:7, (1965), 1-102, 41-54, 64; W.O. Ault, ‘Village By-Laws by Common Consent’, *Speculum*, 29:2, (1954), 378-94, 380-94; W.O. Ault, ‘The Vill in Medieval England’, *Proceedings of the American Philosophical Society*, 126, (1982), 188-211, 195-6.

¹³ Bailey, ‘Rural Society’, 161.

¹⁴ S. Miles, ‘Openness and Closure in the Later Medieval Village’, *P&P*, 234, (2017), 3-37, 7.

¹⁵ S. Kilby, ‘Mapping Peasant Discontent: Trespassing on Manorial Land in Fourteenth-Century Walsham-le-Willows’, *Landscape History*, 36:2, (2015), 69-88, 85-6.

¹⁶ CUL, EDR, C11/3/7, m.2, 28 Sep 1474.

and shows the value of considering nuisance to see whether it could act as a concern driving a manorial governing structure.

The term ‘nuisance’ has been used rather than ‘misbehaviour’, as the types of presentments included in this category differ from those seen in McIntosh’s work. Whilst she includes a ‘poverty cluster’, which includes the offences of hedgebreaking and having illicit subtenants, for the purposes of this study these are designed as ‘community’ presentments, with their focus on managing communal resources.¹⁷ The nuisance category explored in this section is slightly larger than that addressed in the overall categorisation in the statistical analysis, as it includes some presentments categorised as ‘royal’ in that they were explicitly against the King’s peace. These have been included as they speak to officers’ role in enforcing social control, even if there were theoretically performed as part of their responsibility to the crown. Sometimes, even the same offence could be justified in different ways. For example at Downham in 1391 two scolds were presented simply as scolds, whilst in 1468 a scold and gossip was presented specifically as a disturber of the king’s peace, showing the looseness of this division.¹⁸

Before the Black Death, both Downham and Worfield saw presentments about misbehaviour, presumably related to the population pressure of this period. At Downham, five presentments were made against receiving and hosting strangers between 1311 and 1315, and it is probable the missing rolls for the rest of the 1310s would reveal even more concern about this issue, as the years of the Great Famine put pressure on communities concerned with extra population.¹⁹ At Worfield, where rolls survive from 1327, jurors leet presented tenants for receiving malefactors in 1327 and 1332.²⁰ A more far-reaching presentment was made in 1345, when the tavern keepers and tranterers of Worfield were presented for hosting strangers who disturbed the common peace of the vill. This led to an order that all frequenters of taverns who were not inhabitants were to be removed and the possessions on their person seized for the lord, an order foreshadowing later concern about controlling alcohol consumption in the vill.²¹

¹⁷ McIntosh, *Controlling Misbehavior*, 9-10.

¹⁸ CUL, EDR, C11/1/3, m.29, 20 Dec 1391; C11/3/7, m.13, 1 Jun 1468.

¹⁹ CUL, EDR, C11/1/1, m.3, 9 Nov 1311; C11/1/1, m.4, 13 Dec 1313; C11/1/1, m.5, 17 Dec 1314; C11/1/1, m.6, 15 Dec 1315; R.M. Smith, ‘Dearth and Local Political Responses: 1280-1325 and 1580-1596/97 Compared’, in M. Kowaleski, J. Langdon and P.R. Schofield (eds.), *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce Campbell*, (Turnhout: Brepols, 2015), 388-9.

²⁰ SAC, P314/W/1/1/4, 23 Nov 1327; P314/W/1/1/17, 13 Jun 1332.

²¹ SAC, P314/W/1/1/25, 6 Jul 1345.

After the Black Death, Downham saw no nuisance presentments before the 1390s, whilst Worfield saw more persistent fourteenth-century monitoring at a relatively low level. In 1375, one stranger was presented for taking crops from the miller and in 1388 a man was presented for hosting men who attacked another against the peace, leading to him being fined 20s, and, along with another man, having to surrender a pain of 40s due to being mainpernors for the violent man he hosted.²² In 1393, Alice Baret was amerced for simply being a peddler, although this was likely connected to her theft of two cocks in the same year.²³ Such concern, however, became considerably less frequent in the fifteenth century, with only two years seeing presentments. In 1418, the wives of Richard Walker and William Barrow were presented for being ‘common despisers’, whilst in 1447 the vill of Worfield presented a man for receiving suspect men in his house, who ‘transgressed against the tenants in the same place’.²⁴

More concern about the sale of alcohol was seen at Worfield in 1378, with a long complaint by jurors that tranterers were coming into the liberty and preventing the tenants brewing and selling ale, by taking away the best ale of the tenants therefore stopping them selling it. This complaint is more economic than that seen in 1345, effectively concerning the problem of regrators, and was justified to the lady of the manor due to loss of profit. The jurors emphasised that by buying up ale and then selling elsewhere, the tranterers were depriving the lady of both amercements due from fines for selling, presumably a reference to the profits of the assize of ale, as well as the toll of brewers for milling, a more indirect economic argument.²⁵ This new concern is highlighted by the presentment of a tranter for breaking the new bylaw later in the same year as well as a further bylaw introduced in 1384 that banned regrators from seeking ale inside the manor for sale outside under pain of 40d.²⁶ This bylaw was enforced in 1385 against all regrators who broke the assize of ale.²⁷

From the 1390s onwards nuisance presentments become a relatively regular feature of Downham’s court rolls, and were accompanied by a series of harsh punishments. In 1391, two scolds, Alice Page (who was also a common thief) and Beatrix Wysbech were ordered to abjure

²² SAC, P314/W/1/1/99, 14 Jun 1375; P314/W/1/1/178, 19 Oct 1388

²³ SAC, P314/W/1/1/187, 29 Oct 1393.

²⁴ SAC, P314/W/1/1/251, 30 Sep 1418; P314/W/1/1/298, 11 Apr 1447.

²⁵ SAC, P314/W/1/1/111, 7 Jan 1378.

²⁶ SAC, P314/W/1/1/114, 21 Jul 1378; P314/W/1/1/152, 30 Nov 1384.

²⁷ SAC, P314/W/1/1/155, 12 Jun 1385.

the vill.²⁸ Ten years later, two related brothel owners were ordered out of the vill under pain, whilst Richard Swan was amerced 12d for receiving the same Alice Page in sustaining a brothel after she had been ordered to be abjured, showing that orders of eviction were maintained for long periods.²⁹ Ale houses were also regulated, with offenders being presented in 1408 and 1428 for frequenting the tavern, in the former case ‘beyond the assigned time’, hinting at a more systematic monitoring of taverns.³⁰ Similarly in 1411, Thomas Stonesson was presented for openly saying a man was false and ‘of harlots’ whilst sitting in the tavern.³¹ Jurors similarly monitored violent behaviour; in 1417 John Veyse jnr was presented for drawing his knife in any contention between him and his neighbours, threatening these so that they dared not perform husbandry in the fen and fields, and his father was similarly presented for maintaining him.³² Intriguingly, it was ordered to imprison him as a punishment, although this was clearly ineffective, as in 1418 he was again presented for frequently drawing his knife whilst playing football as well as following a man to his house.³³ The 1420s also saw significant presentment of nuisances, with examples of eavesdroppers, scolds, malicious words, being a vicious man and violating the chaplain in church.³⁴ After presentments for eavesdropping and maintaining a violent woman in 1432, presentments become far more infrequent, with only one for illicit gaming in 1444 and one for gossiping in 1461; moreover none of the presentments after 1417 were punished using abjuration.³⁵ The period 1468-91, however, again saw more frequent presentment, with jurors presenting offenders for hosting prostitutes, quarrelling, and acting as prostitutes, the last offenders being ordered to abjure the vill.³⁶

Horstead similarly saw misbehaviour presentments from the 1390s into the fifteenth century, although at a far lower rate, with the presentment of a scold in 1395, hosts of suspicious men in 1436 and supporting a troublemaker in 1454.³⁷ However, the 1490s and 1510s saw increased attention paid to social nuisance. In 1492-3, the capital pledges presented Stephen Love three

²⁸ CUL, EDR, C11/1/3, m.29, 20 Dec 1391

²⁹ CUL, EDR, C11/2/4, m.6, 10 Nov 1401.

³⁰ CUL, EDR, C11/2/4, m.20, 22 Nov 1408; C11/2/6, m.13, 13 Jan 1428.

³¹ CUL, EDR, C11/2/4, m.29, 14 Dec 1411.

³² CUL, EDR, C11/2/5, m.7, 12 Jan 1417.

³³ CUL, EDR, C11/2/5, m.9, 18 Jan 1418.

³⁴ CUL, EDR, C11/2/5, m.16, 4 Oct 1421; C11/2/6, m.1, 30 Jan 1423; C11/2/6, m.13, 31 Jan 1428; C11/2/6, m.15, 7 Dec 1428.

³⁵ CUL, EDR, C11/2/6, m.21, 23 Jan 1432; C11/2/6, m.37, 20 Nov 1444; C11/3/7, m.4, 18 Jul 1461.

³⁶ CUL, EDR, C11/3/7, m.13, 10 Mar 1468; C11/3/7, m.13, 1 Jun 1468; C11/3/7, m.1, 2 Jun 1473; C11/3/7, m.2, 28 Sep 1474; C11/3/10, m.3, 5 Jun 1486.

³⁷ KCA, HOR/26, unfoliated, 11 Jun 1395; HOR/37, unfoliated, 11 Sep 1436; 20 Sep 1454.

times for maintaining a brothel within the precincts of the leet, placing him under a pain of 40d and then 5s to desist. Walter Dey was presented for maintaining his sister who was ‘of wicked condition against the form of the statute’.³⁸ In 1514, two inhabitants were presented for sustaining suspect persons at illicit times, with an order to expel a suspect women under pains, whilst in 1515 Margery Hulver was presented for receiving suspicious people as well as breaking the assize, again being placed under pain not to do so again.³⁹ Another particularly detailed case was given in 1515, when a certain Thomas was said to be on successive occasions hosting Agnes, the wife of the son of his wife (presumably his stepson’s wife), which created great conflict between Thomas and his wife to the disturbance of his neighbours.⁴⁰ Significantly, despite the implication of illicit sexual behaviour, it was the public disturbance of neighbours that justified the presentment.

Up to the sixteenth century, the presentment of nuisance fits the McIntosh model relatively well, with the two south-eastern manors seeing nuisance presentments throughout the fifteenth century as well as a hardening attitude displayed in punishments beyond amercements, whilst the West Midlands manor saw less engagement. Worfield, moreover, saw an uptake in policing nuisance in the sixteenth century, particularly at the level of vill presentments, reinforcing McIntosh’s concept of the ‘nationalisation’ of the monitoring of misbehaviour beyond the southeast in this period.⁴¹ This began in 1507, with Joanna Ingram presented as a ‘common liar’, and ordered not to do this again under pain of 40d.⁴² A veritable campaign against liars, disturbers and scolds followed, with individuals of both sexes amerced in eleven different presentments from 1532 to 1571.⁴³ Sexual behaviour was also targeted. In 1556 a man was presented for going to the house of man who had a suspicious daughter, as was the daughter’s father for guarding them.⁴⁴ Offenders were punished for eavesdropping, with presentments in 1551 and 1564, along with those who received specific or generally suspect persons in 1521-2,

³⁸ KCA, HOR/41, m.7, 11 Jun 1492; HOR/41, m.9, 11 Jun 1493; HOR/41, m.11, 11 Sep 1493.

³⁹ KCA, HOR/45, m.7, 30 Oct 1514; HOR/45, m.8, 11 Jun 1515.

⁴⁰ KCA, HOR/45, m.9, 30 Oct 1515.

⁴¹ McIntosh, *Controlling Misbehavior*, 1-18.

⁴² SAC, P314/W/1/1/502, 16 Apr 1507.

⁴³ SAC, P314/W/1/1/642, 21 Nov 1532; P314/W/1/1/645, 8 May 1533; P314/W/1/1/670, 4 Oct 1548; P314/W/1/1/671, 11 Apr 1549; P314/W/1/1/750, 1 Oct 1562; P314/W/1/1/761, 9 May 1566; P314/W/1/1/765, 24 Apr 1567; P314/W/1/1/773, 27 Oct 1570; P314/W/1/1/773, 10 May 1571.

⁴⁴ SAC, P314/1/703, 15 Mar 1556.

1538 and 1568, and a man of ‘bad company’ in 1552.⁴⁵ Much as at fifteenth-century Downham, more systematic monitoring of particular individuals over time also occurred. In 1520, Eleanor Underhill was amerced for theft and prostitution, whilst two years later John Brown incurred a pain for receiving Eleanor, suggesting the manorial court was used to not only police Eleanor directly but also those who had contact with her.⁴⁶ Similarly, Amica Walker was amerced in 1548, 1549 and seventeen years later during her widowhood for various quarrelling offences.⁴⁷

Worfield also saw some stiffening of offences, with pains placed for reoffending of a kind not seen in the fifteenth century. These could be steep, with a pain of 20s placed on Amica in 1549 not to scold again.⁴⁸ However, some clemency seems to have been exercised; when Amica was presented again in 1566 she was amerced a more modest 8d, whilst the forfeit pain owed by Brown in 1522 was condoned by the lord’s receiver from 20s to 10s, although whether this had the approval of the local community is open to question.⁴⁹ Moreover, abjuration was only recorded once, when Richard Dowelle, a vagabond, was presented for maintaining himself in the vill of Chesterton, and ordered to remain outside the vill, although not explicitly the manor, under pain of 20s.⁵⁰ Yet, even if Worfield’s sixteenth-century monitoring of nuisance looks to have been less oppressive than that seen at fifteenth-century Downham, it still was an increase on what had come before, and therefore neatly fits the McIntosh thesis, especially as it is clear population grew across this period (table 1.1).

However, the sixteenth century is more problematic for the other two manors as juries at both paid relatively little attention to misbehaviour despite there being population growth at both locales (table 1.1). This is partially due to the ‘poverty cluster’ being treated separately, but, as neither of these manors can be described as being moribund, it does question the extent to which growing concern about misbehaviour could act alone as a concern to encourage greater governance.⁵¹ At Downham, jurors made only two presentments in the period 1552-82, one for keeping bad governance in a household and the other for allowing illicit jesting in a house, both

⁴⁵ SAC, P314/W/1/1/682, 24 Sep 1551; P314/W/1/1/752, 19 Oct 1564; P314/W/1/1/551, 19 Oct 1521; P314/W/1/1/552, 7 Apr 1522; P314/W/1/1/655, 17 Oct 1538; P314/W/1/1/766, 11 Oct 1568; P314/W/1/1/685, 7 Apr 1552.

⁴⁶ SAC, P314/W/1/1/549, 16 Apr 1520; P314/W/1/1/552, 7 Apr 1522.

⁴⁷ SAC, P314/W/1/1/670, 4 Oct 1548; P314/W/1/1/671, 11 Apr 1549; P314/W/1/1/761, 9 May 1566.

⁴⁸ SAC, P314/W/1/1/671, 11 Apr 1549.

⁴⁹ SAC, P314/W/1/1/761, 9 May 1566; P314/W/1/1/552, 7 Apr 1522.

⁵⁰ SAC, P314/W/1/1/505, 26 May 1511.

⁵¹ See p. 134.

of which were punished by amercement.⁵² At Horstead three cases can be found, one for a couple sustaining a brothel ‘where diverse suspect people frequent...disturbing their neighbours’.⁵³ The second is relatively unusual, with a couple being presented in 1528 for receiving a baker at illicit times and buying bread from him, after being ordered not to receive him under pain.⁵⁴ This looks more like economic control rather than truly concern about misbehaviour. The third saw the capital pledges present a man for consorting with another’s wife at illicit times, with both him and the wife’s husband being ordered not to allow this to happen again under pain of 10s each.⁵⁵

An exception to this pattern was concern about gaming, although this was expressed in new bylaws at both Worfield and more significantly Horstead rather than presentments, with no mention of gaming at sixteenth-century Downham outside of a statutory presentment in 1508. In 1584, it was ordered at Horstead that ‘none play at football, tables, painted cards, any bowls or other illicit games on the lord’s days’ with offenders surrendering 40d for the first offence, 5s on the second, and 6s 8d for any further offence. Thus the legislation was relatively limited but perhaps religiously driven with the reference to saints’ days. The bylaw was described as ‘out of the provision of...doctor Gorde [Goad] lord of this manor’, which may suggest it was the concern of the provost, a relatively strict puritan and disciplinarian at King’s College, as much as that of local elites that led to the ordinance.⁵⁶ However, as the bylaw was also made with ‘the assent...both of the capital pledges and tenants’, the invocation of the provost may have been more symbolic rather than reflecting a real impetus.⁵⁷

Worfield’s bylaws concerning gaming were made significantly earlier in 1520 and 1521. The earlier bylaw, ordained by the jurors and steward, ordered that ‘none from henceforth play at dice or at cards for money nor receive anyone playing dice out of the time of Christmas under pain of 6s 8d’. Interestingly, the vill of Chesterton also placed a pain against ‘le tenys’ in the same session, although this carried a far smaller forfeit of 40d.⁵⁸ In 1521 the manorial bylaw was extended to include receiving gambling card-players as well as dice-players and the pain

⁵² CUL, EDR, C11/3/10, unfoliated, 5 Mar 1558; C11/3/11, unfoliated, 23 Oct 1572.

⁵³ KCA, HOR/45, m.17, 15 Jun 1523.

⁵⁴ KCA, HOR/45, m.22, 15 Jun 1528.

⁵⁵ KCA, HOR/49, m.6, 19 Jan 1551.

⁵⁶ S. Wright, ‘Goad, Roger (1538-1610)’, *ODNB*.

⁵⁷ KCA, HOR/53, m.2, 1 Oct 1584.

⁵⁸ SAC, P314/W/1/1/549, 26 Apr 1520.

raised to 10s, again excluding Christmas.⁵⁹ Again, the bylaw is relatively limited, only being focused on gambling and not gaming generally. The more perplexing element to all these bylaws is that the court rolls of neither manor record officers presenting offences against them, which seems particularly strange for Worfield where the jurors clearly felt the need to tighten the bylaw in 1521. This may show a disconnect between the concerns of the tenants making bylaws and the actual reality of nuisance in their locality.

The behaviour of village residents was an important concern for village elites in this period who used the official positions they held to control and punish those perceived as troublemakers. However, the chronology focuses nuisance presentments largely on the fourteenth and fifteenth centuries and a sustained campaign against misbehaviour in the sixteenth century can only be observed at Worfield. This suggests that misbehaviour as a concern cannot alone account for the use of manorial officeholding structures to govern the community, especially after 1500.

Landscape and Community Cohesion

Turning to landscape as an alternative concern, it is possible to look for elements of both community cohesion and differentiation. The former is largely what the Toronto School emphasised in their studies of manorial officeholding. Whilst they showed that officeholders were drawn from a certain group in the community, they presented this group as largely governing for the common interests of a tight-knit village community.⁶⁰ Olson even claims that serving in manorial office was used to bind individuals to communal responsibilities after the Black Death.⁶¹ Partially, this draws on the notion that villages were largely inward looking, and officeholding was utilised to protect the rights of the community against external pressures.⁶² This view is also inherent in Wrightson's thesis of the development of the 'middling sort' in the early modern period. Drawing on Rodney Hilton's description of the medieval peasantry, Wrightson's model does not deny that there were social and economic distinctions within village communities, but that the concerns of these wealthier villagers were in tune with that of their poorer neighbours.⁶³ Whilst Wrightson has more recently stated that his original thesis

⁵⁹ SAC, P314/W/1/1/560, 17 Apr 1521.

⁶⁰ Britton, *Land and People*, 240-1, Olson, *Chronicle of All that Happens*, 229; Olson, 'Jurors of the Village Court', 249; Schofield, *Peasants and Historians*, 206-7.

⁶¹ Olson, *Chronicle of All that Happens*, 203.

⁶² Dyer, 'Village Community', 419.

⁶³ Wrightson, 'Social Differentiation', 33.

‘made many unwarranted assumptions about medieval society’ in assuming such a high level of cohesiveness, his view is that manorial institutions did promote a ‘collective identity’ at least among tenants by excluding strangers.⁶⁴ Concern about the landscape seems an ideal topic through which to prove this claim, as much of the conflict over resources could come from the actions of individuals outside of the local community. By examining the role of officials in protecting the boundaries of communities, it is possible to see evidence for this contention concerning manorial officeholding.

There is significant evidence of concern at all three manors to establish what was within and outside the jurisdiction of officials both in terms of rights and customs, as well as physical boundaries. At times this seems to have been driven by seignorial pressures, with lords using local presentment juries to determine the extent of their rights within a lordship and reinforce their privileges. For example, in 1387, the jury at Worfield declared that the lord and his predecessors from time out of memory had been entitled to all escheats and forfeitures in the manor as well as within the bounds and limits of the forest of Morfe, thus stating the lord’s claim to royal forfeiture rights on the manor.⁶⁵ This claim was presumably made in light of the fact that Morfe was a royal forest, and subject to separate royal Swainmote courts and jurisdiction, despite the fact that half the manor lay within the forest’s bounds. The jury was thus asserting the lord’s privileges within this distinct jurisdictional arena. Similarly, in 1392 the Coltishall jurors at Horstead stated the lord’s right to collect half the value of amercements made for baking and brewing paid by residents of his fee living within the neighbouring leet.⁶⁶

However, other presentments, although made in the lord’s name, look to have protected the interests of the community as a cohesive whole. At Downham in 1394, the capital pledges gave a long statement concerning the lord’s right to drive for strays in the Westmoor, giving the exact route of the drive as stated in a terrier of the bishop. This was occasioned by an incursion by Thomas Buk, bailiff of Manea, a manor in the hands of Richard Scrope. He led Manea’s tenants in performing the drive when the tenants of Downham had come to make it, and seized three strays which should have fallen to the bishop.⁶⁷ This statement was preceded by the fact that Westmoor was a shared common between the tenants of Downham, Littleport and Ely.

⁶⁴ Wrightson, “Decline of Neighbourliness”, 20, 27-31.

⁶⁵ SCA, P314/W/1/1/162, 4 Jun 1387; Gibbs, ‘Felony Forfeiture’.

⁶⁶ KCA, HOR/27, unfoliated, 28 Oct 1392.

⁶⁷ CUL, EDR, C11/1/3, m.36, 3 Dec 1394.

Therefore, the illicit drive affected land in which the tenants also had a stake. The presentment fits into a longer conflict over fen commons with Scrope's tenants. Eight years earlier, the capital pledges presented that the same Thomas Buk had come with his homage and worked in the Eyefen which was common of the bishop of Ely's tenants.⁶⁸ Similarly, in 1431 another conflict arose when inhabitants of Manea entered the Eyefen next to their vill and built a new ditch in the lord's land, by which they enclosed a croft to themselves, an action done 'to great nuisance of the lord and all tenants in the same place commoners'.⁶⁹

A similar connection is seen at Worfield in 1383, where the jury declared that all boundary marks and encircling lines of the manor fully appertained to the lord. Whilst this is clearly a statement of seigniorial power, it occurred in the context of concerns about common rights within the manor. In the same set of presentments, it was stated that the lord and his tenants had common in the forest of Morfe with their animals at all times of the year and had for time out of memory. These statements occurred, much like at Downham, in an attempt to exclude tenants of another manor, with the jury claiming the lord of neighbouring Pattingham and his tenants had no common pasture within the manor, a statement surely related to their rights over Morfe forest.⁷⁰

Officers were therefore invested in establishing and defending rights and boundaries within the landscape, suggesting a pressure to utilise officeholding to govern emanating from external pressures. However, the specific nature of this differed between the case-study manors due to variations in environment and structure. At Worfield, beyond that to neighbouring Pattingham, there are virtually no references at the level of the manorial juries to establishing boundaries with settlements beyond the manor. The one exception occurs in 1549, when tenants of neighbouring Stockton and Higford carried away the manor's boundary marker at Stapulford.⁷¹ Villages did see more examples of tensions with external settlements, particularly evidenced in a long running set of presentments from 1372 to 1400 made by the collective villages of Burcote, Ryndelford and Bromley against the commoners of Bridgnorth for enclosing part of the commons and waste of Bromley.⁷²

⁶⁸ CUL, EDR, C11/1/3, m.16, 4 Dec 1386.

⁶⁹ CUL, EDR, C11/2/6, m.21, c.1432.

⁷⁰ SAC, P314/W/1/1/138, 14 Dec 1383.

⁷¹ SAC, P314/W/1/1/674, 11 Oct 1549.

⁷² SAC, P314/W/1/1/87-216.

Worfield's juries' concerns over boundaries instead focused on the internal dynamics of the manor, caused by the manor's division into around 25 different townships, each with their own common lands, which required using the overarching manor court to establish rights between them. This can be seen in terms of seigniorial jurisdiction. In 1532, for instance, the jury leet presented that the lord ought to have all pertinent to the leet in Ackleton, a hamlet and sub-manor at the edge of the parish boundary, as had been the case from time immemorial, with the jury thus establishing the extent of the manor's leet jurisdiction.⁷³ In 1473 an even more directly seigniorial right was noted, when it was presented that four vills were accustomed to surrender a yearly sum for pasturing their animals in the lord's wood of Sowdeley which they had withheld since George Neville had been lord.⁷⁴ Moreover, vills on several occasions used the court to present other townships for encroachment on their lands and commons and diverting the Worfe.⁷⁵ Therefore, it is hard to make a case that governance was a cohesive force at Worfield. Instead the existence of dispersed sub-units within the manor provided different loci around which communities could develop.

At Horstead, conversely, officers and particularly capital pledges had a significant role in monitoring the external boundaries of the manor. This can be seen via references to a perambulation to mark boundaries performed by the capital pledges. Pledges were presented for not performing this task in 1433, 1437, 1583 and 1592 and tenants for not maintaining aspects of infrastructure necessary for its performance in 1485, 1491, 1530, 1572, 1577, 1590 and 1595.⁷⁶ This relatively frequent monitoring suggests a continuous duty of perambulation only visible in presentments for failure to perform it. This type of presentment is not seen at Worfield and Downham in the rolls investigated. Whilst it is possible that this is because of complete compliance, it seems more likely that this function was not performed with the same regularity at these two manors as opposed to Horstead, which was situated in a region of complex manorial and leet boundaries. The evidence of presentments made by jurors concerning infractions against manorial boundaries reinforces this argument. Whilst Horstead, excluding its

⁷³ SAC, P314/W/1/1/642, 21 Nov 1532; see p. 18.

⁷⁴ SAC, P314/W/1/351, 19 Aug 1473.

⁷⁵ SAC, P314/W/1/1/34, 22 May 1352; P314/W/1/1/40 13 May 1357; P314/W/1/1/156, 5 Oct 1385; P314/W/1/1/202, 4 Jun 1397; P314/W/1/1/470, 27 Sep 1487; P314/W/1/1/503, 30 Sep 1507; P314/W/1/1/503, 19 Oct 1508; P314/W/1/1/687, 6 Oct 1552; P314/W/1/1/750, 1 Oct 1562.

⁷⁶ KCA, HOR/36, unfoliated, 11 Jun 1433; HOR/37, unfoliated, 11 Jun 1437; HOR/53, m.1, 2 Oct 1583; m.10, 21 Mar 1592; HOR/40, m.3, 11 Jun 1485; HOR/41 m.6, 11 Jun 1491; HOR/45 m.25, 11 Jun 1530; HOR/51 m.3, 23 Apr 1572; m.8, 24 Apr 1577; HOR/53 m.7, 30 Mar 1590; HOR/54 m.1, 26 Mar 1595.

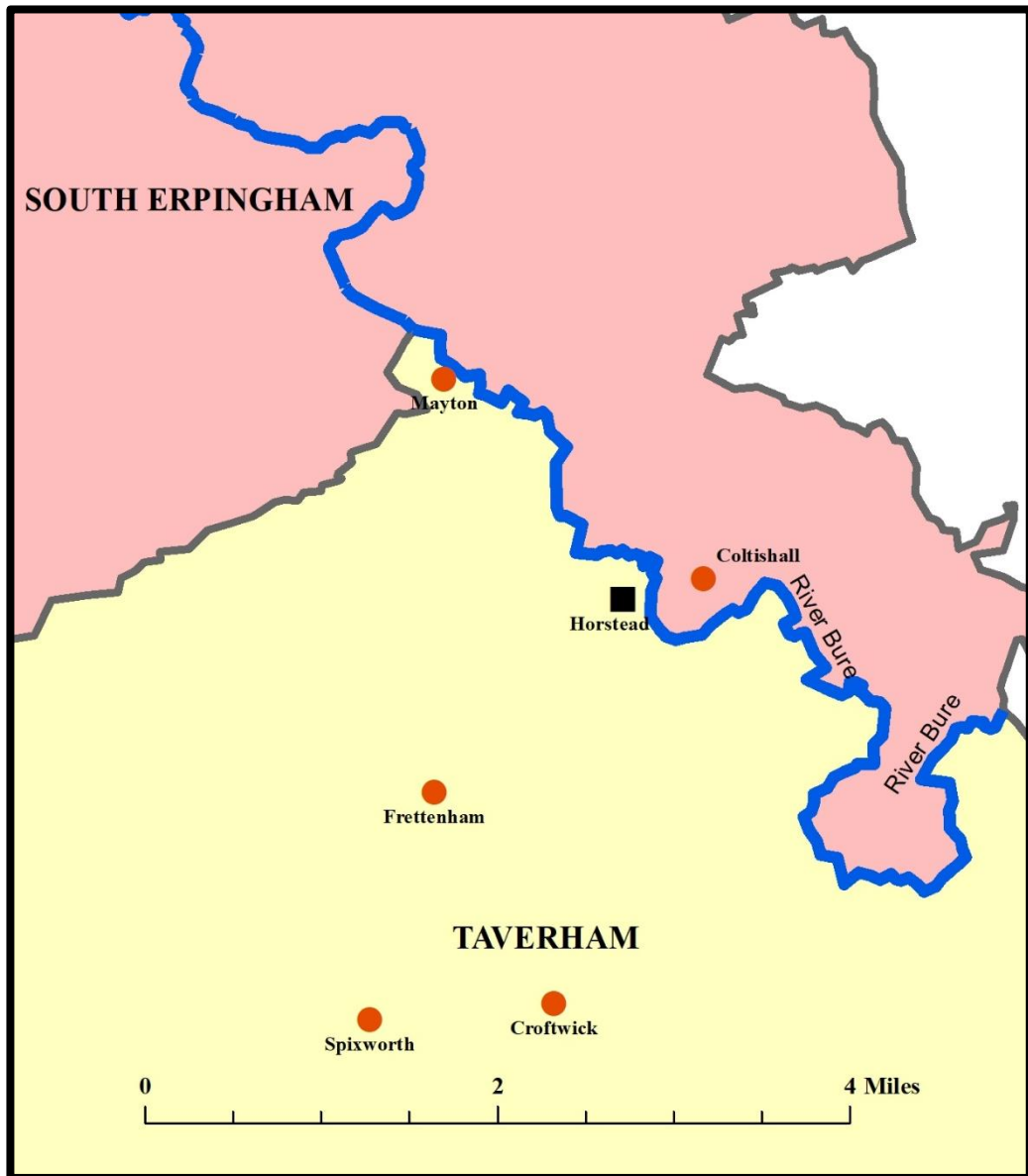
detached Coltishall fee, was bounded on its eastern side by the natural barrier of the River Bure, divisions with the manors of Crostwick, Mayton and Fretenham were manmade and thus liable to be broken (map 3.1).⁷⁷ This led to a constant stream of cases concerning boundaries on the manor, with presentments about refusing to show bounds, ploughing up divisions and uprooting boundary stones. Examples concerning the boundary with Crostwick are seen in 1570, with Mayton in 1405, 1407, 1465, 1570 and with Fretenham in 1408, 1409, 1443, 1456, 1474, 1516, 1517, 1520, along with many less specific presentments.⁷⁸ That these boundaries required interaction with tenants from other manors is hinted at in a session of 1413, when the capital pledges presented that the vill of Mayton had not come with the vills of Horstead and Fretenham to establish a bound between the vills.⁷⁹

⁷⁷ A description of the boundaries of the leet from an unidentifiable manuscript of 1592 describes a series of dole-stones for Horstead's southern and western bounds. See Millican, *Horstead and Stanninghall*, appendix III, 201-3.

⁷⁸ KCA, HOR/51 m.2, 13 Apr 1570; HOR/30 unfoliated, 11 Jun 1405; HOR/36 unfoliated, 11 Jun 1407; HOR/39 m.12, 11 Jun 1465; HOR/51 m.2, 13 Apr 1570; HOR/36 unfoliated, 11 Jun 1408; HOR/33 unfoliated, 11 Jun 1409; HOR/36 unfoliated 11 Jun 1443; HOR/37 separate foliation m.5, 6 Aug 1456; HOR/39 m.27, 11 Jun 1474; HOR/45 m.9, 11 Jun 1516; HOR/45, m.12, 29 Oct 1517; HOR/45, m.15, 30 Oct 1520.

⁷⁹ KCA, HOR/34, unfoliated, 11 Jun 1413.

Figure 3.1 – Map of Horstead with villages mentioned in text



Boundary data = 1831 hundreds.

The reasons for the breaking of boundaries also differ from those seen in the other case studies. Collective action by neighbouring villis is seen; for instance, in 1427 nine men from Crostwick were amerced 3s 4d each for coming in force and arms within the precincts of the leet to make a new watercourse at the western edge of the lord's mill, claiming the land to be within the

bounds of Crostwick.⁸⁰ However, more typical are actions committed by individual tenants. The nature of landholding in Norfolk likely drove this, with many tenants holding land on multiple manors and thus seeking to cultivate engrossed holdings via breaking manorial boundaries. Bruce Campbell's analysis of late sixteenth-century surveys reveals that many large holdings were made up of land held in different parishes, often in parcels adjacent to parochial boundaries. At least 37% of tenants at Horstead held land in more than one parish.⁸¹ That tenants broke manorial boundaries to create larger holdings is occasionally stated in the rolls. In 1522, a tenant was ordered to put back the metes he had ploughed up between free land held of Horstead's Coltishall fee and customary land held of Coltishall manor (presumably Hakeford hall).⁸² In 1556, the jury were ordered to inquire of an enclosure made by Robert Shreve, which included both leased and customary land held of the manor, combined with free lands held of both Fretenham and Mayton, delineated by means of an illicit ditch made in part of Horstead's common pasture.⁸³

As well as breaking physical boundaries, Horstead's location amidst other manorial jurisdictions led, in the first half of the fifteenth century, to conflict over the rights of officers to exercise authority. Sometimes these involved capital pledges from other manors performing their perambulation within Horstead's boundaries, as the capital pledges of Fretenham did in 1423 and those of Spixforth did in 1427 to mark their bounds.⁸⁴ The capital pledges of Meyton appear to have been particularly aggressive, being presented in 1407, 1409 and 1417.⁸⁵ On the first occasion they amerced the manor's residents in their leet for business pertinent to Horstead's leet, whilst in 1417 they levied pains after entering a place called 'coppyngs'. These cases involved many of the same Meyton pledges, Richard Southfen appearing in all three cases, and Thomas Elys and Robert Bateman appearing in 1407 and 1409. Such offences were met with significant amercements; in the 1427 instance the ten Spixworth capital pledges were amerced a total of 33s 4d and in the 1407 instance the five Meyton pledges were amerced a total of 20s.

⁸⁰ KCA, HOR/37, unfoliated, 11 Jun 1427.

⁸¹ Campbell, 'Commonfields', 13.

⁸² KCA, HOR/45, m.16, 3 Jul 1522.

⁸³ KCA, HOR/50, m.6, 21 Apr 1556.

⁸⁴ KCA, HOR/37, separate foliation m.2, 23 Sep 1423; HOR/37, unfoliated, 9 Sep 1427.

⁸⁵ KCA, HOR/36, unfoliated, 11 Jun 1407; HOR/33, unfoliated, 2 Aug 1409; HOR/34, unfoliated, 11 Jun 1417.

The complex relationship with Coltishall's leet also led to conflict. In 1439 four men were presented for usurping the lordship of the manor by amercing Alice Coupere for 3s in Coltishall's leet for making kindling in her marsh held of Horstead manor and lying within the precincts of its leet. The presentment explicitly states that Coupere should have been amerced within Horstead's leet rather than elsewhere, highlighting it was jurisdiction rather than the offence itself that was at issue.⁸⁶ Coltishall leet's royal status meant that its actions were performed by the bailiff of South Erpingham Hundred rather than a manorial officer. This is seen in 1453, when Oliver Holme as bailiff came in force inside the lordship and distrained William Tubby, a servile tenant, by two cows for money recuperated against William in the royal leet at Coltishall, driving them into the neighbouring manor.⁸⁷ These presentments concerning officers from other manors impinging on the jurisdiction of officials, rather than just the physical landscape, are unique to Horstead in this period.

Establishing boundaries was essential in limiting access to common resources from outsiders, and this may explain why officers continued to monitor boundaries even if bounds acted against potential benefits to local elites such as engrossment. At Horstead, an external threat throughout the fifteenth century was provided by the shepherds of the lords of Fretenham and Mayton, who regularly commoned their flocks within the manor.⁸⁸ More generally there were regular presentments of strangers for commoning within the manor where they ought not. This monitoring of the appropriation of common rights by non-residents also directed the work of manorial officers at Downham. Sometimes, this was by tenants of manors held by lords other than the Bishop of Ely. For instance, the vill of Chatteris was presented frequently between 1428 and 1502 for pasturing beasts in the common fens without licence. The amercements for this offence grew over time, rising from 20s in the early 1450s, to 40s in the late 1450s to 1470s, and then to 100s in the 1480s and 1490s.⁸⁹

⁸⁶ KCA, HOR/37, unfoliated, 11 Jun 1439.

⁸⁷ KCA, HOR/37, unfoliated, 11 Jun 1453.

⁸⁸ KCA, HOR/34, unfoliated, 11 Sep 1414; HOR/34, unfoliated, 11 Jun 1417; HOR/34, unfoliated, 11 Jun 1420; HOR/37, unfoliated, 11 Jun 1428; HOR/36, unfoliated, 10 Sep 1432; HOR/37, unfoliated, 6 Sep 1434; HOR/36 unfoliated, 11 Jun 1443; HOR/37, unfoliated, 11 Jul 1454; HOR/39, m.5, 2 Aug 1463; HOR/39, m.21, 11 Jun 1470; HOR/39, m.40, 27 Oct 1480; HOR/41, m.6, 11 Jun 1491.

