

ART. X – *Manorial administration in Westmorland 1589-1693*

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NOTES

1. Spellings

There was considerable variation in the spelling of words and names, not only over time and between courts but also within a single document. While the original spelling has been retained in the transcripts, personal names have been standardised in the text, for example, Christopher in place of Christofer and Michael in place of Michall; surnames have been standardised by using the most frequently used spelling, for example Breakes (for Breekes and Brekes) and Hinemar (for Hinmer, Hyndmor and Hyndmer). When court entries are quoted in this study the original spellings and punctuation have been retained, except for the following that have been expanded following the editorial conventions of the *Transactions*; “ye” is rendered as “the”, “yt” as “that”, “w^{ch}” as “which” and “wth” as “with”. Insertions appear thus [*5 July*]; erasures thus: the othe of m wilson.

2. Referencing of manuscript sources

The following abbreviations are used. CRO(K) for MSS held at Cumbria Record Office, Kendal; CRO(C) for MSS held at Cumbria Record Office, Carlisle; and LH for MSS held at Levens Hall.

Cumbria Record Office has allocated an accession number to the document(s) relating to each meeting of the manor courts for Crosby Ravensworth, Newbiggin and Thrimby. Thus CRO(K) WD/Crk/M5/25 is the accession number for the Newbiggin court roll and verdict sheet for 23 May 1616. However, the manor court records for Great Musgrave and Kirkland have been accessioned by groups of years. To allow for the identification of individual documents the following conventions have been adopted. When a date and year are given in the text, for example, “When William Smith was presented for a rescue at Great Musgrave court on 17 May 1631”, the endnote reference is given as CRO(K) WDX/88/M3. However, when no date and year are given in the text, for example, “William Smith was presented at Great Musgrave court for a rescue”, the endnote reference is given as CRO (K)WDX/88/M3/17 May 1631.

MANOR court records of the sixteenth to eighteenth century have received far less attention than have those of the medieval period. It is perhaps for that reason there are divergent opinions as to the importance of the post-medieval manor court to the lives of manorial tenants. The growing powers of the parish vestry, of the township and the justices of the peace, the trend towards enclosure of common fields, and the gradual change of tenure from copyhold to leasehold and freehold, have all been considered reasons why the manor court had increasingly fewer practical functions. It has been said that after *c.*1500 the “court could remain active in recording transfers of copyhold land, regulating trade and a few other activities”,¹ and that from the late-sixteenth century onwards manor courts provided nothing more than an opportunity for merry making or “antiquarian play-acting”.² Contrary views, however, hold that manorial courts experienced a revival during the sixteenth century and that they remained the most important village institution until at least the Civil War;³ that the courts’ interests and powers were in considerable decline only after 1720;⁴ and that a period of vigorous manor court activity between the mid-sixteenth and mid-seventeenth century was followed by the collapse of manor court authority around 1700.⁵

Such different views reflect the difficulties in seeking to characterise at a national level the importance of a court that functioned at a local level and whose procedures

and authority varied considerably from place to place and through time. While it is clear that manor courts did eventually go into decline, it is far from clear when, and in which places, they ceased to play an active role in local life. It follows, therefore, that it will only be possible to understand at a national level how active, or otherwise, post-medieval manor courts were by carrying out detailed local studies. The records of five manor courts in the former county of Westmorland have been analysed to determine the extent to which they regulated the affairs of manorial communities between the late-sixteenth and the late-seventeenth centuries, whether the courts primarily served the interests of lord or tenant, and if the role of the courts changed over time. They are the rural manors of Crosby Ravensworth, Great Musgrave, Newbiggin and Thrimby all located in the Eden Valley, and the urban manor of Kirkland, Kendal. The manors studied provide evidence for each decade from 1589 to 1693 except for the 1640s (the decade in which the Civil War took place) that was poorly represented, the single example being a court roll of 1646 of the manor of Thrimby.

The court and its records

The origins of the manor are unknown, although it was almost certainly in existence by the late Anglo-Saxon period.⁶ Writs in Old English dating to the tenth century describe how large landowners held *sacu* and *socn* among the rights pertaining to their estates.⁷ *Sacu* and *socn*, translated as dispute and jurisdiction, was a formula probably used to describe judicial rights exercised in a private court, by a landlord over his tenants, by authority of the king.⁸ A landlord also had the right of *infangenetheof*,⁹ standing for the right to try a thief and to take the profits of administering justice.¹⁰ All surviving manor records, the earliest from the thirteenth century, reveal that a court held by the lord for his tenants was an important feature of a manor.

In medieval England a manor was a unit of estate administration originally held by feudal tenure either directly of the Crown or of a mesne lord. The economic potential of a manor was managed from the centre to maximise the lord's income. The lands belonging to a manor were not necessarily coterminous with any other administrative unit, such as a parish or a village. A manor might comprise several villages in whole or in part, and a village might be divided between two or more manors. The lord of the manor, the landlord, held some land in demesne farmed either by labour services or by paying wages, and the rest was farmed by tenants or used as common land. Following the Black Death in the mid-14th century labour services were increasingly replaced by money rents. By the sixteenth century a manor was no longer a unit of agricultural management, although it retained its legal and administrative functions, and a manor was only regarded as such if a landlord held a court for his tenants. Manorial tenants owed suit of court and were amerced (subject to financial penalty) if they failed to attend without having been excused.

There were two main types of manor court, court baron and court leet, and in theory each had different authority and functions. These distinctions were defined in post-medieval handbooks that described the procedures to be followed and the records to be made when holding a manor court.¹¹ Such publications envisaged a uniformity that never existed as local traditions ensured there was much variety in how courts were kept. Court baron and court leet are the only names by which the

courts studied here were known, although in other parts of the country head courts, forest courts and others are recorded.¹² Court baron was a private court belonging to the lord of the manor; it dealt with changes of tenancy, agrarian disputes, relations between lord and manorial residents, the maintenance of customs of the manor, and the setting of pains or bye-laws to regulate behaviour in the interests of the common good. Those who offended against the lord's privileges and the common good were, in the language of the court, "presented" and if found guilty amerced by the jury.

Court leet was a royal court in private hands; it possessed civil and criminal jurisdiction to deal with petty offences, often up to the value of 40 shillings. Individuals could enter a plea at the court against others, generally for debt or damage to property, to recover costs in whole or in part. Sometimes a court leet was said to be held "with view of frankpledge", a system of mutual security established in Anglo-Saxon times that required all males over the age of twelve to belong to a group of ten that undertook to be responsible for the behaviour of each other. It had ceased to operate by the thirteenth century and was an anachronism in the sixteenth century.¹³ The handbooks that described how to hold a court anticipated separate juries for presentments and for pleas, but the records of the five manors analysed here demonstrate that this occurred only at Kirkland where there was a jury "for the lord" and a "jury for trials". An undifferentiated court was held at the other four manors with the same jury hearing both presentments and pleas and on three occasions at Newbiggin the jury was sworn "to Enquire for the Kinge and the Lord of the said manor and to try all actions betwixt pl[acit]i & pla[acit]i".¹⁴ In an overwhelming majority of cases there are separate records of presentments and pleas suggesting that juries normally heard them independently. Occasionally, however, both presentments and pleas are recorded together, unsorted, on the same sheet.¹⁵

A manor court was held in the name of, and by the authority of, the lord of the manor. In practice it was called and presided over by the lord's steward. The principal record of the manor court was an engrossed court roll that documented all the business that had been conducted. It was compiled by the clerk of a court from various draft documents, some of which were drawn up in advance of a court meeting and some while it was sitting.

P. D. A. Harvey has commented that by far the most usual surviving records of post-medieval manor courts are the fair-copy (or engrossed) court rolls, but that is not true of the five manor courts studied here for which only 14 engrossed court rolls were present from 78 meetings and for which rough drafts and subsidiary records most frequently survive.¹⁶ It is in fact advantageous that draft records and bundles of loose papers have survived more frequently than have the engrossed rolls because they provide greater detail about the workings of the courts. Engrossed rolls contain a formal, tidied-up and sometimes edited version of proceedings, succinctly recording presentments, pleas and other court business. Working papers contain *inter alia* statements of sworn evidence given to jurors, failed pleas, the names of jurors that were deleted and replaced by others, amercements altered by affectors, and interlineations and marginalia in different hands and inks to those used to draw up presentments and pleas. Except for the period of the interregnum (1649-60) when records are entirely in English, the language used was sometimes Latin, sometimes English, and sometimes a mixture of both.

An engrossed court roll was written in a neat and careful hand. The formula of the rubric was similar at each of the manors reflecting the use by stewards of published manuals detailing how to hold a court. The rubric of the court roll for Great Musgrave dated 28 March 1633 will serve as an example.¹⁷

Maneriu[m] de Magna Musgrave parva Musgrave et Flitholmeⁱ⁾ Cur[ia] Barron[is]⁽ⁱⁱ⁾ Philippi Musgrave Barr[onetti]⁽ⁱⁱⁱ⁾ Tent[a] apud Plemlands^(iv) vicessimo octavo die Marcij^(v) An[n]o regni^(vi) D[omi]ni n[ost]ri Caroli Dei gra[tia] Ang[lie] Scot[ie] Franc[ie] et Hibernie R[ex] fideli defensor etc^(vii) Nono^(vi) An[n]oq[ue] D[omi]ni 1633^(viii) Coram Anth[onio] hutton ar[migero] s[enes]call[o]^(ix) Cur[ie] predict[e]^(x)

The main elements of the rubric are; (i) the name of the manor, (ii) the type of court, (iii) the name and title of the lord of the manor, (iv) the place where the court was held, (v) the day and month it was held, (vi) the regnal year of the monarch, (vii) the name and style of the monarch, (viii) the *anno domini* date, (ix) the name and status of the court steward, (x) and the court of which he was steward.

