

MANORIAL OFFICEHOLDING AND VILLAGE  
GOVERNANCE: MISCONDUCT  
AND LANDSCAPE CONTROL

That local elites had clear incentives to exercise power over their neighbours is central to the historiography of early modern rural communities. Two interrelated concerns drove their activity. The first was reducing and controlling poverty, which drained the pockets of local elite rate-payers, particularly as sixteenth-century poor laws made supporting the local poor a requirement rather than simply an act of charity.<sup>1</sup> Having to pay relief created new formal structures not only to collect and distribute rates, but also to decide who was deserving of stretched resources.<sup>2</sup> It triggered other initiatives to remove poor men through military service, relocate vagrants and ensure that parishes were not made liable for young children.<sup>3</sup> Such policies led to the second concern identified in this literature. This was the desire to control misbehaviour, driven in part again by economic pressures, but also by wider cultural changes, including the spread of puritanism. This made wealthier villagers more willing to cooperate with JPs in admonishing their poorer neighbours for behaviours which they had previously deemed acceptable.<sup>4</sup> All these trends fed into what Wrightson termed a ‘decline of neighbourliness’, leading to the rise of the middling sort of local elites.<sup>5</sup> Thus, concerns around

<sup>1</sup> Wrightson, ‘Social differentiation’, 44; Hindle *On the Parish*, 452–4; Hindle, *State and Social Change*, 216–17, 237; Wrightson and Levine, *Poverty and Piety*, 175; Muldrew, ‘The “middling sort”’, 300–1.

<sup>2</sup> Braddick, *State Formation*, 116; French, *Middle Sort of People*, 252–3; Wood, *1549 Rebellions*, 200–1; S. Hindle, ‘Exhortation and entitlement’, 121–2; Hindle and Kümin, ‘Spatial dynamics’, 166.

<sup>3</sup> Wrightson, *English Society*, 130–1; Kent, ‘Rural “middling sort”’, 31–2; Wood, *1549 Rebellions*, 201; Hindle, ‘Hierarchy and community’, 850; Beier, *Masterless Men*, 32; Hindle and Kümin, ‘Spatial dynamics’, 167–8, 172; Braddick, *State Formation*, 201; Wood, *Faith*, 223–36; Gunn, *English People at War*, 103; Younger, *War and Politics*, 173.

<sup>4</sup> M. Ingram, ‘Reformation of manners in early modern England’ in P. Griffiths, A. Fox and S. Hindle (eds.), *The Experience of Authority in Early Modern England* (Basingstoke, 1996), 47–88, at 55–6; Wrightson and Levine, *Poverty and Piety*, 173–83, 198–211; French, *Middle Sort of People*, 252; Gaskill, ‘Little commonwealths’, 92.

<sup>5</sup> Wrightson, ‘Decline of neighbourliness’, 38–9; Hailwood, *Alehouses*, 19–20, 83.

poverty and misbehaviour are seen to have created a new impulse to govern in the sixteenth century, and therefore helped create new administrative structures controlled by an emergent elite group.

However, more recently historians have asked whether such concerns were a purely early modern phenomenon. This has been achieved in part by demonstrating a longer history of poor relief stretching back into the Middle Ages, driven by local initiative but adopting similar rating systems to those seen in the mid-sixteenth century.<sup>6</sup> More relevant when considering manorially structured governance is the longer history of policing misbehaviour through manor courts.<sup>7</sup> The connection posited in Wrightson and Levine's work on Terling between puritanism and a rise in moral control has proved particularly controversial.<sup>8</sup> Spufford questioned the connection by arguing that the years around c.1300, which, similarly to those of c.1600, were characterised by dearth, saw a campaign by elite manorial officers against sex outside wedlock designed to reduce population. This led her to privilege economic climate over religious fervour as the cause of increased policing of misbehaviour in both the medieval and early modern periods.<sup>9</sup>

Meanwhile, McIntosh's long-run approach has revealed the use of a wide range of local and common-law courts to manage misbehaviour from the late fourteenth century.<sup>10</sup> Manor courts were crucial in this process, first being used intensively to discipline misbehaviour from the 1460s in East Anglia and south-east England, but being used at the national level by 1600. Moreover, these issues were clearly linked to fears about poverty and the threat posed by marginal groups who were often employees of the elites who presented them in local courts.<sup>11</sup> Therefore, recent studies have focused on both the longevity of concerns which local elites had in the late sixteenth century and how their predecessors sought to use governing structures including manorial courts to alleviate perceived problems in the fourteenth and fifteenth centuries.<sup>12</sup>

While misbehaviour has been at the forefront of demonstrating the history of governance by elites in local communities before the sixteenth

<sup>6</sup> Dyer, 'Poverty and its relief', 73–8; Dyer, 'Political life', 153; Dyer, 'Village community', 415–17; M.K. McIntosh, 'Local responses to the poor in late medieval and Tudor England', *Continuity and Change*, 3 (1998), 209–45, at 219–25.

<sup>7</sup> Hailwood, *Alehouses*, 26–8.

<sup>8</sup> Wrightson and Levine, *Poverty and Piety*, 198–211; McIntosh, *Controlling Misbehavior*, 2–3.

<sup>9</sup> Spufford, 'Puritanism and social control?', 44–57.

<sup>10</sup> McIntosh, *Controlling Misbehavior*, 1–18. <sup>11</sup> *Ibid.*, 7–14.

<sup>12</sup> Martin Ingram has argued that church courts remained far more important than manorial courts in policing misbehaviour in rural communities, although this is specifically in the realm of sexual regulation. M. Ingram, *Camal Knowledge: Regulating Sex in England, 1470–1600* (Cambridge, 2017), 117–18.

century, other studies have emphasised that management of the landscape and environmental resources was a vital concern for medieval villages. The pioneering work of Warren Ault investigated the usage of bylaws made in manorial courts to control common-field agriculture and access to resources in the vill.<sup>13</sup> Bailey has even suggested that this may have been performed by a village elite at the expense of their poorer neighbours.<sup>14</sup> However, until very recently these insights have not been integrated into larger studies of peasant power structures, leading Stephen Mileson to note that ‘in the absence of a well-developed spatial approach . . . sophisticated analyses of peasant society are conducted in the abstract realm of quantification and revolve around tenure in office, appearances in the manor court, and patterns of lending and borrowing’.<sup>15</sup>

Recent work has begun to meet this challenge, examining the ways in which understandings of, and conflicts over, the landscape shaped peasant communities. Adopting an interdisciplinary approach, Susan Kilby has recently demonstrated the complexity of ‘peasant perspectives’ on the landscape of pre-Black Death village communities. She examines how peasants constructed an ordered local environment through naming practices and the creation of private zones on their own tenements, in combination with the more familiar use of the court to create and enforce bylaws regulating the use of certain natural resources.<sup>16</sup> Similarly, in the fifteenth century, the way villagers ordered landscape can be seen in the work of courts, with jurors and suitors having a crucial role in both delineating the natural world through making perambulations and viewing the physical world, and having to respond to interventions caused by both human activity and environmental change.<sup>17</sup>

Johnson has recently provided a useful framework to draw both misbehaviour and landscape together in a new interpretation of the purpose of manorial courts in the fifteenth century as a period of waning lordship. He suggests that manorial courts were vital in the process of community building through trying to ‘mould associative relations in accordance with three intersecting discourses that reflected idealized modes of community’. These discourses were ‘peace’, which represents attempts not only to police interpersonal violence but also to prevent

<sup>13</sup> W.O. Ault, ‘Open-field husbandry and the village community: a study of agrarian by-laws in medieval England’, *Transactions of the American Philosophical Society*, new ser., 55 (1965), 1–102, at 41–54, 64; Ault, ‘Village by-laws by common consent’, *Speculum*, 29 (1954), 378–94, at 380–94; Ault, ‘Vill in medieval England’, 195–6.

<sup>14</sup> Bailey, ‘Rural society’, 161.

<sup>15</sup> S. Mileson, ‘Openness and closure in the later medieval village’, *P&P*, 234 (2017), 3–37, at 7.

<sup>16</sup> S. Kilby, *Peasant Perspectives on the Medieval Landscape: a Study of Three Communities* (Hatfield, 2020), 200–8.

<sup>17</sup> Johnson, *Law in Common*, 181–3.

discord through stopping misbehaviour; 'repair', which represents a desire to maintain the landscape; and 'ordaining', which represents the way courts were used for rule-making. These various aims came together in villagers' attempts to create the 'unreachable ideal' of 'a perfect community, peaceful, ordered, resplendent, and free from dissension'.<sup>18</sup>

This chapter examines these attempts at community building from the perspective of their role in creating an impulse for governance through manorial structures. It has been shown in previous chapters that officials had significant responsibility for enforcing communal regulations through presentments, and that an elite could form through the repeated service of a narrow set of individuals. Did officials use manorial structures in ways that benefited the whole community, or did they act in a similar way to an early modern middling sort in exercising authority for their own specific preferences?

To answer this question, concerns over both misbehaviour and landscape are examined through a detailed study of relevant 'misconduct' and 'community' presentments and the bylaws which helped shape the work of officials in these areas. The picture which emerges is somewhat mixed. Much of the work of officials was to some extent community-minded. Pressure from without, facilitated in part by the lord's desire to protect his jurisdiction from neighbouring institutions, led officers to champion the rights of the village community as a whole, suggesting a common interest in manorial officeholding. However, this co-existed with a focus on misconduct and controlling access to resources in some communities, which seems to have promoted the vested interests of elite male officeholders at the expense of women, smallholders and the landless, echoing the behaviour of late sixteenth- and seventeenth-century middling sorts. This suggests a development of cultures of governance through manorial institutions in some communities that paralleled later parochial structures, but that this was certainly not a universal trend.

The first section of the chapter focuses on misconduct, and in particular the chronology of monitoring activities of villagers to maintain social control. The following two sections consider governance of the landscape and how differences in ecology and settlement types affected the ways in which manorial offices were used. The first looks at the way this governance promoted 'common' concerns throughout the whole village community and created cohesion between its inhabitants. The second section takes the opposite approach, looking at how concerns surrounding the landscape created governance priorities which promoted the desires of a few and thus fed into social differentiation.

<sup>18</sup> *Ibid.*, 45–52.