⁸⁹ CUL, EDR, C11/2/6, m.14, 12 Mar 1428; C11/2/6, m.25, 14 Jan 1434; C11/2/6, m.49, 24 May 1452; C11/2/6, m.52, 10 May 1456; C11/2/6, m.54, 1 Jun 1457; C11/2/6, m.55, 16 Jun 1458; C11/2/6, m.56, 3 Jan 1459; C11/3/7, m.4, 18 Jul 1461; C11/3/7, m.7, 16 May 1464; C11/3/7, m.8, 27 Sep 1465; C11/3/7, m.11, 13 May 1467; C11/3/7, m.19, 13 May 1472; C11/3/7, m.1, 2 Jun 1473; C11/3/10, unfoliated, 24 Feb 1487; C11/3/10, m.1, 26 Sep 1488; C11/3/10, m.10, 29 Mar 1496; C11/3/10, m.19, 6 May 1502.

However, officers at Downham had a distinctive role in that the surrounding fen was intercommoned with neighbouring manors, meaning that establishing responsibilities over, and rights to, joint resources was more typical than monitoring definitive boundaries. For example in a bylaw of 1507 it was agreed between the tenants of the manor that the commoners of Ely were responsible for maintaining the common road leading into Westfen from the town in the east part of the lord's park, whilst Downham's inhabitants were responsible for a similar path in the west part of the park.⁹⁰ This followed on from an ordinance previously made outside the court, a possible reference to an earlier agreement between inhabitants of Downham and Ely made in a cross-manorial meeting. The role of officers in monitoring intercommoned fens is seen in their presentments. An earlier session of 1487 saw the jury present that the town of Ely had not repaired a road at the east end of the lord's park used to drive beasts out of the Westmore to the great damage of Downham's tenants. This is likely the road mentioned in the bylaw of 1507. Ely's commoners were amerced 20s and ordered to repair the road under pain of 40s.⁹¹ In 1426, the jury stated that four named men with others unknown of Ely had overburdened the common, with the fact that the offence was for overstocking rather than illicit commoning suggesting the men were exceeding legitimately held rights. The justification again emphasises the damage done to both lord and tenants, with the jury claiming that the overstocking meant that the bishop could not have sedge for his kitchen and that the tenants could not have the same to repair their houses.⁹²

Concern over landscape provides evidence that when elites used officeholding to govern, they did so in a way that promoted community cohesiveness, and therefore worked against producing the social differentiation seen in the early modern period. This varied between communities, with little evidence at the manorial level at Worfield for the use of office in this way due to the dispersed nature of settlement. At Horstead, the picture is complex; considerable use was made of manorial officeholding to protect the leet's jurisdictional boundaries and prevent the common being used by neighbouring lords' officials, but at the same time presentments preventing the breaking of boundaries were targeted at tenants rather than outsiders. Downham has the most straightforwardly cohesive monitoring, with neighbouring villages targeted for impinging on Downham's collective rights.

⁹⁰ CUL, EDR, C11/3/10, m.23, 24 Sep 1507.

⁹¹ CUL, EDR, C11/3/10, unfoliated, 24 Feb 1487.

⁹² CUL, EDR, C11/2/6, m. 9, 19 Jul 1426.

Landscape and Community Differentiation

How far could concern about the landscape have the opposite effect, creating a governing structure that focused on differentiation of the type found in English villages c.1600? Detailed examination reveals contrasts between the case studies in the way concern about landscape directed the role and exercise of manorial office, and especially the extent to which economic hierarchies were reinforced through village governance.

Horstead saw continuous presentment of community issues linked to landscape but little variation in the make-up of these presentments. This is reflected in the fact that very few bylaws, which allowed tenants to focus officers' attentions on new problems, were made in the period examined. Two of the few bylaws made concerned ringing pigs, made in 1511 and 1595, showing that even in the late sixteenth century tenants saw the utility of office to meet communal needs. The 1511 ordinance, made with the consent of all the homage but after a complaint by the jury, ordered all pigs to be ringed by Michaelmas under pain of 4d.⁹³ The 1595 bylaw, made nominally by both the capital pledges and tenants of the manor, went further by establishing a new office of pig reeve, whose holders were ordered to give notice that tenants should ring their pigs. Any offenders who had pigs unringed four days after this proclamation were to be fined 4d per animal.⁹⁴ Yet this adaptation is exceptional, and generally Horstead's officers appear to have made presentments according to the same list of offences as established by the 1390s.

This contrasts with the significant changing use of landscape seen in eastern Norfolk in this period. The centuries before 1349 saw the increasing development of common fields in this region as population growth led to greater subdivision of land holdings, creating a structure of unenclosed strips held in large fields.⁹⁵ However, the population drop and stagnation caused by the Black Death and subsequent epidemics allowed for greater engrossment of holdings as the land market became the dominant way in which land was transferred, providing a precondition for significant enclosure in the early modern period.⁹⁶ Campbell has outlined this in detail for Horstead: by 1586 the average holding size at Horstead-with-Staninghall had reached 72.3a,

⁹³ KCA, HOR/45, m.3, 25 Aug 1511.

⁹⁴ KCA, HOR/54, m.1, 26 Mar 1595.

⁹⁵ Campbell, 'Commonfields', 18-26.

⁹⁶ Campbell, 'Commonfields', 26-29.

with seven tenants having holdings of more than 80a.⁹⁷ Closes accounted for around 42.4% of farmland in the parish, making it the most enclosed in terms of farmland of the six parishes he analysed.⁹⁸ The move towards greater enclosure is seen in a court of 1566, when, in exchange for a collective rent increase, the lord agreed that all farmers and tenants could enclose both their free and customary land at will.⁹⁹ This increasing move towards enclosure likely explains the reduction in the number of presentments for trespasses in the tenants' collective crops at Horstead, with these falling from 3-12 per decade for the 1390s to 1480s, to 0-1 per decade for the 1490s and sixteenth century.¹⁰⁰

Common pasture at Horstead was enclosed far later. Whilst at neighbouring Coltishall by 1586 only around 4% of the total acreage of the parish was common pasture, areas of infertile sand and gravel led to persistent areas of common pasture at Horstead.¹⁰¹ However, in 1599 an agreement made between King's College and the tenants, after a petition of 1598, led to the complete extinguishing of common land and rights within the manor. Any precursor to this shift is not seen in 'community' presentments, with the manor court continuing to be used to monitor access to the common and overstocking down to 1599. Moreover, there was no dichotomy between officers monitoring common rights and enclosers. An examination of the eighteen representatives of the tenants in the enclosure petition of 1598 who either signed or marked the document reveals that twelve of these were prominent manorial officers who served as jurors and capital pledges monitoring common rights.¹⁰² This is not necessarily surprising; whilst agrarian history has sometimes presented a struggle between enclosers and commoners, it is important to remember that commoning was a carefully managed right with stints made according to the quantity of land held.¹⁰³ Thus officers when presenting offenders for overstocking or utilising the commons without permission were defending a set of privately

⁹⁷ Adapted from Campbell, 'Commonfields', Table 4, 15.

⁹⁸ Campbell, 'Commonfields', Table 1, 10.

⁹⁹ KCA, HOR/52 m.4, 19 Apr 1566.

¹⁰⁰ KCA, HOR/26-41, HOR/45, HOR/48-54.

¹⁰¹ Campbell, 'Commonfields', 10-11.

¹⁰² KCA, HOR/15, 8 Sep 1598; HOR/53-54.

¹⁰³ T. De Moor, 'Avoiding Tragedies: a Flemish Common and its Commoners under the Pressure of Social and Economic Change during the Eighteenth century', *EcHR*, 62, 2009, 1-22, 2-10; A.J.L. Winchester and E.A. Straughton, 'Stints and Sustainability: Managing Stock Levels on Common Lands in England, c.1600-2006' *AgHR*, 58, (2010), 30-48, 31-6; M. Bailey, 'Beyond the Midland Field System: the Determinants of Common Rights over the Arable in Medieval England', *AgHR*, 58, (2010), 153-71, 157-8; C.C. Dyer, 'Conflict in the Landscape: the Enclosure Movement in England, 1220-1349', *Landscape History*, 28, (2006), 21-33, 21, 24, 31.

held use-rights as much as the rights of the community as a whole, and presumably saw the enclosure of 1599 as simply removing the role of policing of rights from the communal court to private individuals. Certainly, juries were seemingly diligent in presenting enclosure down to 1599, with presentments for illicit enclosure and occupation of common lands peaking at 9 per decade for the 1580s as opposed to a mean of 2.6.¹⁰⁴ However, the move towards enclosure may explain the lack of innovation in the use of officers for village governance, as elites preferred greater private rights to lands rather than attempts to monitor the community at large. The small size of the tenant community, with only 29 tenants in 1586, must also have accelerated this process.

Worfield clearly saw greater innovation in the management of landscape via the manorial court, a fact inherent in the great increase of ‘community’ presentments in the sixteenth century. However, the decentralised leet structure meant that this was achieved through a growth in the use of the manor court by individual villis or clusters of villis to enforce collective requirements over pasturing, usage of commons and the maintenance of infrastructure decided on a township level. Paralleling northern England’s upland communities, townships made their own bylaws and pains at Worfield, which were recorded within the manor court setting.¹⁰⁵ These, however, were confined to the turn of the sixteenth century, with all of the sixteen recorded instances made between 1481 and 1531, suggesting innovation in this period was driving the increase in ‘community’ presentments in the sixteenth century.¹⁰⁶ Sometimes these pains were aimed at alleviating a one-off problem, such as those that ordered tenants to make their closes before specific dates, or that placed by five villis in 1519 ordering that ‘each tenant...purge their own part of the watercourse and ditch next to the road before Christmas’.¹⁰⁷ These mirror the specific pains placed on individuals presented for failing to maintain infrastructure seen at the manor.

Other pains look to have enforced specific policies in perpetuity and were perhaps aimed at dealing with local concerns about resource allocation. Some were particularly targeted at poorer tenants, limiting their access to resources. In 1491, both Hallon and Wykyn made bylaws which ordered that tenants only pasture their livestock on their own lands, presumably limiting the

¹⁰⁴ KCA, HOR/26-41, HOR/45, HOR/48-54.

¹⁰⁵ Winchester, ‘Upland Commons’, 41.

¹⁰⁶ SAC, P314/W/1/1/422-639.

¹⁰⁷ SAC, P314/W/1/1/505, 26 May 1511; P314/W/1/1/506, 9 Oct 1511; P314/W/1/1/547, 7 Oct 1519.

ability of smaller tenants to graze animals.¹⁰⁸ A bylaw made at Sonde, again in 1491, targeted hedgebreakers, ordering that none of the tenants of the vill break the hedges of the same vill under pain of 3s 4d each time.¹⁰⁹ This again likely targeted the poor, who broke hedges for fuel.¹¹⁰ This bylaw was not creating a new offence; vills had previously presented hedgebreaking in the fourteenth and fifteenth centuries by vills. Yet, there was definitely an increase in the later sixteenth century. Whilst in the period 1327-1498, 15 presentments are recorded in the rolls, 1507-71 saw 27 presentments made, with 18 of these concentrated in the period 1559-71.¹¹¹ The bylaw is evidence of a larger phenomenon of the increasing use of manorial structures by vills at Worfield to deal with aspects of infrastructure linked to poverty. A similar concern may be seen in another Hallon bylaw of 1481, in which it was ordered that ‘none occupy lands and pastures in the fields of the aforesaid vill under pain’ after a man had been presented in the same court for occupying and unjustly holding lands without licence.¹¹² This bylaw was potentially aimed at preventing squatter settlement.

Thus, the growth of ‘community’ presentments does reflect an increase in the use of manorial officers, in terms of the vill presenting officials, to more intensely govern the local community. However, the nature of the manor as a dispersed settlement appears to have limited the coherence of this governance, with decisions largely being made at the township level. This is reflected in a lack of ‘community’ presentments at the level of the juries leet and baron, as well as the fact bylaws did not create new manorial officials or adapt the roles of pre-existing ones. Partially, this is probably because of differing priorities between the various vills. For example, of the ten vills that presented hedgebreakers, only two were recorded in 1582 as having access to common within the forest of Morfe, suggesting this offence was strongly linked to locations without alternative sources of firewood.¹¹³ In fact, it seems likely the records of the manor court are not revealing the entire picture, with it probable that decisions were made in local meetings at the township level which were never set down in writing, or maybe never enrolled.¹¹⁴ A hint is given in the details of the pain attached to a Hallon bylaw of 1481, which stated that half

¹⁰⁸ SAC, P314/W/1/1/486, 6 Apr 1491; P314/W/1/1/488, 26 Oct 1491.

¹⁰⁹ SAC, P314/W/1/1/488, 26 Oct 1491.

¹¹⁰ McIntosh, *Controlling Misbehavior*, 84-5.

¹¹¹ SAC, P314/W/1/1/4-775.

¹¹² SAC, P314/W/1/1/422, 25 Oct 1481.

¹¹³ Smith, *Worfield*, Appendix 2.

¹¹⁴ Winchester highlights the existence of these for certain upland northern manors: ‘Upland Commons’, 41-2.

should go to the lord and half to the vill, suggesting some rudimentary structure to disperse the profits of the pain.¹¹⁵ The flurry of activity in the sixteenth century may not reflect a growth in governance, but an increasing use of the manor court to enforce pre-existing rules, taking advantage of the presentment system to enforce bylaws and lay down pains to prevent reoffending. Therefore, it is hard to argue that at Worfield manorial structures worked to create community differentiation on a manorial level.

The persistent but relatively static use of manorial officeholding to maintain infrastructure and control common pasturing at Horstead, and the uncoordinated use by vills at Worfield to maintain infrastructure but also restrict access to resources, can be contrasted with a more adaptive and coherent use at Downham. Here landscape differed significantly due to the existence of the fen commons around a largely nucleated settlement. These provided resources beyond common pastureland, with sedge and turves that were extracted to be used for fuel and thatching.¹¹⁶ Control and management of these resources make up a large proportion of Downham's 'community' presentments and understanding their role allows for an appreciation of how the community of tenants, or at least part of that community, utilised officeholding for purposes beyond those imposed by lord and crown.

The purposes to which officeholding was put by the community in this regard changed over time. Bylaws allowed for officers to be adapted to new functions and to police new offences. These occur far more frequently at Downham than at Horstead and Worfield, with 49 ordinances (including some reissues) recorded in the surviving rolls.¹¹⁷ Unfortunately, little is provided in the text of bylaws to explain the process by which they were made. The language of consent is nearly always utilised; formulas include 'the lord and his tenants both free and serf' and 'the whole homage'.¹¹⁸ However, as Ault has argued, these formulas likely do not reflect reality, and it shall be shown that several of Downham's bylaws worked to privilege the wealthiest tenants.¹¹⁹

¹¹⁵ SAC, P314/W/1/1/422, 25 Oct 1481.

¹¹⁶ Coleman, *Downham*, 20-21.

¹¹⁷ CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11.

¹¹⁸ CUL, EDR, C11/1/3, m.22, 16 Oct 1388; C11/1/3, m.24, 27 Sep 1389; C11/2/5, m.2, 12 Jan 1417.

¹¹⁹ Ault, 'Open-field Husbandry', 42; Ault, 'Village By laws by Common Consent', 194; Shaw-Taylor, 'Management of Common Lands', 66.

A brief sketch of the chronology of control of common resources through bylaws reveals these trends, showing the continued use of manorial office to govern landscape. In the pre-Black Death sessions, during a period of high population, officers were utilised to monitor ‘bad’ gleaning, presenting 16 offenders between 1310 and 1331.¹²⁰ In 1327, the five women presented had explicitly not harvested but gleaned, a focus on the supposed preference to take resources without labouring that would appear in later courts.¹²¹ No bylaws were made in this period, although the resource-policing function of manorial officers is seen in the clauses attached to the election of bylawmen. This type of officer, not seen in the other two case studies, shows how the tenants at Downham went as far as to create officers to enforce decisions made about common resources. In 1311, the bylawmen were ‘elected by the whole homage to guard the bylaws for the grain and meadows of the lord and others and of rushes and turves’, a statement recognising their dual nature of fulfilling seigniorial and communal functions.¹²² In 1326 a more restrictive function is suggested with guardians of the marsh sworn to present ‘the names of those who take anything in [the fen] more than they should have through *housebote* or *heybote* or *firbote*. And to...present all cattle of strangers and those who do not hold land of the...vill’.¹²³ The latter statement aims to exclude outsiders, but the former shows that officials were also used to preserve hierarchies of access within the community of tenants. The 1251 Coucher Book gives no detail of differing rights, simply stating ‘that all the vill at Downham, the lesser as well as the greater folk, shall have common rights’, suggesting that these restrictions may have been developed due to increasing population pressure in the late thirteenth century.¹²⁴ By the early fourteenth century, manorial officeholding was being used to monitor stratified common rights.

The relaxation of population pressure after the Black Death did not lead to any lessening of restrictions, and in fact saw a flurry of bylaws passed from 1381 onwards, which modified the functions of officials to meet new problems. For example, in 1386, 1389, 1420, 1433 and 1503 bylaws were passed concerning the ringing of pigs, in 1388 a bylaw was made ordering tenants to bind sedge they mowed between Hokeday and Michaelmas, and restrictions on the times

¹²⁰ CUL, EDR, C11/1/1, m.1 24 Nov 1310; C11/1/1, m.6, 15 Dec 1315; C11/1/1, m.9, 25 Sep 1327; C11/1/2, m.5, 10 Sep 1331.

¹²¹ CUL, EDR, C11/1/1, m.9, 25 Sep 1327.

¹²² CUL, EDR, C11/1/1, m.2, 1 Jul 1311.

¹²³ CUL, EDR, C11/1/1, m.8, 29 Apr 1326.

¹²⁴ Miller et al., *Coucher Book*, 46.

when sedge and turves could be collected were made in 1388, 1392 and 1404.¹²⁵ These bylaws were enforced by manorial jurors as well as bylawmen, and engendered relatively quick responses. Whilst in the 1360s-1380s only 2-3 presentments concerning leaving sedge unbound were made a decade, officers made 4-8 presentments from the 1390s to 1450s. Reports of taking sedge and turves after the assigned day also grew in the 1380s to 1420s. Rules around ringing pigs were seemingly less effectively enforced, with presentments in the years following bylaws in the 1380s and 1420s but little beyond these points, although this could suggest relative conformity as well as lack of interest.¹²⁶

Many of these bylaws were applied in the same way to all inhabitants and look to have been beneficial to the community at large by avoiding having livestock trampling fields and ensuring all worked in the fen at the same time. On one occasion such a statement is even made; in a bylaw of 1409 it was ordered that tenants should not dig more than 20,000 turves a year from the marsh 'because by the injury of the excessive digging of turves year on year the marsh...is devastated'.¹²⁷ Bylaws could thus be seen as a tool in governing for a cohesive community.

On the other hand, bylaws concerning the amount of resources and the control of labourers on the manor seem to have been deliberately targeted to aid the wealthier tenants. In 1381 'the whole homage' ordered that virgaters were entitled to 20,000 turves, half-virgaters 10,000 turves and cottagers 5,000 turves, whilst inhabitants of Downhamhythe were allowed 5,000 turves for sale and specified amounts for their own use.¹²⁸ In 1441 an even more complex bylaw was made, this time with the consent of the jury, suggesting a more officially directed bylaw. This excluded tenants and residents who did not hold a cottage or land of the lord from any profit from the common of *Newbykynk*, including of fish, turves, wood or sedge. Cottagers without land were allowed estovers to sustain themselves but none to sell, whilst half-virgaters and virgaters were allowed 'reasonable' estovers and could sell turves according to their tenure, with the cap for full-virgaters being 14,000.¹²⁹ These bylaws were largely aimed at sale of resources, preventing smaller tenants from exploiting the fen as an economic resource. The

¹²⁵ CUL, EDR, C11/1/3, m.16, 10 Sep 1386; C11/1/3, m.24, 27 Sep 1389; C11/2/5, m.14, 22 Sep 1419; C11/2/6, m.23, 7 Jul 1433; C11/3/10, m.20, 31 Jan 1503; C11/1/3, m.22, 16 Oct 1388; C11/1/3, m.21, 27 Jul 1388; C11/1/3, m.31, 5 Dec 1392; C11/2/4, m.12, 23 Jun 1404.

¹²⁶ CUL, EDR, C11/1/2-3, C11/2/4-6.

¹²⁷ CUL, EDR, C11/2/4 m.21, 21 Jun 1409.

¹²⁸ CUL, EDR, C11/1/3 m.9, c.1381.

¹²⁹ CUL, EDR, C11/2/6, m.33 4 Sep 1441

mechanics of sale are explored below, but it is difficult, unfortunately, to explore the operation of this bylaw in presentments as they often do not explain why taking a resource was illicit.

More easily investigated is the response through bylaws to problems concerning harvest labour in this period of demographic decline. These repeat the theme of labourers failing to work but then reaping the rewards of the harvest and common resources seen in the early fourteenth-century gleaning presentments. In 1388 it was declared that none should glean in autumn if he could collect a penny and midday meal a day under pain of 6d, whilst in 1411 it was ordered that none go into the fen or leave the lordship for another vill in autumn after a time declared in church under pain of 40d.¹³⁰ This bylaw was restated in 1426 but also ordered that a labourer must come from the fen to the field if required.¹³¹ These rules led to routine if small numbers of presentments from the 1370s to 1440s along with continuous gleaning presentments. In 1375, 1391, 1394, 1406 and 1429 individuals were presented for refusing to labour but still fishing and taking turves from the common.¹³² Men were also presented for leaving the manor to seek employment elsewhere: in 1378 John Haukyn was amerced 40d for leaving with his cart to go to diverse other vills outside the lordship to seek better wages, whilst in 1444 a man travelled to Witcham in autumn against the ordinance.¹³³ These ordinances can only have benefitted wealthier tenants who had enough land to require hired labour, clearly those with excess labour to sell saw the advantage of leaving the manor for better remuneration elsewhere. Whilst the success of labour control as exercised through manorial office is open to doubt, it clearly shows a refocusing of office to achieve the aims of wealthier tenants.

The surviving courts after 1552 demonstrate that officeholding continued to be utilised to serve the interests of manorial elites in the late sixteenth century. Again there are examples of seemingly community-minded presentments, such as a series of bylaws delineating areas to pasture sheep in 1554-5.¹³⁴ However, other bylaws look like they were designed again to protect the fen from non-tenants, but this time occurring in a period of increasing population. In 1552 a bylaw was made ordering that no tenants, whether free or customary, have more than one scythe on the first day they entered the common to cut reeds, under pain of 6s for each extra scythe.

¹³⁰ CUL, EDR, C11/1/3, m.21, 27 Jul 1388; C11/2/4, m.27, 15 Jul 1411.

¹³¹ CUL, EDR, C11/2/6, m.9, 19 Jul 1426.

¹³² CUL, EDR, C11/1/2, m.25, 30 Nov 1375; C11/1/3, m.28, 7 Sep 1391; C11/1/3, m.35, 7 Sep 1394; C11/2/3, m.16, 24 Sep 1406; C11/2/6, m.17, 23 Dec 1429.

¹³³ CUL, EDR, C11/1/3, m.2, 21 Sep 1378; C11/2/6, m.37, 20 Nov 1444.

¹³⁴ CUL, EDR, C11/3/10, unfoliated, 22 Oct 1554; C11/3/10, unfoliated, 2 May 1555.

This bylaw seems fairly equitable, but was followed by another aimed specifically at subtenants which ordered that none have more than one scythe, even if there were many living in one tenement, under the stiffer pain of 6s 8d a scythe.¹³⁵ Offenders were presented under this bylaw in 1562 and 1575.¹³⁶ This general concern about a burgeoning population is seen in a presentment by the jury of 1554 about 11 tenants who had erected cottages inside the manor within the last ten years. It was ordered to discuss with the lord if common should resultantly be apportioned to the cottages. In the same court a ban on non-familial lodgers was made, with an order that none cohabit inside one tenement unless they were part of a nuclear family under pain of 40s.¹³⁷ Four offenders were amerced by jurors in 1571 for receiving subtenants, though at the significantly smaller sum of 6d each.¹³⁸ These new rules show the flexibility of manorial officeholding which allowed it to meet the changing needs of the local elite. Whilst in the depopulated fifteenth century juries could present those leaving the manor, in the reverse conditions of the sixteenth century they could try to reduce the number of residents in the village.

Bylaws impacted on officeholding beyond providing new articles under which jurors and bylawmen could present offenders. They conferred new duties upon pre-existing seigniorial officers, giving them functions that helped in regulating the community. For instance, in the 1411 bylaw preventing labourers leaving in autumn, the beginning of the precluded time was to be announced by the reeve in the church, and in the 1388 order about binding sedge the messor was to collect the profit of the sedge unbound by offenders.¹³⁹ Bylawmen were last elected in 1414, eight years after their last recorded presentments in 1406 but a new set of officers increasingly took responsibility for enforcing rules concerning the fen.¹⁴⁰ Fenreeves first appear as guardians of the marsh in 1326. After a break in the records they then appear in the 1360s, before regularly being recorded in selections and making presentments in the fifteenth and early sixteenth centuries, then after the gap in the records, being noted as chosen in the mid-1550s and 1570s even though they made no presentments. The patchiness in recording selections, and the fact that fenreeves sometimes presented separately and sometimes through the jury means

¹³⁵ CUL, EDR, C11/3/10, unfoliated, 8 Oct 1552.

¹³⁶ CUL, EDR, C11/3/11, unfoliated, 18 Jun 1562; C11/3/11, unfoliated, 24 Mar 1575.

¹³⁷ CUL, EDR, C11/3/10, unfoliated, 22 Oct 1554.

¹³⁸ CUL, EDR, C11/3/11, unfoliated, 9 Mar 1571.

¹³⁹ CUL, EDR, C11/2/4, m.27, 15 Jul 1411; C11/1/3, m.22, 16 Oct 1388.

¹⁴⁰ CUL, EDR, C11/2/5, m.2, 16 Jun 1414; C11/2/4, m.16, 24 Sep 1406.

tracking their role is difficult. A bylaw made in 1429 gave them the role of delineating the area in which tenants were allowed to dig turves, although a later bylaw of 1440 gave this role to the lord and his council, whilst ordinances made in 1554-5 concerning sheep pasturing tasked them with removing sheep from the fen at times when they were not allowed to be pastured.¹⁴¹

The majority of fenreeves' presentments concern the sale of sedge and turves, making up 99 of 151 presentments, as part of a larger corpus of 249 presentments concerning sales made by all officers in the period examined.¹⁴² These nominally punished tenants for selling sedge and turves outside the vill against the bylaw, although the frequency of presentment means that this may have been viewed more as a licensing system, allowing the lord to profit from extra-manorial sales rather than necessarily an attempt to actually curb this behaviour. Presentments claimed that the lord should receive 3d per 1000 turves and 6d per 1000 sedge, which Coleman, comparing this to turves valued at 1s per 1000 in 1325, suggests meant that the trade could be profitable even after paying amercements, again a hint at a licensing system.¹⁴³ On the other hand, these licences occurred in a context of control of sales. Whilst some bylaws limited the amount of resources tenants of various types could take to sell, others focused on the method of selling. In 1426, it was ordered that tenants and residents could only sell the amount of sedge and turves they could carry with their own cart or boat to strangers outside the lordship, and that strangers were not allowed to enter the common and carry away resources. This was under pain of 20s, significantly more than the sale amercements seen above.¹⁴⁴ A similar bylaw made in 1554 seems to have banned the sale of turves to strangers completely under pain of 6s 8d.¹⁴⁵ Whilst sales were monitored partially to generate seigniorial revenue, there were also real efforts to control to whom fenland resources were sold.

The contrasts between Horstead, Worfield and Downham reveal that whilst at all manors officeholding was clearly used for managing landed resources, this was mediated by the nature of different landscapes and how they were utilised, creating very different roles for officers. At Horstead the role of juries remained vital in policing common rights, but this occurred in a context of increasing enclosure which reached its conclusion in 1599, replacing official

¹⁴¹ CUL, EDR, C11/2/6, m.16, 12 Jul 1429; C11/2/6, m.29, 12 Jul 1440; C11/3/10, unfoliated, 22 Oct 1554; CUL, EDR, C11/3/10, unfoliated, 22 May 1555.

¹⁴² CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11.

¹⁴³ Coleman, *Downham*, 21.

¹⁴⁴ CUL, EDR, C11/2/6, m.10, 27 Sep 1426.

¹⁴⁵ CUL, EDR, C11/3/10, unfoliated, 22 Oct 1554.

monitoring with private ownership. The set of offences officers monitored was maintained but not extended, meaning that they were not used to intensely govern the community in response to new problems.

The dispersed structure of Worfield, a product of its size but also of its wood-pasture landscape leading to multiple townships, meant that the manor was used as a unit of governance, but largely to enforce specific concerns of local settlements. Bylaws were directed against poorer tenants, but there is no evidence of a more universal aim which crossed the various vills and could create a manorial elite. Moreover, these concerns only ever impinged on the presentments of individual townships, rather than the work of both juries and the various selected officials.

Downham is the inverse of both these pictures. The community was intensely governed through manorial officeholding, with bylaws used to extend, or refocus authority, on issues including labour, fenland resources and subtenancy. This intense governing, moreover, was stratified, with bylaws used to meet the labour requirements of larger tenants, and to ensure their privileged access to the resources of the fen. These laws were not only used to create new articles for jurors to present in the court, but even created new officers and redefined the role of existing ones created to serve the lord.

Conclusion

An examination of the concerns which could inculcate the use of manorial office to promote the aims of an elite group, and so create something approaching a middling sort, reveals a mixed picture. At all three communities, the governance achieved through manorial officeholding, in terms of landscape, was to some degree community-minded. Pressure from without, facilitated in part by the lord's desire to protect his jurisdiction from neighbouring institutions, led officers to champion the rights of the village community as a whole, suggesting a common interest in manorial officeholding. This chimes well with both the contentions of the Toronto school and the conception of the medieval manor seen in the work of early modernists.

Yet, alongside this common interest, manorial officeholding could be used to intensely govern communities in a way akin to that described for the early modern village. This is exemplified for Downham, where concern about misbehaviour, now long-identified as a concern for medieval elites, was combined with a concern to control access to common lands according to landholding size as well as harvest labour. Perhaps what is most compelling is this coincidence

of concerns, which combined to promote a wider context of control, much like the confluence of factors identified by Wrightson in creating a middling sort. The way misbehaviour and a concern to ensure a supply of labour could work together is well illustrated in a presentment of 1491. Simon Jacob was amerced 2d for governing his house poorly by hosting the servants of the lord's tenants at night, which caused these servants to withdraw their service from their masters to the damage of the tenants. Whilst the punishment was relatively minor, a significant pain of 10s was also put not only on Simon but any others who did similarly, effectively creating a bylaw aimed at controlling the labour force.¹⁴⁶ Thus a combination of interests was working together in this period to distance the subset of tenants who held office from those they governed, leading them to utilise manorial office to control the wider community. Andy Wood, discussing changes to common rights and enclosure in the late sixteenth century, has argued that 'in many respects, the "better sort" were better placed to push through changes to the village economy than were the gentry' as 'wealthier villagers were not only the employers of poor labourers' but 'also acted as village constables, overseers of the poor rates and as vestrymen'.¹⁴⁷ The evidence suggests that at Downham, the larger tenants had realised this almost 200 years earlier, and were able to use manorial office to effect change. This was, however, tempered with policies that protected the community of tenants at large, which likely meant that this subset still identified with their fellow villagers in a way perhaps less true of later periods.

Of course, Downham is only one of the three case studies examined. Worfield and Horstead do not display, at least at the level of the whole manor, all of the same trends towards more intensive governance, although both saw monitoring of misbehaviour. Whilst from three studies it is hard to generalise, this seems likely to be due to underlying differences in the settlements. At Worfield, the manor's authority over dispersed settlements may have prevented the court's use as a tool of governance by a combined elite. At Horstead, the complexity of jurisdictions, combined with increasing engrossment over multiple manors, may have disincentivised elites who may not have identified with a particular community, or may have seen little need to enforce their authority over a decreasing number of tenants. This does not invalidate the arguments made for Downham, however. Early modernists arguing for the rise of the village middling sort, including Wrightson, have been eager to point out that this process did not occur

¹⁴⁶ CUL, EDR, C11/3/10, m.4, 23 Aug 1491.

¹⁴⁷ Wood, *1549 Rebellions*, 203.

uniformly.¹⁴⁸ Jan Pitman emphasises traditions of ‘participation and inclusion’ in parochial officeholding, suggesting that the middling sort could vary across time and space, whilst John Broad shows that a strong landowner could curtail the creation of a local elite.¹⁴⁹ Healey emphasises that in Lancashire the magistracy retained significant control over the implementation of the poor law rather than this being in the hands of an independent parochial elite.¹⁵⁰ Therefore, in the particular case of Downham, it is possible to identify something like a proto-middling sort. This crucially reinforces the argument that those holding manorial officeholding had desires outside of meeting a seignorial requirement in serving in office and suggests the officeholding system may have been perceived as beneficial by the group of tenants who held these positions. In the next chapter, this contention will be faced head on.

¹⁴⁸ Wrightson, *Poverty and Piety*, 212-8; Sharpe, *Crime*, 91.

¹⁴⁹ Pitman, ‘Tradition and Exclusion’, 43; J. Broad, *Transforming English Rural Society: the Verneys and the Claydons, 1600-1820*, (Cambridge: Cambridge University Press, 2004), 173-5, 192-5.

¹⁵⁰ J. Healey, ‘The Development of Poor Relief in Lancashire, c.1598-1680’, *The Historical Journal*, 53, (2010), 551-72, 572.

Chapter 4: Attitudes to Officeholding

The Mediating Officer

An underlying assumption runs through the previous three chapters, namely that medieval and early modern communities, or at least the subset of their members who held office, were broadly supportive of the manorial officeholding system. This assumption is vital to the contention that officeholding had a life outside of meeting a seignorial requirement, explaining its persistence after the mid-sixteenth century, why it would be held by a more elite group, and how it could become a tool used by a set of ‘chief inhabitants’ for governing local communities. At the crux of the contention is that officeholding was not purely, or perhaps even mainly, a seignorial imposition from above, and that its participants had motivations to serve beyond the need to meet an obligation of their tenure.

Analyses of manorial officeholding vary in how far they can support such a contention. The position of the Toronto School is most clearly in support of such a view; for them officials worked primarily for the community of tenants, and thus those holding office supported the system on benevolent, community-minded grounds.¹ However, as discussed above, such a view has been comprehensively challenged, partially because it imposes far too positive a view of the community-mindedness of medieval villagers, but also due to its complete removal of the lord from the picture.²

Contemporary estate literature gives the opposite impression of the lord’s role. The detailed guidance of works such as the *Seneshaucy* and *Walter of Henley* displays how lords, or at least their stewards, were keenly aware of the need to closely monitor officials to prevent illicit profiting and corruption.³ Stone has demonstrated that lords took a significant interest in monitoring their reeves’ performances, replacing those who failed to meet expectations.⁴ He suggests, however, that during the high point of direct demesne management in the late thirteenth and early fourteenth centuries local reeves were competent managers and able to meet

¹ Homans, *English Villagers*, 339-48; Raftis, *Tenure and Mobility*, 207; Raftis, *Peasant Economic Development*, 11; DeWindt, ‘Peasant Power Structures’, 252-8; Olson, *Chronicle of All That Happens*, 21-6.

² See p. 24

³ Oschinsky, *Walter of Henley*, 274-281 [c.35-49], 317 [c.33-5].

⁴ Stone, *Decision-Making*, 12-14, 168-70; D. Stone, ‘Medieval Farm Management and Technological Mentalities: Hinderclay before the Black Death’, *EcHR*, 54, (2001), 612-38, 613-5.

seignorial expectations.⁵ Officers also benefitted from the opportunity to cream off significant perquisites for themselves, as is vividly revealed by the formulary of Robert le Carpenter, which details methods which allowed officials to utilise their position for illicit profit.⁶ However, the changes wrought by the Black Death are seen to have reversed this picture. Reeves came under increased pressure as lords attempted to maintain revenues in the face of falling prices and rising wages. At the same time officials were required to enforce aspects of serfdom, including labour services designed to replace expensive waged labour, in a time when a reduced population meant it was easier to resist servile obligations.⁷ Officers and officeholding became subject to attack from their fellow tenants, with Larson detailing a litany of assaults on officers and refusals to serve as officials on manors held by the Bishop of Durham.⁸ In such straightened times, the officeholding system looks to have been increasingly undesirable for those serving, especially as the post-Black Death world offered opportunities for skilled agriculturalists beyond their home manor.⁹

Such an argument sees officeholders as caught in a vice between the lord, exerting power from above, and the community of tenants, exerting power from below. This model has become the standard way in which to think about the position of officers. The crucial theme is of negotiation and flexibility, with officers having to tread a difficult line between the desires of the lord and their fellow villagers. By the same token they could variously ally with either side in order to further their own ends and utilise office to improve their standing, perhaps giving them a measure of control over their fellow tenants.¹⁰ They could alternatively seek to lessen the burdens on their fellows through overlooking non-performance of labour services and

⁵ Stone, *Decision-Making*, 189-203; Stone 'Farm Management', 634. .

⁶ Harvey, *Manorial Records*, 6; Harvey, *Oxfordshire Village*, 69-71; Briggs, 'Monitoring Demesne Managers', 180; Dyer, *Lords and Peasants*, 114; S. Justice, *Writing and Rebellion: England in 1381*, (Berkeley: University of California Press, 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: Boydell, 2011), 183-98, 184-190.

⁷ Hilton, *Serfdom in Medieval England*, 44; Stone, *Decision-Making*, 221-4; Dyer 'Village Community', 416-7, 427-8.

⁸ Larson, *Conflict and Compromise*, 136-8, 217-21.

⁹ Stone, *Decision-Making*, 105, 168, 224; Stone, 'The Reeve', 413-6.