Following the rubric, the entries on an engrossed roll were typically as follows.

- (i) A call list of tenants: the names of those who owed suit to the court. The names of any free tenants appear first, followed by those who held land by customary tenure. The letters “ap” (for appeared) or a short diagonal line against a tenant’s name recorded that he was present; the letters “es” (for essoined, that is, he was excused appearance) or a cross against a tenant’s name recorded he was absent.
- (ii) The jury: the names of the jury members drawn from, and acting on behalf of, the tenants of the manor.
- (iii) Admittances: the transfer of land from one person to another (this information is not included in this analysis).
- (iv) Jury verdicts: the decisions of the jury on presentments made to the court by the jury and other court officers of persons who had breached paines, orders and the customs of the manor.
- (v) Paines and orders: bye-laws and orders made by the jury to regulate behaviour in the interest of the common good.
- (vi) Pleas: civil actions brought by one individual against another, often for debt or trespass.
- (vii) Appointment of officers: the officers of the manor who were elected and sworn to serve for the coming year.
- (viii) Accounts: the profits of holding the court from entry fines (for admittances), ameracements (for breaches of bye-laws and orders), and the administration of justice (for pleas), and signed by the court steward.

Similarly, the loose papers from which the engrossed rolls were compiled, the draft court roll, verdict sheet and pleas, each had their own format. A draft court roll contained the first three elements of an engrossed roll, a rubric, call list and in most instances the jury. Verdict sheets began with a statement establishing the authority of the jury along with the jury list; then followed the name of each person presented, the offence committed, frequently the penalty imposed and occasionally the decision of the affeerors (the court officers appointed to confirm or reduce the penalty according to their knowledge of an offender and his circumstances). Rarely, the name of the person making the presentment is given. Verdict sheets may also

contain orders and bye-laws. Pleas can include the names of the plaintiff and defendant, the nature of the action, whether goods belonging to the defendant had been attached or distrained by the court pending the outcome, the name of any pledge (a person standing surety for the defendant), the amount claimed by the plaintiff, whether the defendant acknowledged the claim, and the decision and award made by the jury.

Angus Winchester has shown that by the later-sixteenth century many northern English manors held two courts each year. A common pattern was for an Easter court in April or May and a Michaelmas court in October.¹⁸ It is difficult to establish with certainty either the frequency or pattern of court meetings at any of the manors studied here because there is no means of reconstructing an unbroken sequence of court records, however, it appears that two courts each year was a common if not invariable practice. All manors held a Michaelmas court at some time between September and November, although the time of year at which the other court was held varied from one manor to another, Candlemas, Easter or Midsummer.

Jurors and other court officers

While meetings of a manor court were presided over by a steward acting on behalf of the lord, the decisions of a court were taken by a jury drawn from the tenants of a manor acting on behalf of the whole manorial community. Comparison of the call lists with the jury lists for each manor except Kirkland (for which full call lists were never present among the courts' records) revealed that jurors were drawn exclusively from the customary tenants. It appears that free tenants took no part in the formal proceedings of the court after having made their suit. A draft of the Newbiggin court roll for 19 June 1612 carries the names of the jurors followed by those of the constables and other officers of the court. In a different hand against the names of the jurors and constables is written "Jur[atus]", and below in the same hand the signature of Anthony Crackanthorpe, the court steward.¹⁹ Attached to the court records for Kirkland dated 5 October 1663 is a piece of paper torn from a larger sheet. It contains a list of 18 names and is headed "According to your order I have sommonst those whose names is underwritten"; it is signed "Henr[y] Ward, Senesc[a]ll" and above the signature is written, "I pr[e]sent these names to you to knowe who is fitt & who is not".²⁰ The list most plausibly represents notification of the lord by the steward of a group of people eligible for unspecified manorial responsibilities. Investigation of the 18 names on the list revealed that 12 appeared at some time among the Kirkland records as either a juror for the lord, a juror for trials or as a court officer. The task of forming and swearing a jury and of swearing other court officials may, possibly, have been a responsibility of the court steward.

The process of swearing a jury can be identified on a majority of jury lists. The foreman was sworn first; occasionally he is explicitly identified as the foreman but most often he was sworn separately from the other members of the jury and "Jur[atus]", (sworn) written next to his name. There are many examples of men serving several times as foreman though none as frequently as John Bryham of Thrimby who served five times between 1653-63. Next, the remaining jurors were sworn in groups of three, four or five, their names bracketed together and

“Jur[atus]” written alongside. The headings of jury lists varied both between manors and over time. The jury for the court held at Crosby Ravensworth on 10 June 1589 was charged to inquire “inter p[ar]tis et p[ar]tis p[er] Placites”,²¹ while the verdict sheet for the court at Thrimby dated 18 February 1656 is headed, “The Jurors aforesaid upon ther Corporall Oaths say & p[re]sent as followeth viz”.²² The first described how a jury would hear pleas between parties, and the second how a jury would make presentments. However, the formula used at Crosby Ravensworth to describe how the jury would inquire into pleas between two parties was also used at Newbiggin for a court at which only presentments were made.²³

There have been few published analyses of the size of manor court juries and the frequency with which jurors served. Among 28 manors on the estates of Glastonbury Abbey during the twelfth and thirteenth centuries, manorial juries of seven different sizes are known with numbers ranging from six to 14. There was a tendency for large juries to be employed on large manors.²⁴ The range in jury size among the five manors studied here is 11 to 16 and the mode 14. This is comparable with the figures for the juries in the Cumberland manors of Bowland, Derwentfell and Ulpha in the sixteenth century with a range of 11 to 16 and a mode of 13.²⁵ At Bromsgrove and King’s Norton in Worcestershire between 1495-1504 almost two-thirds of a total of 96 jurors served only once or twice; however at Prescot in Lancashire jurors served a median of three times between 1635-60.²⁶ Angus Winchester carried out an analysis of the jury at four manor courts in Cumbria over periods of five and six years in the sixteenth century. He found that at least one juror served at every sitting of the court in question, that a quarter of the pool from which jurors were drawn served on more than half the juries, and that jury size ranged from 11 to 27.²⁷ These statistics may suggest that juries could be an actively self-perpetuating oligarchy, although they could equally be a reflection of the small pool from which jurors could be chosen because of eligibility criteria.

The Great Musgrave juries that served on ten occasions between 1631-39 were drawn from a pool of 28 men who comprised 31 per cent of the suitors on the call lists for those years. However, the 44 individuals who served on the nine juries between 1682-1693 represented 59 percent of the call lists (Table 1). The increase in representation of customary tenants can be partly accounted for a decrease in their number from over 90 in the 1630s to just over 70 in the 1680s. The oligarchic character of the Great Musgrave juries becomes even clearer upon closer examination of the jury lists. Between 1631-39 only one person (7 per cent) served on one occasion and just four (14 per cent) served on two occasions. Half of the pool of 28 jurors served on five of the ten juries. Out of a pool of 44 jurors between 1682-93, 14 (32 per cent) served once, six (14 per cent) served twice, while 13 served at half of the courts.

Three members of the Breakes family served a total of 13 times on ten juries between 1631-39 while Richard and Thomas Hinemar appeared 17 times between them and served together on all but three of the juries. Between 1682-93 five members of the Breakes family served a total of 34 times at 15 courts, three of them sitting together at six of the courts. During the same period James, Richard and Thomas Hinemar served a total of 25 times (Richard 11 times) and served together on seven occasions. William Steadman served on all but one jury and George Richardson on all but two and was foreman twice. Interestingly, as is shown below,

TABLE 1. Manor court juries

<i>Court</i>	<i>Date</i>	<i>No. of courts</i>	<i>Jury size (range) (mode)</i>		<i>Total no serving</i>	<i>No serving at every court</i>	<i>No 50%+ of courts</i>
Crosby Ravensworth	1589-1612	6	13-16	14	46	0	10
Thrimby	1646-1653	10	13-16	13	37	2	9
Great Musgrave	1631-1639	10	13-16	14	28	2	14
	1682-1693	15	(12)-16	14	44	0	13
Newbiggin	1612-1638	10	(12)-15	14	43	1	9
	1678-1688	13	(12)-15	14	35	0	15
Kirkland							
jury for the lord	1615-1618	4	13-14	13	32	2	13
jury for trials	1616-1618	4	13-15	14	37	0	13
jury for the lord	1652-1681	13	(11)-16	13	60	0	7
jury for trails	1652-1668	7	(11)-12	12	53	0	3

there is no evidence that any family used their position as jurors against any other group of tenants or to favour a member of their own family.

The pattern detectable at Great Musgrave can be seen at each of the other rural manors. At Thrimby six families dominated the juries between 1646-63. At Crosby Ravensworth 46 individuals served at six courts between 1589-1612 and 37 of them belonged to 12 families. Between 1612-38 at Newbiggin Thomas Birkbecke served on all ten juries and was foreman twice, and three other individuals served on eight juries. The balance of family power on the Newbiggin jury changed from Harp, Stable and Thompson between 1612 and 1638 to Gaskin, Jackson and Stable between 1678 and 1688. The pattern was, however, different at the only urban manor in this study. At Kirkland manor court there were nine men who shared the name Walker who served either on the jury for the lord, or the jury for trials (or both), between 1615-18. However, jurors with the same surname at an urban manor are less likely to be closely related than are jurors in a rural manor. Furthermore, the pattern of jury service was different at Kirkland where 65 percent of jurors for trials, and 61 percent of jurors for the lord, served only once between 1615-18. The composition of juries at Kirkland in the second half of the seventeenth century was similar with no family dominating the courts either by number of individuals or frequency of appearances. Finally, the jury for the lord and the jury for trials seem not to have been drawn from different pools as over 40 per cent of jurors served on both.