How far can efforts at social control demonstrate the use of manorial officeholding to govern local communities? The quantitative pattern of 'misconduct' presentments can be seen in Figures 1.2–1.6.<sup>19</sup> Such analysis in Chapter 1 revealed that these presentments were numerically insignificant compared with other types of business. However, misconduct typifies the problem of a crudely statistical approach in that presentments only targeted specific individuals to compel them to reform their behaviour. For example, in 1474 at Downham, two prostitutes, Johanna Freynere and Isabel Gyles, were amerced 6s 8d each for having their doors open at illicit times. They were further ordered to abjure the vill by the Feast of St Andrew under pain.<sup>20</sup> By its very nature, such a presentment, if effective, would only appear once. Yet, the extremity of the punishment makes it unusual, and shows the value of considering misconduct to see whether it could act as a concern driving a manorial governing structure. The misconduct presentments explored qualitatively in this section extend beyond those measured in the statistical analysis as some presentments categorised as royal (in that they were explicitly against the king's peace) are included.<sup>21</sup> These have been included as they speak to officers' role in enforcing social control, even if they were theoretically performed as part of their responsibility to the crown. Sometimes, even the same offence could be justified in different ways. For example, at Downham in 1391 two scolds were presented simply as scolds, while in 1468 a scold and gossip was presented specifically as a disturber of the king's peace, showing the looseness of this division.<sup>22</sup>

Five phases in the attention paid by officials towards misconduct can be identified. This reveals that manorial office provided a flexible way for elites to police misconduct, which varied locally depending on wider changes in political, economic and social conditions. However, the waxing and waning of manorial structures as a form of social control suggests that concern about the activity of marginal groups was not in

<sup>19</sup> The term 'misconduct' has been used rather than 'misbehaviour', as the types of presentments included in this category differ from those seen in McIntosh's work. While she designates a 'poverty' cluster as part of her broader theme of misbehaviour, which includes the offences of hedgebreaking and having illicit subtenants, for the purposes of this volume these types of presentments are assigned to the 'community' category, with their focus on managing communal resources. Thus, the presentments analysed in this section only pertain to her 'disharmony' and 'disorder' clusters, while those related to her 'poverty' cluster are analysed in the subsequent sections on landscape: McIntosh, *Controlling Misbehavior*, 9–10.

<sup>20</sup> CUL, EDR, C 11/3/7, m.2, 28 Sep. 1474.

<sup>21</sup> See Appendix 1 for the categorisation of presentments.

<sup>22</sup> CUL, EDR, C 11/1/3, m.29, 20 Dec. 1391; C 11/3/7, m.13, 1 Jun. 1468.

itself sufficient to create a consistent governance via a set of 'chief inhabitants', as has been argued for the early modern parish.

The first phase of social control occurred before the Black Death, in the context of high population. At Downham, five presentments were made against receiving and hosting strangers between 1311 and 1315, and it is probable the missing rolls for the rest of the 1310s would reveal even more concern about this issue as the years of the Great Famine put pressure on communities concerned with extra population.<sup>23</sup> At Worfield, jurors leet also showed concern about outsiders, presenting tenants for receiving malefactors and ordering that frequenters of taverns who were not inhabitants should be removed and their possessions seized.<sup>24</sup> This order foreshadows later concerns about controlling alcohol consumption in the vill. However, Fordington did not see any presentments about misconduct in the same period, perhaps reflecting the localised nature of early fourteenth-century population pressure as a concern of manorial officials.

A second phase took place in the late fourteenth and early fifteenth century. However, there was a shift in the nature of offences, with a new focus on disturbing harmonious relations and a more obvious gendering of social control, as women were particularly targeted. This change was likely a result of different conditions; while a reduction in demographic pressure after the Black Death eased economic pressures, new concerns arose due to the legal and social instability unleashed by the Plague.<sup>25</sup> In this period, officials presented both tenants for hosting inhabitants who behaved 'badly' and women for being scolds, eavesdroppers and 'common despisers'.<sup>26</sup> In 1411, scolds at Fordington were explicitly described as 'disturbing the peace both by day and night to the nuisance of the people', showing the focus on community harmony which lay behind these presentments.<sup>27</sup> Similarly violent behaviour was monitored.<sup>28</sup> This is well illustrated in the case of John Veyse jnr at Downham, who was presented in 1417 for drawing his knife in any contention between him

<sup>23</sup> CUL, EDR, C11/1/1, m.3, 9 Nov. 1311, m.4, 13 Dec. 1313, m.5, 17 Dec. 1314, m.6, 15 Dec. 1315; R.M. Smith, 'Dearth and local political responses: 1280–1325 and 1580–1596/97 compared' in Kowaleski, Langdon and Schofield (eds.), *Peasants and Lords*, 377–406, at 388–9.

<sup>24</sup> SA, P314/w/1/1/4, 23 Nov. 1327; P314/w/1/1/17, 13 Jun. 1332; P314/w/1/1/25, 6 Jul. 1345.

<sup>25</sup> Johnson, *Law in Common*, 10; Bailey, 'Rural society', 160; McIntosh, *Controlling Misbehavior*, 10–15.

<sup>26</sup> TNA, SC 2/169/31, m.10, 26 Nov. 1366; SA, P314/w/1/1/251, 30 Sep. 1418; CUL, EDR, C11/1/3, m.29, 20 Dec. 1391; C11/2/5, m.16, 4 Oct. 1421; C11/2/6, m.1, 30 Jan. 1423, m.13, 31 Jan. 1428, m.15, 7 Dec. 1428; SA, P314/w/1/1/178, 19 Oct. 1388; P314/w/1/1/251, 30 Sep. 1418; P314/w/1/1/298, 11 Apr. 1447; KCAR/6/2/87/1/1/HOR/26, 11 Jun. 1395; KCAR/6/2/87/1/1/HOR/37, 11 Sep. 1436, 20 Sep. 1454.

<sup>27</sup> TNA, SC 2/169/40, m.16, 30 Jul. 1411. <sup>28</sup> TNA, SC 2/169/40, m.1, 12 Nov. 1406.

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and his neighbours, threatening them so that they dared not perform husbandry in the fen and fields, and his father was similarly presented for maintaining him.<sup>29</sup> Intriguingly, it was ordered to imprison him as a punishment, although this was clearly ineffective, as in 1418 he was again presented for frequently drawing his knife while playing football as well as following a man to his house.<sup>30</sup> At Worfield and Downham, officials also went beyond the assize of ale to more closely monitor the marketing and consumption of alcohol. At the former, bylaws prevented external tranters from purchasing ale in the manor (presumably for resale), while at the latter, offenders were presented for frequenting the tavern and insulting others within it.<sup>31</sup> In 1408, this was explicitly 'beyond the assigned time', hinting at a more systematic monitoring of taverns.<sup>32</sup>

The new level of monitoring was accompanied by a stiffening of punishments. At Fordington, officials threatened offenders with the pillory if they reoffended.<sup>33</sup> At Downham in 1391, two scolds, Alice Page (who was also a common thief) and Beatrix Wysbech, were ordered to abjure the vill.<sup>34</sup> Ten years later, two related brothel owners were ordered out of the vill under pain, while Richard Swan was amerced 12d for receiving the same Alice Page in sustaining a brothel after she had been ordered to abjure, showing that orders of eviction were maintained for long periods.<sup>35</sup> However, this second wave of policing misconduct varied geographically in its intensity, with far fewer presentments at Horstead and no recorded policing at Cratfield, while Downham, Worfield and Fordington saw sustained attention. This may be a result of the larger populations found at these communities, although the split also defies the national pattern uncovered by McIntosh of early attention in East Anglia.<sup>36</sup>

The third phase, stretching from the 1460s to the 1520s, saw a more universal pattern of attention to misconduct, with all manors seeing some presentments of this type. This fits McIntosh's concept of an increasing 'nationalisation' of the monitoring of misbehaviour over the fifteenth and sixteenth centuries.<sup>37</sup> Officials frequently presented misconduct around prostitution and maintaining brothels and suspect persons.<sup>38</sup> That a focus

<sup>29</sup> CUL, EDR, C11/2/5, m.7, 12 Jan. 1417. <sup>30</sup> CUL, EDR, C11/2/5, m.9, 18 Jan. 1418.

<sup>31</sup> SA, P314/w/1/1/111, 7 Jan. 1378; P314/w/1/1/114, 21 Jul. 1378; P314/w/1/1/152, 30 Nov. 1384; P314/w/1/1/155, 12 Jun. 1385; CUL, EDR, C11/2/4, m.29, 14 Dec. 1411; C11/2/6, m.13, 13 Jan. 1428.

<sup>32</sup> CUL, EDR, C11/2/4, m.20, 22 Nov. 1408. <sup>33</sup> TNA, SC 2/169/40, m.16, 30 Jul. 1411.

<sup>34</sup> CUL, EDR, C11/1/3, m.29, 20 Dec. 1391. <sup>35</sup> CUL, EDR, C11/2/4, m.6, 10 Nov. 1401.

<sup>36</sup> McIntosh, *Controlling Misbehavior*, 154–62. <sup>37</sup> *Ibid.*, 1–18.

<sup>38</sup> CUL, EDR, C11/3/7, m.13, 10 Mar. 1468, 1 Jun. 1468; C11/3/7, m.1, 2 Jun. 1473, m.2, 28 Sep. 1474; C11/3/10, m.3, 5 Jun. 1486; KCAR/6/2/87/1/1/HOR/41, m.7, 11 Jun. 1492, m.9, 11 Jun. 1493, m.11, 11 Sep. 1493; KCAR/6/2/87/1/1/HOR/45, m.7, 30 Oct. 1514, m.8, 11 Jun. 1515; CUL, Vanneck Box/3, Henry VIII roll, m.9, 22 May 1521, m.11, 27 May 1523; SA, P314/w/1/1/502, 16 Apr. 1507; TNA, SC 2/169/47, m.11, 1 May 1495.

on harmony underlay this activity is seen in attention paid to verbal insults as well as in a detailed case from Horstead.<sup>39</sup> In 1515, when a certain Thomas was said on successive occasions to be hosting Agnes, the wife of the son of his wife (presumably his stepson's wife), this was described as creating great conflict between Thomas and his wife to the disturbance of his neighbours.<sup>40</sup> Significantly, despite the implication of illicit sexual behaviour, it was the public disturbance of neighbours that justified the presentment.

More divergence can be seen across a fourth phase in the sixteenth century, in which Worfield and Fordington saw a rise in presentments concerning misconduct while this monitoring began to decline at Horstead, Downham and Cratfield. Both Worfield and Fordington saw campaigns against liars, disturbers, scolds and eavesdroppers, and a focus on sexual misconduct.<sup>41</sup> Both manors also saw new attention paid to gaming. At Worfield, new bylaws were made in 1520 and 1521 concerning gambling with cards and dice.<sup>42</sup> However, as the court rolls do not record officers presenting offences against these rules, this may show a disconnect between the concerns of the tenants making bylaws and the actual reality of misconduct in their locality. At Fordington, a man was amerced in 1547 for having gamers in his house at night, and six presentments were made against men for playing football and bowls in 1571–4.<sup>43</sup> This new intensity was accompanied by a harshening of punishments. At Fordington, jurors ordered the removal of suspicious women, while the vill of Chesterton at Worfield ordered Richard Dowelle, a vagabond, to abjure the vill under pain of 20s.<sup>44</sup> Juries at Worfield also began to systematically monitor particular individuals, as seen in the case of Amica Walker, who was amerced in 1548, 1549 and seventeen years later during her widowhood for various quarrelling offences.<sup>45</sup>

<sup>39</sup> CUL, Vanneck Box/3, Henry VII roll, m.4, 26 Oct. 1489; m.11, 26 Apr. 1496.

<sup>40</sup> KCAR/6/2/87/1/1/HOR/45, m.9, 30 Oct. 1515.