¹⁰ Dyer, 'Political Life', 141; Larson, *Conflict and Compromise*, 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: Oxford Journals, 2007), 115-31, 117-8; P.R. Schofield, 'England: the Family and the Village Community', in S.H. Rigby (ed.), *A Companion to Britain in the Late Middle Ages*, (Oxford: Blackwell, 2003), 26-46, 42.

concealing heriots.¹¹ Mutability was key and various factors could make an officer, in Mike Thornton's categories, either 'lord's man', or 'community servant' across various times and places.¹² Historians have emphasised a variety of factors as determining this relationship. Evans' investigation into pre-plague Thorncroft found a complex chain of officials used by the lord, Merton College, to ensure loyalty, with officers drawn from smallholders who might be installed in small tenements and given remuneration directly from the college.¹³ Chris Briggs, alternatively, emphasises the role of tenants in controlling officers, highlighting their role in answering inquests by the lord about the performance of his officials. He suggests that tenants could choose to either present or not-present official corruption due to their own interests.¹⁴ Thornton points to more structural differences delineating a correlation between types of lord and the loyalty of haywards. Monastic and gentry-held manors, especially with resident lords, tended to have haywards whose service was primarily owed to the lord, whilst royal manors, which had far more remote lordship, saw the local elite use the official framework to the benefit of the tenants.¹⁵

All these approaches are sensitive to flexibility in attitudes to office, suggesting that officeholding was not a system used entirely to subjugate a tenantry nor entirely used by tenants to meet their own needs. However, they all adopt a similar model of a continuum with the lord's desires at one end and the tenants' desires at the other (figure 4.1). The officers explored are invariably reeves and beadles, and their role in collecting rents, entry fines and servile dues, and organising works on the demesne, thus effectively extracting cash and labour from the tenants to benefit the lord. It was through not exercising such elements of extraction, typically via concealment, that officers could side with their fellow tenants.¹⁶

Here, the aim is to take a more complex approach, in line with the view of office being utilised by a governing class within the village, and to look at jurors and capital pledges alongside selected officials. It will examine what evidence there is for the aspects of office that tenants, or at least those holding office, wanted to be performed correctly, and how these might at times

¹¹ Schofield, *Peasant and Community*, 42-4, 168; Evans, 'Merton College's Control of Its Tenants', 210; Briggs, 'Monitoring Demesne Managers', 180.

¹² Thornton, 'Lord's Man or Community Servant', 213-24.

¹³ Evans, 'Merton College's Control of Its Tenants', 210-20, 233, 252.

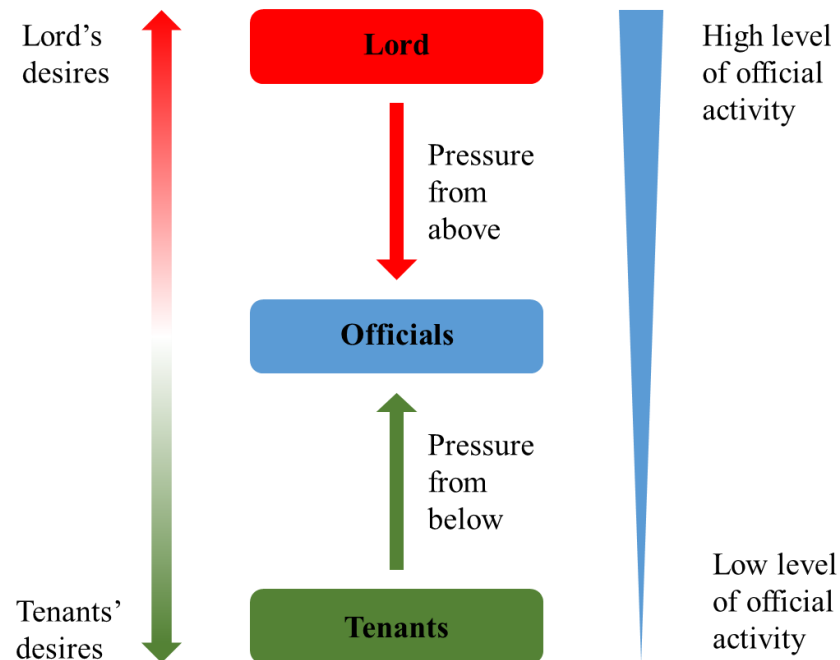
¹⁴ Briggs, 'Monitoring Demesne Managers', 190, 194-5.

¹⁵ Thornton, 'Lord's Man or Community Servant', 223.

¹⁶ Briggs, 'Monitoring Demesne Managers', 179-80, 194; Dyer, *Age of Transition*, 95; Schofield, *Peasant and Community*, 42-3.

concur with the desires of the lord. The gap between the capacity to resist officeholding and actual examples of resistance will be explored, along with the motivations underpinning them. Examining these questions by its nature necessitates a careful approach. It relies upon examining the qualitative evidence of incidents of disagreement. These required an individual to break the norms of the officeholding system in a way that was recorded through a primarily seignorial apparatus. They represent atypical incidents and are less chronologically sensitive. However, with care it is still possible to paint a picture of attitudes to the officeholding system and see how far officeholding was primarily a seignorial imposition.

Figure 4.1 – Established model of attitudes to manorial officeholding



Choosing Officials

One way in which tenants both collectively and individually could challenge the officeholding system was at the point of selection. Officers were generally selected by a manor's tenants, or at least a subset of these, allowing this group to disrupt the officeholding system by refusing to put a candidate forward. Similarly, individuals could refuse to serve or be sworn into office when chosen. At the three case-study manors there are few examples of this type of action taken

against officeholding, with only a handful of cases of refusing to select officials or individuals refusing to serve. The only recorded case at Worfield occurred in 1353, when Roger of Kingslowe and John of Rowley withdrew when selected as taxers, leading to an order to amerce them but no recorded fine.¹⁷ This was clearly an isolated case, with taxers selected in the preceding and following sessions, and Roger is seen serving as taxer over the next six years.¹⁸ At Downham, there are more cases. As already noted, in 1410 the homage was collectively amerced 40s for failing to choose all three candidates for the reeveship and messorship, instead only choosing two candidates and one candidate for each office respectively.¹⁹ However, the fact that they still selected some candidates suggests that this was not an attack on having to serve in itself, but rather one based on the process of selection, plausibly seeking to reduce the lord's scope to choose among several candidates. Again this refusal to select three candidates was not repeated in the following selections of these officials.

In 1434, eleven named full- and half-virgaters choose Robert Rote for the messorship, who then refused to serve.²⁰ The punishment for this refusal was that 'all the lands and tenements in the tenure' of Rote be seized into the lord's hand.²¹ The severity of this punishment may in part explain the lack of outright refusals by individuals to serve. However, Rote appears to have remained firm. The record of the following session states that whilst he had been 'selected by the whole homage to do office' and that the preceding tenants holding the same land had performed the office, Rote refused 'in the presence of Walter Grene steward and...the supervisor of the lord and others of the lord's council' to perform the office. Clearly, significant pressure was being brought to bear on Rote. The following punishment, however, was a more detailed restatement of the aforementioned seizure, with an order to seize Rote's customary lands and provide the lord with a new tenant, in the meantime responding for its issue.²² The following session reiterated the demand to find a new tenant for the land held by Rote who had 'refused to do the office...just as he was chosen by the homage'. This session also saw the

¹⁷ SAC, P314/W/1/1/34, 7 May 1353.

¹⁸ SAC, P314/W/1/1/34, 4 Mar 1353, 21 May 1353; P314/W/1/1/37, 8 Dec 1354; P314/W/1/1/43, 6 Aug 1358; P314/W/1/1/45, 6 May 1359.

¹⁹ CUL, EDR, C11/2/4, m.25, 22 Sep 1410; also see p. 75.

²⁰ See p. 76.

²¹ CUL, EDR, C11/2/6, m.25, 14 Jan 1434.

²² CUL, EDR, C11/2/6, m.25, 7 Apr 1434.

selection of a new messor.²³ The same statement was repeated in the following session but then was dropped in the following two recorded sessions.²⁴

It is possible that the following silence is due to original punishment being carried out, with the land transferred to new tenant. However, a Robert Rote who seems likely to be the same individual continued to appear in officeholding positions as capital pledge, affeeror and juror baron down to 1472, suggesting he continued to hold land within the manor and that his refusal had not damaged his officeholding career.²⁵ This suggests that either the punishment was unsuccessful, or that the lord and Rote reached some form of compromise, perhaps an option made possible by the replacement of elected officials with a bailiff from 1440 onwards. This possibility suggests that despite significant pressure being brought to bear on a tenant who refused to serve, it was possible to avoid serving in office and maintain one's tenancy. In the mid-1360s, tenants at Downham had paid not to serve, with Nicholas son of Simon paying 40d in 1367 to be relieved as reeve and messor.²⁶ Whether this was not an option in the later period, or Rote took a stand against paying to be excused, is not clear, but the evidence suggests that it was hard to compel individuals to serve as officers, suggesting that the general smooth running of the system was in part due to collaboration by those selected to serve as well as fear of punishment.

The evidence suggests that the steps taken against Rote were as much enforcing the decision of the community acting as a franchise rather than the lord's will. That the orders recorded in the successive sessions explicitly state that Rote had been chosen by 'the homage', suggests that his punishment was equally due to his refusal to follow the role given to him by the tenants as his failure to serve the lord. Certainly, there is no record of him serving in an annually selected office again, whilst previously he had served as both reeve and fenreeve, although whether this was a punishment by the wider community or an acknowledgement of the fact he did not want to serve as evidenced by his protest is open to debate.²⁷

²³ CUL, EDR, C11/2/6, m.26, 30 Sep 1434

²⁴ CUL, EDR, C11/2/6, m.27, 13 Jan 1435; C11/2/6, m.27, 5 May 1435; C11/2/6, m.28, 4 Oct 1435. Unfortunately the following records are lost until a session in 1438.

²⁵ CUL, EDR, C11/2/6, C11/3/7.

²⁶ CUL, EDR, C11/1/2, m.16, 7 Oct 1367.

²⁷ CUL, EDR, C11/2/6, m.16, 12 Jul 1429; C11/2/6, m.20, 20 Sep 1431.

Collective refusals to serve are more prominent at Horstead, allowing for a greater understanding of the attitudes of the tenants as a group, or at least their elites, to officeholding. In 1428, all seven men selected to be jurors for Coltishall, along with ‘other divers men of the same vill’ refused to be sworn or to present in their office. This led to a swift reaction by the lord, who ordered the bailiff to seize their lands.²⁸ In the following session, a Coltishall jury was successfully formed. This included three men who had not been mentioned in the original list of strikers, but also three individuals, Nicholas Downing, John Drayton and John Wacy who had refused to serve in the preceding session, suggesting they had now abandoned their strike.²⁹ Evidence that the strike was breaking is seen in the next session, where three strikers, including Wacy, paid fines for the return of their land. However, orders concerning the other four rebels, including Downing and Drayton called for the lord to retain their lands.³⁰ The next court saw the three strikers who had paid their fines serving in the jury. Downing and another rebel, Philip Atte Wode, also paid fines to recover their land.³¹ Drayton remained without his land for a further session, before paying a fine of 7s for recovery in August 1429.³² In fact, the only rebel who is not recorded as paying a fine, Thomas Radbode, seems to have been deceased by July 1429 with the seized land passing to his wife, although remaining in the lord’s hand.³³ Thus all the surviving rebels eventually paid a fine to recover their lands, and all bar one of these served as a Coltishall juror in a later session.³⁴

Clearly seigniorial pressure looks to have played a role in forcing tenants to serve as officers in this case, suggesting that these individuals may have been holding office against their will. On the other hand, this picture is complicated by the fact that three rebels served as jurors despite not yet having their lands regranted, indicating that they were not serving purely due to wanting their lands returned. Of course, the chronology must be treated with care: plausibly, these three rebels had already given up the ‘strike’ and bowed to seigniorial pressure, but could not yet

²⁸ KCA, HOR/37, unfoliated, 21 Sep 1428.

²⁹ KCA, HOR/37, unfoliated, 2 Dec 1428.

³⁰ KCA, HOR/37, unfoliated, 7 Apr 1429.

³¹ KCA, HOR/37, unfoliated, 11 Jun 1429.

³² KCA, HOR/37, unfoliated, 27 Jul 1429; HOR/37, unfoliated, 25 Oct 1429.

³³ KCA, HOR/37, unfoliated, 27 Jul 1429.

³⁴ KCA, HOR/37, unfoliated, 2 Dec 1428; HOR/37, unfoliated, 11 Jun 1429; HOR/36, unfoliated, 11 Jun 1432; HOR/37, unfoliated, 17 Dec 1432; HOR/36, unfoliated, 11 Jun 1433.

afford to pay the fines necessary to regain their lands. Certainly, the fines could be substantial, ranging from 14d to 32s.³⁵

However, detail from the initial description reveals that service in the jury in of itself was not seemingly the impetus behind the strike, explaining why many of these rebels returned to frequent jury service. The rebels denied that they held their bondage holdings ‘from the King through his manor of Horstead’ but instead said they were beneficiaries of the ‘divers privileges and franchises from these divers Kings of England and other divers men conceded to the men of Coltshall’.³⁶ This dispute apparently centred on the jurisdictional abnormalities of the manor’s separate Coltshall portion. Henry III, by letters patent of 1231, had granted the tenants of Coltshall vill considerable privileges, including freedom from villeinage, market tolls and access to the directly-held royal leet. This charter was confirmed by Henry IV in 1407.³⁷ It seems likely that in 1428 the tenants refusing to serve as jurors were attempting to claim these privileges and rejected their tenure via Horstead manor in order to do so. Serving as jurors not only confirmed that they held their land through this manor, but the charter also guaranteed the Coltshall villagers that ‘they should not be forced to serve any offices for anyone’ and therefore by refusing to be sworn, the strikers were perhaps trying to assert their entitlement to this right. It seems that whilst officeholding may have been a grievance for the strike, it was part of a larger claim to a wider set of privileges, perhaps explaining why those involved later reappear in service as Coltshall jurors.

A more successful campaign, this time against a pseudo-office, occurred between 1473 and 1481. This was directed at the ‘nominal’ reeveship. This system saw the jury baron choose the tenants of three portions of land to be candidates as reeve. Originally it is likely that one of these men actually served, whilst the other two paid to be forgiven, as is seen at Hevingham Bishops.³⁸ However by the late fourteenth century this had mutated into a system simply to extract revenue for the lord, with the tenants of all three portions chosen paying 2s 8d each to not serve, making a total profit of 8s for the lord. Thus a system had developed where a form of ‘officeholding’ was entirely disadvantageous to the tenants, effectively acting as a targeted tallage. The first refusal to select the reeve candidates is noted in June 1474, when it is stated

³⁵ KCA, HOR/37.

³⁶ KCA, HOR/37, unfoliated, 21 Sep 1428.

³⁷ Blomefield, *Topographical History*, 303-10.

³⁸ Whittle, *Agrarian Capitalism*, 51; Forrest, ‘Women Manorial Officeholders’, 51-2.

that a group of 18 servile tenants and frequent jurors had been directed by the steward in a session of October 1473 to choose the candidates in the following court of March 1474. They had, however, refused to do so and similarly refused in June, leading to small ameracements of 3-6d each but also a pain of 3s 9d each to choose by the following session.³⁹ In this session the rebels again refused to pay, forfeiting their pains, and being placed under a fresh pain of 6s 8d each.⁴⁰ This led to a series of ameracements and pains, which encompassed individuals who served as jurors beyond the original 18, with the last recorded incident occurring in 1481, when the jury were each amerced 3d for failing to select the candidates, and placed under pain of 6s each.⁴¹ The following sessions post-1481 do not mention the reeveship, meaning it is impossible to know if any sort of agreement was reached. However, it is clear that no further reeve candidates were chosen, suggesting the tenants were successful in their long-term goal.

This example reveals that tenants liable for officeholding, or at least a fine derived from officeholding, could collectively resist and ultimately remove the obligation. Partially this may have been achieved due to the less drastic punishment applied; at no point were the rebellious tenants' lands seized. Yet, the listings of those amerced reveal significant coordination, with 24 different individuals refusing to select the reeve, which was a substantial part of the 50 total tenants recorded in 1461.⁴² Partially this unity may have been achieved because the obligation to pay the reeve fine was dispersed among a significant number of persons, creating a shared interest in removing this obligation. The impact of subdivision of the holdings providing the reeve, presumably occasioned by the land market and the morcellation of holdings in the pre-Black Death period, was to often make multiple persons responsible for the fine attached to a single holding.⁴³

Explaining the timing of the revolt is more difficult. One might expect protest to match an increase in the financial burden of the fine. However, the opposite trend occurred, with the average value of the fines received by the lord decreasing over the fifteenth century, from a mean of 8s per year in the 1390s to 2s 8d for the 1460s-70s.⁴⁴ By the period of the protest, the

³⁹ KCA, HOR/39, m.27, 11 Jun 1474.

⁴⁰ KCA, HOR/39, m.31, 29 Oct 1474.

⁴¹ KCA, HOR/39, m.33, 11 Jun 1476; HOR/39, m.26, 29 Oct 1477; HOR/39, m.41, 27 Oct 1481.

⁴² For tenant list see p. 119.

⁴³ B.M.S. Campbell, 'The Agrarian Problem in the Early Fourteenth Century', *P&P*, 188, (2005), 3-70, 51, 66-7.

⁴⁴ KCA, HOR/26-39.

lord was only receiving a third of the total potential fine. This was presumably a product of the lord's difficulties in finding tenants for liable lands meaning that they remained in the lord's hand and thus provided no fine. Moreover, the wide dispersal of lands on which the fines were levied means that only 22% of those fined across the period 1392-1473 paid more than twice in their lifetime.⁴⁵ Even more startlingly, of the 24 individuals who refused to select the reeve candidates, 17 are never recorded as paying a fine for their lands, although of course they could have been concerned about a later fine.⁴⁶ Therefore, it is hard to understand what in 1473 triggered this reaction to a nominal reeveship which the tenants had dutifully administered from at least 1392.

An examination of resistance to selecting officials reveals little evidence that being chosen for office, or having to choose individuals for office, was considered particularly burdensome. Few examples could be found of outright refusals to serve or select officials. The evidence from Rote's case suggests that individuals who chose not to serve when selected by the community, were punished as much for refusing to meet the expectations of their fellow tenants selecting them as resisting the lord. When selecting officers was resisted, as at Horstead in 1428, it seems that this was due to other background issues, with officeholding simply providing a way to frustrate the seigniorial administration. The case of the nominal reeveship cautions against an argument that would suggest an inability by tenants to resist seigniorially-imposed officeholding structures. In this case a vestige of officeholding, which clearly only benefitted the lord, was successfully removed by a coordinated set of tenants. Of course, it is imperative to be careful in making an argument from absence, but the evidence of resistance to selection suggests that a far from impotent tenantry were at least willing to acquiesce to officeholding structures.

Monitoring and Corruption

Cases of corruption by officials allow insight into the illicit profits of officeholding. Illicit profits reveal a key incentive individuals had for acting in office, and potentially maintaining the officeholding system more generally, if one assumes that the officers reported for corruption are a subset of those successfully profiteering from office. Illicitness is of course relative here,

⁴⁵ KCA, HOR/26-39.

⁴⁶ KCA, HOR/26-39.

presumably some degree of profiteering was expected, although the evidence of estate literature suggests that lords strove to reduce this as far as possible.⁴⁷

However, beyond understanding the possible perks of office, the actual process of monitoring abuse of office gives an insight into attitudes to officeholding. Whilst accounts and the supervision of the steward provided some form of monitoring, the vast majority of corruption accusations recorded in court rolls were made either via presentments by manorial juries or more general inquests to the whole homage, in response to charges posed by the steward.⁴⁸ Much like with general presentments, tenants and jurors had significant latitude in what they chose to present. As Briggs has demonstrated, this monitoring role was far from neutral, tenants could choose to make more presentments against officials they found objectionable.⁴⁹ Thus, reports of corruption allow for exploration of abuses that the wider community found more unacceptable, as well as revealing instances of community hostility to office.

There are many examples at Worfield and Downham of officers garnering illicit profits at the lord's expense. These were intimately linked with the extent of seignorial rights, as officers exploited these for their own gain. For instance, at Worfield in the mid-fourteenth century both beadles and reeves were on several occasions amerced for illicitly taking wood from the lord's forest.⁵⁰ At Downham in 1432, it was ordered to distraint John Jennys, a former messor, who had not declared moneys received from the owner of a stray in his account, whilst a reeve at Worfield in 1406 was amerced for taking and delivering a stray without presenting it in court.⁵¹ In 1410 Thomas Colleson as reeve was punished for concealing strays and selling them at the market at Ely as well as delivering others without reporting this.⁵² Such presentments reveal the potential profits open via utilising seignorial rights for an officers' own ends. Following the assumption that generally other tenants had little motivation to report such corruption, it seems likely that these represent a few reports of more general practices.

This begs the question why any corruption would be reported. Partially this was due to the same reason presentments against the tenants' interests were made generally, fear of being punished

⁴⁷ Oschinsky, *Walter of Henley*, 274-281 [c.35-49], 317 [c.33-5].

⁴⁸ Harvey, *Oxfordshire Village*, 66 n.1; Briggs, 'Monitoring Demesne Managers', 184-5.

⁴⁹ Briggs, 'Monitoring Demesne Managers', 190, 194-5.

⁵⁰ SAC, P314/W/1/1/20, 22 Feb 1340; P314/W/1/1/33, 11 May 1351; P314/W/1/1/41, 30 Nov 1357; P314/W/1/1/49, 25 May 1360; P314/W/1/1/105, 6 Mar 1377.

⁵¹ CUL, EDR, C11/2/6, m.23, 8 Nov 1432; SAC, P314/W/1/1/234, 27 Sep 1406.

⁵² CUL, EDR, C11/2/4, m.26, 4 Dec 1410.

for concealment if corruption was made known to the steward.⁵³ However, another key aspect of coercion was the fact that officials could be made liable for each other's failings and corruption in their accounts. This both affected individuals serving successively in the same role, as well as different officers who worked in tandem. An example of the former is seen in a Worfield session of c.1393.⁵⁴ The jury made a series of presentments concerning Thomas de Rugge, a former reeve who had ended his service in 1392.⁵⁵ These stated that Rugge had not delivered the profit of two horses and 26s 6d in money forfeited by a felon, failed to pay 46s 8d of rent from the leasing of a mill and only supplied part of the value of a heriot and stray. The fact that Rugge only had to supply the balance of the account, with no additional punishment, suggests that this was not outright corruption but rather not yet fully accounting for the year. However, more intriguing is that these charges were specifically made because Thomas was charged in the account of Roger Broke, his successor as reeve. This would seem evidence of Broke's need to monitor Rugge's actions in office to avoid being made liable for any financial discrepancies.⁵⁶

Chains of responsibility also incentivised officers to monitor the behaviour of their fellows.⁵⁷ In 1416, William Gerbod complained that when he had been reeve three years earlier Henry Barker had served under him as beadle 'to levy and collect rents, fines, amercements and services as was customary'. However, whilst William had 'repeatedly requested the aforesaid Henry to account with him', he had 'always refused to do this', making William liable for the money Henry owed. Henry came to defend himself, and the court ordered that the two men account to two auditors assigned by the steward.⁵⁸ Whilst unfortunately the resolution of this case is not stated, it reveals how the lord's accounting system made senior officials responsible for the behaviour of subordinate officials, and that disagreements could actually lead the former to seek more seigniorial oversight of their roles.⁵⁹ A less explicit case is seen in 1412 at Downham, where the messor was amerced 40d for refusing to sow the lord's seeds when he was

⁵³ See pp. 31-2.

⁵⁴ SAC, P314/W/1/1/212, c.1393. Unfortunately heading of this roll is damaged, but the identity of Roger Broke as reeve suggests a date of c.1393.

⁵⁵ SAC, P314/W/1/1/184, 2 Dec 1392.

⁵⁶ Harvey notes the common practice of charging reeves with the debts of their predecessors: Harvey, *Oxfordshire Village*, 67 n.8.

⁵⁷ Briggs notes the overall responsibility of demesne managers for their subordinates: Briggs, 'Monitoring Demesne Managers', 183.

⁵⁸ SAC, P314/W/1/1/244, 14 May 1416.

⁵⁹ Dyer notes the joint accounting practices of bealdes with reeves on manors of the Bishop of Worcester: Dyer, *Lords and Peasants*, 114.

required to by the reeve, meaning the latter had to utilise hired labour instead. Plausibly, in this instance the jury presented the case to ensure the reeve was not punished for his subordinate's failures.⁶⁰

Beyond these coercive pressures on officials to report misbehaviour, one can find hints of juries and the wider homage presenting illicit profits of officials as a form of control in the manner described by Briggs. In a detailed set of presentments of 1316, the Downham jury outlined a series of illicit profits made by William Personn as reeve, totalling 25s 10d in damage to the lord.⁶¹ These mainly involved utilising the lord's resources for his own ends, including using the lord's workhorses, cart and even *famuli* to carry his crops and sedge, pasturing his beasts on the lord's land and taking the lord's timber. The jury's accusations even extended to failure to perform tasks, with them stating 'that the plough-team of the lord laid idle through three successive weeks in Summer and Autumn'. However, the steward stated this was due to work required for the bishop's kitchen and did not cause loss to the lord. Why the jury chose to present such a comprehensive list of abuses against Personn cannot be established for certain, although an intriguing possibility is provided by a presentment in the same list stating that Personn had committed adultery with the wife of Robert Maurice. Was this violation of a moral norm behind the presentment? One of the cases Briggs identified for nearby Landbeach concerned John Frer sending peat turves to his 'concubine', a remarkably similar situation, although as Frer was a salaried outsider attributing a 'moral' explanation is more tenuous.⁶² Furthermore, Maurice's wife was mentioned separately in a later presentment, when it was stated that Personn had allowed her servants to forage in the manor's fen. Thus, it was perhaps as much that Personn had allowed his mistress to benefit from illicit profits, rather than his taking of illicit profits himself, which had angered the wider officeholding community. This argument could potentially be extended to Frer.

However, beyond cases of presentment of illicit profits as an indirect punishment for other transgressions, a significant incentive for officials, and tenants more generally, to monitor the behaviour of officers is that roles performed incorrectly could also negatively impact tenants. In a landscape where seignorial and tenants' land lay intermingled, poor management of the former

⁶⁰ CUL, EDR, C11/2/4, m.30, 28 Dec 1412.

⁶¹ CUL, EDR, C11/1/1, m.6, 27 Feb 1316.

⁶² Briggs, 'Monitoring Demesne Managers', 18.

could negatively impact the latter.⁶³ At Downham, reeves were presented for mismanaging seigneurial livestock which led to damage in the tenant's crops and failing to scour ditches and maintain watercourses leading to the flooding of common roads.⁶⁴

The detailed case of Thomas Jenkins reveals how concerns about corruption could affect both lord and tenants, leading the jury to be incentivised to report abuse in office. Jenkins served as reeve 1402-4, but concerns about his conduct emerged in the following year. In July 1405, the jury presented that Jenkins should respond for 2s he received for selling escheated pigs, although this entry gives no suggestion of dishonesty. More importantly, in the same session men who had acted as mainpernors of the farmer of the lord's mill paid for an inquisition into Jenkins. They had been 'greatly damaged' by the fact that this farmer had unexpectedly fled out of the region and asked if Jenkins 'did in any way...help and council in contriving the withdrawal' of the farmer. The inquisition returned a negative verdict, as they 'could not find that [Thomas] had awareness of the withdrawal of the...farmer nor was council to the same party'.⁶⁵

The following session saw an inquisition to examine Jenkins' management of 'divers heriots, escheats and strays...valued by the [jury]' which had come to the reeve 'in the time of the pestilence...as is put in the record of the court rolls' but in his account had only rendered 3s 1d of profit to the lord.⁶⁶ Following sessions saw this suspicion confirmed, but also other forms of systematic fraud.⁶⁷ This concerned land transfers. Jenkins, whilst he was 'guard of the...rolls of the courts under the seal of...the clerk of the lord' had 'fraudulently and deceitfully without the notice of the steward [and clerk] unsealed the same and to enrich himself...took the rolls of the court held...11 October [1402] after...the auditing of the account'. He then recorded an *intervivos* transfer with a fine of 3s, 'although...the steward and clerk...exist completely in ignorance [of the transfer]' and 'of the aforesaid fine nothing was given to the lord'. Jenkins had committed the same fraud with another land transfer as well as an amercement levied for a hue and cry raised against him as reeve. The implication of the fraud is that Jenkins had used the role of reeves at Worfield, in whose presence all valid extra-curial transfers of land had to be

⁶³ Evans, 'Whose was the Manorial Court?', 161.

⁶⁴ CUL, EDR, C11/1/1, m.7, 13 Dec 1324; C11/1/3, m.4, 28 Nov 1379; C11/2/5, m.17, 26 Jan 1422.

⁶⁵ SAC, P314/W/1/1/233, 1 Jul 1405.

⁶⁶ SAC, P314/W/1/1/233, 28 Jul 1405

⁶⁷ SAC, P314/W/1/1/234 10 Mar 1406; P314/W/1/1/234, 27 Sep 1406.

made unless on a tenant's deathbed, to claim legitimate transfers and take the recorded fines.⁶⁸ He had then concealed these transfers from the following court session and in his account, before returning to the roll for the previous session and adding an entry about the transfer to cover up the fraud.

This case demonstrates the way a rogue official could be problematic for both lord and tenants alike. Corruption concerning underpayment of seigniorial dues such as escheats, heriots and strays was largely a problem for the lord. However, embezzling fines for land transfers through doctoring records was a concern for both lord and those making the transfer, whilst the former was similarly financially defrauded, the latter's land transfer was not officially recorded and hence not valid. It seems unlikely that the tenants involved in the transfer were complicit in the deception as there is no obvious reason why they would want their fine to go to Jenkins rather than the lord. The earlier concern over the miller, if unfounded, reveals a similar phenomenon. Whilst the miller leaving at the reeve's behest would be a problem for the lord left without the miller, the system of economic ties provided by mainpernors, who presumably had agreed to swear for the miller in exchange for a fee or other financial incentive, shows how again concerns of lord and tenants' over official misbehaviour could be connected.

Outside of the lord's direct concern, officials were often punished for failure to perform activities rather than being overzealous in failing to help tenants prosecute interpersonal cases, showing how tenants and communities utilised the system of officials. At Worfield and Downham c.1400, reeves, beadles and messors were amerced for failing to attach and distrain tenants to respond to civil pleas, showing how tenants relied on efficient officials to maintain an effective local legal system.⁶⁹ In 1418, Worfield's beadle was placed under pain of 40d to levy the money owed in several interpersonal complaints.⁷⁰ Sometimes, individuals even brought interpersonal suits against officials for failure to perform tasks. In 1324, Clement the Brewer complained that John le Eyr 'who was chosen in public as messor through the assent of all the community of Downham to guard the crops in the fields' had allowed animals of several tenants to consume half of an acre of his peas to damage of 40d. The case ended with the parties being

⁶⁸ A statement of the reeve's role in legitimating *intervivos* transfers is seen in an inquiry of 1404: SAC, P314/W/1/1/232, 6 Apr 1404.

⁶⁹ SAC, P314/W/1/1/190, 1 Dec 1394; P314/W/1/1/191, 27 Jan 1395; P314/W/1/1/192, 20 Feb 1395; P314/W/1/1/195, 23 Oct 1395; P314/W/1/1/234, 27 Sep 1406; P314/W/1/1/240, 9 Feb 1412;

P314/W/1/1/240, 1 Mar 1412; P314/W/1/1/243, 10 Dec 1414; CUL, EDR, C11/1/3, m.6, 25 Sep 1380.

⁷⁰ SAC, P314/W/1/1/249, 13 Jun 1418.

granted licence to agree and John placing himself in mercy.⁷¹ A similar attempt was made at Worfield in 1353, when Thomas Eche brought a trespass plea against William Bullock, alleging that when the latter was reeve he had failed to levy 10s owed to Thomas by William de Ewyke which he had recuperated in court in the presence of the steward, and demanding 2s in damages for this failure. Bullock's response was that due to Ewyke's 'destruction' he had exercised clemency and had accounted this previously, a response that led to Thomas being amerced.⁷²

Beyond the need for effective officials to meet the requirements of individuals as litigants and conveyers of land, officials needed to meet standards of behaviour in order for them to effectively govern the manor. This is particularly evident for jurors and at all manors there were presentments against individuals for failure to fulfil the expectations of this office. Thomas Rugge was amerced 2s in 1396 at Worfield 'for doing contempt in court and concealing a certain presentment' as a juror, significantly more than the 8d Thomas Jenkins had to pay for advising this action.⁷³ Beyond preventing simple corruption, a key aim was to keep both the deliberations of juries and dissension between officials private, presumably in order not to damage the reputation of the jury and the authority of their decisions. In 1411, John Veyse 'after he was sworn into the jury...was ordered that he conceal their deliberations...but revealed these deliberations openly'. Veyse then said all the jurors were false, and was amerced 6d.⁷⁴ Similarly, in 1455, John Buxham was amerced 3d for not only withdrawing from his fellow jurors and refusing to come to render his verdict, but also exposing the jury's deliberations.⁷⁵ At Horstead, in 1429, John Reve, a capital pledge, was amerced 3s 4d for disputing 'openly in full court the decision of his fellows in the last leet in contempt of court and as a malicious example to others'.⁷⁶

Evidence of cases of monitoring and 'corruption' reveals two important points about attitudes to officeholding. The hints it allows of a potentially larger body of illicit profits made at the lord's expense reveals that officeholding could potentially be lucrative for individuals serving, explaining why those able to serve might have been incentivised to keep the system. Lords successfully attempted to prevent such profiteering, both by making officials responsible for

⁷¹ CUL, EDR, C11/1/1, m.8, 28 Jan 1326.

⁷² SAC, P314/W/1/1/34, 5 Aug 1353.

⁷³ SAC, P314/W/1/1/199, 6 Sep 1396.

⁷⁴ CUL, EDR, C11/2/4, m.29, 14 Dec 1411.

⁷⁵ CUL, EDR, C11/2/6, m.50, 20 Jun 1455.

⁷⁶ KCA, HOR/37, unfoliated, 25 Aug 1429.

shortfalls in their accounts and creating chains of responsibility which meant future officers, and more senior officers, could be made responsible for other officials' debts. More important, however, is that a close reading of the types of 'corruption' reported reveal that the community of tenants were heavily invested in efficient officeholders, who did not enrich themselves in ways that perverted land transactions and were diligent in enforcing aspects of interpersonal suits. Jurors that maintained the authority of their office were vital if this organ was to be used to govern the community, especially as their presentments served to monitor the actions of all other manorial officials.

Resistance to the lord

As well as fulfilling roles beneficial to the community, leading to an investment in monitoring their performance, officials could also be important in protecting the tenants from aspects of the seigniorial administration. Resistance was sometimes illicit, with juries concealing presentments concerning seigniorial rights. For instance, at Horstead in 1439 and Worfield in 1485 the jury failed to present marriages without licence.⁷⁷ Plausibly this is the tip of a larger iceberg of successfully concealed marriage fines, suggesting that juries exercised discretion in making presentments concerning servile incidents. At Downham in 1332 and 1404, the messor also concealed presentments, although it is not clear for what reason.⁷⁸ In 1408, the jurors for Coltishall 'concealed and would not present' both that William Ode had damaged the lord's pastures and reed beds next to Horstead mill and that two men had stolen fish from the nets of the miller of Horstead, for which they were together amerced 26s 8d.⁷⁹ The reasons for this concealment are not made explicit but potentially could be due to tensions with the miller, with the whole homage of Coltishall being amerced in 1402 for failing to present men of Coltishall who had damaged the mill.⁸⁰

Other forms of resistance were more active than concealment. An intriguing example can be seen at Downham in an order to seize the lands of Thomas Overyng, a former reeve, in 1571. This action was justified by both Thomas' failure to surrender his rent and because he was negligent in performing his office, both standard reasons for seizure. However, a third reason given was that Thomas 'alleged in full court that the lord would not allocate in his account to

⁷⁷ KCA, HOR/37, unfoliated, 11 Jun 1439; SAC, P314/W/1/1/459, 10 Oct 1485.

⁷⁸ CUL, EDR, C11/1/2, m.7, 2 Dec 1332; C11/2/4, m.12, 23 Sep 1404.

⁷⁹ KCA, HOR/36, unfoliated, 11 Jun 1408.

⁸⁰ KCA, HOR/31, unfoliated, 11 Jun 1402.

the tenants of the manor for their transport services in great insult to the lord and in an evil example to others'.⁸¹ It is impossible to know whether there was any truth in Thomas' allegation that the lord was presumably not going to record payments made in lieu of labour services. Certainly, there is no indication in the surviving rolls of connected discontent over labour services, which still appear to have been owed in payments or actual labour at Downham by this point. However, the outburst does reveal the role reeves could potentially take, through their work in managing the lord's estate and compiling its accounts, in ensuring that tenants were treated customarily by the seigniorial regime and reporting perceived abuses. Thomas was not apparently adversely affected in the longer term by his protest, continuing to appear as a juror down to 1578.⁸² A variation on this theme can be seen at Worfield, when in 1528 the jury claimed that when William Guldon and William Bradeney had been reeves (in c.1470 and 1500-01 respectively) 'they repaired... a bridge next to the mill... from the undertakings and expenses of the lord' being allowed these expenses at the audit of their accounts.⁸³ Whilst the context of this presentment is unclear, the outcome seems to have been aimed at ensuring the cost of repairing the bridge fell on the lord, and thus plausibly not on the tenants, an argument that the tenants could make due to their collective past integration into seigniorial management through service as reeves. Whilst Guldon was almost certainly deceased by 1528, Bradeney was still alive and present on the jury leet, if not the jury baron making the presentment, in the leet of 1528.⁸⁴ The ability of former officials to pass on their knowledge of service in office could provide a way to resist seigniorial exactions in the future.

Jurors could also take a role in ensuring the lord and his higher officials met expectations. Jean Birrell has recently emphasised that customals were a key defence for tenants to constrain the demands of their lords, and this can certainly be claimed for Worfield's 1403 customal, which was effectively purchased by the tenants as a collective through a payment of £66 13s 4d for William Beauchamp's 'good lordship'.⁸⁵ This customal enshrined that tenants owed mill suit but made clear that this was 'provided that the measures on our...mills be lawful and

⁸¹ CUL, EDR, C11/3/11, unfoliated, 9 Mar 1571.

⁸² CUL, EDR, C11/3/11, unfoliated, 12 Mar 1578.

⁸³ SAC, P314/W/1/1/630, 3 Dec 1528; P314/W/1/1/499, 10 Aug 1500. Unfortunately, William Gyldon is described in the entry as having served 25 years before Bradeney and thus likely sometime in the gap in the rolls between 1466 and 1472.

⁸⁴ SAC, P314/W/1/1/630, 3 Dec 1528

⁸⁵ Birrell, 'Manorial Customals Reconsidered', *P&P*, 224, (2014), 3-37, 33-7; SAC, P314/W/1/1/226, 25 Apr 1403.

approved...according to what it shall be necessary to...take and the miller who shall be guilty of any...departure from upright dealing shall be punished'.⁸⁶ Manorial juries acted to defend these rights, presenting millers both for unjust milling and not keeping the mill in good repair, the latter concern presumably due to concerns over their liability for repair works as well as need to mill. These presentments could be extensive, as well as explicit fraud in measures, millers were also presented in 1409 and 1518 for keeping livestock in the mill which ate the tenants' grain.⁸⁷

Analogous practice can be seen at Horstead, and to a lesser extent at Downham, for much of the fifteenth century, where the lord and his bailiff were frequently presented for not maintaining infrastructure in the lord's hands or performing the work owed in the common watercourse.⁸⁸ A further unusual case is seen at Downham, in a series of presentments concerning rabbits from the lord's warren. In 1431, the jury presented that 'the lord's rabbits continue to do damage in the crops of the tenants...[they] yearly destroy all the harvested crops inside a furlong around the vill', bringing attention to a seigniorial activity damaging the community of tenants. Even more striking is that they also said 'that unless speedily...a remedy is found they wish to abandon their lands lying there into the lord's hand'.⁸⁹ In a period when tenants were in short supply, it does not seem unreasonable to suggest an implicit threat in this statement. The complaint was made in a subsequent session, with it being noted that the rabbits had been destroying the grain 'for divers years gone' and that therefore the tenants 'cannot...work their lands...held of the lord'.⁹⁰ It was ordered to discuss this with the lord, and, as the presentment does not appear again, this policy of raising attention to an issue in seigniorial management, and plausibly implying some pressure, may have been successful.