A manor court jury did not act in a detached manner by weighing evidence and deciding innocence or guilt. Offenders were presented to the court out of the knowledge of the court officers (including the jurors) for offences that included not maintaining walls or fences, taking lodgers without permission, or poaching the lord's fish or swine. Derelict walls and unauthorised lodgers would be self-evident and poachers were probably caught in the act making corroborating evidence unnecessary. However, on occasions a jury did take sworn evidence. One such case involved boundary disputes between Edward Bousfield and William Smith in which evidence was taken on oath from each party, but only with the consent of the other. By getting the agreement of each person for the other to give a statement on his oath, the jury was increasing the pressure for the parties to be truthful. In early modern communities, and especially small rural communities, mutual trust was

necessary for the conduct of daily affairs. It would have been difficult for an individual with a reputation for dealing dishonestly with his neighbours to function in such a society.²⁸ Juries did, sometimes at least, consider their verdicts in private. On four occasions the office of doorkeeper appears at the end of a jury list, presumably to protect the privacy of the jury during deliberations, and Nicholas Richardson is named as “keeper of the jury” at three meetings of the Newbiggin court.²⁹ It is likely that both offices performed the same function. That there was such a need is demonstrated by the amercement at Newbiggin of Christopher Pattrigg for “listning and harkening to the Jurie”.³⁰

Many of those who served as jurors also served as officers of the court who were appointed for each manor for unpaid terms of one year. This took place most frequently, though not always, at the Michaelmas meeting of the court. At Newbiggin between 1612-33 only four out of 20 officers had not served as a juror, or else did not belong to a family that had provided a juror; and only two out of 24 officers between 1678-88. At Kirkland between 1652-68 there were only five out of 50 officers who had not served as a juror. Apart from the offices of constable and affeelor (or sessor) that were common to all manors, the other elected positions reflected the local needs of the community and whether a manor was rural or urban. Newbiggin appointed constables, frithmen, moormen, house-lookers and sissors;³¹ and Kirkland appointed constables, barlymen [bye-lawmen], beck-lookers, well-sike lookers, ale tasters and sissors.³² There were specific duties attached to each position and these are reflected in the titles of the posts. Frithmen were responsible for ensuring that enclosures (friths) were kept in good repair, moormen for overseeing rights on moors, and house-lookers for overseeing the upkeep of houses. Affeelor, also known as sissors, reviewed the amount of any amercement imposed by a jury and there are several examples of amounts having been reduced.³³ A principal appears to have been that there was no point in seeking to recover an amount that an offender was too poor to pay.

The officials appointed by the Kirkland manor court reflect the different concerns of the community there to the agricultural interests of Newbiggin and the other rural manors. Bye-lawmen were responsible for ensuring bye-laws and court orders were complied with. Offences were most frequently building dunghills in the street or stopping up highways.³⁴ Beck-lookers were to ensure that watercourses flowing through Kirkland were not obstructed or diverted, and well-sike lookers that the fresh water supply was not polluted. Ale tasters were responsible for the measure and quality of ale offered for sale.

While there is no record of a woman ever having served as a juror or in any other capacity there is evidence that wealthy widows were expected to provide a court officer at their own expense. A Kirkland verdict sheet for 20 October 1665 includes the following decision of the jury.

Whereas severall Rich widdows Inhabiting in Kirkland have not beene heretofore charged with the Constableness it is therefore Ordered by this p[re]sent Jury that all sufficient Widdows inhabiting in Kirkland shall for the time to come either hyer a Constable or else be contribut[ing] to such Constables as shall be appointed by the Jury and for the p[re]sent Constables we leave it to the discretion of the Lord of the manor.³⁵

The order highlights the increasing difficulty in the seventeenth century of finding people to take their turn as constable, the most important office in the community

for the maintenance of law and order. While the full extent of their duties cannot be determined from the information contained in the court records studied here, other sources have shown the office of constable was not sought after. The post carried no salary, no expenses were paid, and he was responsible for collecting a variety of taxes and fines. Any shortfall in his accounts for the year that he served had to be met from his own pocket.³⁶ At Prescott in Lancashire the constableness had become increasingly unpopular from 1640s onwards,³⁷ and a reluctance of manor tenants to fill the office may have been widespread during the Commonwealth period and later as civil order became a high priority of government.

At Kirkland manor in 1665 the jury believed it had arrived at a solution for future years by making it a responsibility of wealthy widows to take a turn in supporting the office of constable. It is difficult to interpret this decision more widely. Perhaps the community had financed their constable in the past, either collectively or individually by turn, but unmarried women and widows were excluded from contributing. When the jury found themselves unable to appoint to the position for the year beginning October 1665 the problem was passed to Allan Bellingham, lord of the manor, who seems to have resolved the problem, for an undated sheet attached to the Kirkland verdicts for October 1665 informs that Thomas Stable and Charles Hucke were to serve as constables for that year. Interestingly that was not the only occasion a Kirkland jury looked to the lord for guidance; on 21 October 1673 Thomas Ward was presented for “dariinge to leavve the office of Assessor it being done in contempte of the Cowert but for the fine we leffe it to the Loord”.³⁸

After the jury had been sworn and matters relating to tenancy had been dealt with, those who had infringed the rights of the lord and offended against the customs, orders and bye-laws of the manor were presented. Because it was a duty of the court officers to make presentments the records rarely name them, exceptions being the proceedings for Newbiggin 1678-88 and Kirkland 1673-8. These reveal presentments by moormen for graving turves,³⁹ by the jury for byfires,⁴⁰ by the barlymen for dunghills in the street,⁴¹ and by the well-sike lookers for polluting the fresh water supply.⁴² Some presentments were made by officers who had been sworn at a previous sitting of the court six months or 12 months earlier, and the manorial jury sworn earlier that day made others. It follows, therefore, that some offences could have been committed many months before they were presented.

All of these court officials were themselves tenants of the manor who were obliged to carry out their duties without recompense, and who, if they failed to do so, might themselves be presented. At Newbiggin manor court on 15 October 1685 Thomas Gaskoyne, William Tinkler, Christopher Thompson and George Stable were sworn as frithmen for the coming year. Thomas Gaskoyne was also sworn as one of four sessors and William Tinkler as constable.⁴³ George Stable certainly fulfilled the duties of his office of frithman because at the court that met on 11 November 1686 he presented Barnard Robinson and George Barker to the jury for failing to repair hedges. The same court, however, presented Thomas Gaskoyne and William Tinkler “being frithmen for neglect of their office is Amerciéd either of them 6d.”⁴⁴ The fact that they had both held two offices that year was clearly not considered to be a mitigating factor.

Many of those presented at court were repeat offenders. At Great Musgrave on 17 May 1631, William Smith younger was presented for not repairing the hedges

that separated his land from that of Anthony Carleton and for instructing his servant to break a hedge belonging to Christopher Pattrig.⁴⁵ He had clearly reacted against the manor official who had taken the decision to present him at court for he was also presented for “slanderous speek against Simond midelton balife”. William Smith was also presented for “slanderous speckes spoken against John stainton and michell wastell”. The case involved remarks alleged to have been made by William Smith to one Mr Wilson, a schoolmaster of Brough, about the theft of a whey (heifer). Wilson told the jury, “upon his othe that will[ia]m smith yonger said unto him that richard breakes Did say that michell wastell & John stainton did steale one whi of his att brough”. Next the jury heard statements from other parties involved, including from the accused.

Michell wastell & John Stainton Dotth bring will[ia]m smith yonger prove against the said richard brackes and he doth Diny upon his othe that he never spoke ann just worde against richard breckes as mr wilson hath opposed against him heugh boufell Dotth say that he was standing a little by when mr wilson & will[ia]m smith was talking together & he hard them speaking of one whi but whose that was he knew not.

Despite a denial of the charge on his oath, the jury accepted the accusation against William Smith. The evidence of a schoolmaster, the report by “heugh boufell” that he overheard a conversation involving a whey, and the fact that William Smith had already been amerced by the court for slanders against the bailiff must have weighed against him. In a society where each person knew their neighbour, a man’s reputation would have been a consideration when a jury heard conflicting claims.

At the same court James Cliburne was amerced for three offences; for keeping goods on the common, for driving his goods through a sike, and for getting his son to break a dyke. On 9 March 1633 Christopher Pattrig was amerced for keeping sheep on the fell loaning, for keeping oxen in the fields and for tethering his horses by night in the field. He was also amerced for “listening and harkening to the Jurie” while they were considering the offences. John Bousfield, whose relative James Bousfield was a member of the jury, was amerced for a byfire, for making an unlawful dyke, for failing to repair the pinfold gate, for not repairing the kiln, for removing boundary markers, for ploughing land of another tenant, for being unable to prove accusations of slanders, and finally for slandering the whole jury. The total cost to John Bousfield for these offences was 37s. 6d.⁴⁶ Clearly some individuals, such as John Bousfield, had little sense of communal responsibility and presentment was probably the only means by which undesirable behaviour might be corrected.

Interestingly, there are three occasions when the Great Musgrave jury presented the lord of the manor. On the first he was amerced 6d. for “Difalt in his part of the miln thache”; this entry on the verdict sheet was followed by “edward bousfell for the like xxij^d”.⁴⁷ On the second occasion he was amerced 6d. for “defalt in his pinfold dike”,⁴⁸ and on the third occasion he was presented along with Thomas Waller, John Breakes, Thomas Breakes and William Smith for “decay of the mill thace”.⁴⁹ The entries reveal that at Great Musgrave the lord shared responsibility with certain of his tenants for the upkeep of facilities that were used in common by the community and from which he derived income. The entries could be interpreted as suggesting that tenants took turn in sharing responsibility with the lord for thatching the mill, as the name of Edward Bousfell does not appear the second time the offence was presented. But it could equally have been the case that on the

second occasion Edward Bousfell had carried out his share of the work. It is to be wondered, however, whether the amounts for which the lord was amerced were paid, and if so to whom.