<sup>41</sup> SA, P314/w/1/1/551, 19 Oct. 1521; P314/w/1/1/552, 7 Apr. 1522; P314/w/1/1/642, 21 Nov. 1532; P314/w/1/1/645, 8 May 1533; P314/w/1/1/655, 17 Oct. 1538; P314/w/1/1/670, 4 Oct. 1548; P314/w/1/1/671, 11 Apr. 1549; P314/w/1/1/682, 24 Sep. 1551; P314/w/1/1/685, 7 Apr. 1552; P314/1/703, 15 Mar. 1556; P314/w/1/1/750, 1 Oct. 1562; P314/w/1/1/752, 19 Oct. 1564; P314/w/1/1/761, 9 May 1566; P314/w/1/1/765, 24 Apr. 1567; P314/w/1/1/766, 11 Oct. 1568; P314/w/1/1/773, 27 Oct. 1570; P314/w/1/1/773, 10 May 1571; TNA, SC 2/169/47, m.11, 1 May 1495; SC 2/170/4, m.1, 3 May 1547; SC 2/170/6, m.1, 22 Oct. 1566.

<sup>42</sup> SA, P314/w/1/1/549, 26 Apr. 1520; P314/w/1/1/560, 17 Apr. 1521.

<sup>43</sup> TNA, SC 2/170/8, m.1, 23 Oct. 1571; m.2, 22 Jul. 1572; m.8, c.1573; SC2/170/9, m.1, 1 Oct. 1573; m.4, 8 Jun. 1574; m.6, c.1574.

<sup>44</sup> TNA, SC 2/169/47, m.11, 1 May 1495; SC 2/170/4, m.1, 3 May 1547; SC 2/170/6, m.1, 22 Oct. 1566; SA, P314/w/1/1/505, 26 May 1511.

<sup>45</sup> SA, P314/w/1/1/670, 4 Oct. 1548; P314/w/1/1/671, 11 Apr. 1549; P314/w/1/1/761, 9 May 1566. Similar is the case of Eleanor Underhill, who was amerced in 1520, while John



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However, at the East Anglian manors, juries in the sixteenth century paid relatively little attention to misconduct despite population growth in these locales. This questions the extent to which growing concern about misconduct could act alone as a concern to encourage greater governance. While at these manors officials did make presentments concerning badly governed households, insults and sexual misconduct, these were infrequent compared with earlier periods.<sup>46</sup> Horstead also saw concern about gaming, although, as at Worfield, this was expressed in a new bylaw rather than in presentments. In 1584, it was ordered that 'none play at football, tables, painted cards, any bowls or other illicit games on the Lord's days [Sundays]', with offenders surrendering 40d for the first offence, 5s on the second, and 6s 8d for any further offence. Thus the legislation was relatively limited but perhaps religiously driven with the reference to saints' days. The bylaw was described as 'out of the provision of . . . doctor Gorde [Goad] lord of this manor', which may suggest it was the concern of the provost, a relatively strict puritan and disciplinarian at King's College, as much as that of local elites that led to the ordinance.<sup>47</sup> 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.<sup>48</sup>

The final phase in the early seventeenth century sees even more division between the western manors and those from East Anglia. At Downham, Horstead and Cratfield, no presentments can be found dealing with misconduct after 1600, suggesting that manorial offices were not valued for their ability to police the community in this period. This likely reflects a transfer of this type of activity to church courts and quarter sessions.<sup>49</sup> However, Fordington and Worfield continued to see monitoring of social misconduct. Much of this was along the same lines as in the sixteenth century, covering areas such as eavesdropping, illicit gambling and drinking in houses, and prostitution.<sup>50</sup> Yet, at Worfield the impact of the poor law also created a new concern about behaviour

Brown was amerced for receiving her two years later. SA, P314/W/1/1/549, 16 Apr. 1520; P314/W/1/1/552, 7 Apr. 1522.

<sup>46</sup> CUL, EDR, C11/3/10, 5 Mar. 1558; C11/3/11, 23 Oct. 1572; CUL, Vanneck Box/4, Elizabeth I roll (3), m.1, 23 May 1582; m.4, 23 May 1594; KCAR/6/2/87/1/1/HOR/45, m.17, 15 Jun. 1523, m.22, 15 Jun. 1528; KCAR/6/2/87/1/1/HOR/49, m.6, 19 Jan. 1551.

<sup>47</sup> S. Wright, 'Goad, Roger (1538–1610)', *ODNB*.

<sup>48</sup> KCAR/6/2/87/1/1/HOR/53, m.2, 1 Oct. 1584.

<sup>49</sup> McIntosh, *Controlling Misbehavior*, 32–44.

<sup>50</sup> TNA, SC 2/170/14, m.3, 20 Sep. 1626; m.6, 28 Apr. 1629; SC 2/170/16, m.8, 4 Oct. 1643; SA, 5586/1/257, 9 Oct. 1600; 5586/1/260, 21 Oct. 1602, 5 May 1603; 5586/1/261, c. Apr. 1604; 5586/1/262, 4 Oct. 1604; 5586/1/263, 10 Oct. 1605; 5586/1/264, 10 Apr. 1606; 5586/1/272, 11 Oct. 1613; 5586/1/273, 20 Apr. 1615; 5586/1/287, 2 Oct. 1628; 5586/1/289, 25 Apr. 1631; 5596/1/291, 11 Oct. 1632; 5586/1/295, 28 Apr. 1636; 5586/1/301, 10 Oct. 1643.

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centred on preventing the parish being charged with individuals who could not be supported by their families. In 1616, the jury leet made a rare bylaw, which ordered that 'no persons inside this manor henceforth receive ... any inhabitants unless they have been inhabitants of this manor for ... three years ... unless they give sufficient security to exonerate the parish of such subtenants'.<sup>51</sup> Between 1616 and 1649, fifty-two presentments were made against individuals for hosting men, women and families who could become 'a burden to the parish'.<sup>52</sup> Pregnant women and illegitimate children were particular focuses in the 1630s and 1640s, owing presumably to the potential need to support these children into adulthood.<sup>53</sup> These presentments were followed by orders either to remove the individuals under a large pain of 40s or to provide security to discharge the parish of the need to support them.<sup>54</sup>

The behaviour of village residents was an important concern in late medieval and early modern England for village elites who used the official positions they held to control and punish those perceived as troublemakers. The flexibility of manorial structures allowed them to be utilised by these men to meet a wide range of different concerns across time. This evolved from concerns over the presence of strangers under the demographic pressure of the fourteenth-century agrarian crisis; to sexual behaviour, drinking and conflict under the social dislocation of the fifteenth and sixteenth centuries; and finally, to the liability for outsiders under the poor law in the seventeenth century. Throughout these changes, there was a persistent patriarchal focus to presentments, with women appearing frequently as offenders while the officials making the presentments were uniformly male. However, that the level of attention towards misconduct varied significantly over time and between communities suggests it alone could not provide a sufficient concern to allow for the crystallisation of a group of 'chief inhabitants', in the way described for early modern villages.

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Turning to landscape as an alternative concern, it is possible to look for governing agendas which promoted community cohesion, on the one hand, through the defence of collective rights of all residents living within a manor, and social differentiation, on the other hand, through policies which promoted the economic interests of the wealthiest tenants. The former is largely what the Toronto School emphasised in their studies of

<sup>51</sup> SA, 5586/1/274, 15 Apr. 1616.   <sup>52</sup> SA, 5586/1/275–306

<sup>53</sup> SA, 5586/1/292, 17 Apr. 1634; 5586/1/302, 10 Oct. 1644; 5586/1/306, 11 Nov. 1649.

<sup>54</sup> SA, 5586/1/299, 16 Oct. 1640, 29 Apr. 1641; 5586/1/306, 11 Nov. 1649.

manorial officeholding. While they showed that officeholders were drawn from a certain social group, they presented this group as largely governing for the common interests of a tight-knit village community.<sup>55</sup> Olson even claims that serving in manorial office was used to bind individuals to communal responsibilities after the Black Death.<sup>56</sup> This draws in part on the notion that villages were largely inward looking, and officeholding was utilised to protect the rights of the community against external pressures.<sup>57</sup> This view is also inherent in Wrightson's thesis of the development of the middling sort in the early modern period. Drawing on Rodney Hilton's description of the medieval peasantry, Wrightson's model does not deny that there were social and economic distinctions within village communities, but indicates that the concerns of these wealthier villagers were in tune with those of their poorer neighbours.<sup>58</sup> While Wrightson has more recently stated that his original thesis 'made many unwarranted assumptions about medieval society' in assuming such a high level of cohesiveness, his view is that manorial institutions did promote a 'collective identity' at least among tenants by excluding strangers.<sup>59</sup>

Concern about the landscape seems an ideal topic through which to test this claim, as much of the conflict over resources could come from the actions of individuals outside the local community. By examining the role of officials in protecting the boundaries of communities, it is possible to explore the accuracy of this contention concerning manorial officeholding. The case studies reveal that while at all localities there was concern about maintaining jurisdiction, the different nature of external threats to boundaries meant these worked to promote community cohesion to differing extents by manor. These different threats were in turn caused by variations in settlement structures and local landscapes.

There is significant evidence of concern at all manors to establish what was within and outside the jurisdiction of officials in terms of both rights and customs, as well as physical boundaries. At times this seems to have been driven by seigniorial pressures, with lords using local presentment juries to determine the extent of their rights within a lordship and reinforce their privileges. For example, in 1387, the jury at Worfield declared that the lord and his predecessors 'from time out of memory' had been entitled to all escheats and forfeitures in the manor as well as within

<sup>55</sup> DeWindt, *Land and People*, 240–1; Olson, *Chronicle of All that Happens*, 229; Olson, 'Jurors of the village court', 249; Schofield, *Peasants and Historians*, 206–7.

<sup>56</sup> Olson, *Chronicle of All that Happens*, 203. <sup>57</sup> Dyer, 'Village community', 419.

<sup>58</sup> Wrightson, 'Social differentiation', 33.

<sup>59</sup> Wrightson, 'Decline of neighbourliness', 20, 27–31.

the bounds of the forest of Morfe.<sup>60</sup> This claim was presumably made in the light of the fact that Morfe was a royal forest, and subject to separate royal Swannimote courts and jurisdiction, despite the fact that half the manor lay within the forest's bounds. The jury was thus asserting the lord's privileges within this distinct jurisdictional arena.<sup>61</sup> Similarly, in 1392 the Coltishall jurors at Horstead stated the lord's right to collect half the value of ameracements made for baking and brewing paid by residents of his fee living within the neighbouring leet.<sup>62</sup>

However, other presentments, although made in the lord's name, look to have protected the interests of the community as a whole.<sup>63</sup> 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.<sup>64</sup> This statement was preceded by the fact that Westmoor was a common shared between the tenants of Downham, Littleport and Ely. Therefore, the illicit drive affected common land in which the tenants also had a stake. The presentment fits into a longer conflict over fen commons with Scrope's tenants, who on prior and subsequent occasions worked and enclosed commons of Downham's tenants.<sup>65</sup>

A similar connection is seen at Worfield in 1383, when the jury declared that all boundary marks and encircling lines of the manor fully appertained to the lord. While this is clearly a statement of seigniorial power, it occurred in the context of concerns about common rights within the manor. In the same set of presentments, it was stated that the lord and his tenants had common in the forest of Morfe with their animals at 'all times of the year' and had 'for time out of memory'. These statements occurred, much like at Downham, in an attempt to exclude tenants of another manor, with the jury claiming the lord of neighbouring

<sup>60</sup> SA, P 314/W/1/1/162, 4 Jun. 1387; Gibbs, 'Felony forfeiture', 260.