⁸⁶ SAC, 5586/2/1/42.

⁸⁷ SAC, P314/W/1/1/37, 21 May 1355; P314/W/1/1/200, 28 Oct 1396; P314/W/1/1/238, 29 Oct 1409; P314/W/1/1/544, 31 May 1518.

⁸⁸ KCA, HOR/33, unfoliated, 11 Jun 1410; HOR/33, unfoliated, 11 Jun 1412; HOR/34, unfoliated, 11 Jun 1413; HOR/34, unfoliated, 11 Jun 1414; HOR/34, unfoliated, 11 Jun 1415; HOR/34, unfoliated, 11 Jun 1420; HOR/34, unfoliated, 11 Jun 1421; HOR/37, unfoliated, 11 Jun 1423; HOR/37, unfoliated, 14 Sep 1424; HOR/37, unfoliated, 11 Jun 1427; HOR/37, unfoliated, 11 Jun 1428; HOR/37, unfoliated, 11 Jun 1429; HOR/37, unfoliated, 11 Jun 1430; HOR/34, unfoliated, 11 Jun 1433; HOR/37, unfoliated, 11 Jun 1436; HOR/37, unfoliated, 11 Jun 1437; HOR/37, unfoliated, 11 Jun 1438; HOR/37, unfoliated, 11 Jun 1439; HOR/36, unfoliated, 11 Jun 1444; HOR/37, unfoliated, 18 Jun 1446; HOR/37, unfoliated, 25 Jul 1450; HOR/37, unfoliated, 11 Jun 1452; HOR/37, unfoliated, 31 Jul 1458; HOR/39, m.6, 11 Jun 1463; HOR/39, m.32, 3 Aug 1475; CUL, EDR, C11/2/6, m.19, 20 Mar 1431; C11/2/6, m.29, 4 Dec 1439; C11/3/7, m.20, 13 May 1472.

⁸⁹ CUL, EDR, C11/2/6, m.19, 20 Mar 1431.

⁹⁰ CUL, EDR, C11/2/6, m.20, 20 Sep 1431.

Therefore jurors used their position as presenting officials to highlight seignorial practices which were damaging their community. They could also utilise their vital function in administering the manor court to pressure the lord to address tenants' concerns. This is seen in 1513, when the capital pledges at Horstead refused to 'render their verdict until the lord demonstrates settlements between him and the residents of the lord'.⁹¹ Whilst no detail is provided of the outcome of this protest, or even what these 'settlements' were about, a marginal note orders for it to be inquired of the lord's council, and at the next leet session the capital pledges made presentments, suggesting a relatively quick resolution.⁹² A Downham jury, for reasons unfortunately left unstated, also refused to render their verdict in 1380, and were thus placed under pain, although that they then agreed to present suggests a less successful protest.⁹³

The engagement of tenants via officeholding in the governing structure of the manor provided a route for tenants to soften seigneurial exactions and protest seigneurial policies. Concealment, verbal protests, presentments and even modest strikes allowed tenants, or at least those holding office, to mediate the effects of seignorial policies on the local community.

Resistance to Officers

Up to this point, this chapter has concentrated mainly on attitudes to officeholding in relation to the lord, finding that the officeholding system was not purely a seigneurial imposition, and served a vital purpose for tenants in terms of meeting crucial needs of governance and providing a way to temper and challenge seignorial policies. There is however a chronological element to this argument. Most of the examples above are drawn from before 1475, suggesting the argument may not hold so well for the later period. On one level this is a problem of relying on qualitative evidence; as a rule the earlier rolls give more detail about the types of offences committed by officials, allowing for a close reading to understand motivations, whilst later records are more summary. For instance, at turn of the sixteenth-century Downham, both messors and fenreeves were presented as they had 'not done [their] office' with the nature of this failure left unexplained.⁹⁴ For Horstead's resistance to the reeveship, the timing is of course

⁹¹ KCA, HOR/45, m.5, 11 Jun 1513.

⁹² KCA, HOR/45, m.7, 4 May 1514.

⁹³ CUL, EDR, C11/1/3, m.6, 3 Aug 1380.

⁹⁴ CUL, EDR, C11/3/10, m.9, 14 Sep 1494; C11/3/10, m.13, 23 Aug 1498; C11/3/10, m.17, 1 Jan 1501; C11/3/10, m.24, 20 Sep 1508.

path-dependant, the tenants could not successfully remove the obligation to pay the reeveship fine twice.

Beyond these caveats, the largely fourteenth- and fifteenth-century chronology probably does reflect real changes. As lords increasingly moved away from direct cultivation towards leasing land and the more passive profits of lordship, there was simply less scope for corruption and mismanagement by officers that could negatively impact other officials, lords and tenants, or opportunities for tension between lord and tenants in which officeholding could be used for resistance.⁹⁵ Similarly, interpersonal litigation is normally argued to have been in decline in the manorial setting from the mid-fifteenth century, a trend partially explained by the rise of the presentment as a procedure.⁹⁶ This would remove an aspect of officials' roles that tenants as litigants were keen to ensure ran smoothly. Thus, it could be argued that tenants were invested in an effective officeholding system, but investment saw decline in line with waning lordship and interpersonal justice through the manor court.

However, little focus has as yet been given to the way officers were treated by their fellow tenants, or indeed how officers maintained their authority against external resistance, aspects of their roles that should be less sensitive to the shifting nature of seignorial profits from manors or their use for civil litigation. The rolls are littered with presentments for resisting officers in their work, or questioning their decisions, allowing a picture of attitudes to office from those governed by, but not currently serving as, officers to be analysed. Obviously, these incidences are problematic in that they may only represent a proportion of resistance. Other forms may have been covert and so not uncovered; considered justifiable and thus not reported; or the perpetrator may have been able to actively or passively coerce officials into not censuring them. However, even this partial evidence at least allows a glimpse into the way officeholding was perceived by tenants more widely, and how officers responded to challenges to their authority.

⁹⁵ See chapter 1.

⁹⁶ C.D. Briggs, 'Seigniorial Control of Villagers' Litigation Beyond the Manor in Later Medieval England', *Historical Research*, 81:213, (2008), 399-422, 421; Beckerman, 'Procedural Innovation', 243-5.

Table 4.1 – Number of ‘resistance actions’ and mean amercement per offender by decade at Little Downham and Worfield

Decade	Little Downham		Worfield	
	Number of Resistance Actions	Mean amercement per offender	Number of Resistance Actions	Mean amercement per offender
1310s	0	N/A	N/A	N/A
1320s	0	N/A	0	N/A
1330s	0	N/A	1	3d
1340s	N/A	N/A	0	N/A
1350s	N/A	N/A	2	1s 2d
1360s	1	4d	1	6d
1370s	0	N/A	3	6d
1380s	1	3d	3	2s 5d
1390s	1	6d	2	6d
1400s	8	8d	0	N/A
1410s	4	2s 5d	4	9d
1420s	3	6d	0	N/A
1430s	3	6d	3	7d
1440s	1	3d	1	1s
1450s	0	N/A	0	N/A
1460s	0	N/A	0	N/A
1470s	0	N/A	0	N/A
1480s	2	4d	0	N/A
1490s	2	3d	2	10d
1500s	2	6d	3	10s 3d
1510s	N/A	N/A	0	N/A
1520s	N/A	N/A	3	7d
1530s	N/A	N/A	0	N/A
1540s	N/A	N/A	2	8d
1550s	2	6d	3	8d
1560s	0	N/A	2	2s
1570s	0	N/A	1	6d
1580s	0	N/A	0	N/A
1590s	N/A	N/A	0	N/A

Sources: CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-10; SAC, P314/W/1/1/1-840.

Table 4.2 summarises the number of ‘resistance actions’ seen against reeves, messors, beadles and constables per decade for Worfield and Downham where these officers were present. Resistance actions have been taken to encompass any record of resistance to an official including ignoring orders, resisting arrest, resisting distraint, poundbreaking (when an official is explicitly mentioned) and assault. The most striking feature at both manors is the overall lack of

evidence of resistance to officers performing their duties. Whilst clearly there were always incidents of resistance, there were also multiple and sometimes consecutive decades of no recorded instances. These figures seem low even in comparison to McIntosh's for assaults at the manor of Havering, where she suggested an average of 0.5 per year for much of the fifteenth century showed that 'the level of physical aggression against court officials was low'.⁹⁷ This is even more striking when it is considered that McIntosh only includes assault in her calculation rather than all 'resistance actions'. There is, furthermore, no particularly distinct chronological pattern, and the period after the Black Death does not stand out as an era of tensions, although there was an increase in both manors in the late fourteenth to early fifteenth century. This suggests that officers did not face an unduly difficult position in the economic changes after the Plague, questioning the notion of these individuals as caught in the vice between lord and their fellow tenants, and suggesting resistance to officers cannot simply be thought of in terms of this relationship.

On the other hand, that attacks were presented reveals that officeholders, both when serving themselves and as jurors responsible for presentment, wanted to protect officers and ensure they could perform their role. As table 4.1 shows, generally punishments were under a shilling, putting them with the typical range of amercements for most offences on the manor, and suggesting they were not treated dissimilarly to these other offences. However, in four decades the average was significantly raised, in all cases occurring due to one unusually high payment. By looking at these instances, it is possible to consider challenges to officials that were perceived to be particularly egregious. For 1352 when Thomas de le Hethe was amerced 2s for rescue against the reeve, it is hard to understand the reason for this stricter punishment.⁹⁸ Thomas had committed other offences for which he was amerced separately, perhaps explaining this increased severity, although on similar occasions at Worfield offenders were not amerced more. In two other instances, the reason for severity is more obvious, and indicates that the court system continued to protect officials against attacks, allowing them to perform their work. At Downham in 1411, the amercement of 10s imposed on John Clement for abducting livestock out of the reeve's custody was likely due to his status as an outsider of Ely and that he had taken three stray animals which were of significant value to the lord.⁹⁹ The violence used against the

⁹⁷ McIntosh, *Autonomy and Community*, table 13, 211-5.

⁹⁸ SAC, P314/W/1/1/34, 22 May 1352.

⁹⁹ CUL, EDR, C11/2/4, m.27, 1 Apr 1411.

reeve was likely at issue when William Bulwardyn was amerced 20s in 1501 at Worfield. Whilst William was likely also an outsider, being ‘formerly of Claverley’, the presentment details how he, along with his associates, came ‘in force and arms namely staffs and knives’ to assault the reeve and take an horse which the official had distrained ‘for diverse offences and ameracements previously made’.¹⁰⁰ This unusual level of detail is evidence of the severity of this incident, explaining the unusually large amercement.

A final incident involving an exceptionally high amercement occurred in 1387 at Worfield, when John Bradeney was amerced 3s 4d. This occurrence reveals a different form of severity. Bradeney insulted both the reeve and beadle ‘in open court in the presence of the steward and the whole homage’.¹⁰¹ The public nature of a direct challenge to officials was at issue here, the action was not simply resistance to them carrying out their duty in the moment, but a questioning of their status and authority more generally. This kind of resistance is more commonly evidenced in attacks on the position of jurors and capital pledges, which were seen at all three manors. Occasionally, the detail available only suggests a public insult to the jury; in 1565 Humphrey Russell was amerced 12d for ‘badly treating, scolding and calling the jury infamous’, a rather inexplicable act in that the jury had just presented another tenant for unjustly drawing blood against the same Humphrey.¹⁰² However, more typically the presentments specifically detail that the jurors were called ‘false’ or ‘perjurers’ or that their deliberations were disputed, with this language being used across all the case studies.¹⁰³ These attacks are qualitatively different to those above committed against officials in the course of these duties. Whilst the former prevented officers carrying out their role, calling jurors false was a direct attack on their ability to govern the community and consequently met with an immediate punishment. On one occasion the potentially seditious nature of disputing the jury’s decision is explicitly stated: in 1447, three tenants at Horstead were each amerced 12d for calling the jury false ‘in a bad example to others’.¹⁰⁴ Similarly, at Downham an entry of 1413 details how Robert Walsham had made accusations ‘openly in court’, whilst a presentment of 1439 details

¹⁰⁰ SAC, P314/W/1/1/500, 13 Oct 1501.

¹⁰¹ SAC, P314/W/1/1/162, 15 Jul 1387.

¹⁰² SAC, P314/W/1/1/758, 16 Oct 1565.

¹⁰³ SAC, P314/W/1/1/199, 6 Sep 1396; KCA, HOR/33, unfoliated, 2 Aug 1409; HOR/37, unfoliated, 6 Jan 1447; HOR/40, m.1, 4 Nov 1483; CUL, EDR, C11/2/4, m.7, 7 Mar 1402; C11/2/5, m.1, 22 Dec 1413; C11/2/5, m.7, 12 Jan 1417; C11/2/6, m.4, 14 Jan 1424; C11/2/6, m.29, 4 Dec 1439; C11/2/6, m.32, 13 Dec 1440; C11/3/10, unfoliated, 7 Jan 1562.

¹⁰⁴ KCA, HOR/37, unfoliated, 6 Jan 1447.

how Thomas Son of Stephen violated the jurors ‘calling the same false publicly’.¹⁰⁵ Presentment of these offences went beyond simply punishing the individual offender, they worked to protect views contrary to the jurors’ decisions from gaining any public circulation, and thus played an important role in maintaining the authority of jurors.

This authority extended outside of the court itself, with offences occurring outside this context being reported and punished. In 1409, an unknown individual described as ‘one of the fellows of Walter de Swanton’ was presented for ‘disputing the decision of the capital pledges’ at Horstead, the lack of a name suggesting that this dispute had not occurred in court.¹⁰⁶ At Downham, this is seen clearly in a presentment of 1444. John More, who is described explicitly as ‘a serf of the lord’, had ‘openly in the tavern insulted, with divers malicious words the tenants and capital pledges that presented the same for divers defects’.¹⁰⁷ Clearly, More’s actions were still a public act, but took place in a different public arena of the tavern, displaying how officers worked to maintain their authority in the community even outside of court sessions. This 1444 presentment also connects an attack on the capital pledges and an attack on the tenants more widely, suggesting that an action which challenged the credit of the former had a similar effect on the latter. A similar connection is seen in 1483 at Horstead, when Nicholas and Thomas Aleyn ‘made contempt both of the lord and tenants...criticising and calling false and calling these said tenants knaves and harlots for their verdict made in court of diverse transgressions’ made by the same. The Aleyns had also made threats against the tenants ‘both in open court and outside the court’ at various places and times.¹⁰⁸ The reference to a ‘verdict made in court’ suggests that the insult was potentially aimed specifically at jurors, however the entry utilises the language of the general community of ‘tenants’ to give an impression of damage to the community as a whole.

These presentments reveal an active role by officials in maintaining their authority and suggest a far cry from a system that was either in decay, or placing individuals in an awkward vice between lord and fellow tenants. Those holding office responded decisively to attacks on the credit of their presentments and judgements, and thus challenges to their ability to govern, defending the legitimacy of the officeholding system. However, it is also important to consider

¹⁰⁵ CUL, EDR, C11/2/5, m.1, 22 Dec 1413; C11/2/6, m.29, 4 Dec 1439.

¹⁰⁶ KCA, HOR/33, unfoliated, 2 Aug 1409.

¹⁰⁷ CUL, EDR, C11/2/6, m.37, 20 Nov 1444.

¹⁰⁸ KCA, HOR/40, m.1, 4 Nov 1483.

the motivations and status of those who were making these attacks, especially in the light of the above evidence that office was utilised by a something approaching a ‘middling sort’ to govern the community. How far can presentments of abuse against officials be seen as resistance by an excluded group to a governing group, and largely independent of the lord? Such a possibility is intriguing, especially since the manor that saw the most frequent protestations, Downham, was that with the greatest use of manorial office to meet the needs of a tenant-elite. Unfortunately direct statements of motivation are rarely recorded in these type of entries. In the case of John More, the accusation of falsehood, according to the entry, directly flowed from presentments made against the offender in court, as did that of the Aleyns.¹⁰⁹ These presentments do seem to have resulted from a perception of unjust treatment by the officer group, although it is unclear whether these were the actions of aggrieved individuals or symptomatic of a more general undercurrent of hostility from a governed group.

In a 1393 presentment at Worfield, a glimpse is caught of the tension caused by the multiple levels of authority engendered by a decentralised leet with separately presenting villis. Thomas Heyne ‘did contempt and rebellion and accused the 12...sworn of false judgement for a certain presentment [at] the last view of 1 forestalling [which] was concealed by the vill of Wyke’.¹¹⁰ Heyne’s protest does not appear to be linked to the original forestalling, being neither the victim nor the perpetrator, but instead disputed the jury’s presentment of Wyke for concealment of the forestalment.¹¹¹ He was seemingly challenging the jury leet’s role as a body of final presentment, revealing an objection to their governance over the smaller communities making up the manor. The reasoning behind this protest is again hard to understand; the jury consistently monitored the work of the hamlets, in every leet affirming whether the villis had presented honestly, and frequently presenting ameracements for concealment down to 1425.¹¹² Interestingly, after 1425, whilst the jurors leet continued to affirm that the villis ‘had presented

¹⁰⁹ CUL, EDR, C11/2/6, m.37, 20 Nov 1444; KCA, HOR/40, m.1, 4 Nov 1483.

¹¹⁰ SAC, W/1/1/199, 6 Sep 1396.

¹¹¹ SAC, W/1/1/198, 8 Jul 1396.

¹¹² See SAC, P314/W/1/1/33, 11 May 1351; P314/W/1/1/34, 22 May 1352; P314/W/1/1/37, 21 May 1355; P314/W/1/1/41, 30 Nov 1357; P314/W/1/1/50, 20 May 1361; P314/W/1/1/54, 20 Apr 1363; P314/W/1/1/57, 18 Apr 1364; P314/W/1/1/68, 8 May 1368; P314/W/1/1/100, 19 Nov 1375; P314/W/1/1/103, 9 Oct 1376; P314/W/1/1/106, 20 Apr 1377; P314/W/1/1/112, 22 Apr 1378; P314/W/1/1/119, 18 Oct 1379; P314/W/1/1/122, 15 Oct 1380; P314/W/1/1/175, 6 Apr 1388; P314/W/1/1/184, 2 Dec 1392; P314/W/1/1/190, 1 Dec 1394; P314/W/1/1/202, 4 Jun 1397; P314/W/1/1/217, 25 Oct 1400; P314/W/1/1/223, 18 Apr 1402; P314/W/1/1/226, 25 Apr 1404; P314/W/1/1/233, 5 May 1405; P314/W/1/1/234, 28 Oct 1405; P314/W/1/1/234, 30 Apr 1406; P314/W/1/1/243, 8 Apr 1415; P314/W/1/1/264, 10 Apr 1425; P314/W/1/1/267, 1 Oct 1425.

well', there are no cases of concealment. It seems unlikely that vills suddenly became unwilling to hide presentments, and this may reveal a break-point in the jury's authority over the manor. However, this should not be taken too far; as demonstrated above the jury leet continued to exert a governing authority well into the sixteenth century. The only other example of a more structured objection occurred at Downham, when Robert Walsham was amerced 40d for complaining that the jury had 'made false bylaws and customs'.¹¹³ Walsham made this protest in the midst of the period detailed above, when bylaws were increasingly used to govern the community, limiting access to fenland resources and instigating labour controls, and therefore he could plausibly have been attacking this increasingly potent use of officeholding for governance.¹¹⁴

One source of evidence to examine how far objections were the protests of an excluded group is to look at the identities of those protesting, to see if they were outside of the officeholding group. At Worfield, there is some evidence to support this position. Of 36 individuals identified as making a protest against officers, including both jurors and 'selected officers', 78% cannot be found serving in any office. This does, however, leave a large minority who both served in office and protested. At Downham, the figures are less convincing, of 33 individuals, only 45% cannot be found serving in office, thus the majority of protests were made by figures who were somehow 'insiders'. Similarly, of the 5 men reported at Horstead, 4 held office. It is therefore hard to interpret protests against officeholders at these manors as objections by a subjugated to a dominant group. This cannot disprove stratification. The evidence of court rolls may simply not record the protests of a subjugated group, which if covert, may have been designed to avoid presentment and punishment. However, it does suggest that the aim of officeholders in monitoring and presentment of resistance was to maintain their authority against protesting individuals generally drawn from the same group as those currently in office. Much like with the monitoring of abuse by serving officers, it aimed to preserve the authority of the officeholding system from damage by its own participants.

Conclusion

An analysis of attitudes to office has revealed that the privileged group who served in these positions were strongly invested in the officeholding system. They sought to ensure those

¹¹³ CUL, EDR, C11/2/5, m.1, 22 Dec 1413.

¹¹⁴ See p. 155-6.

selected actually served in office, that officials performed many aspects of their role efficiently and to an accepted standard, and that the authority of officers was maintained in the face of physical and verbal dissent. This reinforces the arguments made in previous chapters showing the use of officeholding by a small group of prominent tenants, but complicates models that have seen officers as solely mediating between lord and tenants, or that they could either be 'lord's men' or 'community servants'. Undoubtedly, officers could be caught between two countervailing pressures from above and below, and after the Black Death on certain estates like that of the Bishop of Durham this would seem the most accurate picture to adopt. However, over a longer period, and focusing on aspects of officials' roles beyond demesne management by examining jurors and capital pledges alongside reeves and haywards, to see the lord and a greater body of tenants as poles apart gives a one-dimensional picture of a more complex phenomenon. Whilst tenants and juries may have lacked the motivation to report illicit profits using seignorial resources or rights, failure and abuse in many other aspects of officials' work, such as maintaining seignorial banks and ditches, corruption in recording *intervivos* transfers and failing to enforce interpersonal suits could also negatively impact on the tenants. The authority of officers was maintained, a vital aspect in using them to govern local communities, and the integration of tenants into the lord's management of the manor allowed protests against certain aspects of seignorial government. This perspective explains why there were so few overall attacks on the officeholding system, in terms of abuse against officers, or refusals to select officers, with the only successful and sustained example from the case studies being aimed at removing a 'reeveship' which had effectively become a purely financial due.

This is not a call to return to the rosy Toronto School picture of attitudes to office. The lord still exerted significant pressure on officeholders, and created structures such as the accounting system, and the chains of responsibility between officers, to ensure that officers were motivated to police each other. From the other direction, to suggest that officers faithfully served all members of a wider and relatively unified community is similarly inaccurate. Unfortunately, evidence of the attitudes of the governed is not forthcoming in the sources available, with most protests seemingly from those already part of the officeholding group. However, it does not follow that a marginalised group did not exist, and it seems more likely that they simply could not vocalise their protests.

The 'political' culture of manorial officeholding seen in this chapter again has direct parallels to that described for the parochial officeholding structures of the early modern period. The attention to keeping the deliberations of the jury secret and the punishment of public dissension by jurors mirrors the attention to secrecy and strategies to avoid conflict in the early modern vestry.¹¹⁵ The association of attacks against the jury and attacks against the tenants at large adopts a similar rhetorical strategy as vestries who made their decisions stand for their whole communities.¹¹⁶ That these were combined with a position of responsibility to an outside authority in the form of the lord, leading to officials exercising their powers both to control but also to protect the community, again is strikingly similar to analyses of early modern officers as between their community and more senior royal officials.¹¹⁷ That manorial officeholding can be attributed some of the complex political aspects of early modern officeholding suggests a more sophisticated 'politics' than has previously been allowed, advocating for a significant inheritance into the early modern period. The next chapter will ask the logical following question: how did this 'medieval' governing structure interact with the development of the state in the early modern era?

¹¹⁵ Hindle, 'Political Culture of the Middling Sort'; Hindle, *State and Social Change*, 211-2, 217-8.

¹¹⁶ Hindle, *State and Social Change*, 218-9.

¹¹⁷ Wrightson, 'Two Concepts of Order', 21-6, 29-33; Braddick, *State Formation*, 72-82; T. Harris, 'Introduction', in T. Harris (ed.), *The Politics of the Excluded, c.1500-1850*, (Basingstoke: Palgrave, 2001), 1-29, 14; Goldie, 'Unacknowledged Republic', 166; J.S. Craig, 'Cooperation and Initiatives: Elizabethan Churchwardens and the Parish Accounts of Mildenhall', *Social History*, 18:3, (1993), 357-80, 359-70; Kent, *Village Constable*, 21-3.

Chapter 5: Manorial Officeholding and the State

State 'Incorporation'

Comparisons between the manorial officeholding structure of medieval England and the state-focused parochial officeholding of early modern England have been made in all previous chapters. However, here the aim is to go beyond comparison to consider interaction between manorial officeholding structures and the state, and particularly what effect the increase in interaction between locality and central government had on the governmental structures created by manorial officeholding.

That the Tudor period saw a radical increase in state authority can be traced to Geoffrey Elton's argument about a 'Tudor Revolution in Government' in the reign of Henry VIII.¹ Wrightson, however, was the first to analyse this phenomenon at the village level, in his examination of the transition from medieval unstratified communities to a nationwide culture of gentle and tenant-farmer elites.² He highlighted office as a core mechanism of the incorporation of this 'middling sort' into a national polite political culture. It provided village elites with an opportunity to identify with this culture, regulating the behaviour of the poor whose attitudes offended their polite sensibilities, and perhaps their puritan beliefs, as well as draining their pockets with the beginning of the assessment of poor rates. Fear of the growing poor and religious extremism led to officers becoming far more 'of the state' rather than 'of the community' normally after a struggle within the community's elite. They were increasingly willing to cooperate through presenting offenders to JPs and enforcing statute law in the localities.³

This initial model has been expanded by Hindle who has emphasised parochial officeholding as key to the creation of the early modern state. He sees the impetus for the growth of the state to be as much about local elites seeking to advance their power through the use of royal authority, as central government actively reaching out to incorporate the provinces, arguing that 'order and authority did

¹ G.R. Elton, *The Tudor Revolution in Government: a Study of Administrative Changes in the Reign of Henry VIII*, (Cambridge, 1953), 1-9.

² Wrightson, 'Social Differentiation', 33-4; Braddick, *State Formation*, 2-3.

³ 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.

not merely “trickle down” but “welled up” within society itself’.⁴ A vital stage in this process is seen as the shift towards the formal charity of the Poor Law; although scholars disagree over the size and exact chronology of this change.⁵ Steven Gunn has posited that 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’.⁶ 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’.⁷ 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.⁸ Recently, Richard Hoyle has restated the longevity of the Wrightson thesis within early modern historiography, although he places the emphasis on the redefinition of protest against the crown as illegitimate meaning that ‘the village yeomanry...cleaved towards the gentry...because there was nowhere else for it to go’.⁹

This interpretation has been modified in work which has emphasised the limits of the authority of officers, and how they were restrained by the expectations of their local communities, performing a balancing act akin to that of manorial officers between lord and fellow tenants.¹⁰ They thus mediated between state and local community. Furthermore, Hindle has emphasised that many parishes did not assess poor rates until after the Civil War, whilst Reformation historians have

⁴ Hindle, *State and Social Change*, 2-35, 115, 227-237; Hindle and Kümin, ‘Spatial Dynamics’, 168.

⁵ Hindle, ‘Political Culture of the Middling Sort’, 127; Wood, *1549 Rebellions*, 200-1; Kümin, *Shaping of a Community*, 247-8; W.O. Ault, ‘Manor Court and Parish Church in Fifteenth-Century England: a study of village by-laws’, *Speculum*, 42:1, (1967), 53-67, 67; McIntosh, *Poor Relief in England*, 2-4.

⁶ Gunn, *English People at War*, 52, 115.

⁷ Wood, *1549 Rebellions*, 1.

⁸ Wood, *1549 Rebellions*, 187-8, 197-8, 203, 207; A. Wood, *Riot, Rebellion and Popular Politics in Early Modern England*, (Basingstoke: Palgrave Macmillan, 2002), 88; J. Walter, ‘Authority and Protest’, in K. Wrightson (ed.), *A Social History of England, 1500-1700*, (Cambridge: Cambridge University Press, 2017), 221-41, 228.

⁹ R.W. Hoyle, “Wrightsonian Incorporation” and the Public Rhetoric of Mid-Tudor England’, *History*, 101, (2016), 20-41, 21-2, 40-1.

¹⁰ Wrightson, ‘Two Concepts of Order’, 21-6, 29-33; Braddick, *State Formation*, 72-82; Harris, ‘Introduction’, 14; Goldie, ‘Unacknowledged Republic’, 166; Craig, ‘Cooperation and Initiatives’, 359-70; Kent, *Village Constable*, 21-3.

questioned the effectiveness of central government religious policy.¹¹ From the opposite direction, 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 ‘for once and 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.¹² Smith’s arguments have been bolstered by empirical and theoretical developments. Investigations into the vill as a unit of government 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.¹³ 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.¹⁴ David Rollison even suggests that ‘the incorporation of “middles” had been a strategy of the...state, since the reign of Henry II’.¹⁵

¹¹ Hindle, ‘Political Culture of the Middling Sort’, 127; Carlson, ‘Office of Churchwarden’, 170-80; Kümin, *Shaping of a Community*, 243-5.

¹² Smith, ‘Modernization’, 161-77.

¹³ Dyer, ‘Power and Conflict’, 4; Dyer, ‘Village Community’, 412; C.C. 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: Cambridge University Press, 1996), 168-90, 171; Dyer, ‘Political Life’, 140; Dyer, ‘Poverty and Its Relief’, 55; C.C. 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: Hertfordshire University Press, 2006), 6-27, 25-6; R.S. Schofield, *Taxation under the Early Tudors*, (Oxford: Blackwell, 2004), 35-45; R.B. Goheen, ‘Peasant Politics? Village Community and the Crown in Fifteenth-Century England’, *The American Historical Review*, 96:1, (1991), 42-62, 45-7; Hoyle, ‘“Wrightsonian Incorporation”’, 26-7; Schofield, ‘Village Community’, 41; Schofield, *Peasants and Historians*, 203-4; Masschaele, *Jury, State and Society*, 6.

¹⁴ S. Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, 2nd edition, (Oxford: Clarendon, 1997), 1-3; Schofield, *Peasant and Community*, 5-6; Müller, ‘A Divided Class’, 119.

¹⁵ D. Rollison, *A Commonwealth of the People: Popular Politics and England’s Long Social Revolution, 1066-1649*, (Cambridge: Cambridge University Press, 2010), 425.

The role of manorial officeholding, as providing a locus of authority and governance in villages, has been largely ignored in this complex story of interaction between state and locality. Paul Harvey has noted that the office of reeve developed on the behalf of both the vill and of the lord, as in the period before direct management the two roles were largely the same, allowing the reeve to represent the vill in interactions with the royal law.¹⁶ The reeve retained a legal role, representing villages in royal courts.¹⁷ He could act politically, and occasionally operated as mainpernor to his lord if the latter became a Member of Parliament.¹⁸ Medievalists have also noted that manorial officials were used informally to meet vills' obligations to the crown, such as assessing taxation and raising military levies.¹⁹ The fact that village constables continued to be chosen by, and present in, leets into the early modern period has been emphasised by early modern historians, as evidence of the control of state office by local notables.²⁰ Several studies have noted that the village elites who served as churchwardens, taxers and constables also served in manorial office.²¹

¹⁶ 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: Boydell, 2004), 125–38, 126-38.

¹⁷ H.M. Cam, 'The Community of the Vill', in V. Ruffer and A.J. Taylor (eds.), *Medieval Studies Presented to Rose Graham*, (Oxford, 1950), 1-14, 10-12; Ault, 'The Vill in Medieval England', 192-3; J. Masschaele, 'Town, Country, and Law: Royal Courts and Regional Mobility in Medieval England, C.1200-C.1400', in J. Langdon, R. Goddard and M. Müller (eds.), *Survival and Discord in Medieval Society: Essays in Honour of Christopher Dyer*, (Turnhout: Brepols, 2010), 127-44, 139

¹⁸ 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, 32-3; J.R. Maddicott, 'Parliament and the People in Medieval England', *Parliamentary History*, 35, (2016), 336-51, 340-41.

¹⁹ Ault, 'The 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: York Medieval Press in association with Boydell, 2013), 187-216, 198.

²⁰ Dyer, 'Political Life', 140; D.A. Crowley *Frankpledge and Leet Jurisdiction in Later Medieval Essex*, (Unpublished University of Sheffield PHD Thesis, 1971), 220-43, 281-90; King, 'Early Stuart Courts Leet', 285-7; Kent, *Village Constable*, 59-61; J.L. Cruickshank, 'Courts Leet, Constables and the Township Structure in the West Riding, 1540-1842', *Northern History*, 54:1, (2017), 59-78, 78.

²¹ Smith, 'Dearth and Local Political Responses', 385-7; Dyer, 'Power and Conflict', 6-7, 10; Dyer, 'English Medieval Village Community', 427-9; Dyer, 'Political Life', 139-44; Kümin, *Shaping of a Community*, 38-40; Schofield, *Peasant and Community*, 166-79; M. Thompkins, *Peasant Society in a Midlands Manor: Great Horwood, 1400-1600*, (Unpublished University of Leicester PHD Thesis, 2006), 197-200; Forrest, 'Women Manorial Officers', 62-3 (notes women unlike other tenants could only serve in manorial office); K.L. French, *The People of the Parish: Community Life in a Late Medieval English Diocese*, (Philadelphia: University of Pennsylvania Press, 2001), 90; J. S. Craig, 'Cooperation and Initiatives', 365; E. Clark, 'Social Welfare and Mutual Aid in the Medieval Countryside', *JBS*, 33, (1984), 381-406, 384.

However, beyond these individual examples, the main narrative is replacement of the manor court by the parish as a step in early modern state formation. Medievalists often see the civil parish as displacing the manor and vill.²² Hindle has developed the most explicit argument. He sees the parish as ultimately replacing the manor court in the form of the oligarchical vestry. These bodies were similar in that vestrymen and manorial jurors were of broadly similar status and both institutions had a *de facto* tendency to oligarchy. However, he acknowledges that the process of replacement was complex, noting that although the late sixteenth century was the period of the development of the secular parish, it was also a time of a flourishing of leet courts which were being given new powers by Tudor legislation. He perceives the relative strength of the two institutions as largely locally specific; parishes fragmented between multiple manors might not see a vestry becoming dominant until the eighteenth century, whilst where manor and parish boundaries were coterminous the vestry could flourish a lot earlier. Similarly, where manor courts were weak due to enclosure removing the need to regulate communal agriculture the vestry might rise in prominence far quicker.²³

Hindle further suggests that the two institutions were qualitatively different, as manorial courts express an ascending concept of political authority with jurors having standing independent of the demands made by their lords, whilst vestrymen's status was derived from above, as they wielded authority on behalf of the state which they had little influence over. This led to vestries being more oligarchical than manor courts as state incorporation made parochial-elite vestrymen more self-conscious of their special status, reflecting a trend emphasised by other parish historians that vestries became more exclusive over time. This in turn restricted the possession of parochial office to the middling sort, allowing them to become invested in the early modern state.²⁴

²² Ault, 'The Vill in Medieval England', 211; Bainbridge, *Gilds in the Medieval Countryside*, 123-4; P.D.A. Harvey, 'Initiative and Authority in Settlement Change', in M. Aston, D. Austin and C.C. Dyer (eds.), *The Rural Settlements of Medieval England: Studies Dedicated to Maurice Beresford and John Hurst*, (Oxford: Basil Blackwell, 1989), 31-43, 41-3; Dyer, 'Medieval Village Community', 428-9; Dyer, 'Political Life' 149-53; Kümin, *Shaping of a Community*, 64; Dyer, 'Poverty and Its Relief', 74.

²³ Hindle, 'Political Culture of the Middling Sort', 126-8; Griffiths, 'Kirtlington Manor Court', 281.

²⁴ Hindle, 'Political Culture of the Middling Sort', 128-47; Kümin, *Shaping of a Community*, 258.

French similarly presents the two bodies as adversarial, suggesting that middling tenants sought to shift authority away from court leets to parochial structures in order to reduce gentry interference through manorial lordship. He notes however that the two bodies could act more harmoniously when lords were non-resident.²⁵ For Earl's Colne, French and Hoyle suggest the court leet was replaced by parochial institutions that did not rely on common consent, and better allowed a narrow elite including the lord to carry out moral reform.²⁶

This chapter seeks to reinterpret this narrative of replacement in light of the continued importance of manorial officeholding in governing the village community demonstrated in chapters one and three, its role in creating an officeholding elite seen in chapter two and the investment of local elites in officeholding shown in chapter four. Demonstrating the robust role of manorial officeholding in creating a governing structure, requires a reassessment of how it was impacted by, and impacted on, state building via officeholding, and adds a different dimension to the consideration of the local mediation of state authority in village communities.

Legislation

Firstly, it is vital to establish how far manorial officeholding was directly affected by the developing state, in that the role of officeholders changed to enforce centralising policies. This can be gauged by detailing how far jurors leet and capital pledges enforced new statutes placed on them by royal lawmakers. Such an approach requires some flexibility, as whilst court rolls do record some presentments as explicitly 'against the statute', they do not do so consistently, even for the same offences, and thus sometimes it is necessary to infer that an offence was triggered by a response to a statute rather than relying on an explicit link.

To begin with legislation that did inculcate a change, officers at both Downham and Worfield presented offenders against the Act for the Making of Caps of 1571 in 1579 and 1581-4 respectively.²⁷ This relatively minor piece of legislation, ostensibly an economic measure designed

²⁵ French, *Middle Sort of People*, 229-34.

²⁶ French and Hoyle, *Earls Colne*, 163-74.