There is a large variety of offences for which tenants were presented. While not all offences are represented in the records for each manor, there are very few that are recorded in one alone. Even so, there is sufficient difference in the formulae used at the courts to make comparisons of all the manors impossible without grouping offences together in some way. In his study of how courts leet regulated the use of common lands in Cumbria, Robert Dilley distinguished six groups of offence for which tenants were amerced, however, these were all agrarian in character.⁵⁰ A more useful classification for a wider study of the authority of manor courts is according to the body of law or custom that had been offended against.⁵¹

First there were offences against public order including slanders, false accusation, bloods, contacts (physical confrontation without the spilling of blood), affrays (fighting), hubbleshows (general uproar), and potentially inflammatory behaviour such as eavesdropping. Then there was failure to fulfil a communal obligation such as highway maintenance or to serve as an officer of the court. Offences of an agrarian nature included failing to maintain hedges, fences and dykes, illegal grazing, making a rescue (of an animal being driven to the common pound by an officer of the lord) or a fold break (taking an animal from the pound without having paid the lord for its release). Finally, there were offences that threatened the stability of the manorial community including byfires (unauthorised keeping of lodgers or undertenants), allowing houses to fall into decay, and behaviour that made one not fit to dwell in the manor. Because the kinds of presentments at the urban manor of Kirkland were very different in character to those at the four rural manors they are shown below in separate tables.

An important consideration when analysing and comparing the numbers and types of offences is that it is unlikely every misdemeanour was presented to the court. Nevertheless, not only does the range and number of offences presented to a manor court indicate how vigorously wrongdoers were pursued, it also reflects the importance of the manor and its institutions to both the lord and the tenants themselves. At Great Musgrave between 1630-6 there are records of 108 presentments at five meetings of the manor court, 54 were for agrarian offences and 28 for infringement of the lord's privileges, a total of 75 per cent (Table 2); just 25 per cent of presentments were for offences against the community or public order. At six courts between 1685-93 there was a total of 48 presentments, 21 were for agrarian offences and five for infringement of the lord's rights, a total of 54 per cent; 46 per cent of presentments were for public order or community offences. A similar pattern may be discerned at Newbiggin where there were 95 presentments at four courts between 1616-33; of these 77 per cent were for agrarian offences and infringement of the lord's rights and 23 per cent were for public order and community offences. This latter figure had increased to 28 per cent of the 43 presentments made at nine courts between 1678-88.

These figures suggest changes in the functions of the manor courts over time. Not only was there a decrease in the numbers of presentments by over 50 per cent between the first and second half of the seventeenth century but the business of the courts had changed too. There was less concern after the Commonwealth period for

TABLE 2. Presentments at all rural manors

	<i>Crosby Ravensworth</i> 1604 & 1612	<i>Great Musgrave</i> 1630-9	<i>1685-93</i>	<i>Newbiggin</i> 1612-33	<i>1678-88</i>	<i>Thrimby</i> 1652-63	<i>Totals</i>
<i>Public order offences</i>							
Slander		4	2	6	1	4	17
False accusation		1	1				2
Affray				1			1
Blood		1					1
Contact		2		2			4
<i>Failure to meet communal obligations</i>							
Not attending/departure from jury		1			1		2
Neglect of office					1		1
Disobeying sworn men				4			4
Disobeying bailiff				2			2
Failing to repair highway		1			3		4
Failing to repair pinfold gate		1		2	1	1	5
<i>Agrarian offences</i>							
Blocking access to common						1	1
Blocking access to anothers ground				5	1	1	7
Trespass		1		1	1	1	4
Boundary dispute		2			1	1	4
Breaking hedge/dyke		4		1	1		6
Hedges/fences/dyke out of repair		7	3	16	12	6	44
Illegal dyke		3					3
Hounding sheep		1	2	2	1	3	9
Illegal grazing	10	24	9	5		6	54
Rescues		3	2	2			7
Pound break		7	1	3	1		12
Swine not bowed and ringed				2			2
Diverting/blocking water course		2	1		1		4
Encroaching	1	2	2		2	1	8
Graving turves				2	2	4	8
Digging peat pot			3				3
Pulling ling					4		4
Cutting down tree					1		1
Digging up stones			3				3
<i>Infringement of lord's rights</i>							
Failing to repair mill		8					8
Failing to repair the kiln		2					2
Default in the mill		3			3		6
Default in the kiln		1					1
Fishing		8		2			10
Killing swine				28			28
Cutting timber/underwood		3			3	3	9
<i>Offences against community</i>							
Byfires		13	19	4	2	2	40
Housing a bastard child				3			3
Not fit to dwell in manor		1					1
House in decay		2		2			4
<i>Totals</i>	11	108	48	95	43	34	339

matters concerning the agrarian infrastructure of the manor and a greater concern about social and community matters. Presentments for illegal grazing and for failing to maintain fences and hedges fell dramatically and the absence of any presentments in relation to the lord's mill and kiln suggests the right to have tenants grind corn and bake bread there was no longer enforced.

There were also changes over time at Kirkland manor court, though of different character, as would be expected for an urban manor (Tables 3 and 4). Between 1615-18 there were 42 public order offences (57 per cent of all offences) but there were only six (7 per cent) between 1663-78. And although offences against statutes only increased over time from 27 (36 per cent) to 30 (36 per cent) the categories of offences increased from three to eight. The problems of Kirkland manor changed from public disorder to public nuisance along with a significant increase in unauthorised lodgers. Between 1615-18 there are just three presentments recorded for byfires, for taking in a woman with child, for taking in tenants without the consent of the lord or his officers, and for taking in a person not fit against paine.⁵² Between 1664-7 there were 41 presentments for byfires, 50 per cent of all offences. During the second half of the seventeenth century efforts were made to limit the increasing numbers of poor in Kirkland. In 1665 seven tenants were fined 6s. 8d. for each adult taken in without permission and the jury were sufficiently concerned about the problem to make an appeal to the lord of the manor.⁵³

Whereas the fines heretofore set downe by former Jurys have not been Levied & that great p[re]judice thereby hath come to the Libertie by comeing in of strang[er]s & abuses amonge yo[u]r owne Tennants wee desire yo[u]r worship to take it into consideration that a redress may be had therein.⁵⁴

TABLE 3. Kirkland presentments 1615-18

	1615	1616	1617	1618	Totals
<i>Public order offences</i>					
Striking the constable	1				1
Affray and blood		1			1
Affray			1		1
Hubbleshaw and blood				2	2
Blood		2	1		3
Hubbleshaw	2	3	9	1	15
Slander	1		8	2	11
Drinking in service time			6		6
Drunk on Easter Day				2	2
<i>Offences against statute</i>					
Selling drink during divine service	11	8			19
Brewing without license	1		3		4
Abusing the water	4				4
<i>Offences against community</i>					
Byfire	2	1			3
Not fit to dwell in Liberty		2			2
<i>Totals</i>	22	17	28	7	74

But the practice of keeping undertenants continued and the numbers grew larger, ten in 1666 and 23 in 1667.⁵⁵ Furthermore, while previously it had been mainly single men who had been accommodated, now it was entire families. At the court

that met on 6 April 1667 the jury revived an order made in 1576 during the reign of Queen Elizabeth. This forbade any tenant from taking an undertenant unless they fed them and found them work, and it made a tenant liable to be amerced 6s. 8d. if an undertenant was found begging. Interestingly, any money collected by way of ameracements was to be used, with the consent of the lord, towards the relief of the poor in the liberty. By 1668 a bond was required to be entered with the court, by tenants, for each lodger, or else be fined 20s. or have goods distrained.⁵⁶

TABLE 4. Kirkland presentments 1663-78

	1663	1664	1665	1666	1667	1668	1673	1676	1678	Totals
<i>Public order offences</i>										
Assault	1									1
Blood	1	1						2		4
Swinging apparell during divine service					1					1
<i>Failure to meet communal obligations</i>										
Neglecting office of aletaster	1									1
Neglecting office of assessor							1			1
Not repairing highway		1		1						2
<i>Offences against statute</i>										
Dung in street						1	2	1	1	5
Not repairing hedge/wall			1		1	1		1		4
Unauthorised removal of wall		1								1
Blocking up of highway			1				1	1	1	4
Letting stones lie in street									1	1
Defiling the well syke		1			4	4	2			11
Building unauthorised structure							1			1
Unauthorised working in Kirkland		3								3
<i>Offences against community</i>										
Byfire		1	7	10	23					41
For sweeping the street								1	1	2
<i>Totals</i>	3	8	9	11	29	6	7	6	4	83

The practice of taking in lodgers was also a problem for rural manors. At Great Musgrave the number of byfires increased from 13 in 1630-6 to 19 in 1685-93 although there are no records of any special measures to control numbers of undertenants. At Newbiggin, however, where the number of byfires decreased from four in 1616-33 to two in 1678-88, paines (or bye-laws) against taking in lodgers were set by the court. In 1638 tenants were forbidden from taking any "Forriner" into their houses who might have any charge against them or who might otherwise be troublesome to the town.⁵⁷ By 1684 the conditions under which undertenants might be allowed were more strict; no farmers or new tenants were to be admitted "within the p[ar]ish of newbygin (except they farm ten pounds a year) but that they give sufficient bond to secure and keepe the p[ar]ish indempnified upon paine of £1 19s.". There is evidence from the same meeting that other penalties might be awarded against those who took in lodgers without the approval of the court. The jury recorded that while the houses of five tenants had formerly been presented for byfires, "The Lord and his Jury at acourt Laitley holden did allowe to each Cottage above mentioned Two days graveing of Burneing Turves which allowance they shall

not exceed upon paine of 6s. 8d.”⁵⁸ The implication must be that the right to dig for turves had previously been granted.