<sup>61</sup> Tom Johnson has highlighted the continued importance of Swannimote courts, and the role of local gentry and tenant communities in preserving customary entitlements under Forest Law into the late fourteenth and fifteenth century: 'The redistribution of Forest Law and administration in fifteenth-century England' in L. Clark (ed.), *The Fifteenth Century XV: Writing, Records and Rhetoric* (Woodbridge, 2017), 93–108, at 102–8.

<sup>62</sup> KCAR/6/2/87/1/1/HOR/27, 28 Oct. 1392.

<sup>63</sup> TNA, SC 2/170/1, m. 3, 10 May 1519; SC 2/170/2, m. 6, 7 Oct. 1539.

<sup>64</sup> CUL, EDR, C111/1/3, m. 36, 3 Dec. 1394.

<sup>65</sup> CUL, EDR, C111/1/3, m. 16, 4 Dec. 1386; C111/2/6, m. 21, c. 1432.

## *Manorial Officeholding and Village Governance*

Pattingham and his tenants had no common pasture within the manor, a statement surely related to their rights over Morfe forest.<sup>66</sup>

Officers were therefore invested in establishing and defending rights and boundaries within the landscape, suggesting a pressure to utilise officeholding to govern emanating from external pressures. However, the specific nature of this differed across the case-study manors thanks to variations in environment and structure. At Worfield, governance of the landscape does not seem to have acted uniformly as a cohesive force amongst all residents living within the manor. Instead, the existence of dispersed sub-units within the manor provided different loci around which communities could develop. While manorial juries did occasionally establish boundaries with settlements beyond the manor, such as when tenants of neighbouring Stockton and Higford carried away the manor's boundary marker at Stapulford, typically individual vills saw tensions with neighbouring external settlements.<sup>67</sup> For instance, between 1372 and 1400, the collective vills of Burcote, Ryndelford and Bromley made presentations against the commoners of Bridgnorth for enclosing part of the commons and waste of Bromley.<sup>68</sup> Worfield's juries' concerns over boundaries, rather than generally looking outwards, instead focused on the internal dynamics of the manor, caused by the manor's division into around twenty-five different townships, each with its own common lands, which required using the overarching manor court to establish rights between them.<sup>69</sup> 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.<sup>70</sup> Moreover, vills on several occasions used the court to present other townships for encroachment on their lands and commons and diverting the Worfe.<sup>71</sup>

At Horstead and Cratfield, conversely, officers and particularly capital pledges had a significant role in monitoring the external boundaries of the manor. This was owing to their situation in regions of complex manorial and leet boundaries. Attention to bounds is seen via references to a perambulation to mark boundaries performed by the capital pledges.<sup>72</sup>

<sup>66</sup> SA, P314/w/1/1/138, 14 Dec. 1383. <sup>67</sup> SA, P314/w/1/1/674, 11 Oct. 1549.

<sup>68</sup> SA, P314/w/1/1/87-216. <sup>69</sup> SA, P314/w/1/351, 19 Aug. 1473.

<sup>70</sup> SA, P314/w/1/1/642, 21 Nov. 1532; see Map 0.3, p. 29.

<sup>71</sup> SA, P314/w/1/1/34, 22 May 1352; P314/w/1/1/40, 13 May 1357; P314/w/1/1/156, 5 Oct. 1385; P314/w/1/1/202, 4 Jun. 1397; P314/w/1/1/470, 27 Sep. 1487; P314/w/1/1/503, 30 Sep. 1507; P314/w/1/1/503, 19 Oct. 1508; P314/w/1/1/687, 6 Oct. 1552; P314/w/1/1/750, 1 Oct. 1562; 5586/1/303, 17 Apr. 1646.

<sup>72</sup> KCAR/6/2/87/1/1/HOR/36, 11 Jun. 1433; KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1437; KCAR/6/2/87/1/1/HOR/53, m.1, 2 Oct. 1583, m.10, 21 Mar. 1592; KCAR/6/2/87/1/1/HOR/40, m.3,

That at Cratfield this was an annual exercise is seen in 1514, when the 'capital pledges of the vill of Cratfield by their unanimous consent' agreed to annually perambulate 'to mark the boundaries inside the precincts of this leet' on the Thursday before Ascension day.<sup>73</sup> In both cases, relatively frequent monitoring suggests a continuous duty of perambulation only visible in presentments for failure to perform it.

For Horstead, the evidence of presentments made by jurors concerning infractions against manorial boundaries reinforces this argument. While Horstead, excluding its detached Coltishall fee, was bounded on its eastern side by the natural barrier of the River Bure, divisions with the manors of Crostwick, Mayton and Fretenham were made with boundary stones and thus liable to be broken (Map 4.1).<sup>74</sup> 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.<sup>75</sup> That maintaining these boundaries required interaction with tenants from other manors is hinted at in a session of 1413, when the capital pledges presented that the vill of Mayton had not come with the vills of Horstead and Fretenham to establish a bound between the communities.<sup>76</sup> Along with physical boundaries, Horstead's location amidst other manorial jurisdictions led to conflicts over the rights of officers to exercise authority. Sometimes these involved capital pledges from other manors performing their perambulation within Horstead's boundaries and amercing and charging pains against residents of Horstead in their leet.<sup>77</sup> The complex relationship with Coltishall's leet also led to conflict.<sup>78</sup> In 1439, four men were presented for usurping the lordship of the manor by amercing Alice Coupere for 3s in Coltishall's leet for

II Jun. 1485; KCAR/6/2/87/1/1/HOR/41, m.6, II Jun. 1491; KCAR/6/2/87/1/1/HOR/45, m.25, II Jun. 1530; KCAR/6/2/87/1/1/HOR/51, m.3, 23 Apr. 1572, m.8, 24 Apr. 1577; KCAR/6/2/87/1/1/HOR/53, m.7, 30 Mar. 1590; KCAR/6/2/87/1/1/HOR/54, m.1, 26 Mar. 1595; KCAR/6/2/87/1/1/HOR/57, m.3, 15 Apr. 1616; CUL, Vanneck Box/3, Henry V roll, m.15, 2 Jun. 1422; Henry VIII roll, m.19, 31 May 1531; m.23, 26 May 1534; Edward VI and Mary I roll, m.2, 25 Nov. 1549; m.14, 9 Jun. 1554.

<sup>73</sup> CUL, Vanneck Box/3, Henry VIII roll, m.3, 19 Apr. 1514.

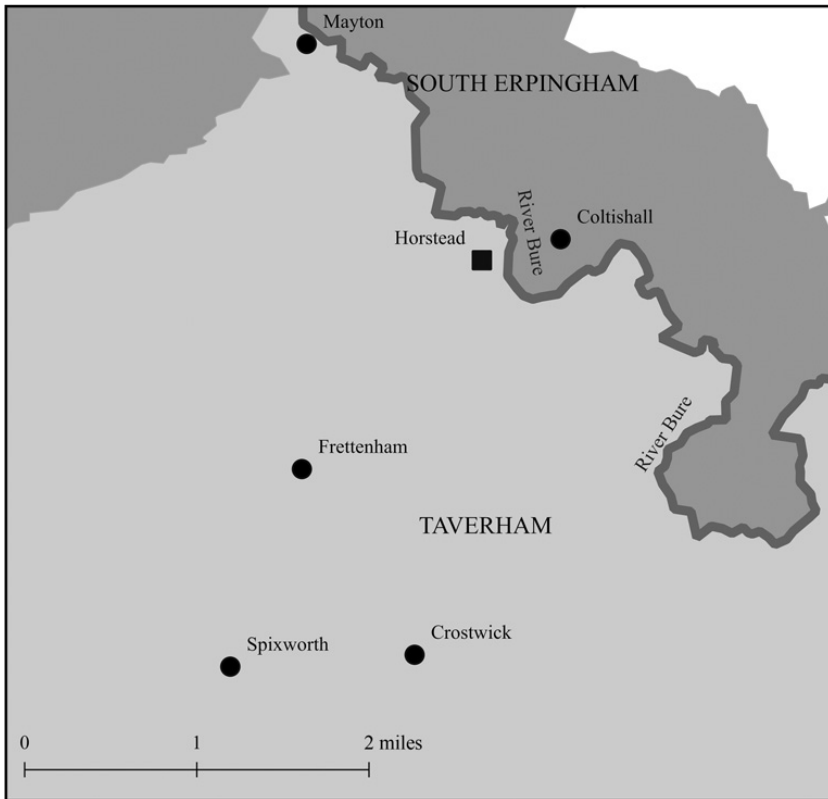
<sup>74</sup> A description of the boundaries of the leet from an unidentifiable manuscript of 1592 describes a series of dole-stones for Horstead's southern and western bounds. See Millican, *Horstead and Stanninghall*, appendix III, 201–3.

<sup>75</sup> KCAR/6/2/87/1/1/HOR/30, II Jun. 1405; KCAR/6/2/87/1/1/HOR/36, II Jun. 1407; KCAR/6/2/87/1/1/HOR/39, m.12, II Jun. 1465; KCAR/6/2/87/1/1/HOR/51, m.2, 13 Apr. 1570; KCAR/6/2/87/1/1/HOR/36, II Jun. 1408; KCAR/6/2/87/1/1/HOR/33, II Jun. 1409; KCAR/6/2/87/1/1/HOR/36, II Jun. 1443; KCAR/6/2/87/1/1/HOR/37, 6 Aug. 1456; KCAR/6/2/87/1/1/HOR/39, m.27, II Jun. 1474; KCAR/6/2/87/1/1/HOR/45, m.9, II Jun. 1516, m.12, 29 Oct. 1517, m.15, 30 Oct. 1520; KCAR/6/2/87/1/1/HOR/51, m.2, 13 Apr. 1570.

<sup>76</sup> KCAR/6/2/87/1/1/HOR/34, II Jun. 1413.

<sup>77</sup> KCAR/6/2/87/1/1/HOR/36, II Jun. 1407; KCAR/6/2/87/1/1/HOR/33, 2 Aug. 1409; KCAR/6/2/87/1/1/HOR/34, II Jun. 1417; KCAR/6/2/87/1/1/HOR/37, 23 Sep. 1423, 9 Sep. 1427.

<sup>78</sup> KCAR/6/2/87/1/1/HOR/37, II Jun. 1453.