²⁷ 13 Elizabeth I c.19, *SR* v.4, p.1, 555 (Act for the making of caps); CUL, EDR, C11/3/11, unfoliated, 8 Oct 1579; SAC, P314/W/1/1/801, 5 Oct 1581; P314/W/1/1/803, 27 Sep 1582; P314/W/1/1/804, 21 Mar 1583;

to help sustain the ‘laudable Science and Trade of Cappynge’, demanded the wearing of caps by all persons over six on Sundays and Holy Days. The text of the act explicitly states that it was enforceable by stewards in leets as well as by assize judges, JPs and sheriffs. The way the offence was reported differs between the two courts. At Downham, two offenders were presented and amerced at the statutory rate of 3s 4d, whilst at Worfield summaries are provided simply of the amount of money forfeited to the lord which ranged from 9s-12s 4d. The latter example perhaps hints at why this legislation saw wider enforcement than other statutes, it clearly generated relatively high revenues. The statute ordered these to be split between the lord as owner of the leet, and the ‘Rulers and Cheefe Governors of every such...Hamlet where the Trespas shalbe tried’ to be distributed ‘among the Poore inhabiting within the same’, providing a way of easing the burden of poor relief among manorial tenants. Therefore, both lord and jurors leet may have seen an advantage in pursuing this statute in their leet. On the other hand, in both communities, enforcement long post-dated the enactment of the statute, and was seemingly short lived, suggesting any enthusiasm for the legislation was brief.

Other responses to statutory legislation show contrasts between different manors. At Worfield, references to statutes were made in 1499 when the lord’s millers were presented for occupying mills against the form of the statute and taking an excessive toll, and in 1510 when George Rowley was presented for hunting rabbits without the lord’s licence.²⁸ Both of these presentments were not covering new offences, one being a familiar attack on seigniorial property and the other being a presentment about millers commonly seen at Worfield, and the ‘statutes’ referred to may in fact be local bylaws. Enforcement against a verifiable royal statute can be seen in a single session of 1566, when ten men, including the vicar, were presented by the vill of Worfield for being common bowlers and playing ‘illegitimate games against the statute’, presumably a reference to the gaming legislation of 1541-2.²⁹

P314/W/1/1/806, 7 Apr 1584; Griffiths also saw this legislation enforced at Kirtlington: Griffiths, ‘Kirtlington Manor Court’, 276.

²⁸ SAC, P314/W/1/1/499, 5 Nov 1499; P314/W/1/1/506, 24 Apr 1510.

²⁹ SAC, P314/W/1/1/763, 26 Sep 1566; 33 Henry VIII, c.11, SR., v3, 840.

Similarly, at Horstead references to new statutory legislation are sparse. In 1572 the capital pledges presented three men for killing the lord's hares. Whilst analogous presentments were frequent on the manor, this was unusual in specifying that the hunt was committed in the snow during winter 'against the statute', a reference to hunting legislation of 1523 banning the tracing of hares in snow.³⁰ The only other reference is to the significantly older Statute of Mortmain of 1279, which was seen in 1527 in connection to a bequest of land held commonly by the vill of Horstead. This presentment by jurors seems to have been part of a renegotiation with the lord however, the land being regranted to a group of tenants acting as feoffees, a process which occurred again in 1590.³¹ Thus it is hard to claim this is a presentment directly against a statute.

This contrasts with Downham, where a greater range of statutory legislation was enforced, even if this was again normally in only one court session. In 1556, the capital pledges presented three men, two of whom were gentlemen, for guarding guns inside their lands in contravention of a statute of 1541 banning any person with an income of less than £100 from keeping guns on their property.³² A similar one-off can be seen in 1508, when Robert Leche was amerced 2d as a common gamer at cards and tables, presumably under legislation of 1495, although the loss of the court rolls from this date to 1552 may mean that this legislation and that of 1541-2 was enforced for a longer period.³³ On the other hand, gaming laws were not being enforced from 1552 onwards, suggesting if any change did occur in this aspect of business, it again was short lived. In 1571, a gentleman was amerced the significant sum of 40s for being in default three times in common works 'against the form of the statute', following the reissuing of the Marian statute for the repairing of highways in 1562.³⁴ However, no more presentments were made concerning this legislation.

The only two statutes that were prosecuted with any regularity, even at Downham, were the Statute of Winchester's provisions about keeping watch and the Statute of Labourers. The former of these, which was promulgated in 1285, demanded nightly watches to arrest strangers. This was incumbent

³⁰ KCA, HOR/51, m.3, 23 Apr 1572; 14-15 Henry VIII, c.10, *SR*. v3, 217.

³¹ KCA, HOR/45, m.21, 12 Feb 1527, HOR/45, m.21, 26 Jun 1527; HOR/53, m.8, 25 Nov 1590.

³² CUL, EDR, C11/3/10, unfoliated, 10 Oct 1556; 33 Henry VII, c.5, *SR*. v3, 832-5.

³³ CUL, EDR, C11/3/10, m.24, 20 Mar 1508; McIntosh, *Controlling Misbehavior*, 99

³⁴ CUL, EDR, C11/3/11, unfoliated, 19 Mar 1571; 2&3 Philip and Mary, c.8, *SR*. v4 p.1, 284-5; 5 Elizabeth, c.13, *SR*. v.4 p.1, 441-3.

upon the vill rather than the manor, which may explain why it is only seen at Downham where manor and vill were roughly the same unit.³⁵ The watch is only visible through presentments of individual watchmen for default of their duties or assaults on watchmen, giving a very incomplete picture, although as these range from 1364 to 1507, it seems likely that the manor was used as the organising unit to meet this royal demand, or at least to ensure it was met via supervision by manorial jurors, up until at least the beginning of the sixteenth century.³⁶ That this duty was specifically linked to the statute of Winchester is seen in the presentment of John Swift in 1376 for not doing vigil according to the ‘stat’ Wynton’.³⁷

Offences against the labour legislation were presented at Downham in 1420, 1434, 1450, 1456, 1459 and 1508, thus over a long period of time but again intermittently.³⁸ Earlier presentment according to this legislation can be seen at Worfield, when in a single session of April 1384 several vills presented day labourers for taking ‘more than ordered by the Statute’.³⁹ This spate of enforcement was never repeated, however, and at both manors prosecution according to the Statute was relatively unusual. Part of this pattern is explained by the fact that manor courts were not the principal forum for prosecution, with the various iterations of the labour legislation being enforced by county commissions.⁴⁰ Interestingly, the prosecution of the labour legislation in these manorial courts differs from that identified by Elaine Clark concerning the 1349 ordinance, as she found that whilst in towns many labourers were presented simply for ‘trespass against the statute’, in rural courts the statute was largely utilised by employers bringing interpersonal cases of breaking of covenant.⁴¹ The labour legislation was also enforced temporarily at Horstead in the mid-sixteenth

³⁵ 13 Edward I, Statute of Winchester c.4, *SR* v.1, 97.

³⁶ CUL, EDR, C11/1/2, m.14, 3 Dec 1364; C11/1/2, m.23, 1 Dec 1373; C11/3/10, m.13, 23 Aug 1498; C11/3/10, m.23, 24 Sep 1507.

³⁷ CUL, EDR, C11/1/2, m.25, 12 Dec 1376.

³⁸ CUL, EDR, C11/2/5, m.13, 16 Jan 1420; C11/2/6, m.25, 14 Jan 1434; C11/2/6, m.46, c.10 Jan 1450; C11/2/6, m.52, 10 May 1456; C11/2/6, m.56, 3 Jan 1459; C11/3/10, m.24, 20 Mar 1508.

³⁹ SAC, P314/W/1/1/142, 24 Apr 1384.

⁴⁰ B. H. Putnam, *The Enforcement of the Statutes of Labourers During the First Decade after the Black Death, 1349-1359*, (New York, 1908), 220-2.

⁴¹ E. Clark, ‘Medieval Labor Law and English Local Courts’, *American Journal of Legal History*, 27:4, (1983), 330-53, 335-6.

century, although this was achieved through special petty sessions where servants were retained for a year, and day labourers were admitted to work within the lordship.⁴²

The variety of legislation seen in presentments at Downham suggests that the general lack of enforcement of new statutory requirements was not due to the ignorance of jurors about these acts. Whilst delays between promulgation and presentments may not suggest immediate awareness, the sheer range of legislation seen indicates relatively effective transmission into local courts.⁴³ Lack of enforcement was in some measure presumably due to lack of offenders, with acts relatively narrow in scope compared to the general presentments made by manorial juries. Beyond this, the fact that Downham enforced a wider range of legislation, and in some cases for longer, must still be explained. Partially, this was likely due to the manorial court at Downham, with its relatively coterminous boundaries of manor and vill, taking on the requirements of the state in a way not possible at the other two case-study manors where these boundaries did not overlap neatly. As well as through setting the watch, this is seen in taxation, with three men in 1324 bringing unsuccessful suits against Simon Buk as ‘agister of the pence of arms’, suggesting military requirements were organised at the manorial level.⁴⁴ The integration of state and manorial authorities, due to the Bishop of Ely’s powers within the liberty of the Isle, must also have been significant, with legislation that may elsewhere have been enforced by other courts being instead monitored through the bishop’s leets.⁴⁵

Beyond structural differences, the other main reason behind enforcement must have been a willingness by manorial jurors to present offenders under this legislation. As has been emphasised for both the medieval and early modern periods in varying complex formulations, the key to enforcement of government policy at the local level was willingness by local elites to comply with legislation, largely because they saw it in their own interest to do so.⁴⁶ Unfortunately, measuring

⁴² KCA, HOR/49, m.8, 21 Apr 1552; HOR/50, m.1, 21 Apr 1553; HOR/50, m.2, 7 Apr 1554.

⁴³ McIntosh, *Controlling Misbehavior*, 40.

⁴⁴ CUL, EDR, C11/1/1, m.7, 19 Dec 1324.

⁴⁵ See p. 10.

⁴⁶ Goheen, ‘Peasant Politics’, 42-3, 49-56; Braddick, *State Formation*, 433-4; Hindle, *State and Social Change*, 236-8; J.R. Kent, ‘The Centre and the Localities: State Formation and Parish Government in England, circa 1640-1740’, *The Historical Journal*, 38, (1995), 363-404, 399.

this in the records available is difficult, although some evidence can be seen in bylaws. There was concern about labour at Downham at the same time the statute was being enforced, a pattern seen in the passing of bylaws in 1388, 1411 and 1426 to control agricultural workers at harvest time.⁴⁷ However, of the men presented for breaking the labour legislation, only two, Richard Iegill and Hugh Aileff were described as labourers.⁴⁸ The other men are better described as skilled, including roofers, thatchers, weavers and a plowright, suggesting a different type of worker was being targeted, making it hard to draw a straight line between local concern and statutory enforcement. Bylaws can conversely be interpreted as evidence of why central legislation was not enforced in leet courts: if a structure already existed for monitoring illicit behaviour, this may have been preferred over new or existing statutes. Thus, whilst jurors at Horstead did not present anybody under gaming statutes, they did introduce bylaws concerning gambling suggesting they were concerned about this aspect of misbehaviour.⁴⁹

Whilst there were local variations, the general pattern, even when a broad net is cast, is that officers did not respond in a sustained way to new statutes, and that new laws did not drastically change their work. No aspect of legislation became a regular feature of juror presentments and innovations are drowned out by the more traditional 'royal' presentments concerning the assize of ale and violence which were regular presentments in 1300. Village elites acting as manorial officials were no more officers of the state in 1600 than they were in the late middle ages. This is due to lack of investment in statutory enforcement through leets from both officials and the crown. McIntosh has emphasised that parliamentary legislation concerning misbehaviour largely followed local initiative, explaining why jurors may have felt little compulsion to govern through adherence to statute rather than local custom and bylaws.⁵⁰

From the perspective of the crown, it is hard to argue that there was significant effort to incorporate leets into royal governance. Whilst several new statutes were promulgated in the sixteenth century that could explicitly be enforced by stewards in leets, these were normally named alongside other

⁴⁷ CUL, EDR, C11/1/3, m.21, 27 Jul 1388; C11/2/4, m.27, 15 Jul 1411; C11/2/6, 19 Jul 1426.

⁴⁸ CUL, EDR, C11/2/6, m.25, 14 Jan, 1434.

⁴⁹ KCA, HOR/53, m.2, 1 Oct 1584.

⁵⁰ McIntosh, *Controlling Misbehavior*, 39-40. For the control of mobility specifically see: Watson, "Towne Harmles", 124, 128, 133.

jurisdictions such as the tourn, assizes and, more significantly, the quarter session.⁵¹ Thus a relatively wide net was cast, incorporating both royally-appointed and seigniorially-appointed officials, allowing either structure to be used. In fact two acts of Elizabeth I's reign removed statutory powers from leets in the responsibility for the destruction of vermin and the enforcement of highway repairs, although leets were given powers to enforce the latter in later Elizabethan legislation.⁵² One act which did direct how royal law was to be enforced in leets in some detail was the 1559 act laid out to preserve the spawn of fish.⁵³ This legislation detailed that if juries leet were suspected of not making presentments about the act, the steward should empanel a second jury to enquire if the first jury were concealing anything. However, this level of detail was exceptional, and largely it was stewards who could be prosecuted in royal courts for not enforcing legislation. This presumably was part of the reason leets were not attractive forums to Tudor governments for the enforcement of statutes; using them required relying on the mediating role not only of local jurors themselves, but the steward as a non-royally commissioned presider over the court. Thus, the deepening of involvement of localities with the crown occurred outside manorial structures, and it is through examining these that the impact of state incorporation on manorial officeholding can be assessed.

Worfield's Churchwardens

Churchwardens have long been stressed as a vital office in the incorporation of local community elites into the state, and thus the rise of the civil parish, during the sixteenth century. Investigations

⁵¹ For example, 14-15 Henry VIII c.10, *SR* v.3, 217, (Act against tracing of hares); 24 Henry VIII c.13, *SR* v.3, 430-2, (Act for reformation of excess in apparel); 33 Henry VIII c.6, *SR* v.3 (Act concerning crossbows and handguns); 33 Henry VIII c.9, *SR* v.3, (Act for Maintenance and Debarring of Unlawful Games); 2-3 Edward VI c.10, *SR* v.4, p.1, 51-2 (Act for true making of malt); 2-3 Edward VI c.5, *SR* v.4, p.1, 58-9, (Act touching victuallers and handycraft men); 7 Edward VI c.5, *SR* v.4, p.1, 168-70 (Act to avoid the great price and excess of wines); 2-3 Philip and Mary c.8, *SR* v.4, p.1, 320-22, (Act for the taking of musters); 13 Elizabeth I c.19, *SR* v.4, p.1, 555 (Act for the making of caps); 23 Elizabeth I c.10, *SR* v.4, p.1, 672-3 (Act for preservation of pheasants and partridges); 31 Elizabeth c.7, *SR* v.4, p.2, 804-5, (Act against erecting and maintaining of cottages).

⁵² 24 Henry VIII c.10, *SR* v.3, 425-6 (Act made and ordered to destroy choughs, crows and rooks); 8 Elizabeth I c.15, *SR* v.4, p.1, 555 (Act for the preservation of grain); 2-3 Philip and Mary c.8, *SR* v.4, p.1, 284-5 (Act for the amending of highways); 5 Elizabeth I c.13, *SR* v.4, p.1, (Act for the repairing of highways); 18 Elizabeth I, c.10, *SR* v.4, p.1, 620-1, (Act of addition unto the former acts of amending and repairing of highways).

⁵³ 1 Elizabeth I c.17, *SR* v.4, p.1, 378-9.

of churchwardens before the Reformation have emphasised the importance of these men in the medieval period, seeing this as a key correlate of the rise of the parish as a unit of local identity and organisation.⁵⁴ Over the fourteenth and fifteenth centuries, churchwardens in many communities became responsible for managing increasingly large bequests in property and cash, using this income to coordinate significant building projects, maintain communal infrastructure and distribute local charity.⁵⁵ Before 1500, however, churchwardens were undeniably officers of the locality rather than the crown; whilst they might be used by communities to meet state requirements such as raising taxation, this was not mandated by royal government.⁵⁶

Change occurred in the sixteenth century, as churchwardens, along with the parish, were increasingly delegated roles by the crown, and thus received local authority as organs of the state. The Reformation played a key part in this. As local religion was increasingly subject to monitoring for conformity, churchwardens became, whether willingly or otherwise, agents in this process, representing the parish before commissioners and visitations, and presenting non-conformity in archdeacons' courts.⁵⁷ Beyond religious policy, the increasing concern about managing poverty led to the pre-existing poor relief functions of wardens being extended and formalised by new legislation, and subject to oversight by county magistrates, although the creation of collectors and later overseers of the poor could lead to this role being performed by other officials.⁵⁸ This was combined with a variety of other secular functions imposed by successive Tudor governments,

⁵⁴ Hindle, *State and Social Change*, 209.

⁵⁵ Ault, 'Village Church and Community', 211-15; Slack, *Poverty and Policy*, 114; E. Duffy, *The Stripping of the Altars: Traditional Religion in England, c.1400-c.1580*, 2nd edition, (New Haven, CT.: Yale University Press, 2005), 132-3; G.T.G. Byng, *Church Building and Society in the Later Middle Ages*, (Cambridge: Cambridge University Press, 2017), 172-3, 281; Dyer, 'Poverty and its Relief', 72-3; Kümin, *Shaping of a Community*, 43-8, 52-64, 183-95; Kümin, 'Secular Legacy', 105; Schofield, *Peasant and Community*, 200-1; Hindle and Kümin, 'Spatial Dynamics', 152.

⁵⁶ Dyer, 'Taxation and Communities', 186-7; Schofield, *Taxation under the Early Tudors*, 43-5.

⁵⁷ Sharpe, *Crime*, 85-7; Hutton, *Rise and Fall*, 73; Wrightson and Levine, *Poverty and Piety*, 155-7; Braddick, *State Formation*, 59; Carlson, 'Office of Churchwarden', 170-80; Kümin, *Shaping of a Community*, 243-5; Gaskill, 'Little Commonwealths', 92.

⁵⁸ McIntosh, *Poor Relief*, 232-52, 280-3; Hindle, *On the Parish*, 10-13; Houston, 'People, Space and Law', 56.

which increasingly changed churchwardens from important officials locally, to important officials for the exercise of state authority.⁵⁹

How did these new functions of churchwardens affect manorial officeholding? As churchwardens increasingly gained state authority, one might expect their power to increase in local communities, and thus make manorial officeholding less relevant as a governing structure and reduce its attractiveness to local elites. Here, this question is explored by using the churchwardens' accounts for Worfield, which allow for the reconstruction of both the roles performed by wardens and the identities of those serving in office. These accounts survive for almost the entire sixteenth century, with only small gaps for longer than a year for 1537-40 and 1563-5. The fact that these records survive alongside the manorial court rolls for Worfield allows for comparison of both parish and manorial office in terms of what these types of officers did and who held these offices, to see how manorial officeholding may have been impacted by the rise of the state.

Internally, Worfield's churchwardens' accounts reveal that the functions of this office drastically changed across the sixteenth century due to the increasing intervention of monarchs. This process can be seen in three phases in the surviving accounts. The first phase, stretching from the first surviving account in 1500 to the last surviving pre-Reformation account in 1536, reveals an active parochial community, which is typical of many late medieval parishes.⁶⁰ The parish and an attached Chapel of the Virgin Mary managed large annual expenses which were met typically by bequests of money and land.⁶¹ The churchwardens on two separate occasions also levied a rate, or 'lewn', on land within the parish, at 4d and then 8d a virgate, but these were for the specifically named purposes of repairing the churchyard walls and bell tower respectively.⁶² They were expressly made by common assent of the parish. The majority of expenditure was spent on the church fabric. This

⁵⁹ Webb and Webb, *English Local Government*, 21; Slack, *Poverty and Policy*, 131; Wrightson, 'Politics of the Parish', 25-8; Houston, 'People, Space and Law', 57; Braddick, *State Formation*, 59; Kūmin, *Shaping of a Community*, 247-58; Kūmin, 'Secular Legacy', 105; Carlson, 'Office of Churchwarden', 170; Bainbridge, *Gilds in the Medieval Countryside*, 125, 150; Hindle, 'Political Culture of the Middling Sort', 136-7; Gunn, *English People at War*, 32-4, 51-2, 115; Hindle and Kūmin, 'Spatial Dynamics', 153, 168-9.

⁶⁰ Worfield CWAs, Parts I-IV.

⁶¹ Worfield CWAs, Part I, 106, 132-4; Part II, 93, 96; Part III, 2. An account reveals that the chapel had been in existence from at least 1345: SAC, P314/W/1/1/1359, 1344-5

⁶² Worfield CWAs, Part II, 95; 1906, 17.

created commercial exchanges which meant churchwardens engaged in networks which extended well beyond the parish.⁶³ However, Worfield's churchwardens seem to have been subjected to little external oversight, with no outlays recorded for attending visitations, and only two for citations in 1500 and 1522.⁶⁴ Similarly, churchwardens themselves seem to have provided no relief for the poor, although the chantry did manage almshouses which appear in virtually all accounts down to 1533.

The second phase dates from 1541 to 1552, covering the beginning of the Reformation under Henry VIII and its continuation under Edward VI. The first sign of the break from Rome occurs in 1541 when a Bible, presumably the Authorised version of 1539, was purchased.⁶⁵ However, following the norm outlined in other local studies, the real changes occur after the far-reaching Royal Injunctions of 1547.⁶⁶ In this year and 1549, the churchwardens and other parishioners were called before the King's commissioners, in the latter case to make an inventory of church goods and lands.⁶⁷ This was followed by the purchase of a number of new religious books, the whitewashing of walls, and the pulling down and defacing of images. The chantry was dissolved and turned into a school in 1549.⁶⁸ The Reformation also changed the role of the churchwardens in their extra-parochial network. Whilst commercial requirements linked to the church fabric connected wardens to Bridgnorth and Lichfield in this period, annual visitations from 1549 onwards saw churchwardens attend at Lapley and Bushbury.⁶⁹ Yet, secular royal requirements are only seen in an outlay of between 8s and 15s 3d for the lay subsidy recorded in every surviving account for 1541 to 1547. A hint that some poor relief was being organized by the parish in this period, and perhaps before, is revealed by a payment of 4d in 1551 'for the mendynge of the lockes of the power menes box', although no records of the alms collected or distributed from this box are made in the accounts.⁷⁰

The final phase, dating from 1553 until the last account examined in 1600, sees churchwardens become officers of the secular Tudor state. Trends continued from the second stage, with the

⁶³ Worfield CWAs, Part II, 85, 93, 100, 102, 106, 113; Part III, 9.

⁶⁴ Worfield CWAs, Part I, 104; Part II, 113.

⁶⁵ Worfield CWAs, Part IV, 228.

⁶⁶ Duffy, *Stripping of the Altars*, 409; Hutton, *Rise and Fall*, 79-88.

⁶⁷ Worfield CWAs, Part IV, 234.

⁶⁸ Worfield CWAs, Part V, 115, 117-8.

⁶⁹ Worfield CWAs, Part IV, 235, 239; Part V, 117, 119.

⁷⁰ Worfield CWAs, Part V, 117.

religious policies of the Reformation, and briefly Marian Reformation, present in the churchwardens' accounts.⁷¹ Similarly, monitoring of conformity continued to place churchwardens in a greater extra-parochial network. Worfield's churchwardens attended commissions at Bridgnorth, Lichfield and Wellington, and visitations took them to 17 different named places across the archdeaconry.⁷² However, a clear contrast with earlier periods was the secular responsibilities placed on parishes in a raft of new legislation. The earliest example was a payment of 7d 'for the makynge a booke for the provycyon for the poore' made in 1553, a response to a statute of 1552 which called for parishes to make registers for the poor.⁷³ Poor relief beyond this point seems to have been intermittent however, although payments for raising children, an activity which grew in the sixteenth century, can be seen.⁷⁴ Provision was made in 1575 to a widow, whilst in 1578-9 Richard Felton was paid for keeping a 'base child', and in 1587 a poor woman was paid 12s to discharge the parish of a child abandoned there.⁷⁵ The Poor Law of 1598 triggered more structural change: in 1599 4s 2d was laid out when the churchwardens and four men of the parish went before the justices at Bridgnorth concerning 'the reliefe of the poore' whilst 4s 10d was expended when the churchwardens again were at Bridgnorth with the overseers of the poor.⁷⁶

Other, less historically significant legislation also changed the role of the churchwardens at Worfield. From 1579 onwards, churchwardens annually surrendered 6s 6d to the High Constables at Bridgnorth for the relief of prisoners, presumably as a response to poor relief legislation in 1572, whilst from 1595 onwards they paid a further 13s yearly for maimed soldiers according to an act of 1593.⁷⁷ From 1569 to 1592, churchwardens paid out sums ranging between 1s and 5s 4d for the destruction of vermin following a 1566 act for the preservation of grain.⁷⁸ These new outlays affected the income generation of the parish. Whilst in 1556 a rate was still made through 'above agreement of the parochance at the same acoptes' and specifically for 'the use of the reparacion of

⁷¹ Worfield CWAs, Part V, 122, 127, 133-134.

⁷² Worfield CWAs, Part V, 120-121, 136; Part VI, 66, 68.

⁷³ Worfield CWAs, Part V, 121; McIntosh, *Poor Relief in England*, 130-131; 5 and 6 Edward VI, c.2, *SR*, vol.4, 131-2.

⁷⁴ McIntosh, *Poor Relief in England*, 136.

⁷⁵ Worfield CWAs, Part VI, 62, 67, 74.

⁷⁶ Worfield CWAs, Part VI, 83.

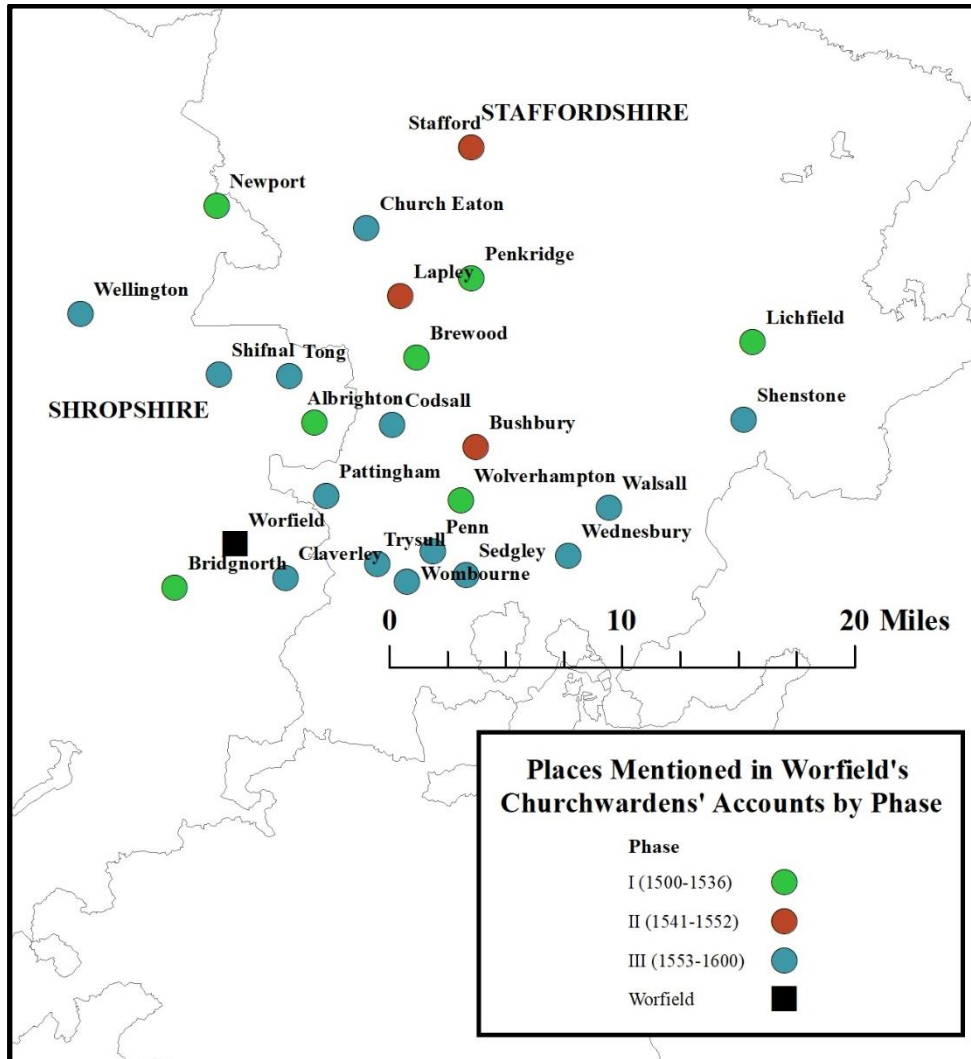
⁷⁷ 14 Elizabeth c.5, *SR*, vol. 4, 597; 35 Elizabeth c.4, *SR*, vol. 4; 847.

⁷⁸ 8 Elizabeth c.15, *SR*, vol.4, 498. This legislation was also enforceable through leets.

the said churche', rates from 1572 onwards were annually levied at 1s to 3s a yardland, a formalisation that is reflected by a 1574 expense of 4d to write a book through which to gather the lewn.⁷⁹

⁷⁹ Worfield CWAs, Part V, 128; Part VI, 60-1.

Figure 5.1 – Map showing places mentioned in Worfield’s churchwardens’ accounts by phase first mentioned



Source: Worfield CWAs, Parts I-VI.

The sixteenth century saw the transformation of churchwardens at Worfield from being local officers for managing lay religious bequests and the church fabric, to being officers enforcing both religious and secular royal legislation, as well as raising wealth from the parish to spend locally and to transfer to royal officials. As can be seen in figure 5.1, this drastically reconfigured the

geography of being a churchwarden. Whilst commercial requirements had always meant wardens had business beyond the parish, the sheer number of visitations and appearances before commissions placed wardens in a far greater regional network by the end of the sixteenth century and made them accountable to authorities far beyond the parish, putting them at the forefront of interactions between state and locality.

How far this transformation was willingly accepted by the pool of men who served as churchwardens, or a response to pressure from above, cannot easily be explored through the neutral accounts. Only twice can ameracements for failing to follow royal requirements be observed. The first is in 1579, when the wardens accounted 2s 11d ‘in mercements and our charges at Stafforde for desfauite of homelyes’, presumably being fined by the archdeacon for this failure. This punishment seems to have elicited a response, with the same account recording the purchase of two tomes of the homilies.⁸⁰ A more detailed, and secular, case occurs in 1577 when the wardens were amerced 30s 10d by the Commissioners at Bridgnorth for ‘not destroyinge foules and varmynt accordinge to the Statute in that behalf’, a sum far in excess of any annual payment for this work, but well below the £5 named in the royal legislation for every defaulting warden.⁸¹ This punishment again led to an immediate response, with the accounts including a separate section specifically for destroying vermin, recording 34 separate payments totaling 15s 1d.⁸² Whether these censures reveal resistance or broad compliance does not affect the fact that the transformation of the office of churchwarden is in stark contrast to the pattern of little legislation-driven change delineated for manorial offices. This could suggest a narrative of replacement, with manorial office becoming increasingly less important as it was not adapted to new political requirements. However, the impact of the development of parochial office cannot be seen in such simplistic terms, which ignore the interaction of parochial and manorial office both in terms of the men serving and their duties.

The strong relationship between manorial office and serving as churchwarden can be seen through linking the individuals named as churchwardens in the surviving accounts to individuals recorded as

⁸⁰ Worfield CWAs, Part VI, 67.

⁸¹ Worfield CWAs, Part VI, 63; 8 Elizabeth c.15, *SR*, vol.4, 499.

⁸² Worfield CWAs, Part VI, 64-66.

manorial officeholders in the surviving court rolls.⁸³ Of the 77 individual churchwardens, 67 (87%) could be matched to a unique individual who served in manorial office. Of the 10 unmatched individuals, two seem to have never served in manorial office. One of these men could not be identified in any officeholding capacity, whilst the other, John Wannerton, who served as churchwarden for 1534-5, in 1557 was liable to serve as beadle.⁸⁴ Interestingly, whilst Wannerton's status as a gentleman seems to have precluded him serving as beadle, or in any other manorial office, his service as churchwarden suggests a different attitude to parochial office, suggesting it may have held a higher status, perhaps because it was not linked directly to being one of the lord's tenants. However, his son-in-law and grandson, the Bromleys, did not serve as churchwarden suggesting that they were viewed, or viewed themselves, as having too high status due to their service in regional and national office.⁸⁵ The other 8 unmatched individuals were men who from their names could be identified with 2 or more individuals who served in manorial office, making a one-to-one match impossible. However, it therefore is probable that of the 77 churchwardens, 75 or 97.4%, served as manorial officers, showing that serving in both types of office was strongly linked.

Table 5.1 breaks these connections down by types of office and by the three phases of transition from purely-parochial to state office. Only a very small percentage of churchwardens served as beadles, a situation undoubtedly caused by the fact that beadles were only drawn from the township of Hallon. Other patterns seem to have been linked to the status of offices, with fewer churchwardens acting as tasters due to it being less related to higher-status offices like juror baron, juror leet, constable and reeve.⁸⁶ These latter four offices were the most commonly held by churchwardens, a pattern particularly strong for jurors baron, with 85% of churchwardens serving in this office, and especially for jurors leet, with every single churchwarden serving in this office. More surprising than the general correlation between manorial officeholding and being a churchwarden is the lack of change over time. Whilst the responsibilities of churchwardens and their interaction with state officials was transformed in this century, this did not drastically change the identity of the people holding this office, or indeed their service as manorial officeholders.

⁸³ For methodology see appendix 1.

⁸⁴ See p. 70.

⁸⁵ See p. 72.

⁸⁶ See p. 127.

Whilst the percentage of churchwardens who also served as reeve and affeeror did drop between the first and third phase, at the same time the percentage of tasters rose. Similarly, the proportion who served as constable, whilst always high, did not rise between the first and third stage, even though this office was similarly becoming more ‘state-focused’ in the sixteenth century.⁸⁷ This suggests that there was no separation of an elite of parochial officeholders from manorial officeholders. Instead the two types of officeholding were held in tandem, as seen in the totality of juror leet service in the sixteenth century.

It is clear that churchwardens exercised power through manorial office even after being a warden became an important state office. Looking before 1500, the available information allows for the identification of two fifteenth-century churchwardens. These men, Roger Gerbod and John Jannes, are seen in 5 courts in 1419-1420, in which they brought a plea of debt against the executors of William and Agnes Toward for a coverlet left by the deceased to the fabric of the church.⁸⁸ Therefore the evidence is slight and skewed, as these churchwardens may have brought this case precisely because they were prominent tenants who were thus likely to be successful in the manor court. Such concerns aside, Gerbod and Jannes were manorial officers much like later churchwardens, with both serving as jurors baron and leet, Gerbod serving as beadle and taster, whilst Jannes served as affeeror, reeve and constable.⁸⁹ Thus the connection between manorial officeholding and being a churchwarden seems to have been a largely unchanging trend over both the fifteenth and sixteenth centuries that did not shift with the changing role of the wardens. This suggests that manorial officeholding was no less attractive to the men who served as churchwarden in 1600 than in 1500 or even 1420, evidencing that they still saw the value in serving in manorial office.

⁸⁷ See p. 228.

⁸⁸ SAC, P314/W/1/1/253-255.

⁸⁹ SAC, P314/W/1/1/208-292.

Table 5.1 - Reconstruction of the careers of churchwardens holding manorial office at Worfield

	Phase I (1500-1536)	Phase II (1541-1552)	Phase III (1553-1600)	All Phases	15th Century (1419-1420)
Total Churchwardens	21	9	37	67	2
Beadle	2	0	3	5	1
<i>Beadle (%)</i>	<i>9.53</i>	<i>0</i>	<i>8.11</i>	<i>7.46</i>	<i>50</i>
Taster	5	0	16	21	1
<i>Taster (%)</i>	<i>23.81</i>	<i>0</i>	<i>43.24</i>	<i>31.34</i>	<i>50</i>
Reeve	10	3	14	27	1
<i>Reeve (%)</i>	<i>47.62</i>	<i>33.33</i>	<i>37.84</i>	<i>40.3</i>	<i>50</i>
Affeeror	11	5	15	31	1
<i>Affeeror (%)</i>	<i>52.38</i>	<i>55.56</i>	<i>40.54</i>	<i>46.27</i>	<i>50</i>
Constable	15	4	25	44	1
<i>Constable (%)</i>	<i>71.43</i>	<i>44.44</i>	<i>67.57</i>	<i>65.67</i>	<i>50</i>
Juror Baron	14	9	34	57	2
<i>Juror Baron (%)</i>	<i>66.67</i>	<i>100</i>	<i>91.89</i>	<i>85.07</i>	<i>100</i>
Juror Leet	21	9	37	67	2
<i>Juror Leet (%)</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>

Source: Worfield CWAs, Parts I-VI; SAC, P314/W/1/1/253-255, 499-838

The similarity of personnel between churchwardens and manorial officers has been noted in several studies.⁹⁰ However, here the reconstruction of manorial officeholding careers allows for a greater consideration of the kinds of officeholder who would also serve as churchwarden. This was necessarily a subset of all the tenants who served in manorial office, with 481 individuals being recorded as serving in at least one office in the sixteenth century, but only 75 of these also serving as churchwarden, an inevitability as there were simply not enough openings for all to serve in the latter office.⁹¹ Table 5.2 compares the mean and median cohort number of services as jurors leet and baron by the subset of those men who were also churchwardens with the total body of men serving as jurors. These show overwhelmingly that churchwardens tended to be the greater serving among the bodies of jurors generally, with every cohort, bar the 1590s for jurors leet, seeing the churchwarden subset having greater mean and median service values than the full cohort. The limited evidence for the two churchwardens named from the 1410s is more variable, with both being above average in their cohorts as jurors baron, but being below the mean as jurors leet, although it is likely many of the other prominent jurors of this decade served as unrecorded churchwardens thus presenting to a misleading picture. Generally, this suggests that not only were churchwardens overwhelmingly manorial officeholders, but they also tended to be the greatest serving, and so presumably most influential manorial officeholders.

This trend is not perfect however, and it is important not to overstate this pattern, seeing greater service in manorial office and particularly as a juror, as a prerequisite for serving as churchwarden. Whilst the top two greatest-serving jurors leet of the cohorts examined, Humphrey Barrett and Richard Haselwood, who served 63 and 53 times respectively, accounted as churchwardens, another 5 churchwardens only acted as jurors leet once. Similarly, the third, fourth and one of the joint-fifth highest-serving jurors leet never served as churchwardens. An analogous pattern is seen in juror baron service, with four churchwardens only serving 1-2 times in this office, and the second and joint-fourth highest serving as jurors baron in these cohorts not serving as wardens. It is worth noting, however, how far the men who served as churchwardens,

⁹⁰ French, *People of the Parish*, 90; Byng, *Church Building*, 160, 163; Hindle and Kümin, 'Spatial Dynamics', 158; Ingram, *Carnal Knowledge*, 84.