As was the case at the four rural manors studied here, many of those presented at the Kirkland court were repeat offenders. Of the eight people who sold drink during divine service in 1616, seven had been presented for the same offence the previous October. When William Horne was amerced for a blood against Anthony Yeats at the same court it seems not to have been his first or only offence because the verdict of the jury was that William Horne, his wife and mother-in-law were not fit “to dwell on in the libertie and to voyd away before next martinmas if any of the libertie keepe them for every weeke a vj^s viij^d fine”.⁵⁹ In 1617 Anthony Yeats was amerced for a slander made on the wife of Thomas Stephen and for being involved in a hubbleshow with Charles Stephenson (possibly a relation of Thomas Stephen, for working papers frequently omit name endings).⁶⁰ Between 1615-18, 11 out of 14 categories of offence were connected with drink or personal confrontation; between 1663-78 it was just three out of 16. During the second half of the seventeenth century dunghills, walls in need of repair and contamination of the drinking water supply had become the main pre-occupations of the manorial jury. For laying manure against the church wall, William Gibson was amerced 2s. in 1673, 3s. 4d. in 1676, and 6s. 8d. in 1678. The escalating cost was clearly no deterrent to him. The value of manure in Kirkland at that time may also explain an otherwise obscure issue recorded in the presentments of the jury for 1676 and 1678. On 23 October 1676 Isabell Newbell was presented at the manor court, “for swepping the streett that did and doth bellonge to Widow Eskrigge and William Taylor to Forffett to the Lord for this deffallte 1s. 4d.”. At the same court Isabell Newbell was also presented, “For abusinge Aggnus Tayllor wiffe of William Taylor by strickinge or throwinge hurte in the Face of heer the said Aggnus Taylor to Forffett to the Lord For this deffallt 3s. 4d.”.⁶¹ Two years later on 7 October 1678 the jury presented Robert Nealson and Thomas Beck, “for sweeping the Streete over against the houses of Willm Taylor & Agnes Eskrigge to forfeit to the Lord of the Man[or] 6s. 8d.”.⁶²

It is unlikely that those presented were cleaning the street for the sake of appearance or for public hygiene, they must have offended against a custom or an order of the manor. Furthermore, something of value must have been removed over which Agnes Eskrigge and William Taylor claimed rights. This was probably dung. The presentments and orders of Kirkland manor court during the 1660s make clear that animal droppings in the streets were a nuisance if deliberately allowed to accumulate. Two orders were issued at the court that met on 6 April 1667. The first required those who lay dung “in the land called Abbot Hall to take it away before Whitsuntide next and to lie no more there for time to come upon paine of xij^d as often as default is made”. It seems there was a practice of individuals building dungheaps on the open land around Abbot Hall from droppings in adjacent streets, but whether the dung was to be used or sold by those that collected it is unclear. At the same court the jury referred to an order made on 4 April 1631 requiring four widows to remove manure laid in the streets against their houses and not to “lie any mannure hereafter in any of those places upon paine to forfeit to the Lord for every default the sume of vj^s viij^d except it lie there for leading to their grounds only for tenne days space”.⁶³ In these cases the manure was probably for the use of each of the widows against whom the order had been made and quite likely on land used for

cultivation at the back of the tenements. The court appears to have recognised a practical requirement for dung to be accumulated in the street after collection and before transfer to backlands and allowed a period of ten days for this. It would seem that Agnes Eskrigge and William Taylor regarded any animal droppings that fell in the street in front of their houses to belong to them by right, a view the manor court agreed with.

There are occasions when public order offences that were considered at a manor court provide a glimpse of tensions that might arise in a close-knit community. At Thrimby on 29 October 1652 Jane Walker presented Margaret Webster, the wife of John Webster, for calling her "comon whoure". Jane Walker also presented Margaret Webster for calling her a thief and saying she fed her mother by stealing beef from her godmother's tub. Then John Webster presented Jane Walker twice for slandering him, first by saying that he stole a mare at Uldale which he sold to Martin Rowanson, and second by saying he stole a smoothing iron at Thornthwaite Hall.⁶⁴ In a heated exchange slanders were hurled and accusations made that could only be resolved at the manor court. In this way the disagreement did not come to blows or widen to involve other family members on both sides. Ultimately the only winner was the lord of the manor who collected 3s. 4d. for each of the four presentments.

Unsurprisingly, at rural manor courts agrarian offences always comprised the largest group of presentments. The most frequent were illegal grazing, not maintaining hedges, fences and dykes, and trespass against the lord's rights. A desire to ensure the equitable sharing of resources was behind many of the presentments including those for tethering animals by night or keeping them in the fields before harvest had been completed.⁶⁵ Infringement of the lord's right to hunt may have occurred at Newbiggin when 11 presentments were made for killing swine in 1618,⁶⁶ and 16 for the same offence in 1633.⁶⁷ The presentment of this offence which otherwise scarcely appears in the Newbiggin court records requires explanation. In 1633 Henry Harp was amerced 6d. for killing six swine and, as the other 15 men presented were amerced amounts that varied from 1d. to 12d., it is not unreasonable to assume that offenders were amerced 1d. for each pig they had killed. By this calculation the 16 offenders in 1633 had killed 75 pigs between them and, in 1618, 11 offenders had killed 14. Interestingly, nine of those presented in 1633 were members of the manor court jury that heard the offences. They presumably presented and amerced themselves. Although it is not stated, it may be assumed the animals belonged to the lord of the manor.

One piece of information may suggest that the large number of presentments for killing pigs coincided with the appointment of a new steward who wished to stamp his authority on the manor. In 1616 the steward was Anthony Crackanthorpe but in 1618 it was William Hutton; unfortunately there are no court records between 1623 when Michael Threlkeld was steward and 1633 when Richard Rigge held the office and so it is not known when the latter took up his duties. However, in 1633 there was a 100 per cent increase in presentments for all categories of offences, unlike in 1616 when only presentments for killing swine had increased. Similar increases occurred in the 1630s at Great Musgrave when there was no change of steward and where all categories of offences were up from nine in 1630,⁶⁸ to 26 in 1631,⁶⁹ 36 in 1633,⁷⁰ 16 in 1634,⁷¹ and 22 in 1635.⁷² This suggests the courts were responding to events that were widespread in the community in Westmorland. The prices of

agricultural produce had been rising since the second quarter of the sixteenth century and although the price of grain peaked in the 1640s that of livestock continued to rise until the 1700s. But while poverty may account for the lord's swine having been killed it would not be a reason for the increases in presentments for illegal grazing or failing to grind corn at the lord's mill.

For some misdemeanours the amounts for which offenders were amerced were similar at each of the manor courts. Affray, contacts, bloods and slanders were most often 3s. 4d.,⁷³ though it was twice that amount when the entire jury was defamed.⁷⁴ Byfires were 6s. 8d.,⁷⁵ except on two occasions at Thrimby and once at Great Musgrave when the amount was affeered to 20d.⁷⁶ At the rural manors ameracements for hedges, fences and dykes being in disrepair varied from 3d. to 3s. 4d., though generally below 12d.⁷⁷ Illegal grazing was between 6d. and 20d. except when foreign goods were involved when it 3s. 4d.⁷⁸ Fishing without license was 6d. at Newbiggin,⁷⁹ but 3s. 4d. at Great Musgrave.⁸⁰ At Kirkland being drunk in time of divine service incurred a penalty of 12d. unless it was Easter Day when the amount was 16d.⁸¹ Brewing without a licence cost 6s. 8d.,⁸² which makes Ann Clarke's amercement of 9s., for swinging her apparel in time of divine service, appear excessive.⁸³ Of course, this may be a euphemism for soliciting. It is of interest that Anne Clarke's offence and the prosecutions for drink related offences during time of divine service should have been dealt with at the manor court and not at an ecclesiastical court. Church courts had experienced something of a revival since the late-sixteenth century and commonly dealt with such matters as dancing, playing games and drunkenness during service time as well as with sexual offences.⁸⁴ Perhaps the religious climate of the day made little distinction between social regulation and ecclesiastical discipline and it is likely that church ministers expected the lay hierarchy of magistrates, constables and manor officials to uphold Protestant standards. Furthermore, ecclesiastical courts could only issue religious penalties such as penance and in extreme cases excommunication; the financial penalties of the civil authorities were probably a greater deterrent to people such as Anne Clarke.

Many of those presented at a manor court had offended against local regulations known as paines, or bye-laws. Paines, and the penalties for breaching them, were set by a manorial jury and comprised a growing body of local law. Although extensive lists of paines exist for some manors,⁸⁵ those discussed here are recorded only in the court roll or verdict sheet for the meeting at which they were set. Paines were a response to events in a community and by which a manor court could attempt to regulate the behaviour of tenants and (at the four rural manors) maintain the agricultural infrastructure. Some of these are reflected in the presentments and have been referred to above, such as those concerned with prohibiting unauthorised lodgers. There is a total of 22 such paines in the records of the five manor courts studied here and many were clearly seeking to address recent incidents.