Map 4.1 Map of Horstead with villages mentioned in the text  
*Notes: Boundary data from Satchell et al., 1831 Hundreds.*

making kindling in her marsh held of Horstead manor and lying within the precincts of its leet.<sup>79</sup>

However, while bounds were broken by neighbouring vills in collective actions, more typically it was individual tenants of Horstead itself behind boundary breaking.<sup>80</sup> The nature of landholding in Norfolk likely drove this, with many tenants holding land on multiple manors and thus seeking to cultivate engrossed holdings via breaking manorial boundaries. By the late sixteenth century, many large holdings were made up of land held in different parishes, often in parcels adjacent to parochial boundaries, and at least 37% of tenants at Horstead held land in more than one

<sup>79</sup> KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1439. <sup>80</sup> KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1427.

parish.<sup>81</sup> 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).<sup>82</sup> In 1556, the jury was ordered to inquire of an enclosure made by Robert Shreve, which included both leased and customary land held of the manor, combined with free lands held of both Frettenham and Mayton, delineated by means of an illicit ditch made in part of Horstead's common pasture.<sup>83</sup>

At Cratfield, the court rolls provide less evidence of a consistent concern about boundaries in comparison with Horstead, likely because this manor was already enclosed by 1300 and therefore not subjected to the change from open field to enclosed system seen at Horstead.<sup>84</sup> While, in 1431, Geoffrey Wylbeye was presented for ploughing up a divide between Cratfield and Huntingfield, other presentments concerning the breaking of bounds make no reference to neighbouring manors, suggesting either that Cratfield's tenants may not have sought to engross holdings across manors or, more likely, that manorial officials did not enforce any restrictions effectively.<sup>85</sup>

If boundaries were potential irritants to local elites who wanted to engross their land across manorial divisions, why did officers continue to establish and monitor these? This is likely because clear boundaries were essential to limiting access to common resources by outsiders, providing a more universal incentive for all tenants to oppose the breakdown of manorial divisions. At Horstead, an external threat throughout the fifteenth century was provided by the shepherds of the lords of Frettenham and Mayton, who regularly commoned their flocks within the manor.<sup>86</sup> In the late sixteenth century, Cratfield's jury presented men 'who are not tenants of this manor' for entering the common to cut down trees, stating that all the commoners and their ancestors had the right to keep their animals in the common and to all fallen wood found there 'without denial'.<sup>87</sup>

<sup>81</sup> Campbell, 'Extent and layout', 13. <sup>82</sup> KCAR/6/2/87/1/1/HOR/45, m.16, 3 Jul. 1522.

<sup>83</sup> KCAR/6/2/87/1/1/HOR/50, m.6, 21 Apr. 1556. <sup>84</sup> Bailey, 'Irregular field systems', 29–32.

<sup>85</sup> CUL, Vanneck Box/3, Henry VI roll, m.11, 22 May 1431. Engrossment of different holding types across villages was common in Suffolk as in Norfolk. See Dyer, 'Suffolk farmer', 5–7, 12.

<sup>86</sup> KCAR/6/2/87/1/1/HOR/34, 11 Sep. 1414, 11 Jun. 1417, 11 Jun. 1420; KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1428; KCAR/6/2/87/1/1/HOR/36, 10 Sep. 1432; KCAR/6/2/87/1/1/HOR/37, 6 Sep. 1434; KCAR/6/2/87/1/1/HOR/36, 11 Jun. 1443; KCAR/6/2/87/1/1/HOR/37, 11 Jul. 1454; KCAR/6/2/87/1/1/HOR/39, m.5, 2 Aug. 1463, m.21, 11 Jun. 1470, m.40, 27 Oct. 1480; KCAR/6/2/87/1/1/HOR/41, m.6, 11 Jun. 1491.

<sup>87</sup> CUL, Vanneck Box/3, Elizabeth I roll (1), m.19, 19 Dec. 1581; Elizabeth I roll (4), m.1, 17 May 1592; m.7, 18 May 1597.



## *Manorial Officeholding and Village Governance*

It was at Fordington and Downham that the role of common rights, and concerns about appropriation by non-residents, drove the monitoring of boundaries in a way that most obviously promoted social cohesion among villagers. At the former manor, in 1366 and 1445, officers presented outsiders for commoning large flocks of sheep in the manor where they had no common rights.<sup>88</sup> A further statement around commoning is seen in 1636, when the jury claimed that ‘Westhill hames are and tyme out of minde have been p(ar)cell of the com(m)on of this mannour belonging to the West Warde’, a rare reference to the manor’s split between two tithings which seems not to have caused disputes over common rights in the way seen at Worfield.<sup>89</sup> Occasional disputes with neighbours over boundaries are also seen, including an interesting case in 1329 when it was presented that an abbot ought to be distrained as he had removed a ‘floodstake’, leading to him obstructing a watercourse in the manor.<sup>90</sup>

At Downham, disputes over common rights also arose with tenants of manors held by lords other than the Bishop of Ely. For instance, the vill of Chatteris was presented frequently between 1428 and 1502 for pasturing beasts in the common fens without licence.<sup>91</sup> However, officers also had a distinctive role in that the surrounding fen was intercommoned with neighbouring manors, meaning that establishing responsibilities over, and rights to, joint resources was more typical than monitoring definitive boundaries.<sup>92</sup> For example, in a bylaw of 1507 it was agreed between the tenants of the manor that the commoners of Ely were responsible for maintaining the common road leading into Westfen from the town in the east part of the lord’s park, while Downham’s inhabitants were responsible for a similar path in the west part of the park.<sup>93</sup> This followed on from an ordinance previously made outside the court, a possible reference to an earlier agreement between inhabitants of Downham and Ely made in a cross-manorial meeting. In 1426, the jury stated that men from Ely had overburdened the common, with the fact that the offence was for overstocking rather than illicit commoning suggesting the men were

<sup>88</sup> TNA, SC 2/169/31, m.1, 6 Jan. 1366; SC 2/169/43, m.25, c.1445.

<sup>89</sup> TNA, SC 2/170/15, m.4, 3 Oct. 1636.

<sup>90</sup> TNA, SC 2/169/25, m.5, 17 Dec. 1329, m.8, 31 Dec. 1330; SC 2/169/28, m.6, 20 Aug. 1349; SC 2/169/38, m.1, 23 Nov. 1396; SC 2/169/140, m.7, 18 Jun. 1408; SC 2/169/47, m.1, 24 Oct. 1486, m.3, 8 May 1487, m.4, 5 Jun. 1487; SC 2/170/15, m.4, 3 Oct. 1636. Unfortunately, the abbey which the abbot led could not be identified.

<sup>91</sup> CUL, EDR, C111/2/6, m.14, 12 Mar. 1428, m.25, 14 Jan. 1434, m.49, 24 May 1452, m.52, 10 May 1456, m.54, 1 Jun. 1457, m.55, 16 Jun. 1458, m.56, 3 Jan. 1459; C111/3/7, m.4, 18 Jul. 1461, m.7, 16 May 1464, m.8, 27 Sep. 1465, m.11, 13 May 1467, m.19, 13 May 1472, m.1, 2 Jun. 1473; C111/3/10, 24 Feb. 1487, m.1, 26 Sep. 1488, m.10, 29 Mar. 1496, m.19, 6 May 1502.

<sup>92</sup> CUL, EDR, C111/3/10, 24 Feb. 1487. <sup>93</sup> CUL, EDR, C111/3/10, m.23, 24 Sep. 1507.

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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.<sup>94</sup>

Concern over landscape provides evidence that when elites used office-holding to govern, they did so in a way that promoted social cohesion among all members of their communities, and therefore worked against producing the social differentiation seen in the early modern period. This varied between communities, with little evidence at the manorial level at Worfield for the use of office in this way owing to the dispersed nature of settlement. At Horstead, the picture is complex; considerable use was made of manorial officeholding to protect the leet's jurisdictional boundaries and prevent the common being used by neighbouring lords' officials, but at the same time presentments preventing the breaking of boundaries were targeted at tenants rather than outsiders. Officials at Cratfield were similarly concerned with marking boundaries, but here there is less evidence of this being in response to pressure from neighbouring jurisdictions or due to engrossment across manorial boundaries by tenants, providing less justification for seeing this boundary monitoring as a use of officeholding which promoted cohesion among members of their community. Fordington and Downham monitored boundaries in the way that most obviously created solidarity between residents of the manor, with neighbouring villages targeted for impinging on the collective rights of tenants.

### LANDSCAPE AND COMMUNITY DIFFERENTIATION

How far could concern about the landscape have the opposite effect, creating a governing structure that focused on social differentiation of the type emphasised in much existing research on the early modern village? Detailed examination reveals contrasts between the case studies in the way concern about landscape directed the role and exercise of manorial office, and especially the extent to which economic hierarchies were reinforced through village governance. Specifically, three regimes emerge based on the interrelation between the nature of property rights, settlement patterns and natural resources.

The first type of regime, seen at Cratfield and Horstead, saw relatively little innovation in manorial governance and little attempt to use offices to maintain economic hierarchies. At both manors, officials continued to bring business linked to landscape to the court, but there was no significant variation in the make-up of their presentments. This is reflected in

<sup>94</sup> CUL, EDR, C11/2/6, m.9, 19 Jul. 1426.

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the fact that very few bylaws, which allowed tenants to focus officers' attentions on new problems, were made in the period examined. At Cratfield, the few bylaws recorded typically refined pre-existing common rights. For instance, in 1431 the jury ordered that no tenants allow their mares to roam freely in the common in response to an incident where four men had allowed this 'to grave damage of the vill', leading to a few presentments around this issue in the succeeding years.<sup>95</sup> At Horstead, while bylaws concerning the ringing of pigs were made in 1511 and 1595, the latter creating a new set of pig reeves, this adaptation is exceptional and generally officers appear to have made presentments according to the same list of offences as established by the 1390s.<sup>96</sup>

This lack of innovation in manorial governance seems to be linked to the limited extent of common property rights on both these manors. Cratfield's arable had already been largely enclosed by 1300, which meant officials rarely presented trespasses in the tenants' crops.<sup>97</sup> Meanwhile, at Horstead the population drop and stagnation caused by the Black Death and subsequent epidemics allowed for greater engrossment of previously common fields as the land market became the dominant way in which land was transferred, providing a precondition for significant enclosure in the early modern period.<sup>98</sup> By 1586 the average holding size at Horstead-with-Staninghall had reached 72.3a, with seven tenants having holdings of more than 80a, and closes accounted for around 42% of farmland in the parish.<sup>99</sup> 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.<sup>100</sup> As at Cratfield, increasing moves towards enclosure explain a reduction in presentments for trespasses in the tenants' common arable at Horstead, and these had disappeared altogether by the seventeenth century.<sup>101</sup>

Officials maintained a more significant role in policing access to common pasture. At Cratfield, piecemeal enclosure of common land likely occurred across the fifteenth and sixteenth centuries, leaving only relatively small areas of communal greens.<sup>102</sup> However, officials were diligent

<sup>95</sup> CUL, Vanneck Box/3, Henry VI roll, m.14, 15 Oct. 1433; m.30, 24 Oct. 1442; Edward IV roll, m.4, 26 Oct. 1464; Elizabeth I roll (2), 28 May 1561; Elizabeth I roll (1), m.4, 2 Jun. 1563.

<sup>96</sup> KCAR/6/2/87/1/1/HOR/45, m.3, 25 Aug. 1511; KCAR/6/2/87/1/1/HOR/65, m.1, 26 Mar. 1595.

<sup>97</sup> Bailey, 'Irregular field systems', 29–30. <sup>98</sup> Campbell, 'Extent and layout', 26–9.

<sup>99</sup> Adapted from Campbell, 'Extent and layout', 10, table 1, 15, table 4.