⁹¹ SAC, P314/W/1/1/499-838.

provided a large proportion of those who served in other manorial offices. Looking just at those who served in the sixteenth century, churchwardens accounted for 42 (37.5%) of the 112 men selected as constables and 21 (32.8%) of the 64 men selected as reeves.⁹² Whilst these numbers do not suggest domination of these offices, this is in part due to the very low instance of repeat service. This is a picture of correlation rather than causation; whilst serving as a manorial officer or churchwarden was not necessary to serve in the other office, similar factors seem to have been in play in determining who served in each type of offices.

⁹² SAC, W/1/1/499-838.

Table 5.2 – Comparison of service of impaneled officers who served as churchwardens to their general cohorts of impaneled officers at Worfield

Decade	Jurors Leet						Jurors Baron					
	Number Church wardens	Number all cohort	Mean services Church wardens	Mean services all cohort	Median services Church wardens	Median services all cohort	Number Church wardens	Number all cohort	Mean services Church wardens	Mean services all cohort	Median services Church wardens	Median services all cohort
1480-89	2	15	16	7.8	16	4	2	25	61.5	14.32	61.5	5
1490-99	8	27	16.38	8.52	11	3	8	37	54.63	18.81	49.5	3
1500-09	5	28	20	7.18	22	3	4	18	36.75	24.61	25.5	9
1510-19	7	37	17.43	6.84	18	2	4	22	66.5	33.14	60	23
1520-29	7	31	10.29	5.45	9	3	1	20	104	19.5	104	10.5
1530-39	2	24	5	2.96	5	1.5	6	24	32.33	16.71	35	8.5
1540-49	10	24	20.6	12.5	17	5	9	31	89.89	39.65	65	16
1550-59	3	20	12.33	9.75	14	3	1	27	51	18.07	51	1
1560-69	7	28	13.86	7.14	14	5	7	34	98.86	33.56	98	2
1570-79	4	27	12.5	5.63	14.5	3	9	34	63.22	28.53	64	7
1580-89	8	26	8.5	5.88	8	5	4	20	55.75	24.1	60	5.5
1590-99	4	15	2.75	3.2	2	2	2	21	8.5	6.38	8.5	5
1390-99	N/A	N/A	N/A	N/A	N/A	N/A	1	47	78	17.43	78	4
1400-09	N/A	N/A	N/A	N/A	N/A	N/A	1	21	49	30.14	49	13
1410-19	2	15	17	22	17	13	N/A	N/A	N/A	N/A	N/A	N/A

Cohort study where all jurors leet and jurors baron were placed into a decade of first appearance. Source: Worfield CWAs, Parts I-VI; SAC, P314/W/1/1/405-838.

Unfortunately, Worfield's churchwardens' accounts give little indication about how these officers were chosen.⁹³ Most of the recorded selections provide no detail, although in the account of 1532, describing those chosen for the following year, it is said that 'the paryshe hayth chosyn ffor the churche wardens'.⁹⁴ A similar formula is seen in 1533 and 1534, suggesting a degree of popular selection.⁹⁵ However, the language of consensus cannot be taken at face value. Figure 5.2 examines the distribution of names in the accounts along the same lines as the selection of reeves and tasters at Worfield in figures 2.9 and 2.11. This reveals a greater degree of concentration in serving as churchwarden among an eligible group than for these manorial offices, as whilst only 15 (19%) of the 77 total individuals served as churchwarden more than twice, they appear in 38% of the total wardens' accounts. However, this aside the pattern adopts some features similar to the wide distribution of office seen for manorial officers. Individuals who accounted twice, the modal number of times and who make up 57% of those who served, accounted for around half of all wardens' accounts.

Whilst Roger Haselwood and William Walker served 7 of 12 years between 1499 and 1511, this almost continuous service disappeared in later decades, with men who did serve for multiple years tending to do so in terms frequently more than ten years apart, echoing the pattern observed for manorial offices, suggesting that being a churchwarden was not dominated by a few individuals. There was a tendency for men to serve in consistent pairings down to 1586, although this was not always the case, with churchwardens sometimes serving with a different partner. Between 1586 and 1598 a more formal system looks to have been in operation, with the second churchwarden for a given year, appearing as the first churchwarden for the following year.⁹⁶ Katherine French has suggested this system shows the distinction between a senior, experienced warden, and a junior warden, with the latter becoming the former after gaining the relevant skill-set through being in the more junior position.⁹⁷ This could be what is being

⁹³ This is a common deficiency of churchwardens' accounts: Kümin, *Shaping of a Community*, 28-9.

⁹⁴ Worfield CWAs, Part III, 24

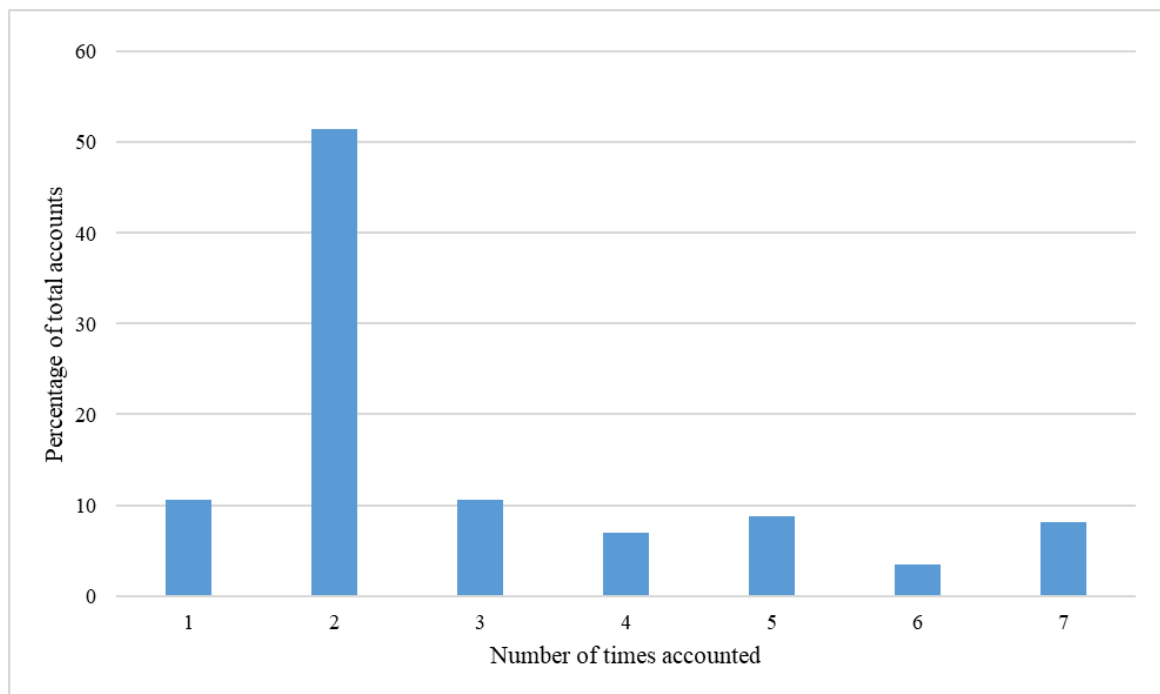
⁹⁵ Worfield CWAs, Part IV, 220, 222.

⁹⁶ Worfield CWAs, Parts I-VI.

⁹⁷ French, *People of the Parish*, 76-77.

observed in this case although the short lifetime of this system, which was replaced by less strict pairings in 1599 and beyond, undermines such an interpretation.

Figure 5.2 – Proportion of total accounts as churchwarden by number of times accounted at Worfield



N = 171. Source: Worfield CWAs, Parts I-VI.

Another possible interpretation of the pattern is rotation, which might explain the loose pairings and long gaps between services, particularly in later periods, as men appeared twice in a cycle. This again has been observed in other cases.⁹⁸ On the other hand, the fact that churchwardens generally were from a prominent subset of manorial officeholders mitigates against such a view of rotation, certainly in the formal sense on the basis of land seen in the election of the beadle.⁹⁹

⁹⁸ French, *People of the Parish*, 77-78 Kūmin, *Shaping of a Community*, 28.

⁹⁹ See pp. 68-73.

The most convincing interpretation of this selection pattern is of a more elite group among which the office of churchwarden was in some way distributed. These men were chosen on similar grounds as manorial officers and perhaps having served in manorial office was a marker of suitability for parochial office. For this investigation, more important than the exact method of selection, is the fact that these men still served in manorial office, and thus in no way replaced this manorial service with being churchwarden, even as this office presumably increased in its authority with growing engagement with state governance. It is striking that the two longest serving churchwardens were at the very start of the period, and that as this office increasingly became incorporated into the state, its selection pattern looks more like that of manorial officers.

The relative economic status of those who served as churchwardens as opposed to other manorial officers can be explored by comparing the sixteenth-century lay subsidy assessments with the names of churchwardens and manorial officers. Of the 112 taxpayers recorded for Worfield in the 1524 subsidy, supplemented by another 3 individuals recorded in 1525, 72 could be matched with manorial officers, churchwardens or both.¹⁰⁰ This method, however, should be treated with caution as it cannot account for the changing wealth of individuals, and only includes a small proportion of officers observed on the manor. As table 5.3 demonstrates, this evidence does suggest an higher economic status for churchwardens than for manorial officeholders, with their mean assessment of £5 11s 2d just less than a £1 higher than the next highest mean for the office of affeemor, and almost £2 higher than the average paid by all taxpayers identified as officers. This seems largely due to an underrepresentation of the lowest assessed taxpayers who were more likely to serve in manorial office, with only 19% of wardens coming from the £1-2 group, whilst an exceptional 33% of wardens were assessed at £7 or more. Thus churchwardens seem to have been a more economically elite group than manorial officers. However, whilst lower taxpayers may have been excluded from being churchwardens, the economic elites who did serve as churchwardens also held many manorial offices. Three £9-10 taxpayers served as churchwardens, but also three of this bracket served as jurors leet and

¹⁰⁰ See appendix 1 for methodology.

constables, whilst two even served as tasters, though interestingly none served as jurors baron. Similar numbers of those assessed at £5-8 served as churchwardens and in manorial office.

For 1544-5, 59 individuals could be matched using both assessments. The picture is slightly flatter due to very small numbers of individuals being assessed in the £5-6 bracket, and none in the £7-8 bracket. Nevertheless, churchwardens still have the highest mean assessment of £3 16s 2d, more than £0.5 higher than the next mean for jurors leet, and around £1 higher than the average paid by all taxpayers who held office. This again is largely due to over representation by the highest assessed, with 14% being drawn from the £9-10 bracket. The pattern of offices below the churchwardens' assessment is quite different however, affeelor now being the lowest assessed office, with no individual assessed at more than £4 serving in this role. However, there is again evidence that the wealthiest taxpayers did serve in other offices, with three £9-10 taxpayers serving as jurors leet, and two as jurors baron, again suggesting little stratification between being churchwarden and serving in other offices.

Table 5.3 – Comparison of lay subsidy assessments of manorial officers and churchwardens at Worfield

Subsidy	Office	£1-2	£1-2 %	£3-4	£3-4 %	£5-6	£5-6 %	£7-8	£7-8 %	£9-10	£9-10 %	Total	Mean
1524-5	Taster	13	54.2	5	20.8	2	8.3	2	8.3	2	8.3	24	£3 10s 4d
	Juror Baron	17	38.6	15	34.1	6	13.6	6	13.6	0	0	44	£3 12s 3d
	Juror Leet	19	33.9	20	35.7	7	12.5	7	12.5	3	5.4	56	£4 0s 0d
	Constable	11	32.4	12	35.3	4	11.8	4	11.8	3	8.8	34	£4 5s 10d
	Reeve	4	25	4	25	4	25	4	25	0	0	16	£4 9s 7d
	Beadle	1	20	1	20	2	40	1	20	0	0	5	£4 16s 0d
	Affeeror	5	27.8	3	16.7	6	33.3	3	16.7	1	5.6	18	£4 14s 4d
	Churchwarden	4	19.1	6	28.6	4	19.1	4	19.1	3	14.3	21	£5 11s 2d
	All taxpaying officers	27	37.5	27	37.5	7	9.7	7	9.7	4	5.6	72	£3 15s 5d
1544-5	Affeeror	7	63.6	4	36.4	0	0	0	0	0	0	11	£1 18s 0d
	Constable	13	54.2	10	41.7	1	4.2	0	0	0	0	24	£2 9s 1d
	Juror Baron	24	51.1	19	40.4	2	4.3	0	0	2	4.3	47	£2 14s 10d
	Taster	10	58.8	5	29.4	1	5.9	0	0	1	5.9	17	£2 16s 5d
	Reeve	7	43.8	8	50	0	0	0	0	1	6.3	16	£3 0s 0d
	Beadle	1	33.3	2	66.7	0	0	0	0	0	0	3	£3 0s 0d
	Juror Leet	20	43.5	20	43.5	3	6.5	0	0	3	6.5	46	£3 3s 0d
	Churchwarden	8	38.1	9	42.9	1	4.8	0	0	3	14.3	21	£3 16s 2d
	All taxpaying officers	29	49.2	23	39	3	5.1	0	0	4	6.8	59	£2 19s 4d

Sources: SAC, P314/W/1/1/449-838; Worfield CWAs, Parts I-VI; Faraday, M.A. (ed.), *Shropshire Taxes in the Reign of Henry VIII: the Lay Subsidy of 1524-7, the Lay Subsidy of 1543-5 and the Benevolence of 1545*, (Walton on Thames, 2015), 78-81, 196-8, 405-8, 571-5.

Thus, this wealth differential was a one-way relationship. Lesser taxpayers were less likely to act as churchwardens but provided a relatively high proportion of manorial officers, whilst the greater taxpayers who were more likely to act as churchwardens still frequently served in manorial office. The low status of being taster is again borne out, reinforcing the explanation of the low correspondence between holding this office and being churchwarden.

It has been shown that at Worfield the office of churchwarden and manorial office went hand in hand, with the men who served as churchwardens continuing to be the most dominant manorial officers. However, this still does not explain how these individuals could blend their responsibilities and powers or indeed if churchwardens increasingly took on responsibilities once held by manorial officers. In terms of the latter, there is only slight evidence of a process of replacement. In 1549 the wardens' accounts report 2s 2d paid to William Billingsley and Thomas Garbot 'for the stockes', which suggests a shift since 1393, when the reeve was ordered to make a new set of stocks, cuckingstool and tumbrel from the lord's timber and at the lord's cost.¹⁰¹ This perhaps represents prominent members of the community taking more responsibility for monitoring behavior, although the two references to these punishment devices in both sources across the whole 300 years studied seem unlikely to be giving the full picture. Even if this does represent a shift from manorial to parochial office, there is a slight possibility that whilst the parish rather than lord was taking on the cost, the devices were still being made via a manorial office, as William Billingsley was serving as beadle for the 1548-9 year.¹⁰²

The only other evidence of replacement is seen in a bylaw made through the parish in 1535, when 'at yis accowntes it is agreyd by alle the hole paresche that no persun shalle bring no owt cummer no go with them in the churche nor in the peresche to gether nother corne nor money a pon the peyne of 10s to the churche as ofty n as he so doys', a measure designed to ban mendicants from outside the parish seeking charity within the community.¹⁰³ This bylaw does not directly relate to the churchwardens themselves, but does suggest a shift away from using the manor to create policies of social control, where jurors had issued ordinances against gaming in

¹⁰¹ Worfield CWAs, Part V, 114; SAC, P314/W/1/1/187, 29 Oct 1393.

¹⁰² SAC, P314/W/1/1/670, 4 Oct 1548.

¹⁰³ Worfield CWAs, Part IV, 222.

the 1520s.¹⁰⁴ On the other hand, bylaws had never been particularly prevalent at Worfield, especially as regards misbehavior, and it may simply have been the parish's increasing role in caring for the poor that saw a bylaw created through this institution.

A more profitable way of thinking about the relationship between churchwardens and manorial officers is in terms of interaction and joint responses to problems, an approach that better reflects the fact that whilst these were different types of offices broadly the same individuals served in them. There is one possible example of manorial officers, and specifically the vills and jury leet, meeting the needs of churchwardens, or at least being triggered to act at their instigation. This is in their limited enforcement of the legislation in 1581-4 about caps discussed above. This burst of enforcement of a statute issued 10 years previously was preceded by entries in the churchwardens' accounts of 1580, when the wardens spent money at Shifnal and Tong before the 'commissioners about cappes'.¹⁰⁵ It seems likely that this was a direct response to the caps legislation of 1571, which had given both JPs and stewards in leets the authority to determine this offence.¹⁰⁶ The calling of the churchwardens before the justices thus may have been a trigger to enforce this legislation locally, either due to concern about being punished by justices for failure, or because of the attractive prospect for the lord and community for profit. Further evidence for this is given in the identity of the jurors leet who prosecuted these offences. Thomas Guldon, one of the 1579-80 churchwardens, served as a juror leet in the first caps prosecuting jury of 1582, whilst Richard Yate, the other churchwarden, served in all three juries leet that prosecuted these cases.¹⁰⁷

There is more evidence of churchwardens meeting the needs of manorial officers, or at least those of the manorial tenants. In 1562 the churchwardens accounted for a bottle of wine for the lord's officers, whilst in 1574 they paid 3s 8d to make a book of customs and for wine for its scribe, although it is hard to conclusively link these to the manor.¹⁰⁸ A far stronger connection is

¹⁰⁴ SAC, P314/W/1/1/549, 26 Apr 1520; SAC P314/W/1/1/550, 17 Apr 1521.

¹⁰⁵ Worfield CWAs, Part V, 68.

¹⁰⁶ 13 Elizabeth c.19, *SR*, vol. 4, 555.

¹⁰⁷ SAC, P314/W/1/1/803, 27 Sep 1582; SAC P314/W/1/1/803, 23 Mar 1583; SAC P314/W/1/1/806, 7 Apr 1584.

¹⁰⁸ Worfield CWAs, Part V, 134; Part VI, 61.

seen in an order to the churchwardens recorded in a court of 1579. In this instance the jury presented ‘that the house in which the court of the lord is held ought to be repaired and sustained by the parishioners of Worfield. Thus it is ordered to the churchwardens that they immediately amend and repair the aforesaid house now ruined in accordance with their liability.’¹⁰⁹ The response to this order can be seen in the wardens’ accounts. In 1582 an outlay of 12s was recorded for three tonnes of timber to board the court house, with further expense for bricks to make its hearth, whilst another 2s 4d was spent on timber in 1583.¹¹⁰ Why the parish was responsible for the court house is not clear, although as parish and manor at Worfield were basically coterminous, the jury may simply have been utilising the churchwardens’ ability to levy a rate to collect this money, with parishioners and tenants being effectively the same individuals. Jane Smith suggests that the parish’s grammar school and court house were held in the same timber-framed building, suggesting an even closer connection between parochial and manorial resources.¹¹¹ Again Richard Yate appears both in this jury and as a churchwarden for 1581-2 when the timber and bricks were purchased.¹¹²

The manorial jury also had a role in monitoring the work and powers of churchwardens. This is revealed in a presentment by the jury leet in 1533 in which it was described that ‘Roger Catstre assumed to himself to guard the key or *acoffer kei* in which the rolls of the lord are guarded and... Roger at the time he guarded the key... was not churchwarden and at the same time he was retired the *o lokon*...and...the lock pertinent to the same key were broken and certain rolls were interlined and diverse rolls removed, the twelve are ignorant of who did this’.¹¹³ This again shows that the duties of churchwardens were linked to the manor. Presumably the coffer being referred to was the parish chest in which it seems the manorial court rolls were kept at Worfield, thus making the wardens responsible for the documents. It also reveals why the wardens were being monitored by the manorial jury; the lapse that had allowed the documents to be damaged affected both the lord and tenants rather than only the parish, as far as these identities can be

¹⁰⁹ SAC, P314/W/1/1/794, 8 Jan 1579.

¹¹⁰ Worfield CWAs, Part VI, 69-71.

¹¹¹ Smith, *Worfield*, 24.

¹¹² SAC, P314/W/1/1/794, 8 Jan 1579.

¹¹³ SAC, P314/W/1/1/645, 8 May 1533.

separated. Connections between personnel suggest this was an example of churchwardens monitoring their own office through manorial structures. Whilst Roger, the censured former churchwarden for 1531-2 was not on the jury leet making this presentment, of the two churchwardens for 1533-4, and thus when this presentment was made, one, Roger Barker, was certainly a juror leet, whilst the other William Rowley, may well have been.¹¹⁴ This again highlights the interrelations between churchwardens and manorial officeholders, showing that these offices cannot be treated as distinct.

A final example of the interaction between manorial officers and churchwardens is revealed in another set of jury presentments made in 1465, long pre-dating the surviving churchwardens' accounts. The steward and jury issued a pain ordering that three sets of former constables 'should come into the presence of the guardians of the church of Worfield before the next feast of All Saints and render appropriate accounts of the money by...each of them received...by virtue of their office'.¹¹⁵ The information this supplies about constables is explored below, but again this presentment reveals the important role of churchwardens in monitoring manorial officeholders, in this case the constables, but also how manorial juries could utilise them for this purpose. Again, it seems likely that the reason churchwardens were used to monitor the making of the constables' accounts was due to their role in controlling the documents utilised by the manor. The other intriguing aspect about this presentment, and the one made in 1533, is that they predate the secular use to which the crown put churchwardens in the post-Reformation period. They reveal that local elites were using parochial officers for responsibilities outside of maintaining parish property long before the state systematically put them to this task.¹¹⁶

Examination of the relationship between churchwardens and manorial officers at Worfield reveals a picture of interaction rather than replacement. Whilst the sixteenth century undoubtedly saw drastic change in the role of churchwardens, allowing the extension of the state into local life in a way that was never true of manorial office, the elites involved in this change were

¹¹⁴ SAC, P314/W/1/1/645, 8 May 1533, unfortunately there are two William Rowleys serving as manorial officers in the year 1533-4, making it impossible to identify this churchwarden with a single individual.

¹¹⁵ SAC, P314/W/1/1/326, 15 Oct 1465.

¹¹⁶ Evidence of the interaction of parochial and manorial office is given by Kümin, *Shaping of a Community*, 53-4; Ault, *Manor Court and Parish Church*, 61-4, 66-7.

largely the exact same people who had been serving as manorial officers, and meeting their local needs through manorial office, in the medieval period. This early stage of transformation, moreover, does not seem to have drastically affected the personnel of manorial office, or how the elites who served as churchwardens viewed manorial office, with the connection between serving as a manorial officer and a churchwarden remaining broadly similar across the sixteenth century and perhaps even back into the fifteenth century. There was no move among prominent local tenants away from manorial to parochial office.

A smattering of evidence suggests how manorial and parochial office were used in conjunction, often by the same people who served in both, to achieve aims linked to their responsibilities to state and lord, and to help monitor both types of office. The manorial court, staffed by local elites as jurors could be utilised to censure churchwardens who failed to perform their office, whilst manorial officials could use the fund raising and accounting structure offered by the wardens to maintain the infrastructure where the court was held and monitor the behavior of other officials like the constable. Neither the powers of parish officials or manorial officials were alone sufficient to meet the needs of local government; it was through combination that an effective structure, at least in the sixteenth century, could be maintained.

The interaction of parochial and manorial officials drew on a long history visible in the court rolls of using the coercive power of the manor court presentment to maintain parochial infrastructure. For instance, in 1482 Thomas Prystes was amerced 8d for ringing the church bell of Worfield at night ‘in affray of the parishioners’ and in 1494 another offender was placed under pain not to disturb the tenants with ‘le pangys’ of his beasts in the cemetery of the parish church.¹¹⁷ Unfortunately, the lack of evidence about churchwardens for both Downham and Horstead prevents a comparative perspective, and how far Worfield’s characteristics as a dispersed manor with coterminous parochial and manorial boundaries made this interaction possible remains an unanswerable question.¹¹⁸ Yet, much like at Worfield, officials at Horstead were used to protect parochial property hinting at similar relationships between manor and

¹¹⁷ SAC, P314/W/1/1/427, 10 Apr 1482; P314/W/1/1/492, 2 Oct 1494.

¹¹⁸ Hindle emphasises the importance of a coterminous manor and parish in the early development of vestries, *State and Social Change*, 208.

parish. In 1490, the jury presented the rector for cutting down trees near the church of Horstead for his own use, 'without the license of his parishioners and against the ancient custom of the vill'.¹¹⁹ At Worfield, the connection between manor and parish appears to have remained intact into the great growth in responsibilities of churchwardens to the state after 1500, probably in large part because the same individuals staffed manor and parish office. The office of churchwarden, even as it was incorporated into the state, worked within a system of governance which also included substantial use of the manorial officeholding structure.

Constables

Constables provide a window onto the relationship between manorial officeholding and the state due to their unusual position within the governmental structures of medieval and early modern England. Medievalists have long stressed this office as a crucial link between state and locality, due to its role in organising the vill, as the smallest unit of government in medieval England, to meet the king's demands for military and policing purposes.¹²⁰ In Helen Cam's eyes, the constable 'is the embodiment of community responsibility; but he is also the embodiment of royal authority'.¹²¹ However the selection of constables was governed via court leets where these were held, with the suitors or jury choosing the office, meaning that they were inevitably connected to the manor. Thus whilst constables were not technically manorial officers, the manor court had significant influence over the office, meaning that changes in the role and identity of constables are vital in considering changes to manorial officeholding generally.

Their unusual position between vill and manor is also significant in thinking about for whom constables worked in this period. Early modernists have long emphasised that constables had a relatively ambiguous role in serving both crown and local community.¹²² Wrightson first

¹¹⁹ KCA, HOR/41, m.5, 10 Sep 1490.

¹²⁰ H.M. Cam, 'Shire Officials: Coroners, Constables and Bailiffs', in J.F. Wilard, W.A. Morris and W.H. Dunham (eds.), *The English Government at Work, 1327-36*, vol. 3, (Cambridge MA.: Mediaeval Academy of America, 1950), 185-217, 169-71.

¹²¹ H.M. Cam, *The Hundred and the Hundred Rolls: an Outline of Local Government in Medieval England*, (London: Methuen, 1930), 192-3

¹²² Hindle, *State and Social Change*, 183; Sharpe, *Crime*, 76-7; A. Fletcher, *Reform in the Provinces: the Government of Stuart England*, (New Haven, CT.: Yale University Press, 1986), 65-66; Goldie,

suggested this in his observation that the village constables of seventeenth-century England had a ‘mediating position between their communities and the law’, emphasising their role in managing the differing ‘concepts of order’ held by village communities and JPs at the county level.¹²³ Joan Kent adopted a similar position but with a slightly more positive take. Whilst still emphasising that constables could be subjected to local pressures, which became acute in the 1630s with Charles I’s attempts to levy Ship-Money, she suggested constables were generally effective crown servants, an achievement made possible by the generally high level of local cooperation they received from communities in exercising office.¹²⁴ For Kent, the connection of constables to the manor was intrinsically part of this phenomenon. Even as the constable’s role became progressively associated with the work of JPs, magistrates continued to respect local custom in choosing these officials until at least the 1630s.¹²⁵ This limited the extent to which constables could become servants of state alone, but also allowed them to carry out their duties effectively, as it meant that men with local standing, and thus the ability to mobilise the wider community, were selected for office.

Medievalists have similarly emphasised that constables could resist the direction of royal officials in late medieval England.¹²⁶ Larry Poos has highlighted their role in choosing to either enforce or soften labour legislation in the late fourteenth century as directed by the increasingly powerful commissioners of the peace, emphasising how this could place them ‘in an impossible situation akin to that of...constables of later centuries’.¹²⁷ Yet, much like the incorporated officers of early modern England, constables as wealthier manorial tenants and employers were

‘Unacknowledged Republic’, 166; Younger, *War and Politics*, 173; Kent, ‘State Formation and Parish Government’, 399-401; Gaskill, ‘Little Commonwealths’, 93.

¹²³ Wrightson, ‘Two Concepts of Order’, 21-32.

¹²⁴ Kent, *Village Constable*, 282-305.

¹²⁵ Kent, *Village Constable*, 57-72.

¹²⁶ Bellamy, *Crime and Public Order*, 93; E. Powell *Kingship, Law and Society: Criminal Justice in the Reign of Henry V*, (Oxford: Clarendon, 1989), 272.

¹²⁷ L.R. Poos, ‘The Social Context of Statute of Labourers Enforcement’, *Law and History Review*, 1, (1983), 27-52, 34-5.

likely incentivised to enforce labour legislation for their own ends as well as to serve the crown.¹²⁸

Parallels can be drawn between the medieval and early modern constable in balancing demands of community and state and using local standing to enforce royal policy when it suited the privileged group serving in office. The main difference between these periods is therefore in degree and intensity. The fourteenth-century labour legislation represented the departure point for an increasing number of responsibilities placed on constables by new statutes over the fifteenth and sixteenth centuries. This process had reached new heights c.1600 leading to Rab Houston's analysis that 'the Tudors transformed constables from executive legal officers of the manor into local parish administrators for Justices of the Peace'.¹²⁹ This begs the question: how far did this increasing responsibility of the constable to the state change the identity and role of this office in relation to the local officeholding structure of the manor?

At all three case studies, the leet had the right to appoint constables, and they appear in their records, allowing a more comparative approach than for Worfield's churchwardens. However, the negative side of this approach is that whilst constables were associated with leets, manorial court rolls cannot accurately reveal the full extent of their work, and particularly how this related to the developing state. This is because court rolls do not effectively record the work of these officials beyond the manorial boundary, whilst it was outside the village that saw the majority of a constable's more state-focused work. This fact is revealed in Worfield's six constables' accounts which survive for the last decade explored here, 1589-1599.¹³⁰ As figures 5.3 and 5.4 show, constables were involved in activities that engaged them in geographical frameworks beyond the manor, with two obvious horizons appearing. The first was a local horizon, centred around Worfield's neighbouring parishes, and concerned constables' role in enacting elements of the Elizabethan regulation of poverty. Poor and disabled individuals were transported to adjacent localities, presumably as part of a process of conveyance to a House of Correction or their home

¹²⁸ Poos, 'Social Context', 52; Dyer, 'Village Community', 423.

¹²⁹ Kent, *Village Constable*, 16-19, 28-56; Gunn, *English People at War*, 51-2; Houston, 'People, Space and Law', 68.

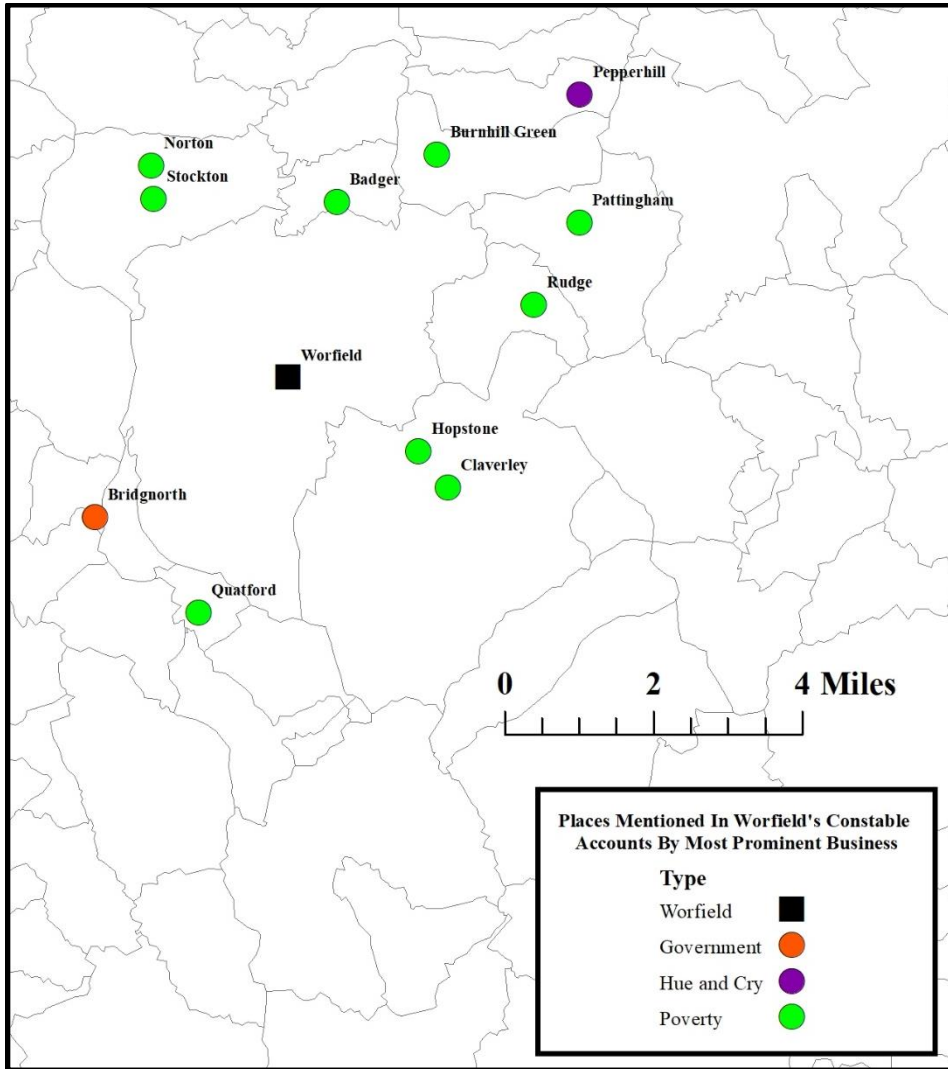
¹³⁰ SAC, P314/M/1/1-6.

parish, as mandated by a 1576 statute.¹³¹ Much like Worfield's churchwardens, constables responded quickly to changes in royal legislation concerning poverty. Whilst before 1598 there is no mention of corporal punishment being applied to the poor, the 1598 account records a payment of 6s 6d for 'whippinge of Roges & beggers & food bestowed upon them this yeare', a direct application of a new statute of 1598 which ordered constables to perform this task.¹³²

¹³¹ Kent, *Village Constable*, 30; 18 Eliz I, c.3, SR 4.2, 610.

¹³² SAC, P314/M/1/5; Kent, *Village Constable*, 30.

Figure 5.3 - Map showing local horizon of locations visited by Worfield's constables



Source – SAC, P314/M/1/1-6. Boundaries: 1851 parish boundaries.

A more distant horizon saw constables, again like churchwardens, travel to county towns within Shropshire to meet royal requirements (figure 5.4). Constables travelled to Bridgnorth and Shrewsbury to go before the commissioners of the subsidy, JPs, water bailiffs, high constables,

and coroner, meeting a mixture of military, policing and administrative obligations.¹³³ They also interacted with other constables, for example to arrange the transport of soldiers and in responding to hue and cries made in neighbouring villages.¹³⁴ Sums were spent holding and conveying suspected criminals, as well as on military equipment and sending soldiers to musters.¹³⁵

The accounts reveal a pattern of significant overlap with the work of the churchwardens and the body of the parish. This highlights that whilst constables were technically connected to the vill, their role increasingly associated them with the civil parish, a state of affairs made simpler at Worfield by the coterminous boundaries of parish and manor.¹³⁶ In 1594 and 1599, payments were made for prisoners of the Marshalsea, matching the churchwardens' regular payments for the relief of prisoners.¹³⁷ More significantly, the lewns used to reimburse the constables followed the format of those for the churchwardens, with a sum being paid per yardland. In 1592, the two lewns were explicitly 'layd by consent of the p(ar)yshsheons', suggesting that the constables were being funded by the parish.¹³⁸

¹³³ SAC, P314/M/1/1-6.

¹³⁴ SAC, P314/M/1/4, P314/M/1/6.

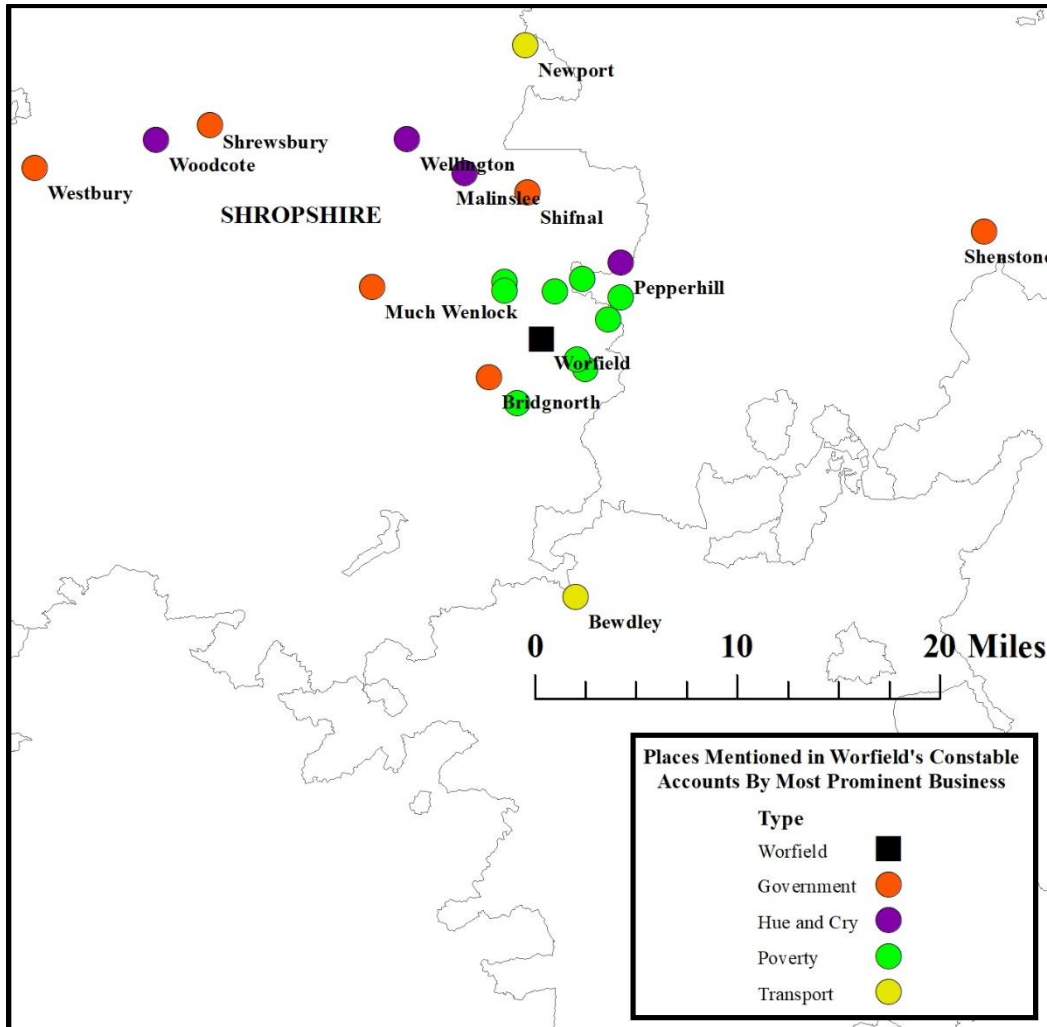
¹³⁵ SAC, P314/M/1/1-6.