For example, the well sike at Kirkland provided the community with drinking water and the number of presentments for washing in it reflects the court's concern to prevent pollution.⁸⁶ When ducks posed a threat to the purity of the water supply a new paine was set, as it was considered ducks "alowed to goe into the wellsike to be a prejudice to it for every such default 6d."⁸⁷ All of the paines in the records of the Great Musgrave court were concerned with the agricultural round. Of particular concern in 1634 was protection of crops in the "closed season" between spring and

late summer when stock was turned onto rough pasture beyond the head-dyke that separated farmland from moorland.⁸⁸ Two paines were set, the first forbidding any horse from going “thourgh blande graound be twixt the ladie day in lent & martinmas day upon paine of vj^s viij^d”, and the second instructing tenants of Little Musgrave to “neithor bring no hay nor drive no goode from the closes Called the mires nor through the towne intack betwixt mid aprill day and michelmas day upon paine of vj^s viij^d”. All rural manors had such bye-laws to keep stock out of fields while crops were growing and to control grazing after the harvest of corn and meadow grass.

A paine set at Thrimby was also concerned with animals entering the fields during the growing season and required the town field walls to be repaired.⁸⁹ At Great Musgrave the cutting of turves on an area of the common was forbidden until further notice, perhaps to allow the peat to re-establish after having been over cut.⁹⁰ At Crosby Ravensworth there was concern about peat from the manor being sold outside the community and a paine “sett downe thatt no tennant or occupier within this lordshipp shall frome henceforthe give sell or anie waie passe over unto anie person or personns which are not inhabitinge within this lordshipp anie peats turves or linge upon paine of everie defaultt iij^s iiij^d”.⁹¹

All but two of the 22 paines are concerned with addressing issues that would have been raised from within the body of tenants. There are two paines, however, that were laid in order to protect the interests of the lord of the manor. They were both set by the Newbiggin jury in 1638.⁹²

Alsoe if any tennant have any geese pigge Chickins or any other small Comodities to sell that they may not sell them unlesse they offer the same first to be sold att their Lords howse either to himselfe or some other whom he shall Appoint upon Payne of iij^s iiij^d

Alsoe that no Tennant shall sue or p^rsecute anything out of this courte (Excepte it be for Blood or In the kings behalfe) without Liscence of the Lord he keepinge Court once in the yeare upon payne of xx^s

The paines were presumably set at the command of the lord. Of the two, it is the paine against taking a prosecution to another court that is of most interest. The fact that such a paine was necessary suggests that manorial tenants had been seeking justice elsewhere than at the manor court for matters over which the lord claimed jurisdiction. The paine recognises that among offences that should not be taken to the lord's court were “bloods” and indeed there is no record of this offence among any of the Newbiggin court records examined. The offence was, however, taken to the manor courts of Great Musgrave in 1631 and Kirkland in 1616, 1617 and 1618 and again in 1663, 1664 and 1676.

As has been established, an undifferentiated court was held at each of the four rural manors and so any distinction between the lord's court and the king's court at Newbiggin was in the minds of those attending and in the accounts rendered. The court to which the “blood” was taken at Great Musgrave in 1631 was described as “Curia barronis”, a court from which the offence had been specifically excluded at Newbiggin; and while at Kirkland a “Court leet with frankpledge and baron” was held, “bloods” were always taken to the jury for the lord and never to the jury for the king.

There is an overwhelming impression that the title of the courts changed for no

reason and that they did not define the extent of the courts' authority or the business that might be conducted. The concern of the lord at Newbiggin in 1638 was to preserve his own rights and the specific exclusion of prosecutions for "Blood or In the kings behalfe" was perhaps not so much to protect royal prerogatives as to define his own.

The only alternative to taking prosecutions to a manor court was to take them to Justices of the Peace. The judicial and administrative duties of Justices of the Peace had been greatly increased under the Tudors and by the end of Elizabeth I's reign 309 statutes were in place. After the Restoration of Charles II the authority of the Justices was increased even further. However the cost of taking a prosecution to Petty Sessions, the monthly meeting of Justices for their county, would have been more costly than taking it to a manor court. Yet if manorial tenants had greater faith in the Petty Sessions than the manor courts it would have been a preferred option.⁹³ The county town of Westmorland was Appleby, at no great distance along the Eden valley for tenants of the four rural manors, and it was there that Petty Sessions were held. Unfortunately the records of their meetings in the seventeenth century have not survived and comparison of the numbers of cases heard by the Justices and at the manor courts is not possible.

The manor court was the forum in which decisions could be taken in the common interests of all tenants. By presenting offenders against the customs and bye-laws of the manor, the jury and other officers could help to maintain stability in the community by resolving disputes, punishing anti-social behaviour, and ordering undesirable persons to leave the manor. When new offences occurred, or when there was no precedent for responding to certain actions, a jury could introduce bye-laws against them happening again. Importantly, the lord of the manor could use the tenant's court to safeguard his own rights and privileges.

Pleas

Pleas were civil actions brought by one individual against another at a manor court which were not sufficiently serious to be heard at an assize court. The actions were most commonly for debt, lent money and trespass (Table 5). The nature of an action for debt is not always specified but can include the cost of an axe,⁹⁴ a cheese,⁹⁵ and a pair of boots.⁹⁶ Actions for trespass include the wrongful occupation of a messuage,⁹⁷ and for animals damaging or eating a crop.⁹⁸ Actions for "lent money" were frequent and may also have occurred as unspecified actions for debt.⁹⁹ The largest sums involved were 42s. 9d. and 42s. 8d. for debt at Kirkland manor court on 21 October 1652, but otherwise sums did not exceed 40s.¹⁰⁰ The analysis of pleas is made difficult by a large number of unspecified actions for debt that could include many more examples of a plea type that might be specifically identified on only one occasion. Debt accounts for 63 per cent of the pleas at all courts in the study and this rises to over 70 per cent if lent money and wages are included. The next highest were pleas of trespass at just over 10 per cent.

According to published manuals on how to conduct proceedings at a manor court, there should be one jury for a court baron that upheld the lord's interests and the customs of the manor, and another jury for a court leet to try alleged breeches of civil law.¹⁰¹ However, Crosby Ravensworth, Great Musgrave, Newbiggin and

Thrimby each held an undifferentiated manor court for there is evidence that only one jury was ever sworn at each court.¹⁰² First, when more than one list of jurors is present for the same meeting of a court any difference between the lists is usually of only one or two names. Such small differences probably represent the process of jury selection with some people selected and then rejected or else being unavailable. Second, the jury names for Thrimby court in 1653 are entered on the court roll and the same jury names repeated on a separate sheet with the rubric “Thrimby Court Baron” followed by the plea verdicts.¹⁰³ Third, both pleas and presentments occur on the same document for the court held at Newbiggin on 28 November 1687 for which there was but one jury.¹⁰⁴ At Kirkland manor court, however, there was a different procedure. At a court baron a jury “for the lord” heard all the business of the court except for pleas that were heard at a court leet by a separately constituted and sworn jury “for the king”. For example, the court roll for 11 October 1652 is headed, “The Court Leet view of Frank pledge & Court Baron of Allan Bellingham”, and an attached sheet contains the names of the “Lords Jury” and a separately constituted “Jury for Tryalls”.¹⁰⁵ The procedure for entering a plea was the same at all the courts. A plaintiff gave notice in advance of a court meeting of any plea they wished to enter. A court clerk, or possibly the steward, wrote it down and the steward added his signature or his initials.¹⁰⁶ Sometimes pleas were written individually, or in two’s and three’s, on a slip of paper and later transferred to a single sheet; on occasions up to 35 pleas were written on a sheet of paper.¹⁰⁷ These working papers suggest there were instances when all pleas were notified at the same time, perhaps at a time and place arranged by a clerk, and other occasions when they were notified in an *ad hoc* manner. While presentments were always written in English at all of the manor courts, pleas were entered in Latin, in English, and in a mixture of Latin and English. The clerk who wrote out the pleas for the court held at Newbiggin on 2 October 1618 did so entirely in Latin for 11 pleas for debt. He used a formula in which only the names and the amount claimed differed in each case, for example, “Xpoforus Askewe queritur de Agnete Bleymire in pl[ac]ito debiti sup[er] demand[am] quatuor denar[i]”. The clerk could Latinise personal names, knew Latin for pence and shillings and he could count. However, when Agnes Blaymire complained that pigs belonging to Christopher Askewe had eaten her corn he had to revert to English when the formula ran out, “Agnes Bleymire queritur de xperforo Askewe in pl[ac]ito transgr[essi] for eating her corne with his swyne”.¹⁰⁸

The basic elements of a plea that were common to all manors were the name of the plaintiff, the name of the defendant, the nature of the plea and the amount claimed. Additional elements were whether goods belonging to the defendant had been arrested pending the outcome of the case, and whether the defendant had a pledge. It is not stated precisely how goods were arrested, whether livestock were impounded and items of value removed from the control of an accused, or whether an instruction of the court not to dispose of certain items was sufficient. A pledge stood surety for a defendant in respect of the amount claimed against him; indeed the term surety and not pledge is frequently used.¹⁰⁹ At Kirkland on 11 October 1652 the pledges are described as having provided bail, which may mean the defendants retained possession of any goods that might otherwise have been arrested.¹¹⁰ A pledge is only mentioned once at Crosby Ravensworth and at Great Musgrave,¹¹¹ and none are recorded at Newbiggin and Thrimby. They were,

TABLE 5. Plea types at all manors

	<i>Crosby Ravensworth</i> 1589-1608	<i>Great Musgrave</i> 1630-39	<i>1685-91</i>	<i>Newbiggin</i> 1612-33	<i>1678-87</i>	<i>Thrimby Kirkland</i> 1652-3	<i>1616-18</i>	<i>1652-68</i>	<i>Totals</i>
Debt	15		28	15	25	10	66	40	199
Lent money	1			16			4		21
Feast silver				1					1
Wages				2			3		5
Labour owed				2					2
Arrears			1						1
Due on an order		1							1
Breach of covenant	1	1							2
Not delivering up a bill		1							1
Taking and detaining								1	1
Land		1							1
Trespass	1	2	1	18	5	1	1	1	30
Corn	3	5	1	7					16
Malt		1					1		2
Livestock	1	4	1	5					11
Dung				2					2
Agricultural implements	2								2
Detinue					1		4		5
Wood				1					1
Lime		1							1
Wool		1							1
Wares				1					1
Breeches				1					1
Boots							1		1
Leather				1					1
Cheese				1					1
Drink							1		1
Tithe			1						1
Wager							1		1
<i>Totals</i>	24	18	33	73	31	11	82	42	314

however, common at Kirkland though the use of a pledge decreased throughout the seventeenth century. They were used in 40 per cent of the pleas between 1616-18, in 25 per cent between 1652-3 and in 11 per cent between 1663-8.