<sup>100</sup> KCAR/6/2/87/1/1/HOR/52, m.4, 19 Apr. 1566.

<sup>101</sup> KCAR/6/2/87/1/1/HOR/26–41; KCAR/6/2/87/1/1/HOR/45; KCAR/6/2/87/1/1/HOR/48–58.

<sup>102</sup> Bailey, 'Irregular field systems', 30–3.

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in presenting offenders for overstocking or illicitly using these areas, maintaining what were essentially a set of private entitlements to common lands. They also played an important role in establishing which tenants had specific rights to common lands. In 1544, the jury was ordered to provide a list of commoners in a particular common way, giving both their names and 'the quality of their tenure', while in 1614 and 1647 they confirmed that certain tenements gave their holders common rights.<sup>103</sup> Officials also worked to prevent the alienation of pasturing rights to non-tenants, punishing those who offered outsiders their allotments in exchange for agistment fees.<sup>104</sup> This ability to designate common rights undoubtedly gave manorial officers significant governing power in the community and potentially the ability to exclude others to their own benefit. Despite this, it seems that the wider community of tenants were at least nominally involved in decision-making, with the 'whole homage' being ordered to provide a list of commoners in Northwood Green in 1546.<sup>105</sup>

At Horstead, zones of infertile sand and gravel led to persistent areas of pasture.<sup>106</sup> However, in 1599 an agreement made between King's College and the tenants, after a petition of 1598, led to the complete extinguishing of common land and rights within the manor. This well-documented process of enclosure reveals how a shift from common to private landholding rights led to a diminished role for manorial officials in village governance and thus any drive for social differentiation. While, in the seventeenth century, no presentments were made around common lands owing to the enclosure of 1599, before this point the manor court continued to be used vigorously to monitor access to the common and overstocking.<sup>107</sup> However, the tenants, who as prominent manorial officers were responsible for this monitoring, were also crucial to the process of enclosure, as revealed in the fact that of the eighteen representatives of the tenants who either signed or marked the enclosure petition of 1598, twelve can be found serving as jurors and capital pledges.<sup>108</sup> This demonstrates the motivation behind enclosure. Commoning was a carefully managed right, with stints made according

<sup>103</sup> CUL, Vanneck Box/3, Henry VIII roll, m.41, 18 Sep. 1544; Vanneck Box/4, James I roll (2), m.1, 15 Jun. 1614; Charles I roll, m.24, 9 Jun. 1647.

<sup>104</sup> CUL, Vanneck Box/3, Edward IV roll, m.23, 28 May 1482; Henry VII roll, m.4, 26 Oct. 1489; Elizabeth I roll (3), m.1, 23 May 1583; Elizabeth I roll (4), m.2, 2 Aug. 1592, m.7, 18 May 1597; Box/4, Charles I roll, m.19, 12 Jun. 1644.

<sup>105</sup> CUL, Vanneck Box/3, Henry VIII roll, m.44, 16 Jun. 1546.

<sup>106</sup> Campbell, 'Extent and layout', 10–11.

<sup>107</sup> KCAR/6/2/87/1/1/HOR/26–41; KCAR/6/2/87/1/1/HOR/45; KCAR/6/2/87/1/1/HOR/48–54.

<sup>108</sup> KCAR/6/2/87/12/HOR/15, 8 Sep. 1598; KCAR/6/2/87/1/1/HOR/53–54.

to the quantity of land held, and therefore, when presenting offenders for overstocking or utilising the commons without permission, officers were defending a set of privately held use-rights as much as the rights of the community as a whole.<sup>109</sup> They presumably saw the enclosure of 1599 as simply removing the role of policing of rights from the communal court to private individuals. This example illustrates the reasons for the wider lack of innovation in the use of officers for village governance at both Horstead and Cratfield, as elites preferred greater private rights to lands rather than attempts to monitor the community at large.

A second type of regime is seen at Worfield, where there was greater innovation in the management of the landscape via the manorial court. However, the decentralised leet structure meant that this was achieved through a growth in the use of the court by vills to enforce collective requirements over pasturing, usage of commons and the maintenance of infrastructure decided on a township level. Paralleling northern England's upland communities, townships made their own bylaws and pains at Worfield, which were recorded within the manor court setting.<sup>110</sup> While some pains were aimed at alleviating one-off problems, others look to have enforced specific policies in perpetuity and were perhaps aimed at dealing with local concerns about resource allocation. Some were particularly targeted at poorer tenants, limiting their access to resources.<sup>111</sup> A bylaw made at Sonde in 1491, targeted hedgebreakers, ordering that none of the tenants of the vill break the hedges of the same vill under pain of 3s 4d each time.<sup>112</sup> This again likely targeted the poor, who broke hedges for fuel.<sup>113</sup> A similar concern can be seen in another Hallon bylaw of 1481, in which it was ordered that 'none occupy lands and pastures in the fields of the aforesaid vill under pain' after a man had been presented in the same court for occupying and unjustly holding lands without licence.<sup>114</sup> This bylaw was potentially aimed at preventing squatter settlement which became a focus of vill presentments in the

<sup>109</sup> T. De Moor, 'Avoiding tragedies: a Flemish common and its commoners under the pressure of social and economic change during the eighteenth century', *EcHR*, 62 (2009), 2–10; A.J. L. Winchester and E.A. Straughton, 'Stints and sustainability: managing stock levels on common lands in England, c.1600–2006', *AgHR*, 58 (2010), 31–6; M. Bailey, 'Beyond the Midland field system: the determinants of common rights over the arable in medieval England', *AgHR*, 58 (2010), 153–71, at 157–8; C.C. Dyer, 'Conflict in the landscape: the enclosure movement in England, 1220–1349', *Landscape History*, 28 (2006), 21–33, at 21, 24, 31.

<sup>110</sup> Winchester, 'Upland commons', 41; SA, 5586/1/281–302.

<sup>111</sup> SA, P314/W/1/1/486, 6 Apr. 1491; P314/W/1/1/488, 26 Oct. 1491; P314/W/1/1/505, 26 May 1511; P314/W/1/1/506, 9 Oct. 1511; P314/W/1/1/547, 7 Oct. 1519; 5586/1/302, 10 Oct. 1644.

<sup>112</sup> SA, P314/W/1/1/488, 26 Oct. 1491. <sup>113</sup> McIntosh, *Controlling Misbehavior*, 84–5.

<sup>114</sup> SA, P314/W/1/1/422, 25 Oct. 1481.

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seventeenth century, reflecting wider concerns about squatting in early modern Shropshire.<sup>115</sup>

Thus, at Worfield manorial officers, in terms of the representatives of individual vills, were used to intensely govern the local community. However, the nature of the manor as a dispersed settlement appears to have limited the geographic scope of this governance, with decisions largely being made at the township level. This is reflected in a lack of presentments at the level of the juries leet and baron, as well as the fact that bylaws did not create new manorial officials or adapt the roles of pre-existing ones. This is probably partly because of differing priorities between the various vills. For example, of the ten vills that presented hedgebreakers, only two were recorded in 1582 as having access to common within the forest of Morfe, suggesting this offence was strongly linked to locations without alternative sources of firewood.<sup>116</sup> In fact, it seems likely the records of the manor court are not revealing the entire picture, with it being probable that decisions were made in local meetings at the township level which were never enrolled.<sup>117</sup> A hint is given in the details of the pain attached to a Hallon bylaw of 1481, which stated that half should go to the lord and half to the vill, suggesting some rudimentary structure to disperse the profits of the pain.<sup>118</sup> A flurry of activity in the sixteenth and seventeenth centuries may reflect not a growth in governance, but an increasing use of the manor court to enforce pre-existing rules, taking advantage of the presentment system to enforce bylaws and lay down pains to prevent reoffending. Therefore, at Worfield, manorial structures did not work to create social differentiation on a manorial level.

Fordington and Downham saw a third regime, where manorial officials were clearly used to create social differentiation. At these communities, officials were utilised adaptively to restrict access to resources. Bylaws allowing officers to be adapted to new functions and police new offences occurred far more frequently at Fordington and Downham than at the other three manors, with eighty-two and fifty-two ordinances (including some reissues) recorded in the surviving rolls of each manor, respectively.<sup>119</sup> Unfortunately, little is provided in the text of these bylaws to explain the process by which they were made. At both manors,

<sup>115</sup> SA, 5586/1/257–306; J.P. Bowen, 'Cottage and squatter settlement and encroachment on common waste in the sixteenth and seventeenth centuries: some evidence from Shropshire', *Local Population Studies*, 93 (2014), 11–32, at 29.

<sup>116</sup> Smith, *Worfield*, appendix 2.

<sup>117</sup> Angus Winchester highlights the existence of these for certain upland northern manors: 'Upland commons', 41–2.

<sup>118</sup> SA, P314/W/1/1/422, 25 Oct. 1481.

<sup>119</sup> TNA, SC 2/169/25–47, SC 2/169/170/1–16; CUL, EDR, C111/1/1–3, C111/2/4–6, C111/3/7–11, C111/8–10.

the language of consent is nearly always utilised; formulas include 'the lord and his tenants both free and serf', 'all the tenants of the manor' and 'the whole homage'.<sup>120</sup> However, as Ault has argued, these formulas likely do not reflect reality, and bylaws often worked to privilege the wealthiest tenants.<sup>121</sup>

A brief sketch of the chronology of control of common resources through bylaws at each manor reveals important trends, showing the continued use of manorial office to govern landscape and how this met the objectives of elites. At Fordington, bylaws were largely a sixteenth- and seventeenth-century phenomenon, with only one bylaw of 1391 concerning animal pasturing being made before the 1490s.<sup>122</sup> Conversely, the period 1494–1552 saw a rush of bylaws which placed new responsibilities on existing manorial officials. Ordinances were made about the correct times animals were allowed in various common pastures and rules about the ringing of pigs were made across four sessions in 1511.<sup>123</sup> These bylaws seem to have had effects on the work of a range of officials: for instance, a combination of tithingmen and officers of the Hermitage made between fourteen and thirty-three presentations about unringed and wandering pigs per decade from the mid-sixteenth century onwards, while previously they had made between one and four per decade.<sup>124</sup>

Ordinances made in this first phase of bylaws seem to have applied relatively equally to all inhabitants and, by ensuring equal access to commons and preventing damage by livestock, were presumably beneficial to the whole community. However, from the mid-sixteenth century bylaws seem to have increasingly aimed to stratify access to resources as well as prevent subtenancy on the manor in a period of renewed population pressure. This process began in 1567, when in a court held in October, it was ordered that on 11 November the homage should examine and equally divide a piece of common land called 'le demaynes', suggesting a transition from common to private rights.<sup>125</sup> While the fact that the whole homage was involved suggests a relatively equitable process, in 1569 a more sweeping inquiry into common pasture was ordered. This directed a set of six men to settle 'the quality and quantity

<sup>120</sup> CUL, EDR, C11/1/3, m.22, 16 Oct. 1388, m.24, 27 Sep. 1389; C11/2/5, m.2, 12 Jan. 1417; TNA, SC 2/169/37, m.16, 26 Sep. 1391; SC 2/170/3, m.6, 28 Apr. 1545; SC 2/170/4, m.2, Oct. 1547; SC 2/170/7, m.1, 2 Nov. 1569; SC 2/170/16, m.4, 7 Oct. 1641.