¹³⁶ Kent, *Village Constable*, 46-48.

¹³⁷ SAC, P314/M/1/3; P314/M/1/6.

¹³⁸ SAC, P314/M/1/2.

Figure 5.4 - Map showing county horizon of locations visited by Worfield's constables



Sources: SAC, P314/M/1/1-6. Boundaries: 1831 county boundaries.

Analysis of Worfield's admittedly limited sixteenth-century constables' accounts reveals these officers, much like the parish's churchwardens, were serving the needs of the Tudor crown. How far they were willing participants, or being subjected to pressure from above, cannot be answered through accounts. A more critical concern is that this picture of an active role for constables beyond the manor cannot be seen in the surviving court rolls, which do not mention

the constables outside of their selection for the 1590s at Worfield.¹³⁹ Therefore, for Downham and Horstead, it is impossible to know how far constables were performing similar state-related tasks as accounts do not survive. Even for Worfield, the accounts cannot provide the same detail as those for churchwardens, which survive for a longer period, and consequently reveal the nature and timing of the churchwardens' transition from being largely managers of local religious bequests to becoming officers of the crown. Constables' accounts were almost certainly regularly created before 1589; in this year the constables expended over £11 and visited seven locations, suggesting they were already active officers meeting demands beyond the manor.¹⁴⁰

However, despite these evidentiary problems, it is possible to use the court rolls of all three manors to examine the development of the constable as a state office, and the effects of this process on manorial office, as long as the paucity of evidence is borne in mind. Table 5.3 examines the manorial officeholding careers of every individual who can be identified as a constable. Worfield provides by far the best data, with routine selection beginning in 1406. Downham's rolls only reveal 22 selections despite a constableness in existence from at least 1329 to 1579, and Horstead's rolls only 29 selections despite constables being mentioned from 1439 to 1599. It is difficult to understand why selection should be so poorly recorded compared to other types of office, apart from the fact that constables were not directly seigniorial officers, so it was of less interest to the lord's steward to keep a record. Numbers of identifiable constables have been increased by adding those incidentally named in presentments, but it must be borne in mind that the table represents a far from complete list.

¹³⁹ SAC, P314/W/1/1/818-838.

¹⁴⁰ SAC, P314/M/1/1.

Table 5.4 – Reconstruction of the careers of constables in holding manorial office

Office	Little Downham				Horstead			Worfield			
	14th Century	15th Century	16th century	All	15th Century	16th Century	All	14th Century	15th Century	16th century	All
Total Constables	2	15	9	26	5	24	29	2	103	111	216
Messor	0	3	0	3	NA	NA	NA	NA	NA	NA	NA
<i>Messor (%)</i>	0	20	0	11.54	NA	NA	NA	NA	NA	NA	NA
Taster	1	5	0	6	1	0	1	1	17	41	59
<i>Taster (%)</i>	50	33.33	0	23.08	20	0	3.45	50	16.50	36.94	27.31
Reeve	0	2	2	4	NA	NA	NA	1	40	36	77
<i>Reeve (%)</i>	0	13.33	22.22	15.38	NA	NA	NA	50	38.83	32.43	35.65
Affeoror	1	9	3	13	2	1	3	2	42	41	85
<i>Affeoror (%)</i>	50	60	33.33	50	40	4.17	10.34	100	40.78	36.94	39.35
Juror baron	1	15	9	25	4	23	27	2	68	81	151
<i>Juror baron (%)</i>	50	100	100	96.15	80	95.83	93.10	100	66.02	72.97	69.91
Capital Pledge/juror leet	1	14	7	22	4	23	27	2	69	96	167
<i>Capital Pledge/juror leet (%)</i>	50	93.33	77.78	84.62	80	95.83	93.10	100	67	86.49	77.31
Bylawman/fenreeve	1	7	2	10	NA	NA	NA	NA	NA	NA	NA
<i>Bylawman/fenreeve (%)</i>	50	46.67	22.22	38.46	NA	NA	NA	NA	NA	NA	NA
Beadle	NA	NA	NA	NA	NA	NA	NA	0	7	15	22
<i>Beadle (%)</i>	NA	NA	NA	NA	NA	NA	NA	0	6.80	13.51	10.19
Coltishall juror	NA	NA	NA	NA	1	0	1	NA	NA	NA	NA
<i>Coltishall juror (%)</i>	NA	NA	NA	NA	20	0	3.45	NA	NA	NA	NA
No recorded office	0	0	0	0	1	1	2	0	24	8	32
<i>No recorded office (%)</i>	0	0	0	0	20	4.17	6.90	0	23.30	7.21	14.81

Sources: CUL, EDR, C11/1/1-3; C11/2/4-6; C11/3/7-11; KCA, HOR/26-41, HOR/45, HOR/48-54; SAC, P314/W/1/1/158-838.

The patterns reveal that the individuals serving as constables were drawn from a similar pool as manorial officers, with little change over time. This is most striking for Downham where every individual bar one who served as constable was also a juror baron, and a large majority were also capital pledges. Other offices saw less correlation, although this could be as much down to the lack of identifiable constables, and periods where other officials cannot be identified, as a real disconnect. At Horstead, again the vast majority of constables recorded in both decades served as capital pledges and jurors baron, although this did not extend to being taster or affeorer. Unsurprisingly, being a Coltishall juror was far less common, as this fee was part of a neighbouring hundred and thus part of a different leet structure. The only individual who served in this jury as well as being a constable was William Moutyng, who also served as a Horstead fee juror and capital pledge.¹⁴¹ The only individuals who served as constable without being a juror baron and capital pledge served in no manorial offices, suggesting that the franchise for the two types of official were not synonymous. This may reveal the difference between being an inhabitant of the leet, and being a tenant of the lord, which meant one could serve as constable but not in other offices.

For Worfield, for which the most data is available, the connection with being a juror baron and juror leet is weaker, with only 67% of individuals serving as a juror leet in the fifteenth century and 86% in the sixteenth century. This is particularly striking when compared to the fact that nearly all sixteenth-century churchwardens served as jurors leet, suggesting a closer connection for this office chosen via the parish than the constableness which was selected via the manor court. The explanation for this weaker relationship seems to partially lie in a number of individuals who only appeared as constables, with almost a quarter being in this category for the fifteenth century, echoing the pattern seen at Horstead. The pattern, however, suggests the converse of divorce from manorial office over time. The sixteenth century, when constables were to a greater extent officers of the state than previously, actually saw more overlap between constables and manorial officers, with only 7% of constables in this century not serving in any manorial office. Certainly, of the ten constables identifiable in the surviving accounts, nine served as jurors leet.¹⁴² For other offices, greater overlap is seen at Worfield than the other two manors for both centuries, a fact likely driven by the wide dispersal of these offices.¹⁴³ Rates of

¹⁴¹ KCA, HOR/41, m.7, 11 Jun 1492; HOR/37-41.

¹⁴² SAC, P314/M/1/1-6.

¹⁴³ See p. 89.

overlap with selected offices in the sixteenth century are very similar between churchwardens and constables.

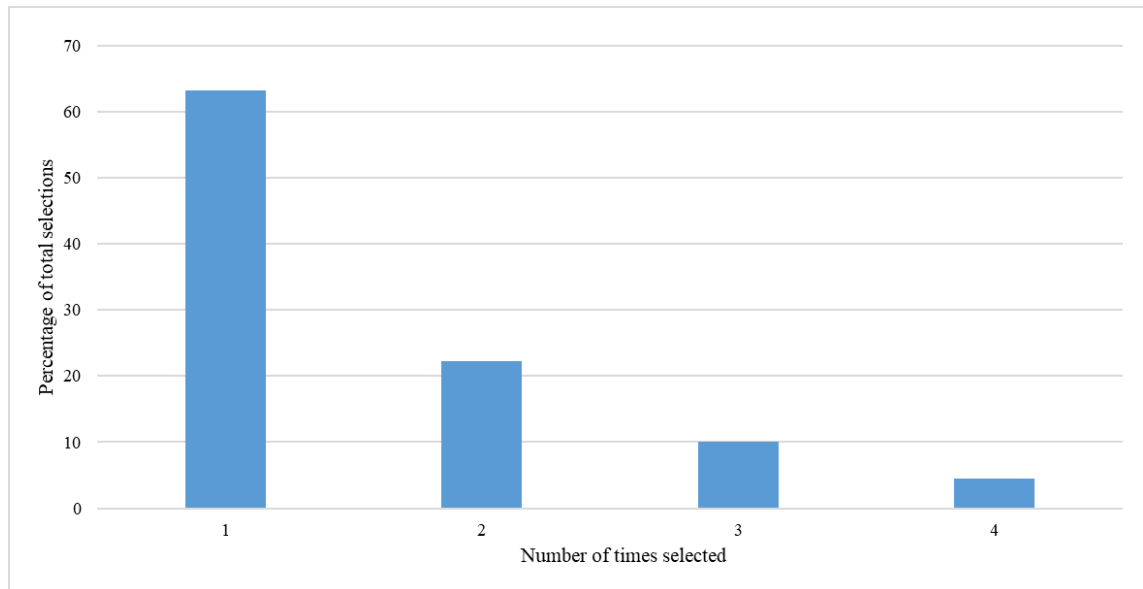
Overall, the evidence suggests that constables were largely drawn from the same pool of individuals who served in manorial office, although the pool does not seem to have been identical. This is unsurprising: selection via the court leet meant that the same individuals who controlled the process of selecting constables controlled that for manorial offices. They presumably applied similar criteria of selection in both cases. In 38 (28%) of 137 constable selections at Worfield where the choosing body is recorded, the jury leet are noted 35 times and the jury baron the other three.¹⁴⁴ At Horstead, where 26 (96%) of the 27 constable selections noted a choosing body, all were capital pledges bar two choices that were made by the jury baron.¹⁴⁵ Similarly, at Downham of the 18 (82%) of 22 selections where this information is recorded, 12 were made by capital pledges and six by jurors baron.¹⁴⁶ That similar processes to other manorial offices underlay selection is suggested by figure 5.5, which for Worfield displays the number of slots held by individuals serving as constable various numbers of times. Much like the manor's reeveship (figure 2.9), office seems to have been dispersed relatively equally among the franchise, with a large majority of services being performed by persons who served once or twice.

¹⁴⁴ SAC, P314/W/1/1/158-835.

¹⁴⁵ KCA, HOR/37, HOR/41, HOR/45, HOR/48, HOR/51-4, COL/376.

¹⁴⁶ CUL, EDR, C11/1/1-2, C11/2/4, C11/2/6, C11/3/7-11.

Figure 5.5 – Proportion of total selections to constableness by number of times selected at Worfield



N = 273. Sources: SAC, P314/W/1/1/158-835.

If manorial juries had strong control over who they selected as constables, the machinery of the manor court, much like for other officials, could also compel jurors' candidates to serve. As with manorial officials, refusals to serve were rare, with none reported for Worfield. At Horstead only one instance is recorded in 1568, when Richard Pytelyng was chosen to serve for the year and refused.¹⁴⁷ The scene described is relatively dramatic, with Richard present in court, called by the steward and then refusing to take oath, replying with 'strong words to the bad example of others'. The punishment was explicitly decided by the steward, who amerced Richard 3s 4d. Henry Shreve was chosen as constable at the same session, although it is impossible to know whether this was as a replacement or whether he was meant to serve alongside Pytelyng. It is hard to understand the rationale for Richard's refusal: he was capital pledge in the same court and had, and continued to have, an officeholding career as a pledge and juror baron. If his refusal was specifically linked to being constable, he had either changed his

¹⁴⁷ KCA, HOR/52, m.5, 6 May 1568.

mind or decided the fine was not worth being free of the burden two years later as he was selected, and served, in 1570, and again in 1579.¹⁴⁸

At Downham, refusals were recorded in 1562 and 1571. The 1571 example is the least detailed, noting William Lyntley ‘contemptuously refused to serve the Lady Queen’ as constable.¹⁴⁹ The 1562 instance reads far more like the 1568 Horstead example, with the oath being central.¹⁵⁰ After Richard Gibson had been elected, the steward asked him to receive the oath to serve the ‘Lady Queen faithfully as he ought’, he instead contradicted ‘failing completely his obedience and office in full court, undermining the said office of constable in contempt of the . . . court and in poor example to others’. The ameracements levied on both occasions, at 3s 4d, were identical to that at Horstead, although in 1562 ‘the court’ made the assessment not the steward as at the Norfolk manor. Again, the rationale is difficult to explain. Neither Lyntley nor Gibson ever served as constable, but both refused within longer officeholding careers as capital pledges and jurors baron. The references to the oath reveal that constables at both manors were still being sworn locally rather than by justices in the mid-sixteenth century, a pattern again identified by Kent.¹⁵¹ The focus at both manors on the public example set by refusing to serve, and how this affected the authority of the office, mirrors the attitudes towards misbehaviour in manorial office seen in chapter four, suggesting a similar political culture surrounded both offices in their local communities.¹⁵²

Identifying that the constableness and other manorial offices were largely filled by the same individuals, with this remaining relatively consistent across time and between manors, and displaying the importance of manorial courts to the selection process, cannot reveal if there was a transition in the function of this office from manor to state. However, scattered evidence from the manors reveals that constables had long been used to meet royal requirements, reinforcing the view that any changes in the sixteenth century were part of a more continuous process. In 1496, William Thompson was amerced for committing rescue against the constable when he was playing football against the statute, demonstrating the constable was enforcing statutory legislation at this manor, reflecting the role of presentment jurors at Downham.¹⁵³ At Horstead,

¹⁴⁸ KCA, HOR/51, m.2, 13 Apr 1570; HOR/51, m.10, 5 Oct 1579.

¹⁴⁹ CUL, EDR, C11/3/11, unfoliated, 9 Mar 1571.

¹⁵⁰ CUL, EDR, C11/3/11, unfoliated, 18 Jun 1562.

¹⁵¹ Kent, *Village Constable*, 66-7.

¹⁵² See p. 188-9.

¹⁵³ CUL, EDR, C11/3/10, m.10, 29 Mar 1496.

in 1439, an offender was presented for breaking the sequester of the constable of the vill.¹⁵⁴ This sequester was explicitly made for the King's fifteenth, which may reflect a longer history of the use of constables in tax collecting, as these officials are listed in the vill's 1377 poll tax return.¹⁵⁵ Similarly, at Downham in 1432, John Buxham committed rescue against the constable when he was collecting the King's fifteenth.¹⁵⁶ These early fifteenth-century examples show the role of constables in collecting taxation within local communities even before they officially took on this role in the sixteenth century, and echoes their role in other communities explored by Dyer.¹⁵⁷ Whilst manorial documents reveal no information about the assessing or levying of taxation, presumably as this was delegated by the vill, presentments reveal that manorial juries used their status to punish those hindering the constable and thus indirectly helped meet taxation requirements.

At Worfield, the lord's right to the goods of felons reveals incidental information about the constable's role in transporting suspected felons to royal authorities. In 1424, John atte Yate was captured by the constables, Stephen Stanlowe and John Bromley, on suspicion of felony.¹⁵⁸ He then remained in their custody for three days and nights before being delivered to the sheriff's gaol at Shrewsbury, a description that is similar to payments for keeping and transporting prisoners in the accounts for 1590-99.¹⁵⁹ Constables had a role more connected to the manor in 1420, when, in a unique case in the records, the lord exercised his right to *infangthief*, trying and hanging a prisoner in the manor court.¹⁶⁰ The constables, explicitly described as 'of the lord King' and thus clearly being seen as performing an action on behalf of the crown, brought the accused to this trial.¹⁶¹ A further case is seen in 1405, where the steward gave the constables and the whole vill of Hallon the goods of John Child, a thief, for capturing and arresting the felon.¹⁶² Why the officials should have been rewarded in this way is unclear, although it does reveal a way officials could benefit from the exercise of this seigniorial right.

¹⁵⁴ KCA, HOR/37, unfoliated, 11 Jun 1439.

¹⁵⁵ C.C. Fenwick (ed.), *Poll Taxes of 1377, 1379 and 1381, Part 2 Lincolnshire-Westmorland*, (Oxford: Oxford University Press, 2001), 155.

¹⁵⁶ CUL, EDR, C11/2/6, m.21, 23 Jan 1432.

¹⁵⁷ Kent, *Village Constable*, 18-9; Schofield, *Taxation under the Early Tudors*, 36, 50-1; Dyer, 'Taxation and communities', 186-7.

¹⁵⁸ SAC, P314/W/1/1/263, 25 Apr 1424.

¹⁵⁹ SAC, P314/M/1/1, P314/M/1/4-6.

¹⁶⁰ Gibbs, 'Felony Forfeiture'.

¹⁶¹ SAC, P314/W1/1/255, 23 Apr 1420.

¹⁶² SAC, P314/W/1/1/234, 28 Oct 1405.

The fact that they made the arrest with the vill of Hallon also shows how constables were integrated into a greater communal responsibility for law enforcement, mirroring the picture found by Kent for the turn of the sixteenth century.¹⁶³

That constables are visible aiding in the arrest of felons at Worfield, but not at the other two manors, is likely due to differences in the records, rather than a structural dissimilarity between the locations. However, a clear structural difference is present at Downham where constables were far more integrated into the mechanisms of the manor than at the other localities. This mirrors the picture found for the enforcement of statute legislation and seems likely to be due to the same cause of the special status of the bishop's liberty. This manor court's role in monitoring the watch made it responsible for supervising the constable's attention to this duty and ensuring that tenants followed his orders. When three men were presented for not keeping the watch in 1363, it was explicitly when they had been summoned by the constable, showing the manor court bolstering this office's authority.¹⁶⁴ In 1398, it was the constable who was amerced 6d because he had not supervised the watchmen keeping the vigil as he had been charged.¹⁶⁵

An even more striking structural difference was in the use of constables in the pledging system. At all manors, official pledging had largely disappeared by the beginning of the fifteenth century, meaning it is not recorded by the point from which Horstead's rolls survive.¹⁶⁶ However, for Worfield and Downham pledging records survive in abundance for the fourteenth century and reveal a strong contrast between the two manors in terms of pledging of petty peace-breaking. Of 41 official pledges connected with bloodshed, levying the hue and cry, regrating, and forestalling at Worfield, all were either the beadle, reeve or both officials, reflecting these officers' roles in the larger pledging culture on the manor.¹⁶⁷ At Downham, conversely, in 102 similar cases the constable was pledge on all but 8 occasions.¹⁶⁸ One possible explanation is that the office of constable did not exist for much of the fourteenth century at Worfield, with the first reference to it being in 1384, after which pledging for peace-breaking is

¹⁶³ Kent, *Village Constable*, 26-7.

¹⁶⁴ CUL, EDR, C11/1/2, m.13, 30 Nov 1363.

¹⁶⁵ CUL, EDR, C11/1/3, m.42, 2 Sep 1398.

¹⁶⁶ Harvey, *Manorial Records*, 49.

¹⁶⁷ SAC, P314/1/1/4-178.

¹⁶⁸ CUL, EDR, C11/1/1-3, C11/2/4-6.

unrecorded at this manor.¹⁶⁹ However even this suggests the office of constable was vital to the functioning of the leet at Downham for much of the fourteenth century, speaking to a far more integrated structure than at Worfield where a constable was not required.

Another difference is seen in the use of constables to monitor punishment equipment, such as stocks and cucking stools. Whilst at Worfield, monitoring of punishment equipment was a seigniorial right performed via the reeve, at Downham this role was performed by the constables. This is revealed in a presentment of 1412, in which William Walsham and Nicholas Bateman as constables were amerced 12d each as they had collected money ‘of the whole vill’ to provide for stocks but had then not made these but instead kept the money for their own profit ‘to the grave damage of the whole vill’. They were ordered to make the stocks by the next court under pain.¹⁷⁰ Vill and manor here appear as having different identities, it was explicitly the vill that provided money for the stocks, and thus the collection suggests that the constables in performing their duties were serving, and indeed defrauding, the vill. The distinction concerning the stocks is seen in both 1391 and 1467, when the vill was ordered via the manor court, and in the later case explicitly by the capital pledges, to make new stocks under pain, showing a formal distinction could be drawn between the two bodies.¹⁷¹ The use of constables to meet vills’ requirements to maintain punishment equipment is also found for the turn of the sixteenth century.¹⁷²

However, whilst constables were officials of the vill as a distinct entity, they were integrated into the manorial system through the role of the manor court and its juries in monitoring their work. Presumably, in a case of corruption like the one above, the manorial court was an attractive setting to the vill’s governors as its ability to levy amercements and impose pains allowed it to formally punish and control constables when any informal sanctions via the vill failed. This was also true at Worfield where vill and manor were less well integrated, and constables had less of an obvious role in the manorial structure. Returning to the pain made in 1465 ordering constables to render their accounts to churchwardens, a similar mechanism of using the manor to enforce a requirement not strictly manorial can be seen.¹⁷³ The picture here is

¹⁶⁹ SAC, P314/W/1/1/142, 25 Apr 1384.

¹⁷⁰ CUL, EDR, C11/2/4, m.30, 28 Sep 1412.

¹⁷¹ CUL, EDR, C11/1/3, m.28, 14 Jun 1391; C11/3/7, m.11, 13 May 1467.

¹⁷² Kent, *Village Constable*, 25, 27.

¹⁷³ SAC, P314/W/1/1/326, 15 Oct 1465.

more complex, the jury were not monitoring the officials themselves, but instead ensuring that they accounted to the churchwardens as parochial officials, a role they repeated in the following court by allowing the constables a stay on their pain but reissuing it, as the deadline of All Saints had passed.¹⁷⁴ That constables accounted to the churchwardens is in part explained by the latter's role in guarding manorial documents but may also be because the parish was the unit by which the sums the constables had 'received by virtue of their office' were paid, reflecting the later lewns recorded in the 1592 account.¹⁷⁵ Reconstruction via the names of the constables recorded, suggests accounts were wanted for 1458-9, 1459-60 and 1462-3, missing out Stephen Bradeney, who served 1460-1.¹⁷⁶ The fact that several years' constables were ordered to account suggests the potential of an annual lewn as early as the mid-fifteenth century and therefore that constables were increasingly parochial officers by this point. However, the constables were also subjected to manorial office through the power of presentment juries to impose penalties in order to ensure correct performance of office, thus allowing the legally separate but largely corresponding community of the vill to monitor their role.

Equally, manorial presentment juries could be used to backstop constables when their authority was challenged. This is most obvious in the relatively common presentment at all manors for assaulting, breaking the arrest of, and committing rescue against, the constable, often explicitly 'against the peace of the lord King'.¹⁷⁷ Again Downham is slightly different, with one presentment noting that the constable had seized a boat 'to serve the lord' before this seizure was broken suggesting a more seigniorially-focused role for the official.¹⁷⁸ Even beyond ensuring the constable could make arrests during incidents of peace-breaking, constables' authority was enforced through presentment juries in punishments of persons for more shadowy actions of disobedience. For example, when Marion Hulver was presented for receiving suspicious people and quarrelling with her neighbours in 1515, it was noted that she was

¹⁷⁴ SAC, P314/W/1/1/327, 5 Dec 1465.

¹⁷⁵ SAC, P314/M/1/2.

¹⁷⁶ SAC, P314/W/1/1/313, 27 Sep 1458 (William Barker and William Stafford); P314/W/1/1/315, 8 Nov 1459 (John Barrett and Richard Bokenhall); P314/W/1/1/316, 2 Oct 1460 (Stephen Bradeney); P314/W/1/1/321, 11 Oct 1462 (John Janen and John Clerk). The original presentment left spaces to record the years these constables served but these were not filled in.

¹⁷⁷ KCA, HOR/37, unfoliated, 18 Jun, 1446; SAC, P314/W/1/1/243, 8 Apr 1415; P314/W/1/1/253, 10 Apr 1419; P314/W/1/1/279, 5 Oct 1431; P314/W/1/1/285, 30 Sep 1434; P314/W/1/1/287, 1 Oct 1436; P314/W/1/1/298, 11 Apr 1447; P314/W/1/1/677, 2 Oct 1550; P314/W/1/1/728, 26 Sep 1560; CUL, EDR, C11/1/2, m.14, 3 Dec 1364; C11/2/4, m.11, 19 Nov 1403; C11/2/4, m.13, 15 Dec 1404; C11/2/6, m.11, 17 Dec 1426; C11/2/6, m.21, 23 Jan 1432.

¹⁷⁸ CUL, EDR, C11/2/4, m.6, 10 Nov 1401.

disobedient to the constables of the vill.¹⁷⁹ This hints that the constables may have tried to make Marion modify her behaviour before the capital pledges, presumably through the application of an informal verbal censure, but as she had disobeyed them stronger action was taken via presentment. One of the two individuals who were likely serving as constables in 1515, John Salle, served as capital pledge in the jury that presented Marion, suggesting some degree of crossover or information sharing.¹⁸⁰ Similar presentments were made at Downham in 1448 for rebelling against the constable and in 1498 for not obeying the constable's orders.¹⁸¹ In 1428 Richard Castowe was amerced for violating his neighbours, making great affrays and not justifying himself to the constable of the vill.¹⁸²

It is even possible to see the constable being directed by the manorial jury to perform an action. In 1384, the jury leet at Worfield presented Alice de Castel, Juliana Lawen and her husband William for stealing, then ordered that they withdraw from the manor and that none host them under pain of 40s, in a rare case of abjuration from the manor recorded in Worfield's rolls. The constable, along with the reeve, were ordered to ensure the offenders complied with this punishment, suggesting this officer could be directed by the jury in the same way as the manorial reeve.¹⁸³ Worfield's constables' account for 1598 states a payment of 5s 2d for wine and bell ringers when the Lord of Abergavenny came to the manor, showing that much like the churchwardens, constables could be utilised by the tenants to meet their obligations to their lord.¹⁸⁴

To what extent constables supplanted the role of other manorial officers is hard to interrogate with the limited information available. One possibility is that constables had taken the role of ale tasters in monitoring brewers at Worfield by the 1590s. The last presentment by tasters on the manor was in 1568. However they were presented for failing to do their office in 1571, suggesting there was some expectation of performance three years later, remembering that at Worfield there was no custom of regular presentment of 'poor performance' as there was at other manors.¹⁸⁵ Meanwhile, the constables' accounts for 1597 and 1599 reveal charges claimed

¹⁷⁹ KCA, HOR/45, m.8, 11 Jun 1515.

¹⁸⁰ KCA, HOR/45, m.7, 4 May 1515; HOR/45, m.8, 11 Jun 1515.

¹⁸¹ CUL, EDR, C11/2/6, 4 Mar 1448; C11/3/10, m.13, 23 Aug 1498.

¹⁸² CUL, EDR, C11/2/6, 7 Dec 1428.

¹⁸³ SAC, P314/W/1/1/142, 25 Apr 1384.

¹⁸⁴ SAC, P314/M/1/5.

¹⁸⁵ SAC, P314/W/1/1/766, 11 Oct 1568; P314/W/1/1/774, 25 Oct 1571.

by the officials for bringing the ‘alebruers’ and ‘ale men’ before the Justices at Bridgenorth.¹⁸⁶ This must have been under the Edwardian legislation of 1552, which only required alehouse keepers to be licenced initially, rather than the regular relicensing introduced under James I, which led to routine payments for this task in many constables’ accounts.¹⁸⁷ Thus it is hard to see how constables could have completely replaced the annualised role of the tasters by the 1590s, and it is notable that whilst presentments may have stopped, tasters were still selected annually until 1597, for which the last leet examined survives.¹⁸⁸ One possibility is that the tasters worked alongside constables in providing the names of brewers for the justices and it is notable that legislation made in 1624 allowed ale tasters along with constables to present illegal alehouse keepers both to leets and justices.¹⁸⁹

The pattern of interaction seen between churchwardens and manorial officials at Worfield also applies to constables at all three manors. The selection process, via the court leet, meant that the constableness was always related to the manorial structure. Whilst the evidence does hint at a franchise including several people, most likely inhabitants within the leet but non-tenants, who were not eligible to be manorial officers, largely it is a picture of the same men serving as both constables and manorial officials. There is no obvious change in the sixteenth century, when historiographical consensus suggests constables were becoming more focused on meeting the demands of the state, and at Worfield, where the evidence is richest, there is in fact greater overlap between individuals. Moreover, at Horstead and Downham, presentment juries were responsible for punishing those who refused to serve, with sanctions applied in the same way as to other manorial offices. Scattered manorial evidence reveals constables’ roles in the fifteenth century in enforcing statutes, raising taxes and apprehending and transporting felons. Structural differences are visible for Downham, with pledging revealing the extent to which the constable was integrated into the manorial courts’ work. Yet for both Downham and Worfield, there is some evidence that the vill, with its peacekeeping responsibilities, used manorial structures to monitor the revenues collected by constables. Similarly, constables’ authority was reinforced

¹⁸⁶ SAC, P314/M/1/4; P314/M/1/6.

¹⁸⁷ 5/6 Edward VI c.25, SR, IV, p.2, 157-8; Kent, *Village Constable*, 28-9, 29 n.16, 188; J. Hunter, ‘English Inns, Taverns, Alehouses and Brandy Shops: the Legislative Framework, 1495-1797’, in B. Kümin and B. Ann Tlusty, *The World of the Tavern: Public Houses in Early Modern Europe*, Aldershot: Ashgate, (2002), 65-82; 65-7.

¹⁸⁸ SAC, P314/W/1/1/835, 3 Oct 1597.

¹⁸⁹ Kent, *Village Constable*, 34.

via presentment juries in the manor court, and at Worfield it is possible to see this process in reverse.

Of course, it is likely, that constables were increasingly detached from the manor in the sixteenth century, and undeniably nearly all the scattered examples date to before 1500. Constables' authority may have increasingly been enforced by JPs rather than presentment jurors, and village communities may have looked to outside authority to censure corrupt constables. However, the pattern revealed here at least suggests that many tasks of the constable had long been related to the manor, even though the office was technically one of the vill, and therefore that the rise of this office does not automatically imply the demise of manorial officeholding as a local source of authority. Constables and manorial offices were combined, by the same local elite, to meet the demands of state and control behaviour within the manor.

Conclusion

The relationship between manorial officeholding and the state was largely indirect. Whilst some new legislation was enforced via courts leet, application was simply too infrequent and partial to drastically change the business of manor courts, with this legislation more readily enforced at the county level via quarter and petty sessions. However, the relationship between the increasingly state-focused offices of constable and churchwarden and manorial officeholding reveals a different picture. The considerations which governed the selection of manorial officers were seemingly applied directly to these offices, to the extent that not only were the same sorts of persons chosen for these offices, but exactly the same individuals in the case-study manors. Moreover, even the limited evidence available here shows significant interaction between the work performed by manorial and state offices. Manorial juries helped to monitor and enforce the authority of constables as officers of the vill and churchwardens were utilised to meet the requirements of the manor court.

Noting that similar individuals filled manorial and parochial office is not a revelatory breakthrough. Historians have long argued offices were occupied by similar groups, as is revealed in the celebrated commonplace book of Robert Reynes, which contains information relevant to manorial, parish and state office.¹⁹⁰ However, this study has demonstrated that these groups were more than similar, they were virtually identical, and this did not change, at least at

¹⁹⁰ Louis, *Commonplace Book*.

Worfield, with the increasing incorporation of constables and churchwardens into county government via the innovations of the crown. It also reveals interaction in functions stretching back to the fifteenth century, reinforcing the revisionist position raised by Smith about the level of incorporation of late medieval villages into the state.¹⁹¹ The manor provided the vital ‘real power’ over villages which Hoyle suggests the middling sort lacked.¹⁹² The ability of jurors to control presentments, amercements and the placing of pains provided the ability to coerce other members of the community outside of reporting offenders to royal commissioners or church authorities. Therefore, even with the expansion of state authority via the offices of churchwarden and constable, local elites were surely reluctant to abandon manorial office which allowed them direct authority over their fellows.

The consequence of these insights is to extend but also challenge recent formulations of early modern state formation. The focus on how local standing and authority conditioned the position of local officials, creating a complex relationship between state and village elites, is reinforced. As such, the study endorses the view of state formation as occurring through a decentralised process of development in English localities. However, the data explored here reveals that local authority was, for the sixteenth century, exercised via the more formal structures of the manor as well as informal, though intimately connected, conditions of social standing and credit. It questions models that see manor and parish government as somehow different, or that the latter replaced the former. The social structures which early modernists often associate with the incorporation of parochial and village officeholding into the state, look to have been formed through the selection of manorial officeholders, which helped create a set of chief inhabitants who slid relatively neatly into service to the state via parochial offices they had also long held.

Of course, contentions that have seen the Civil War as marking a point of departure cannot be challenged by an analysis that ends in 1600, and thus does not engage with the long-term development of the poor relief system which radically changed the relationship between rate-payers, beneficiaries, and the state.¹⁹³ Similarly, the growth of subtenancy in the seventeenth

¹⁹¹ Smith, “‘Modernization’”, 161-77.

¹⁹² Hoyle, “‘Wrightsonian Incorporation’”, 23.

¹⁹³ Hindle, ‘Political Culture of the Middling Sort’, 127; Kent, ‘State Formation and Parish Government’, 403-4; K. Wrightson, ‘The Social Order of Early Modern England: Three Approaches’ in L. Bonfield, R.M. Smith and K. Wrightson (eds.), *The World We Have Gained: Histories of Population and Social Structure*, (Oxford: Blackwell, 1986), 177-202, 201; French, *Middle Sort of People*, 108-9, 263; Hindle and Kümin, ‘Spatial Dynamics’, 164; Gaskill, ‘Little Commonwealths’, 93.

century may have led to an increasing separation of tenants who could serve in manorial office but were largely non-resident, and ratepaying-occupiers who could serve in the vestry and parochial office but were excluded from manorial institutions.¹⁹⁴ However, an exploration of the relationship between manorial officeholding and state reveals a further complexity in the transition from medieval to early modern before 1600. The local political elite that the developing state is often seen to have created appears to have been deeply rooted in the governing structure of the medieval manor.

¹⁹⁴ French and Hoyle, *Earls Colne*, 295.

Conclusion

Over the last five chapters, this thesis has explored manorial officeholding using a comprehensive examination of the available evidence for three case-study manors. The first chapter categorised presentments, revealing that a transition occurred in the mid-sixteenth century from a pattern of officials serving community, lord and crown in the period c.1400-c.1500 to officers being focused on community and land presentments alone c.1550-c.1600. The succeeding chapter examined the identity of officers, noting a consistent pattern of concentration, but that Downham saw greater repeat service among a small set of individuals in selected offices such as reeve, messor and taster, as opposed to Horstead and Worfield where office was dispersed among a wider group of individuals. Over time, Worfield and Downham saw greater dispersion of service in empanelled office, perhaps linked to growing population in the late-fifteenth and early-sixteenth centuries, suggesting that the decades before 1600 did not see a new growth in officeholding exclusiveness.

Chapter three demonstrated that local elites had a stake in manorial officeholding to help control their local community, centred around a combination of monitoring misbehaviour and access to natural resources, and achieved via creating new roles for officers through manorial bylaws. This led to manorial officials governing for both the local community as a whole against external threats but also on behalf of more prominent tenants against their humbler neighbours. The following chapter illustrated that tenants were compliant in maintaining the manorial officeholding system, because they were reliant on effective officeholders who met their needs in transferring land, creating an efficient system for interpersonal litigation, and allowing them influence over seigniorial management. The final chapter compared evidence for manorial officers, churchwardens and constables. This revealed that the new responsibilities placed on local communities by Tudor governments, largely via the parish, did not cause a decline in those serving in manorial roles, with the same local elites combining manorial and parochial office together to both meet external requirements to the state and the needs of local community.

Drawing on these chapters, four interrelated conclusions can be made about manorial officeholding between 1300 and 1600. Firstly, manorial officeholding remained a vital institution within the countryside across this period. Officers continued to make large numbers of community-focused presentments down to 1600 at two of the manors, whilst royal and seigniorial requirements were met through manorial office until the mid-sixteenth century.

Officeholding positions continued to be filled by large numbers of tenants, and selection processes continued to function effectively. The flexibility of the officeholding system allowed for offices to be put to new purposes in an age of significant legal, economic and social change.

Secondly, this vitality was achieved not primarily via pressure from above by lords or the crown, but by the collaboration of the community of tenants who remained invested in office across this 300-year period. They continued to use office to present and manage community issues, protecting common rights and maintaining infrastructure, and also to allow tenants to inherit and transfer land. Officials were monitored to ensure the officeholding system continued to function in the community's interests, and protests against officeholding were rare. This is not to suggest manors were independent of lordship, but to simply suggest that tenants were willing to work within the governing structures created by the manorial system.

Thirdly, this village government through manorial office cannot be seen as an entirely equitable process among villagers but worked to create hierarchies within the local community. A degree of oligarchy within office was omnipresent, and could become acute in periods of high population, although there always appears to have been an effort to ensure a fairly large number of individuals served. Officers also utilised bylaws to control access to resources and worked to manage misbehaviour, helping to create a degree of stratification.

Fourthly, this system was robust enough to survive greater state intervention in local communities via the alternative offices of churchwarden and constable in the sixteenth century. Manorial office continued to be held by the same individuals who served in these newly influential offices, and both types of office continued to be used in conjunction to meet local problems, as can be seen in the fourteenth and fifteenth centuries.

These conclusions are significant as they speak to wider themes within the literature concerning the economy and society of the late middle ages and early modern era. The first key point is that the investigation of officeholding reinforces the importance of local variation in manorial and village structures in England.¹ Whilst generally similar trends can be seen at all three case studies, the more detailed analysis becomes, the more idiosyncratic these patterns appear at the level of the individual manor. This is not to say that these differences are random, but that the

¹ Rigby, *English Society*, 40-5; Bailey, *English Manor*, 2-15; Campbell, 'The Land', 190-1; Schofield, 'Village Community', 34-6; Bolton, *English Economy*, 13-4, 31.

sample, which aimed to select a variety of manors differing by region, degree of lordship, settlement-type and local landscape, has shown that these factors did have significant effects on how these places were governed within manorial structures. Lordship sets Downham and Horstead apart from Worfield in terms of the enforcement by officials of servile incidents and aspects of direct management, as does the fact of the Shropshire manor's dispersed structure, which led to a different use of officeholding to meet the needs of individual hamlets rather than the community of the manor as a whole. Horstead's existence within an area of a developed land market saw officeholders presenting *intervivos*, deathbed and illicit transfers with greater frequency. The ease of land transfers allowed for significant engrossment on the manor, and a seeming reduction of tenant numbers, which in turn reduced the number of individuals serving in office even in a period of population expansion. Downham's situation within an area of fen commons saw greater focus on controlling labour and natural resources via bylaws, leading to officeholding being placed more overtly into service by wealthier tenants to preserve their own interests. These differences reveal that the history of manorial officeholding, and the local governing systems it could provide, are not monolithic. However, by the same token differentiation is a testament to the flexibility of manorial officeholding as an institution that allowed it to be adapted to varied circumstances and local conditions by the community elites who served as and chose officers.