Five individuals acted as pledge on 18 of the 32 occasions that pledges were used at Kirkland in 1616-18. The frequency with which John Cleasby (five times), Perivale Walker (four times), William Walker (four times) and Edward Wilkinson (three times) performed that function suggests they may have acted in a paid (professional) capacity. John Cleasby also served on both the jury for the lord and the jury for trials and was foreman of each. He was clearly a man of some standing in the community. William Walker also served on both juries and Percival Walker and Edward Wilkinson on the jury for trials. There was, surprisingly, one woman pledge in a society in which men dominated public duty.¹¹²

As has been described, pleas were written out to a common format before courts met; they were added to during or after the proceedings because decisions of a court are frequently recorded as annotations and marginal notes. The processes by which a jury arrived at a decision are unknown but certainly included whether a defendant acknowledged the truth of the action, and whether a plaintiff was prepared to accept

any compromise on a claim offered by a defendant. A plea of debt for corn at Great Musgrave has a marginal note “confessed”,¹¹³ and a plea of debt of 8d. at Kirkland on 14 October 1616 records the defendant “confest” 4d.¹¹⁴ These marginal notes were written in a different and always less educated hand to that which drew up the pleas. This suggests it may have been a jury member who was responsible for the annotations. The notes also reveal that actions were sometimes resolved between the parties after a plea had been entered and before, or at, the court meeting. A plea for debt at Kirkland court is annotated “agreed”,¹¹⁵ and at Newbiggin “p[ar]tes concordantum”.¹¹⁶ There are also many examples of a plea having been annotated “non sutt” (non suit) and the absence of any other marginal notes suggests that the suit had been withdrawn before a court met. The cost to a plaintiff of obtaining justice is occasionally specified in an award made by a jury and may also be recorded in the marginalia. Both the engrossed roll and working papers survive for the Newbiggin court that met on 20 July 1636. On the engrossed roll a plea for not delivering up a bill for 36s. 8d. has the marginal note, “The pl[ain]t[iff] recov[er]s chardges of Court, and the bill to be delivered up”, and the working paper for the same plea is annotated, “and Recovers his Charges that he layeth out to the Court vj^d”.¹¹⁷ At Crosby Ravensworth on 13 June 1597 the figure “2” has been entered in the margin against each of seven actions for debt. In one case it is recorded that the jury found for the plaintiff in a plea of debt for “diverse things” and that the defendant “hath covered xx^d and the reste is put to order”. The other six pleas are annotated “put to order”. The figure “2” may be the amount paid into the court by each plaintiff for his action to be heard by the jury.¹¹⁸

It was obviously in the interests of all parties that actions should be resolved by mutual agreement rather than by a jury verdict that one party may have considered unfair and which the court would have had to enforce. At Thrimby there is record of a court having been notified that awards made by a previous jury had been recovered. The court that met in 1659 recorded four such cases including, “Recovered of John Miles by John Webster for trespass in his Corne the summe of foure shillings by the oaths of Margaret Tompson and Annas Smith”.¹¹⁹ On each occasion the witness or witnesses had different surnames to the parties in the action. It seems independent testimony was required that an order of a jury had been carried out. Furthermore, it may have been a defendant who notified a court when he had paid a sum awarded by a jury as a plaintiff would have had no need to produce witnesses to the fact. If parties were unable to reach an agreement, either before a court met or when a plea was presented to a court, the jury would deliver a decision and if it were in favour of the plaintiff an award was made. There is no indication among the court records that a jury heard the testimony of witnesses, as it certainly did for some presentments. Perhaps for actions involving lent money a receipt was produced, and for actions involving goods or livestock the possession of the items was sufficient proof. If a defendant denied the possession of goods the court might have reasoned the plaintiff, if a craftsman or tradesman, would hardly improve his business prospects by falsely accusing members of the community in which he lived and worked.

The decision of a jury is sometimes noted in the margin as, “for the plaintiff”,¹²⁰ or “pr[e]cept[um] [est]” (“it is ordered”) indicating a jury had issued an order that a certain sum should be paid to the plaintiff.¹²¹ Frequently a lesser amount than that

entered on the plea was awarded and the difference could be considerable. A Newbiggin jury awarded 6s. in a plea of 17s. for wares that had not been paid for, and 4d. in a plea totalling 4s. 10d. for half a peck of rye meal, one hen and twenty day's grass for a nag.¹²² Alternatively a jury might give a defendant time in which to pay a debt, as on 13 June 1597 at Crosby Ravensworth when John Atkinson was given until Lammas Day (1 August).¹²³ At Great Musgrave, just as the manor jury used the court to present the lord for default in his responsibilities, so the lord used the manor court to pursue claims for debt. On the first occasion he complained of Thomas Breakes for 34s. 6d. and a marginal entry records "Recovers all".¹²⁴ On the second occasion he was successful in a plea of 14s. against Richard Breakes.¹²⁵

There are numerous examples of failed actions. At Crosby Ravensworth, for example, a plea of debt in 1589 is annotated "fall", and another in 1597 "fallen in his own plea".¹²⁶ To dissuade false or frivolous pleas some courts may have fined a plaintiff for bringing an action that failed. At Great Musgrave a failed plea is annotated "4d. a fall", showing that the plaintiff was fined on the spot.¹²⁷ Interestingly, at Thrimby false pleas were dealt with as presentments at a later court, as in 1657 when three people were each amerced 2d., for "a court fall".¹²⁸ Individuals, however, seeking redress against those who had falsely presented them took action in the pleas court. At Newbiggin court on 31 July 1613 John Smith complained of Albany Stable for entering a plea against him for trespass after "giveinge him leve in kirkby thure fielde w[ith] his horse & then mercieng him".¹²⁹ The verdict is not recorded. The reason why a plea at Thrimby that ended in a "court fall" resulted in the jury pursuing the matter as a presentment is probably because Thrimby manor held an undifferentiated court. It would be of interest to learn how a court with separate juries for presentments and pleas, such as Kirkland, would have dealt with such cases.

Conclusions

Although tenurial authority resided in the lord of the manor there is little evidence for his active involvement in the running of any of the five manors save on rare occasions to protect his personal interests or at the request of his tenants. Out of 340 presentments to the four rural manor courts, 269 were directly the concern of tenants and affected their relations with one another, the structures they themselves managed in order to regulate manorial affairs, and the maintenance of the agricultural infrastructure. Out of 62 presentments for infringement of the lord's rights, 28 were for one offence committed as a collective act when tenants killed the lord's swine.¹³⁰ The lord of the manor does not figure greatly in many of the court records other than as the person in whose name a court was held. When he does appear briefly in the proceedings of the manor courts of Great Musgrave, Newbiggin and Kirkland the nature of his involvement is different at each place. At Great Musgrave the jury was sufficiently confident of its own authority to present the lord on three separate occasions.¹³¹ On two occasions he was presented along with his tenants for failing to thatch the manor mill and the jury may have taken a view that if the lord did not make his proper contribution to its upkeep it would be difficult to ensure manorial tenants made theirs. The manorial jury clearly believed they had the right to present the lord for failing to meet his communal obligations and to penalise

him accordingly. This suggests the tenants at Great Musgrave regarded the manor court as a vehicle for self-assertion as well as being a conservative institution through which the *status quo* might be protected.

At Newbiggin the court twice issued paines to assert the lord's rights, presumably at the demand of the lord.¹³² Both paines were laid in an attempt to ensure that tenants of the manor performed certain functions that were to the lord's economic advantage. The first prevented the sale of particular livestock raised on the manor other than to the lord without his approval. This was a measure most likely to have been to the economic disadvantage of tenants as the lord would undoubtedly not have paid a market rate for the animals. The second was to aver his judicial rights in order that he could enjoy the proceeds of justice. In these paines the lord of the manor is seen exercising control and influence over his tenants through manorial institutions. At Kirkland, the jurors of the manor court looked to their lord on two occasions to take decisions on matters they did not know how to bring to a conclusion. In both cases a jury was uncertain of what penalty to impose in matters relating to appointment of officers of the court.¹³³ There is a suggestion here of a closer involvement in the conduct and decisions of the Kirkland court than is apparent in the records of the other manors studied.

There is, then, no evidence that manor courts primarily served the interests of the lord. The business of the manor courts was overwhelmingly the concerns of tenants, initiated, discussed, investigated and decided upon by tenants. Those who served as jurors and officers of the court were ultimately responsible to the wider community in which they lived. The relatively small pool of tenants from which jury-men and other court officers were appointed (typically between 30 per cent and 60 percent of those on the call roll) resulted in the same individuals repeatedly serving as jury members and officials of the manor, and for periods of time certain families dominated these positions. Although most manor courts were governed by oligarchies (an exception being the urban manor of Kirkland) there is no evidence that self-perpetuation in office was used for personal or family advantage or to pursue a vendetta against others or to hand out unjust verdicts. The manor court records reveal most jurors and court officers to have taken their responsibilities seriously. They acted on behalf of the community to maintain the infrastructure of the manor and to discourage and punish offenders.