<sup>121</sup> Ault, 'Open-field husbandry', 42; Ault, 'Village by-laws by common consent', 194; Shaw-Taylor, 'Management of common land', 66.

<sup>122</sup> TNA, SC 2/169/37, m.16, 26 Sep. 1391.

<sup>123</sup> TNA, SC 2/169/47, m.9, 1 May 1494; SC 2/170/1, m.1, 20 May 1511, m.2, 1 Jul. 1511, 22 July 1511, 12 Aug. 1511; SC 2/170/2, m.3, 29 Apr. 1539; SC 2/170/3, m.6, 28 Apr. 1545; SC 2/170/4, m.1, 4 Oct. 1547, m.8, 4 Oct. 1552.

<sup>124</sup> TNA, SC 2/169/45–7; SC 2/170/1–15. <sup>125</sup> TNA, SC 2/170/6, m.5, 20 Oct. 1567.

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of animals' which each tenant could keep on the manor and where and when these could be pastured.<sup>126</sup> While this division was nominally made through 'the assent and unanimous consent of the whole homage' with the permission of the lord's representatives, the six men chosen were largely prominent manorial officials: all served in the jury and all bar one held at least one additional office.<sup>127</sup> The effect of this survey was to benefit the elite tenants who held larger tenements. In 1570, the six men directed that full-virgaters could pasture four horses, three cows and ten sheep; half-virgaters could pasture three horses, two cows and five sheep; and those holding a furlong, two horses, two cows and three sheep.<sup>128</sup>

This restriction of common rights by landholding was also combined with new measures to control subtenancy. In November 1569, it was ordered that no tenants should have subtenants inside the manor without licence under a stiff pain of 20s and that any tenants who did have subtenants were to remove them.<sup>129</sup> That both restriction of common rights and measures to monitor subtenancy were probably linked to the same issues of squatting under population pressure is seen in the way a flurry of bylaws prevented the leasing of common pasture rights to non-customary tenants.<sup>130</sup> Frequent reissue is, of course, evidence of the limited effectiveness of this restriction, but the new bylaws around subtenants and pasturing do appear to have been routinely enforced. Tenants were presented for having subtenants in 1570, 1572 and 1575.<sup>131</sup> More significantly, the restrictions on common rights led to the creation of the new manorial office of fieldreeves who enforced these rules for each tithing, making twenty-four presentments of offenders for guarding animals above their allotment and leasing their pasture between 1571 and 1589.<sup>132</sup>

The period 1625–48 saw a continuation of these restrictions on subtenancy and pasture rights. Tenants continued to be presented on an annual basis for having subtenants and were ordered to remove these under pain of 10s for every month the subtenant remained, although often in reality ameracements and pains paid were substantially reduced.<sup>133</sup> Fieldreeves continued to present tenants for overstocking the commons and a bylaw in 1630 restated the ban on leasing of pasture rights, although only six years later this seems to have been relaxed, with tenants being

<sup>126</sup> TNA, SC 2/170/7, m.1, 2 Nov. 1569.      <sup>127</sup> TNA, SC 2/170/2–10.

<sup>128</sup> TNA, SC 2/170/7, m.1–2, 3 Jan. 1570.      <sup>129</sup> TNA, SC 2/170/7, m.1, 2 Nov. 1569.

<sup>130</sup> TNA, SC 2/170/7, m.3, 2 May 1570; SC 2/170/9, m.8, 11 May 1575; SC 2/170/10, m.2, 21 May 1577.

<sup>131</sup> TNA, SC 2/170/7, m.3, 2 May 1570; SC 2/170/8, m.4, 23 Oct. 1572; SC 2/170/9, m.8, 11 May 1575.

<sup>132</sup> TNA, SC 2/170/7–12.      <sup>133</sup> TNA, SC 2/170/14–16.



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able to let their rights providing they first gave notice to the fieldreeves.<sup>134</sup> A 1639 bylaw specifically barred subtenants 'that hath not com(m)on of pasture' from taking 'soyle or dirt in the streete or lanes' of more than 'a dung putt full' and subtenants were not allowed to let their pigs 'goe abroade att all'.<sup>135</sup> These restrictions took place in a context of wider control over the gathering and movement of common resources, with a ban on quarrying without licence in 1572 and on the carrying of stones and chalk outside the manor in 1633.<sup>136</sup>

While these rules and their enforcement provide clear evidence of elites utilising office to improve their economic position, it would be wrong to entirely characterise innovations in the work of manorial officeholding in these terms. Many bylaws continued to be made on equitable terms, such as restrictions on times and locations of pasturing and an agreement to set up a common watch over pasturing cows.<sup>137</sup> Moreover, attempts to maintain the Pumberly hedge seem to have had a more inclusive aim, at least among the population of tenants. A bylaw in 1635 created a new system of communal rating to maintain this hedge around the common cow pasture. This was to be administered by six tenants, who, while chosen by the jury, were to be drawn in equal thirds from among the virgaters, half-virgaters and furlong holders, suggesting an aim for a set of officers who reflected the wider community of landholders.<sup>138</sup> This system, however, lasted only two years and in 1637 it was decided that the hedge would instead be divided by lot among the tenants, with each having responsibility for maintaining their section.<sup>139</sup> This responsibility was to be enforced by the messor, again showing how bylaws were used to put pre-existing manorial officials to new purposes.

Downham saw an even more proactive use of manorial officeholding to govern the use of landscape by the community, and this began far earlier, starting in the first part of the fourteenth century. Here landscape differed significantly from the other manors owing to the existence of the fen commons around a largely nucleated settlement. These provided resources beyond common pastureland, with sedge and turves that were extracted to be used for fuel and thatching.<sup>140</sup> Bylaws surrounding the control and management of these resources shaped the role of manorial officials to meet new purposes benefiting elite tenants.

<sup>134</sup> TNA, SC 2/170/14–16; SC 2/170/14, m.8, 25 Oct. 1630; SC 2/170/15, m.4, 3 Oct. 1636.

<sup>135</sup> TNA, SC 2/170/15, m.4, 22 Oct. 1639.

<sup>136</sup> TNA, SC 2/170/8, m.4, 23 Oct. 1572; SC 2/170/14, m.12, 27 Mar. 1633.

<sup>137</sup> See, for example, TNA SC 2/170/14, m.12, 27 Mar. 1633; SC 2/170/15, m.2, 6 Oct. 1635; SC 2/170/16, m.13, 12 Oct. 1646.

<sup>138</sup> TNA, SC 2/170/14, m.17, 13 Apr. 1635.      <sup>139</sup> TNA, SC 2/170/15, m.7, 2 Oct. 1637.

<sup>140</sup> Coleman, *Downham*, 20–1.

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In the manor's pre-Black Death court sessions, during a period of high population, officers were utilised to monitor 'bad' gleaning.<sup>141</sup> 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.<sup>142</sup> No bylaws were made in this period, although the resource-policing function of manorial officers is seen in the clauses attached to the election of bylawmen. In 1311, these were 'elected by the whole homage to guard the bylaws for the grain and meadows of the lord and others and of rushes and turves', a statement recognising their dual nature of fulfilling seigniorial and communal functions.<sup>143</sup> 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.'<sup>144</sup> The latter statement aims to exclude outsiders, but the former shows that officials were also used to preserve hierarchies of access within the community of tenants. The 1251 Coucher Book gives no detail of differing rights, simply stating 'that all the vill at Downham, the lesser as well as the greater folk, shall have common rights', suggesting that these restrictions may have been developed owing to increasing population pressure in the late thirteenth century.<sup>145</sup>

The relaxation of population pressure after the Black Death did not lead to any lessening of restrictions, and in fact saw a flurry of bylaws passed from 1381 onwards, which modified the functions of officials to meet new problems. For example, successive bylaws were passed concerning the ringing of pigs, in 1388 a bylaw was made ordering tenants to bind sedge they mowed between Hokeday and Michaelmas, and restrictions on the times when sedge and turves could be collected were made in 1388–1404.<sup>146</sup> These bylaws were enforced by manorial jurors as well as bylawmen and engendered relatively quick responses.<sup>147</sup> Bylaws also conferred new duties upon pre-existing seigniorial officers, giving them functions that helped in regulating the community, as in a 1388 order

<sup>141</sup> CUL, EDR, C11/1/1, m.1, 24 Nov. 1310, m.6, 15 Dec. 1315, m.9, 25 Sep. 1327; C11/1/2, m.5, 10 Sep. 1331.

<sup>142</sup> CUL, EDR, C11/1/1, m.9, 25 Sep. 1327. <sup>143</sup> CUL, EDR, C11/1/1, m.2, 1 Jul. 1311.

<sup>144</sup> CUL, EDR, C11/1/1, m.8, 29 Apr. 1326.

<sup>145</sup> *Ely Coucher Book*, trans. and ed. Miller et al., 46.

<sup>146</sup> 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.

<sup>147</sup> CUL, EDR, C11/1/2–3, C11/2/4–6.

about binding sedge which tasked the messor with collecting the profit of the sedge unbound by offenders.<sup>148</sup>

As at Fordington, many of these bylaws were applied in the same way to all inhabitants and look to have been beneficial to the community at large through avoiding having livestock trampling fields and ensuring all worked in the fen at the same time. On one occasion, such a statement is even made; in a bylaw of 1409 it was ordered that tenants should not dig more than 20,000 turves a year from the marsh 'because by the injury of the excessive digging of turves year on year the marsh . . . is devastated'.<sup>149</sup> However, other bylaws concerning the amount of resources and the control of labourers on the manor seem to have been deliberately targeted to aid the wealthier tenants. In 1381, 'the whole homage' ordered that virgaters were entitled to 20,000 turves, half-virgaters 10,000 turves and cottagers 5,000 turves, while inhabitants of Downhamhythe were allowed 5,000 turves for sale and specified amounts for their own use.<sup>150</sup> In 1441 an even more complex bylaw was made, this time with the consent of the jury, suggesting a more officially directed ordinance. This excluded tenants and residents who did not hold a cottage or land of the lord from any profit from the common of *Newbykynk*, including of fish, turves, wood or sedge. Cottagers without land were allowed estovers (rights to take resources) to sustain themselves but none to sell, while half-virgaters and virgaters were allowed 'reasonable' estovers and could sell turves according to their tenure, with the cap for full-virgaters being 14,000.<sup>151</sup> Restrictions by landholding continued to be made into the seventeenth century, with a bylaw of 1607 allowing copyholders to dig 10,000 turves but 'underhillers' only 5,000 turves under pain of £5.<sup>152</sup>

These bylaws were largely aimed at sale of resources, preventing tenants from exploiting the fen as an economic resource.<sup>153</sup> It can be argued this should be viewed more as a licensing system, allowing the lord to profit from extra-manorial sales, rather than necessarily an attempt to actually curb this behaviour. Presentments claimed that the lord should receive 3d per 1,000 turves and 6d per 1,000 sedge, which Coleman, comparing this with turves valued at 1s per 1,000 in 1325, suggests meant that the trade could be profitable even after paying amerancements, again a hint at a licensing system.<sup>154</sup> On the other hand, these licences occurred in a context of control of sales. While some bylaws limited the amount of resources tenants of various types could take to sell, others focused on the method of selling. In 1426, it was ordered that tenants and residents could

<sup>148</sup> CUL, EDR, C11/1/3, m.22, 16 Oct. 1388. <sup>149</sup> CUL, EDR, C11/2/4, m.21, 21 Jun. 1409.