A second point is that the investment of tenants within the manorial officeholding system, even during the period before c.1550 when it remained an important aspect of seigniorial power, reinforces the revisionist view of the more positive relationship between lord and tenants in the middle ages. A traditional historiography, especially that drawing on a Marxist tradition, has long argued that relations between lord and tenants, and particularly unfree tenants, were fundamentally exploitative due to a process of 'surplus extraction'.² More recently, this view has been challenged. It has been suggested that serfdom, even at its height before the Black Death, was constrained by custom, which allowed unfree tenants a privileged economic position

² R. Brenner, 'Agrarian Class Structure and Economic Development in Pre-Industrial Europe' in T.H. Aston and C.H.E. Philpin (eds.), *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, (Cambridge: Cambridge University Press, 1985), 10-63, 27, 31-6; R.H. Hilton, *Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381*, (London: Meuthen, 1977), 41-2; Hilton, 'Peasant Movements', 118-20; Hilton, *English Peasantry*, 58-69; C.C. Dyer, *Standards of Living in the Later Middle Ages: Social Change in England, c.1200-1520*, (Cambridge: Cambridge University Press, 1989), 136-8; Dyer, 'Ineffectiveness of Lordship', 85-6; Whittle and Rigby, 'Popular Politics', 65-6; Hatcher and Bailey, *Modelling*, 72-4.

during a period of land-hunger with high rents and prices.³ Moreover, Bailey has recently argued that during the drastic changes caused by the demographic reversal after 1349, serfdom disappeared rapidly with lords largely acquiescing to their tenants' demands rather than engaging in a 'feudal reaction', suggesting that serfdom was 'not as terrible a condition as it has conventionally been perceived'.⁴ Campbell states that even before the Plague 'prudent lords recognised that they benefitted from a prosperous and co-operative tenantry' and that after 1349 'co-operation was cheaper for lords than coercion'.⁵

The evidence of manorial officeholding adds a new perspective to this interpretation, giving weight to Campbell's argument that substantial tenants who served as officeholders 'in maintaining the manorial status quo...served their own interests as well as those of lords'.⁶ Both lord and tenants were invested in an effective officeholding system, as is evidenced in the data of presentments and the role of tenants in monitoring officers seen above, which in turn suggests officeholding acted as a common interest binding these two groups together. Whilst lords are often presented as having to govern through local notables as officers, suggesting a pre-existing status for these elites, it can also be argued that these elites were invested in a manorial system that bolstered their authority.⁷ Office transformed a status accrued through factors such as wealth, acting as an employer, age and longevity of a family in the community, into power that was to some extent political, and allowed elites to monitor the behaviour of their neighbours. Far from resenting the manorial system, or engaging with it reluctantly, by this token local elite tenants were beneficiaries of it, and therefore may have seen the lord as a key ally in maintaining their authority locally. There were of course occasions where this relationship could break down, as is evidenced on a limited scale in resistance acts such as concealment or failure to make presentments, or on a larger scale by the number of manorial officials seen in the

³ J. Kanzaka, 'Villein Rents in Thirteenth-Century England: an Analysis of the Hundred Rolls of 1279-80', *EcHR*, 55:4, (2002), 593-618, 617; Hatcher, 'Serfdom and Villeinage', 7-14, 24-6; Bailey, 'Villeinage in England', 451-4; Hatcher and Bailey, *Modelling*, 105; Schofield, *Peasants and Historians*, 106-7; Britnell, *Britain and Ireland*, 235-6; Whittle and Rigby, 'Popular Politics', 68-9; J. Hatcher, 'Lordship and Villeinage before the Black Death: from Karl Marx to the Marxists and Back Again' in M. Kowaleski, J. Langdon and P.R. Schofield (eds.), *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce Campbell*, (Turnhout: Brepols, 2015), 113-45, 131-40.

⁴ Bailey, 'Myth of "Seigniorial Reaction"', 149-65; Bailey, *Decline of Serfdom*, 337; Schofield, *Peasants and Historians*, 104, 108.

⁵ Campbell, 'The Land', 210, 226; Campbell, 'Land and People', 17.

⁶ Campbell, 'The Land', 224.

⁷ Dyer, 'Power and Conflict', 3-4; Dyer, 'Ineffectiveness of Lordship', 77; Briggs, 'Demesne Managers', 180.

1381 risings.⁸ However, typically the commonality of objective between lord and elite tenants was strengthened by the institution of manorial officeholding, at least until the exercise of lordship via presentment declined in the mid-sixteenth century. Elite tenants largely did not resist limited seigniorial exactions, because they indirectly gained status and authority through the exercise of lordship via office.

A third larger point is the importance of taking a longer view across the medieval/early modern divide, in order to examine what phenomena mark a break between these two periods, and particularly applying this to the notion of the ‘middling sort’. Historians working on a variety of topics have shown the importance of a cross-boundary approach, revealing how it can shed new light on continuities in the policing of misbehaviour, path-dependent constraints on management policies, and more general aspects of regional social and economic change.⁹ Margaret Yates has highlighted the contingency which led to the periodisation adopted by professional historians, and instead argues for a ‘discontinuous process’ of social and economic change where there was no ‘end of the middle ages’.¹⁰

The arguments expressed here demonstrate that a similar approach is vital in considering oligarchy and social differentiation in the early modern village. Whilst studies that have begun in c.1550 or later have argued for this period as seeing a new social differentiation, leading to the creation of a new middling sort and thus dramatic social change, the evidence of manorial officeholding demonstrates that these trends are visible in the medieval period.¹¹ However, this was not static, but varied across place as seen in the differing uses of manorial officeholding to control access to natural resources and govern misbehaviour in medieval villages. More

⁸ C.C. Dyer, ‘The Social and Economic Background to the Rural Revolt of 1381’ in C.C. Dyer, *Everyday Life in Medieval England*, (London: Hambledon, 1994), 191-221, 197; C.C. Dyer, ‘The Rising of 1381 in Suffolk: its Origins and Participants’, in C.C. Dyer, *Everyday Life in Medieval England*, (London: Hambledon, 1994), 221-39, 225; H. Eiden, ‘Joint Action Against ‘Bad’ Lordship: the Peasants’ Revolt in Essex and Norfolk’, *History*, 83:269, (1998), 5-30, 26-8; Hargreaves, ‘Seigniorial Reaction’, 54.

⁹ McIntosh, *Controlling Misbehavior*, 211-2; McIntosh, ‘Response’, 291-2; Whittle, *Agrarian Capitalism*, 2; Whittle, ‘Tenure and Landholding’, 242; A. T. Brown, ‘Estate Management and Institutional Constraints in Pre-Industrial England: the Ecclesiastical Estates of Durham, c.1400-1640’ *EcHR*, 67:3, (2014), 699-719, 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, 40-9.

¹⁰ M. Yates, *Town and Countryside in Western Berkshire, C.1327-C.1600: Social and Economic Change*, (Woodbridge: Boydell, 2007), 1-23.

¹¹ Wrightson, ‘Social Differentiation’, 34-45; Wrightson and Levine, *Poverty and Piety*, 174-84; Wrightson, ‘Two Concepts of Order’, 45-6; Wrightson, *English Society*, 222-7; Wrightson, “‘Decline of Neighbourliness’”, 38-9; Wood, *1549 Rebellions*, 188, 191-2.

significant is the change across time. Before the Black Death low levels of absolute numbers serving in office combined with a high population, led to a very acute sense of oligarchy. After the Black Death, numbers serving remained static or even grew slightly, whilst population was significantly smaller, leading to a more dispersed structure. More surprisingly, from the mid-fifteenth century numbers involved in office grew as did population, although Horstead was exceptional in showing the opposite trend. Finally, numbers involved in office were static or did continue to grow marginally in the later sixteenth century but did not keep pace with growing population.

From this perspective, the phenomenon of the rise of a middling sort, could potentially be part of a longer story of the interaction of governing structures, and their exercise through manorial and parochial office, with aspects of population change. This argument is not necessarily to question that the ‘incorporation’ of local elites into the state was a novel shift that may have created a new degree of ‘integration nationally’.¹² The England of c.1600 was not the same as that of c.1300, and the emergence of the civil parish, connected to the Tudor state via the growth of county justices, created a new impetus for resource redistribution. Institutional change allowed for an escape from high famine mortality for south-east England in the late sixteenth century in a way not possible in the Great Famine of 1315-21.¹³ Furthermore, factors outside officeholding put forward as key to the rise of the middling sort, such as ‘participation in a literate culture’, the ‘language of sorts’ or identification with the ‘concept of gentility’ and ‘ideology of profit’ are either unobservable or inappropriate for medieval England.¹⁴ However, that such changes created hitherto unseen levels of ‘differentiation locally’ within villages underestimates the significance of pre-existing manorial structures, demonstrating that the trends of the later sixteenth century can only be fully understood if contextualised in a longer, medieval time-frame. Thus, the arguments made here restate the notions of a medieval version of something akin to the ‘middling sort’, and suggest that further work is needed to understand

¹² Wrightson, ‘Social Differentiation’, 40.

¹³ Smith, ‘Contrasting Susceptibility’, 38-41, 52-4; J. Walter and R. Schofield, ‘Famine, Disease and Crisis Mortality in Early Modern Society’ in J. Walter and R. Schofield (eds.), *Famine, Disease and Social Order in Early Modern Society*, (Cambridge: Cambridge University Press, 1989), 1-74, 29, 46-7, 68-9; Whittle, ‘Land and People’, 169.

¹⁴ Wrightson, ‘Social Differentiation’, 40-1; K. Wrightson, “‘Sorts of People’ in Tudor and Stuart England” in J. Barry and C. Brooks (eds.), *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, (Basingstoke: Palgrave Macmillan, 1994), 28-51, 36-40; French, *Middle Sort of People*, 27-8, 264; Muldrew ‘The ‘Middling Sort’’, 291-2, 304-5.

how medieval local elites were similar to, and differed from, their later counterparts.¹⁵ In 1984, Smith argued that in examining ‘the relations between community and State over the centuries... we are dealing with changes in intensity and degree rather than with a major transformation in structure.’¹⁶ A similar point can be made for the related topic of a ‘middling sort’ which existed from at least c.1300, but varied in its exclusiveness and authority across time and space.

Further light can be shed on English manorial officeholding by examining other governing structures which were either contemporaneous to the period 1300-1600 or were present in other manorial systems. For England itself, the complex politics of towns, established and probed in a substantial literature, reveal similarities and contrasts. Urban historians have long noted an element of exclusiveness in the governance of medieval towns, and have frequently used the word ‘oligarchy’ to delineate this, although several have noted the slipperiness of this term and questioned its appropriateness, with Christian Liddy suggesting that instead considering an inherently contested politics of citizenship is a more useful approach.¹⁷ Yet, to whatever degree they accept the term ‘oligarchy’, a range of historians have suggested that the fifteenth and early sixteenth centuries, and especially the decades around 1500, saw new tensions emerge over urban governance. Steven Rigby states that whilst urban governments had never been ‘popular’ in the modern sense, the late middle ages saw a ‘shift from informal plutocracy towards a more formal oligarchy’ achieved through restrictions on who could stand for mayor, replacement of burgesses’ assemblies with town councils, appointment of officers from above rather than by election, and the introduction of office for life.¹⁸ Liddy’s less institutional approach similarly highlights this phenomenon, noting a change in urban constitutions which had previously ‘been crafted as peace settlements’ and ‘agreed between parties’ becoming ‘partial, uncompromising, and dependent upon royal intervention’.¹⁹ The reasons for this shift are ascribed to both economic and political factors, with Rigby and Liddy stating that strains on urban economies

¹⁵ Smith, ‘Contrasting Susceptibility’, 44-5; Dyer, *Political Life*, 135-40.

¹⁶ Smith, ‘Modernization’, 177.

¹⁷ S. Reynolds, ‘Medieval Urban History and the History of Political Thought’, *Urban History Yearbook*, (1982), 14-23, 20-22; S.H. Rigby, ‘Urban ‘Oligarchy’ in Late Medieval England’, in J.A.F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century*, (Gloucester: Alan Sutton, 1988), 62-86, 63; C.D. Liddy, *Contesting the City: the Politics of Citizenship in English Towns, 1250-1530*, (Oxford: Oxford University Press, 2017), 3-7, 206.

¹⁸ Rigby, ‘Urban ‘Oligarchy’’, 76.

¹⁹ Liddy, *Contesting Citizenship*, 211.

drove greater restrictions, whilst James Lee emphasises Henry VII's policy of devolving power to urban elites in order to preserve order and stability.²⁰

What perspective can this growth of the 'close corporation' lend to the changes in manorial officeholding outlined above? Clearly urban officeholding institutions and political structures differed greatly from the manor. They were far more complex and could more easily be changed by officers themselves who were free from seignorial interference, and so direct comparison is difficult. Increased 'closedness' in urban office was achieved through redefinition and far more explicit 'policies', whilst for manorial office it is only evidenced by examining changes in numbers serving in office. However, a clear dissimilarity between manorial and urban patterns is the relative chronology of a growth in oligarchy. Medieval urban historians have emphasised the late fifteenth and early sixteenth centuries as the era of restriction. Such a pattern is the inverse of the quantitative data gathered here for Downham and Worfield, where the same period saw increases in numbers serving in office, achieved via a growth in the number of individuals serving on average fewer times. In these locales a growth apparently occurred in the numbers involved in officeholding, although admittedly this was in part driven by changes in the base population. Horstead seems to have been more similar to the urban cases, as a drop in the number of tenants was related to a fall in the number of those serving in office, a process akin to the exclusion of parts of the population from the potential to serve in office seen in towns.

Several medieval urban historians have made much of Walter Ullmann's conception of 'descending' and 'ascending' sources of authority in the Middle Ages.²¹ Rigby states that towns had 'an ascending concept of authority through their councils, elections and common purses' but that the proliferation of royal charters of incorporation around 1500 marked 'a shift in the source of authority exercised by borough officers away from the community and towards central government, i.e. towards a descending rather than an ascending concept of authority and legitimacy'.²² Such a model of authority has also been applied to manorial officeholding by Hindle, who suggests that manorial jurors drew on an ascending form of authority, whilst

²⁰ Rigby, 'Urban 'Oligarchy'', 77-8; Liddy, *Contesting Citizenship*, 212-3; J. Lee, 'Urban Policy and Urban Political Culture: Henry VII and his Towns', *Historical Research*, 82:217, (2009), 493-510, 494, 506.

²¹ W. Ullmann, *Medieval Political Thought*, (Harmondsworth: Penguin, 1975), 12-3.

²² Rigby, 'Urban 'Oligarchy'', 65, 80.

vestries expressed a descending form of authority, exercising power on behalf of the state.²³ However, this conception has been recently challenged by Liddy, who highlights ‘that it is too neat and too rigid a formulation of the roots of governmental power’ and that using it for towns assumes that contemporaries conceived of power working in similar ways no matter the location.²⁴ The evidence of manorial officeholding outlined here further supports this criticism in a political sphere outside the English town.²⁵ As has been demonstrated, manorial officers did govern to protect local communities from external issues and to monitor common problems, which suggests an ascending basis for authority as Hindle suggests. However, manorial officials also gained authority via the delegation of authority from crown and lord, suggesting a descending concept of authority, challenging Hindle’s conception and the analytical value of the Ullmann model which contrasts these two sources of power.

How does English manorial officeholding compare with European equivalents? For post-medieval periods, Bohemia and Russia can provide appropriate case studies for assessment. Tracey Dennison and Sheilagh Ogilvie’s examination of the co-dependency of communal social networks and hierarchical serfdom at the estates of early modern Friedland and eighteenth- and nineteenth-century Voshchazhinikovo, reveals significant parallels with the case of English manorial officeholding.²⁶ The picture of a serf elite who utilised their position to enforce seigniorial authority, but also to enrich themselves via exercising this power, is akin to the investment of local elites in manorial governance supporting the authors’ contention that ‘this parasitic collaboration...was systematic rather than incidental’.²⁷

However, if the overarching theme of collaboration is similar, the structures underlying it were different. Partially, this was due to the more indirect exercise of lordship on the European continent. The large size of estates in these two cases, which meant that the lord’s central

²³ See p. 195.

²⁴ Liddy, *Contesting the City*, 179-80.

²⁵ See also S. Reynolds, ‘Secular Power and Authority in the Middle Ages’ in H. Pryce and J. Watts (eds.), *Power and Identity in the Middle Ages: Essays in Memory of Rees Davies*, (Oxford: Oxford University Press, 2007), 11-22, 21-2.

²⁶ T. Dennison and S. Ogilvie, ‘Serfdom and Social Capital in Bohemia and Russia’, *ECHR*, 60:3, (2007), 513-44, 516-7.

²⁷ Dennison and Ogilvie, ‘Serfdom and Social Capital’, 521-40; T. Dennison, *The Institutional Framework of Russian Serfdom*, (Cambridge: Cambridge University Press, 2011), 129-30; S. Ogilvie, ‘Communities and the ‘Second Serfdom’ in Early Modern Bohemia’, *P&P*, 187, (2005), 69-119, 113-4, 118-9; S. Ogilvie, ‘Village Community and Village Headman in Early Modern Bohemia’, *Bohemia*, 46:2, (2005), 402-51, 431-33, 439-41.

officials 'were too few, too costly, and too distant' to perform much direct monitoring of village officers, contrasts with the English cases where seigniorial stewards, auditors and bailiffs were able to examine subordinate officials more closely.²⁸ Instead, at Friedland local villages were organised as communes with their own courts and officials, which had extensive jurisdictions and powers of coercion.²⁹ At Voshchazhinikovo, village communes were significantly weaker, with the estate commune being the dominant body, but lords seem to have been less interested in interfering with the work of officials.³⁰ This seigniorial indifference was due to the fact that servile obligations at Friedland and Voshchazhinikovo were largely collective, which contrasts with England, where individual tenants, even as serfs, were typically responsible to the lord, and collective punishment was more unusual.³¹ Communal officials had an independent identity outside of the estate in these cases, and represented their villages collectively to the seigniorial administration, with lords having relatively little interest in their activities as long as estates remained profitable and in fact were reliant on effective headmen.³² Their position vis-à-vis their fellow tenants was significantly more powerful; in Bohemia the office of village headman was attached to an heritable holding, meaning that lords could eject the officer but tenants could not easily punish officials.³³ In England, conversely, manor and village were more closely identified, and manorial officials were more closely monitored as individuals by both the lord and their fellow tenants.

The motivations of the officeholding elite to work within the system were also different. The power of Russian and Bohemian lords and the lack of legal protection for the unfree meant that elite serfs were reliant on the manorial system for economic security and the upholding of their privileges.³⁴ This is a contrast with England where even unfree tenants were only treated as villeins in relations with their lord, and had some access to royal law in relation to persons beyond the manor.³⁵ In the sixteenth century, this protection was extended as copyhold tenure

²⁸ Dennison and Ogilvie, 'Serfdom and Social Capital', 529.

²⁹ Ogilvie, 'Communities', 78, 84-90; Ogilvie, 'Village Headman', 404-5, 420-26.

³⁰ Dennison, *Institutional Framework*, 100-3.

³¹ Dennison, *Institutional Framework*, 107-9; Ogilvie, 'Village Headman', 428-30.

³² Ogilvie, 'Village Headman', 413-4.

³³ Ogilvie, 'Village Headman', 408.

³⁴ Dennison and Ogilvie, 'Serfdom and Social Capital', 541; Ogilvie, 'Village Headman', 403-4, 413-20; Dennison *Institutional Framework*, 43-6.

³⁵ Hyams, *King, Lords and Peasants*, 107, 150-1; Briggs, 'Seigniorial Control', 421-2.

became defensible in royal courts.³⁶ Moreover, even within the manorial system, the strength of custom provided security of rights outside of seigniorial favour.³⁷ This distinction becomes pronounced for England after c.1550, where it has been demonstrated that manorial officeholding continued to be utilised by a tenant elite for governance even though the lord had little demonstrable interest in its maintenance. This provides a major point of departure from Dennison and Ogilvie's conclusions. Whilst they see the manipulation of social capital by village elites as a European-wide phenomenon, which a manorial system simply made more coercive in eastern Europe as lords bolted their own interests to it, here it is argued that in England the manorial system potentially created new social divisions, allowing for the delineation of a formal oligarchy and creating opportunities for governance of commons and misbehaviour that became ultimately separate from the direct objectives of lords. This process allowed for the manor to become a body akin to that of communal courts in early modern Bohemia and Russia.³⁸ This desire for governance by a local elite is what allowed the manorial system to remain vital in England even after the decline of serfdom and withdrawal of more coercive aspects of lordship. Thus whilst in Russia, Bohemia and England universally, peasant elites were invested in officeholding for their own ends, in the English case this moved beyond a 'mutually parasitic relationship' between lord and elites, to providing a separate governing structure.³⁹

Narrowing the focus back to England, as a last substantive point it is important to consider how far the patterns observed for Horstead, Downham and Worfield are representative of England as a whole. Whilst these case studies were specifically chosen to encompass a variety of regions, landscape types, and both nucleated and dispersed settlement patterns, there are three key weaknesses with the sample. Firstly, all three manors held both courts leet and baron.⁴⁰ Whilst leets were not an exceptional franchise, they were certainly held at only a minority of manors, and before the Black Death were typical of the Midlands and East Anglia but more unusual in

³⁶ H. Garrett-Goodyear, 'Common Law and Manor Courts: Lords, Copyholders and Doing Justice in Early Tudor England' in J. Whittle (ed.), *Landlords and Tenants in Britain, 1440-1660: Tawney's agrarian problem revisited*, (Woodbridge: Boydell, 2013), 35-51, 45-51; R.W. Hoyle, 'Tenure and the Land Market in Early Modern England: or a Late Contribution to the Brenner Debate', *ECHR*, 43:1, (1990), 1-20, 3-5; Bailey, 'Customary Tenures', 213.

³⁷ See p. 25.

³⁸ Dennison and Ogilvie, 'Serfdom and Social Capital', 542.

³⁹ Dennison and Ogilvie, 'Serfdom and Social Capital', 542.

⁴⁰ Here no distinction is made between the leet and the view of frankpledge as these were commonly combined in practice. See Harvey, *Manorial Records*, 45.

the southwest and north of England.⁴¹ The more typical manor with court baron alone led to a more circumscribed role for its officials. Some aspects of business, such as the 'royal' presentments, would be absent, and the opportunities to serve provided by the offices of capital pledge and ale taster would not exist. These obligations were instead met by officers within other jurisdictions such as the leets of different lords or sheriffs' tourns.⁴² This lack of jurisdiction may have affected the usefulness of manor courts to tenants and community elites, as courts baron were restricted to largely seigniorial and landholding business, the use of manorial officeholding as a governing structure was potentially diminished. Manor courts with leets are often seen as having a longer history into the sixteenth century due to their criminal jurisdiction, and thus court barons may have seen a more curtailed chronology.⁴³

The second weakness with the sample manors is that they were all held by greater landlords, as part of larger estates comprising several manors. This again makes these manors exceptional, with an estimated 19,600 of a total 20,593 English landlords instead being drawn from the gentry and lesser clergy in the early fourteenth century. It also means that these lords were not permanently or even frequently resident on the manors examined.⁴⁴ Such an imbalance is unfortunately a by-product of the approach adopted. Investigating manors over the *longue-durée* using the most complete records possible necessitated focusing on greater landlords whose court rolls generally survived better due to centralised estate administrations and recordkeeping.⁴⁵ However, manors with lesser resident lords may have seen different trends, with officials perhaps having less latitude due to the more watchful eye of an ever-present lord.⁴⁶ Moreover, officeholding structures may simply have been less developed, with resident lords relying on a single official to perform the work necessary to generate revenues, leading to limited official structures for communities to utilise.⁴⁷ Alternatively, such manors may have seen an even more

⁴¹ Campbell and Bartley, *Atlas*, 275-6, Map 15.3.

⁴² T.F.T. Plucknett, *A Concise History of the Common Law*, 5th ed., (London: Butterworths, 1956), 89-90, 97-8.

⁴³ Bailey, *English Manor*, 188-9.

⁴⁴ Campbell, 'Agrarian Problem', 13-4, Table 1.

⁴⁵ Bailey, *Marginal Economy*, 37; Harvey, *Manorial Records*, 9-10; Waddell, 'Governing England', 284.

⁴⁶ Thornton, 'Lord's Man or Community Servant', 213-24.

⁴⁷ R.H. Britnell, 'The Pastons and their Norfolk', *AgHR*, 36, (1998), 132-44, 143-4; R.H. Britnell, 'Minor Landlords in England and Medieval Agrarian Capitalism', *P&P*, 89, (1980), 3-22, 7-9.

community-focused role for officers, with smaller landlords generally being less concerned with enforcing aspects of coercive lordship such as serfdom.⁴⁸

A third weakness is that all three manors saw a continuity in the use of heritable tenures across the 300-year period, with unfree tenures transforming into customary heritable holdings. Such a succession was only one avenue of change, with other manors seeing a transformation to less-secure life tenancies and leasehold tenure, which whilst potentially advantageous for tenants as a release from serfdom in the land-rich fifteenth century, became an unplanned boon to lords with demographic increase after 1550.⁴⁹ A potential effect of a shift to life tenancies or leasehold may have had the impact of reducing the importance of manorial officeholding, as a lack of stability in tenure meant that officeholding group was less of a cohesive elite with a long-term investment in governing the manor. Moreover, leasehold tenure especially may have hastened the decline of manor courts more broadly, as they did not require this institution to provide title to landholdings.⁵⁰ On the other hand, Jane Whittle has argued that manors with non-heritable tenure had dampened land markets, with a greater tendency for land to remain within families as it was harder for tenants to sell, which could have created an even tighter-knit elite group and thus made officeholding even more important in governing the local community.⁵¹

The only way to address these concerns about the representativeness of the manors studied here would be with more examples, piecing together more limited runs of rolls for the court barons of smaller landlords to see if similar patterns can be established, and examining the records of midland and south-western manors with alternative types of tenure. Thus the conclusions made here act as a call to further work, to examine the phenomenon of manorial officeholding for a greater range of contexts, and focus on a finer grained analysis of the patterns established above.

The introduction to this thesis began by detailing the celebrated Swallowfield Articles, and the references therein to the governing structure provided by the manorial leet and tithings even in 1596. This thesis has revealed the reasons why the ‘chief inhabitants’ of Swallowfield,

⁴⁸ Bailey, ‘Villeinage in England’, 432, 452; Bailey, *Decline of Serfdom*, 286-7.

⁴⁹ Bailey, ‘Customary Tenures’, 217-26, 228-30; Harvey, ‘Conclusion’, 330-34; Hoyle, ‘Tenure and the Land Market’, 8-18; Brown, ‘Institutional Constraints’, 700-1, 716-17; J. Whittle, ‘Individualism and the Family-Land Bond: a Reassessment of Land Transfer among the English peasantry c.1270-1580’, *P&P*, 160, (1998), 25-63, 52, Table 5.

⁵⁰ Harvey, *Manorial Records*, 57-8.

⁵¹ Whittle, ‘Family-Land Bond’, 57-8.

struggling with concerns over the reformation of manners and dispensing charity in a period of rising population, looked to the manor and its officeholding structures as part of the solution to meet their concerns. Manorial officeholding had long provided a way to govern local communities, partially stimulated by the external authorities of lord and crown, but also to meet both the needs of the community as a whole and the narrow needs of an elite, which, even if office was spread relatively widely, could still wield a disproportionate influence on the manor through the concentration of office in the hands of a few. If the 'politics of the parish' are an essential facet of the social history of early modern England, then the 'politics of the manor' were the essential foundations upon which this later politics was built.

Appendix 1: Identifying Individuals

Much of the statistical analysis of officeholding in chapters 2 and 5 of this thesis relies on identifying individuals holding office within the same set of court rolls across time or between different sets of records such as churchwardens' accounts and lay subsidies. Identifying individuals within manorial records is not straightforward, due to the difficulties posed by the same individual either being recorded under different surnames, or two individuals sharing the same name.¹ Fortunately, the first problem largely is confined to the pre-Black Death period, with surnames generally becoming more fixed in the fifteenth and sixteenth centuries.² The second problem is more pertinent, especially if one assumes that families with shared surnames often provided multiple officers. Here, it is assumed, following the secondary literature, that court clerks did try to distinguish between individuals using descriptions, the veracity of which Briggs has demonstrated through analysis of suitor lists and extents.³ In the three case studies, devices used as 'secondary identifiers' included occupational identifiers (such as John Buk (active 1416-1450) and John Buk Bateman (active 1423-1438)); locative identifiers (such as William Rowley of Wyke (active 1508-1540) and William Rowley of Newton (active 1524-1541)); and most ubiquitously, junior and senior (such as John Atte Lane snr (active 1462-1472) and John Atte Lane jnr (active 1468-1488)).⁴

The methodology to identify individuals for each case study followed a three-stage process. Firstly, all names of officers were extracted from records of selections, lists of impanelled officials, and chance mentions in other entries and placed in a Microsoft Access database. Secondly, the names were standardised to account for various spellings but with any secondary identifiers retained. Thirdly, names were turned into individuals identified by a unique 'officer number'. This last process was performed chronologically and worked on the assumption that any names, either unmodified or with the same secondary identifiers, appearing within a space of 5 years denoted the same individual. This rule was suspended for long breaks of over 5 years in the record, for which it was assumed that a name appearing in the final year of records before the break, and the first year of records after the break, could potentially be the same individual,

¹ Briggs, *Credit*, 229; Razi, *Life, Marriage and Death*, 11-12.

² Razi, *Life, Marriage and Death*, 11; J.M. Bennett, 'Spouses, Siblings and Surnames: Reconstructing Families from Medieval Village Court Rolls', *JBS*, 23:1, (1983), 26-46, 37, 39.

³ Bennett, 'Spouses, Siblings', 38-9; Briggs, *Credit*, 230.

⁴ CUL, EDR, C11/2/5-6; SAC, P314/W/1/1/503-661; KCA, HOR/37, HOR/39-41.

subject to checks explored below. Individuals with the same name and different secondary identifiers were assumed to be different individuals when they appeared in the same session. Occasionally, one individual appears to have initially appeared with their name unmodified, then appeared with a secondary identification, and then later appeared again without modification. If no session could be found where both the unmodified and modified name served in office simultaneously, it was assumed that this was the same individual, both with and without secondary modifier. This phenomenon was largely confined to Worfield, where occasionally an individual seems to have been ascribed a locative identifier by his township when he normally was not.

The most difficult issue arose with the use of seniors and juniors with the same name who served simultaneously, as such relational identifiers changed over time. Thus, at Worfield one man named John Baker served between 1548 and 1579. However, from 1580 onwards there are two John Bakers, referred to as senior and junior. Then, from 1585 until 1599 the designators again disappear, with a single John Baker appearing.⁵ In these cases, it has been assumed that emergence of the use of snr and jnr as secondary identifiers refer to a period of crossover between an older and younger individual with the same name, whilst the disappearance of identifiers represents the withdrawal, most likely through death, of the senior, and thus older individual. So in this scenario, it is assumed John Baker I served 1548-1584, whilst John Baker II served 1580-1598. Whilst undoubtedly it is possible that a senior man may have outlived a younger individual, in the absence of more concrete information this was used as the safest assumption.

A final check was performed by examining the length of officeholding career of individuals. A 65-year maximum length was assumed, with any apparently longer careers assumed to be the conflation of two men. In these cases, two individuals were created by splitting the names at the longest gap between appearances of the name. Throughout all the rules outlined above, each name was treated on a case-by-case basis, especially if there was other evidence to help identify distinguish individuals, such as the clerk eliding two surnames.

In identifying individuals serving as manorial officers at Worfield with men serving as churchwardens and assessed in the 1524-5 and 1544-5 lay subsidies, a similar approach was

⁵ SAC, P314/W/1/1/676-836.

used. The names of men in these extra-manorial records were compared with the lists of individuals serving in manorial office. Any identical name that appeared in both lists at dates within 5 years of one another were assumed to be the same person.

The methodology used to identify individuals in this thesis is therefore far from foolproof, and certainly falls short of a family reconstitution. It seems likely that at least a few names are misattributed, and thus a few officeholding careers either lengthened or shortened. However, for the macro-analysis performed here, drawing on averages of large numbers of data points, it is sufficient. Investigating individuals involved in officeholding also is particularly suited to such a methodology. As discussed in the thesis, officers were named routinely and often simultaneously in lists, allowing relatively precise dating and the ability to see names in relation to each other, which again limits the potential for error.

Appendix 2: Population Estimates

The estimates of total population and the population of adult males given for the three case studies in tables 0.1 and 2.9 are based on a series of national taxation records that survive between 1327 and 1603. These consist of the 1327 lay subsidy, the 1377-81 poll taxes, the 1524 lay subsidy, and the 1563 and 1603 diocesan population returns, although the records do not universally survive for each return for all the case studies. In each case, the records only account for a varying proportion of the actual population of the communities surveyed, and thus various multipliers were applied to the numbers given in the documents to achieve estimated ranges of population. These multipliers were based on those found in relevant secondary literature.

Table A2.1 summarises the actual returns and multipliers applied, whilst the footnotes detail the sources of both the returns and the multipliers used. As a final set of caveats, it is vital to remember that these are very imprecise estimates of population, and likely reflect trends better than absolute levels of population. It is further important to remember that none of the returns used the manor as a basis for assessment, but rather the vill for the lay subsidies and poll tax, and the parish for the diocesan population returns. This means that these estimates are not necessarily related to the number of tenants, with inhabitants included who may not have held land in the manor, and non-resident manorial landholders excluded. This point is particularly relevant for Horstead, which had a separate Coltishall portion, lying inside a different vill which was assessed separately.

Table A2: Methodology of population estimates

Manor	Date	Type	Number of Individuals	Method 1	Minimum – Maximum Multiplier Unit	Method 2	Total Population Minimum – Maximum	Method 3	Minimum – Maximum Adult Males
Little Downham	1327	Lay subsidy ¹ (vill)	31 taxpayers	Assume covers 25-33% of householders ²	93-124 householders	Assume multiplier of 4.75	442-589	Assume adult males 30% of population ³	133-177
	1377	Poll tax ⁴ (vill)	267 taxpayers (with Littleport)	Assume ratio of taxpayers the same as 1524 Lay Subsidy (102:93) ⁵	140 adults aged 14 and over	Assume multiplier of 1.323-1.454 ⁶	185-204	Assume adult males 30% of population	56-61

¹ J.J. Muskett (trans.) and C.H. Evelyn White (ed.), *Cambridgeshire and the Isle of Ely: Lay Subsidy for the Year 1327, Names of the Tax-Payers in every Parish*, (London: Public Record Office, 1900).

² Following Campbell and Bartley, *Atlas*, 329.

³ Following B.M.S. Campbell, 'The Population of Early Tudor England: a Re-Evaluation of the 1522 Muster Returns and 1524 and 1525 Lay Subsidies', *Journal of Historical Geography*, 7, (1981), 145-54, 152.

⁴ C.C. Fenwick (ed.), *Poll Taxes of 1377, 1379 and 1381, Part 1, Bedfordshire-Lincolnshire*, (Oxford: Oxford University Press for the British Academy, 1998): Little Downham, 73; C.C. Fenwick (ed.), *Poll Taxes of 1377, 1379 and 1381, Part 2 Lincolnshire-Westmorland*, (Oxford: Oxford University Press, 2001): Horstead, 155.

⁵ Unfortunately the returns of the Isle of Ely were given together in the tax (excluding the City of Ely), thus putting Downham and Littleport together. This methodology assumes population decline was similar in these neighbouring communities due to their proximity. Pleasingly, the ratio between the 140 estimate for 1377 and the 31 taxpayers in 1327 of 1:4.52 is very close to that of 1:4.47 calculated for Cambridgeshire as a whole, suggesting a number that is at least plausible.

⁶ Following Poos, *Rural Society*, 299.

Little Downham (continued)	1524	Lay subsidy ⁷ (vill)	102 taxpayers	Assume covers 72-97% of men ⁸	105-142 men	Assume multiplier of 3.33 ⁹	350-472	N/A	105-142
	1563	Diocesan register ¹⁰ (parish)	80 householders	N/A	80 householders	Assume multiplier of 4.75-5 ¹¹	380-400	Assume adult males 30% of population	114-120
Horstead	1379	Poll tax (vill)	96 listed (57 taxpayers)	N/A	96 adults 16 and over	Assume multiplier of 1.323-1.454	127-140	N/A	57
	1524	Lay subsidy (vill)	27 taxpayers	Assume covers 72-97% of men	28-38 men	Assume multiplier of 3.33	94-125	N/A	28-38
	1603	Diocesan Register (parish) ¹²	c.100 (given as estimate) ¹³	N/A	100 communicants	Assume covers 50-65% of population ¹⁴	154-200	Assume adult males 30% of population	46-60
Worfield	1327	Lay subsidy (vill) ¹⁵	60 taxpayers	Assume covers 25-33% of householders	180-240 householders	Assume multiplier of 4.75	855-1140	Assume adult males 30% of population	257-342

⁷ J. Sheail (ed.), *The Distribution of Regional Wealth in England as Indicated by the Lay Subsidy Returns of 1524/5*, vol.2, (Kew: List and Index Society, 1998): Little Downham, 30, Horstead, 231.

⁸ Following Campbell, 'Population of Early Tudor England', 152.

⁹ Following Campbell, 'Population of Early Tudor England', 152.

¹⁰ Dyer and Palliser, *Diocesan Population Returns*: Little Downham, 152, Worfield, 134, Horstead, 411.

¹¹ Following Tompkins, *Peasant Society in a Midlands Manor*, 190.

¹² This excludes Stanninghall which was part of the civil but not ecclesiastical parish of Horstead: Dyer and Palliser, *Diocesan Population Returns*, 411 n.111.

¹³ Unfortunately, the census only states that the number of communicants were 'the like number' to Coltishall, where a number of 100 communicants is given. Therefore these figures are very much estimates: Dyer and Palliser, *Diocesan Population Returns*, 442 n.112.

¹⁴ Following Tompkins, *Peasant Society in a Midlands Manor*, 190.

¹⁵ Smith, *Worfield*. 182.

Worfield (continued)	1524	Lay subsidy (vill) ¹⁶	112 taxpayers	Assume covers 72-97% of men	115-156 men	Assume multiplier of 3.33	384-518	N/A	115-156
	1563	Diocesan register (parish)	134 householders	N/A	134 householders	Assume multiplier of 4.75-5	637-670	Assume adult males 30% of population	191-201

¹⁶ Faraday, *Shropshire Taxes*, 78-81.

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