<sup>150</sup> CUL, EDR, C11/1/3, m.9, c.1381. <sup>151</sup> CUL, EDR, C11/2/6, m.33, 4 Sep. 1441

<sup>152</sup> CUL, EDR, C11/8, f.17, 9 Oct. 1607.

<sup>153</sup> CUL, EDR, C11/1/1-3, C11/2/4-6, C11/3/7-11. <sup>154</sup> Coleman, *Downham*, 21.

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only sell the amount of sedge and turves they could carry with their own cart or boat to strangers outside the lordship, and that strangers were not allowed to enter the common and carry away resources. This was under pain of 20s, significantly more than the sale ameracements seen above.<sup>155</sup> Similar bylaws made in 1554 and 1607 seem to have banned the sale of turves to strangers completely under pain of 6s 8d (reduced to 6s 3d in 1607).<sup>156</sup> While sales were monitored in part to generate seigniorial revenue, there were also real efforts to control to whom fenland resources were sold. Although all inhabitants were subject to these restriction on sales, they likely particularly impacted smallholders, for whom selling these resources would have provided an alternative source of income when they were not occupied on their lands.<sup>157</sup>

Bylaws also aimed to secure harvest labour for employers in a period of demographic decline. These repeat the theme of labourers failing to work but then reaping the rewards of the harvest and common resources seen in the early fourteenth-century gleaning presentments. In 1388 it was declared that none should glean at harvest if he could earn a penny and midday meal a day under pain of 6d, while in 1411 it was ordered that none should go into the fen or leave the lordship for another vill during the harvest after a time declared by the reeve in church under pain of 40d.<sup>158</sup> This bylaw was restated in 1426 with an additional requirement that a labourer must come from the fen to the field if required.<sup>159</sup> These rules led to routine, if small, numbers of presentments from the 1370s to 1440s along with continuous gleaning presentments. Between 1375 and 1429, individuals were presented for refusing to labour but still fishing and taking turves from the common.<sup>160</sup> Men were also presented for leaving the manor to seek employment elsewhere: in 1378 John Haukyn was amerced 40d for leaving with his cart to go to other vills outside the lordship to seek better wages, while in 1444 a man travelled to Witcham at harvest time against the ordinance.<sup>161</sup> These ordinances can only have benefited wealthier tenants who had enough land to require hired labour; clearly those with excess labour to sell saw the advantage of leaving the manor for better remuneration elsewhere. While the success of labour control as exercised through manorial office is open to doubt, it clearly shows a refocusing of office to achieve the aims of wealthier tenants.

<sup>155</sup> CUL, EDR, C11/2/6, m.10, 27 Sep. 1426.

<sup>156</sup> CUL, EDR, C11/3/10, 22 Oct. 1554; C11/8, f.17, 9 Oct. 1607.

<sup>157</sup> Dyer, 'Poverty and its relief', 49; Hindle, *On the Parish*, 28–9.

<sup>158</sup> CUL, EDR, C11/1/3, m.21, 27 Jul. 1388; C11/2/4, m.27, 15 Jul. 1411.

<sup>159</sup> CUL, EDR, C11/2/6, m.9, 19 Jul. 1426.

<sup>160</sup> CUL, EDR, C11/1/2, m.25, 30 Nov. 1375; C11/1/3, m.28, 7 Sep. 1391, m.35, 7 Sep. 1394; C11/2/4, m.16, 24 Sep. 1406; C11/2/6, m.17, 23 Dec. 1429.

<sup>161</sup> CUL, EDR, C11/1/3, m.2, 21 Sep. 1378; C11/2/6, m.37, 20 Nov. 1444.

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The surviving courts between 1552 and 1582 demonstrate that officeholding continued to be utilised to serve the interests of manorial elites in the late sixteenth century. Bylaws were again designed to protect the fen from non-tenants, but this time occurring in a period of increasing population. In 1552 a bylaw was made ordering that no tenants, whether free or customary, should have more than one scythe on the first day they entered the common to cut reeds, under pain of 6s for each extra scythe. This bylaw seems fairly equitable, but was followed by another aimed specifically at subtenants, which ordered that none should have more than one scythe, even if there were many living in one tenement, under the stiffer pain of 6s 8d a scythe.<sup>162</sup> This general concern about a burgeoning population is seen in a presentment by the jury of 1554 about eleven tenants who had erected cottages inside the manor within the past ten years. It was ordered to discuss with the lord if common should be apportioned to the cottages. In the same court a ban on non-familial lodgers was made, with an order that none should cohabit inside one tenement unless they were part of a nuclear family, under pain of 40s.<sup>163</sup> Four offenders were amerced by jurors in 1571 for receiving subtenants, though at the significantly smaller sum of 6d each.<sup>164</sup> These new rules show the flexibility of manorial officeholding which allowed it to meet the changing needs of the local elite. While in the depopulated fifteenth century juries could present those leaving the manor, in the reverse conditions of the sixteenth century, they could try to reduce the number of residents in the village.

The contrasts between the manors reveal that while at all communities officeholding was clearly used for managing landed resources, this was mediated by the varying nature of the landscapes in each place and how they were utilised, creating very different roles for officers. At Cratfield and Horstead the role of juries remained important in policing common rights. However, this occurred in a context of increasing enclosure, which worked to replace official monitoring with private ownership. The set of offences officers monitored was maintained but not extended, meaning that they were not used to intensely govern the community in response to new problems.

The dispersed structure of Worfield, a product of its size but also of its wood–pasture landscape leading to multiple townships, meant that the manor was used as a unit of governance, but largely to enforce specific concerns of local settlements. Bylaws were directed against poorer tenants, but there is no evidence of a more universal aim which crossed

<sup>162</sup> CUL, EDR, C11/3/10, 8 Oct. 1552; C11/3/11, 18 Jun. 1562, 24 Mar. 1575.

<sup>163</sup> CUL, EDR, C11/3/10, 22 Oct. 1554. <sup>164</sup> CUL, EDR, C11/3/11, 9 Mar. 1571.

## Conclusion

the various vills and could create a manorial elite, except for a general focus on subtenancy. Moreover, these concerns only ever impinged on the presentments of individual townships, rather than on the work of juries and various other officials.

Fordington and Downham present a different picture. These communities were intensely governed through manorial officeholding, with bylaws used to extend, or refocus, authority on issues including common pasture, subtenancy, fenland resources and labour. This intense governing, moreover, was stratified, with bylaws used to meet the labour requirements of larger tenants, to ensure their privileged access to the resources of the commons and the fen, and to prevent perceived threats from landless subtenants. These laws were used not only to establish new articles for jurors to present in the court, but even to create new officers such as fieldreeves and bylawmen, alongside refining the role of existing officials created to serve the lord.

## CONCLUSION

Examining concerns over misconduct and landscape as potential catalysts for elites to use officials to promote their own aims reveals that specific circumstances could create something approaching a middling sort, but this was hardly the norm. At all manors, demographic pressure, social dislocation and poor relief entitlement led officials to mount campaigns against 'misconduct' to promote an 'ordered' community. They undoubtedly targeted more marginal individuals such as poor men and especially women, although such activities may have been supported by a wider community which shared their beliefs and desire to maintain 'harmonious' social relations. However, such campaigns waxed and waned as concerns grew or faded. Similarly, specific types of landscape and settlement structures could promote governance in ways that fostered community coherence or social differentiation. The dispersed settlement structure of Worfield prevented the court's use as a tool of governance by a unified elite, as individual vills concentrated on protecting their own resources, often from each other. This echoes Forrest's finding that the church also struggled to identify trustworthy men in dispersed settlements owing to a less obvious formation of a local elite.<sup>165</sup> At Cratfield, a long tradition of enclosed agriculture combined with increasing enclosure of remaining greens meant that the concerns of elites, or at least those they could attempt to solve through manorial structures, were simply reduced. At Horstead, the complexity of jurisdictions, combined with increasing

<sup>165</sup> Forrest, *Trustworthy Men*, 209–13.

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engrossment over multiple manors, may have disincentivised elites who may not have identified with a particular community, or may have seen little need to enforce their authority over a decreasing number of tenants.

However, at Fordington and Downham concern about misconduct was combined with concerns to control access to common lands according to landholding size, and to limit subtenancy and restrict labour. Both manors saw governance agendas that looked to promote the collective wellbeing of the village in a way that would have promoted a cohesive character in the community through the efforts of their officials to prevent external threats to resources. However, this was combined with agendas that would have reinforced, or even created, social differentiation in the way entitlements were apportioned between manorial residents. These manors were marked by both their size and extensive commons, which were combined with nucleated villages. This seems to have created a coincidence of concerns, which combined to promote a wider context of control, much like the confluence of factors identified by Wrightson in creating a middling sort. For Downham, the way misconduct and a concern to ensure a supply of labour could work together is well illustrated in a presentment of 1491. Simon Jacob was amerced 2d for governing his house poorly by hosting the servants of the lord's tenants at night, which caused these servants to withdraw their service from their masters to the damage of the tenants. While the punishment was relatively minor, a significant pain of 10s was also put on not only Simon, but any others who did similarly, effectively creating a bylaw aimed at controlling the labour force.<sup>166</sup>

Thus, in certain circumstances, it is possible to identify elements of a 'proto-middling sort', which governed the community through manorial structures. A combination of interests worked together in this period to distance the subset of tenants who held office from those they governed, leading them to utilise manorial office to control the wider community. Andy Wood, discussing changes to common rights and enclosure in the late sixteenth century, has argued that 'in many respects, the "better sort" were better placed to push through changes to the village economy than were the gentry', as 'wealthier villagers were not only the employers of poor labourers' but 'also acted as village constables, overseers of the poor rates and as vestrymen'.<sup>167</sup> The evidence for early modern Fordington suggests manorial officials also had a crucial role in this process in the era after 1500. More significantly, the case of Downham demonstrates that larger tenants in some communities had

<sup>166</sup> CUL, EDR, C11/3/10, m.4, 23 Aug. 1491. <sup>167</sup> Wood, *1549 Rebellions*, 203.

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realised that manorial officeholding was a route to achieve economic changes almost two hundred years earlier.

The emergence of this 'proto-middling sort' within a very specific set of circumstances warns against simply suggesting a complete continuity in local authority between the medieval and early modern periods. Changes in the sixteenth and seventeenth centuries were undoubtedly significant. While some settlements may have adopted poor relief only slowly, state-mandated legislation undoubtedly helped to promote the emergence of a middling sort on a national level. However, in some communities, seemingly marked by large commons and nucleated settlements, discourses of 'peace', 'repair' and 'ordaining', to return to Johnson's conceptualisation, created a distinct elite who utilised adaptable manorial structures for their own ends.