The number and nature of presentments at Great Musgrave and Newbiggin in the first four decades of the seventeenth century show both courts to have been an important part of communal life. They were active in the resolution of conflicts and the punishment of misdemeanours; they were concerned to maintain the fabric of the landscape and to protect the resources of the manor. The concerns of the manor court at Kirkland between 1615 and 1618 were very different. Presentments were almost entirely for public disorder, acts of violence and drunkenness. The manorial records for the Great Musgrave and Newbiggin courts in the 1670s and 1690s show the character and number of presentments to have changed from the earlier period. The protection of the lord's rights had ceased at Great Musgrave and there were fewer agrarian offences at both courts. Overall the total number of presentments at each court was more than halved. Presentments at Kirkland in the 1660s and 1670s, also down in yearly numbers from the second decade of the seventeenth century, were mainly for polluting or blocking the streets and watercourses and for taking

unauthorised tenants. There was a growing population of urban poor. While presentments at the rural and urban manor courts were different in character, they were in all probability not unconnected. The fall in the number of presentments for agrarian offences, especially at Great Musgrave in 1685-93, may be taken to indicate fewer and larger agricultural holdings and the enclosure of open fields. This could have displaced some manorial tenants who drifted to the towns in search of employment.

Between the late-sixteenth and late-seventeenth century the manor court was increasingly a vehicle for tenants to regulate society in their own interests rather than to safeguard the rights and privileges of the lord. The Civil War was a watershed for the powers of the early modern manor court although it continued to be a forum for obtaining justice and resolving issues of common concern throughout the seventeenth century. However, this cannot be taken as a general model for manor courts elsewhere in the north-west of England, far less elsewhere in the country. There was no such thing as the manor court; there were manor courts and each functioned according to its own procedures, customs and bye-laws.

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Notes and References

- ¹ M. Bailey, *The English Manor c.1200-c.1500* (Manchester University Press, 2002), 18.
- ² P. D. A. Harvey, *Manorial Records* British Records Association, Archives and the User No. 5, (Revised ed., London 1999), 57.
- ³ C. Harrison, "Manor Courts and the Governance of Tudor England", in C. Brooks and M. Lobban (eds.), *Communities and Courts in Britain 1150-1900* (Hambledon Press, London, 1997), 43-59.
- ⁴ R. S. Dille, "The Cumberland court leet and the use of common lands", *CW2*, lxxvii, (1967), 132.
- ⁵ A. J. L. Winchester, *The Harvest of the Hills* (Edinburgh University Press, 2000), 148-51.
- ⁶ R. Faith, *The English Peasantry and the Growth of Lordship* (Leicester University Press, 1997), 57-9.
- ⁷ F. E. Harmer, *Anglo-Saxon Writs* (2nd ed., Paul Watkins, Stamford, 1989), 407.
- ⁸ *Ibid.*, 74-5.
- ⁹ *Ibid.*, 225.
- ¹⁰ *Ibid.*, 78.
- ¹¹ G. Jacob, *The Compleat Court-Keeper* (8th ed., London, 1819), 101-8 and 111-18.
- ¹² Winchester, *Harvest*, 35-7.
- ¹³ Harvey, *Manorial Records*, 45-6.

- 14 CRO(K) WD/Crk/M5/82; 87; 89.
 15 CRO(K) WDX/88/M4/5 June 1685.
 16 Harvey, *Manorial Records*, 64.
 17 CRO(K) WDX/88/M3.
 18 Winchester, *Harvest*, 37.
 19 CRO(K) WD/Crk/M5/23.
 20 Levens Hall Mss [hereafter LH/Mss] Box3/4.
 21 CRO(C) D/Lons/L/5/2/7/22.
 22 CRO(C) D/Lons/L/5/2/21/7.
 23 CRO(K) WD/Crk/M5/89.
 24 R. Lennard, "Early Manorial Juries", *English Historical Review*, lxxvii, (1962), 511-18. King, *Leet Jurors*, 311. Winchester, *Harvest*, 40-2.
 25 Winchester, *Harvest*, 41.
 26 King, *Leet Jurors*, 311.
 27 Winchester, *Harvest*, p. 41.
 28 CRO(K) WDX/88/M3/17 May 1631.
 29 CRO(K) WD/Crk/M5/54.
 30 CRO(K) WDX/88/M3/9 March 1633.
 31 CRO(K) WD/Crk/M5/29; 82.
 32 LH/MSS/Box3/3/11 October 1652; Box3/4/5 October 1663.
 33 CRO(K) WDX/88/M4/14 October 1689.
 34 LH/MSS/Box 3/4/21 October 1673.
 35 LH/MSS/Box3/4.
 36 W. E. Tate, *The Parish Chest* (3rd ed., Phillimore, Chichester, 1983), 176-87.
 37 W. J. King, "Vagrancy and Local Law Enforcement: Why Be a Constable in Stuart Lancashire?", *Historian*, xlii (1980), 264-83.
 38 LH/MSS/Box3/4.
 39 CRO(K) WD/Crk/M5/107.
 40 CRO(K) WD/Crk/M5/105.
 41 LH/MSS/Box3/4/23 October 1676.
 42 LH/MSS/Box3/4/21 October 1673.
 43 CRO(K) WD/Crk/M5/101.
 44 CRO(K) WD/Crk/M5/103.
 45 CRO(K) WDX/88/M3.
 46 CRO(K) WDX/88/M3.
 47 CRO(K) WDX/88/M3/17 May 1631.
 48 CRO(K) WDX/88/M3/14 November 1634.
 49 CRO(K) WDX/88/M3/20 July 1636.
 50 Dilley, *Cumberland*, 133-135. It should be noted that Dilley was interested only in the use of the commons and common fields.
 51 Winchester, *Harvest*, 37-40.
 52 LH/MSS/Box3/3/11 October 1615; 14 October 1616.
 53 LH/MSS/Box3/4/20 October 1665.
 54 LH/MSS/Box3/4/20 October 1665.
 55 LH/MSS/Box3/4/9 October 1666; 6 April 1667.
 56 LH/MSS/Box3/4/19 October 1668.
 57 CRO(K) WD/Crk/M5/39.
 58 CRO(K) WD/Crk/M5/98.
 59 LH/MSS/Box3/3/14 October 1616.
 60 LH/MSS/Box3/3/Michaelmas 1617.
 61 LH/MSS/Box3/4.
 62 LH/MSS/Box3/4.
 63 LH/MSS/Box3/4.
 64 CRO(C) D/Lons/L5/2/21/3.
 65 CRO(K) WDX/88/M3/17 May 1631.
 66 CRO(K) WD/Crk/M5/27.

- ⁶⁷ CRO(K) WD/Crk/M5/36.
⁶⁸ CRO(K) WDX/88/M3/May 1630.
⁶⁹ CRO(K) WDX/88/M3/17 May 1631.
⁷⁰ CRO(K) WDX/88/M3/28 March 1633.
⁷¹ CRO(K) WDX/88/M3/14 November 1634.
⁷² CRO(K) WDX/88/M3/2 July 1635.
⁷³ CRO(K) WD/Crk/M5/91.
⁷⁴ CRO(K) WDX/88/M4/8 February 1688.
⁷⁵ CRO(K) WDX/Crk/M5/102.
⁷⁶ CRO(C) D/Lons/L/5/2/21/10; CRO(K) WDX/88/M3/20 July 1636.
⁷⁷ CRO(K) WD/Crk/M5/27; 29; 35; 36.
⁷⁸ CRO(C) D/Lons/L/5/2/21/9.
⁷⁹ CRO(K) WD/Crk/M5/35.
⁸⁰ CRO(K) WDX/88/M4/14 November 1634.
⁸¹ LH/MSS/Box3/3/11 October 1615; 16 April 1618.
⁸² LH/MSS/Box3/3/11 October 1615.
⁸³ LH/MSS/Box3/3/6 April 1667.
⁸⁴ R. Houlbrooke, *Church Courts and People during the English Reformation* (Oxford, 1979), chs. 1, 7, 8.
⁸⁵ Winchester, *Harvest*, 37-9 and Appendix 1.
⁸⁶ For example, LH/MSS/Box3/3/11 October 1615.
⁸⁷ LH/MSS/Box3/4/9 October 1666.
⁸⁸ CRO(K) WDX/88/M3/14 November 1634.
⁸⁹ CRO(C) D/Lons/L/5/2/21/4.
⁹⁰ CRO(K) WDX/88/M4/9 October 1689.
⁹¹ CRO(C) D/Lons/L/5/2/7/30.
⁹² CRO(K) WD/Crk/M5/39.
⁹³ K. Wrightson, *English Society 1580-1680* (Routledge, London, 1998), 152-6.
⁹⁴ CRO(C) D/Lons/L/5/2/7/25.
⁹⁵ CRO(K) WD/Crk/M5/23.
⁹⁶ LH/MSS/Box3/3/16 April 1618.
⁹⁷ CRO(C) D/Lons/L/5/2/7/25.
⁹⁸ CRO(K) WDX/88/M3/May 1630; CRO(K) WD/Crk/M5/27.
⁹⁹ CRO(K) WD/Crk/M5/27.
¹⁰⁰ LH/MSS/Box3/3.
¹⁰¹ Jacob, *Court-Keeper*, 101 and 111.
¹⁰² For example, CRO(K) WDX/88/M4/2 June 1693; CRO(K) WD/Crk/M5/102.
¹⁰³ CRO(C) D/Lons/L/5/2/21/4.
¹⁰⁴ CRO(K) WD/Crk/M5/105.
¹⁰⁵ LH/MSS/Box3/3.
¹⁰⁶ CRO(C) D/Lons/L/5/2/21/4; CRO(K) WDX/M4/22 July 1687; Levens MSS/Box3/3/14 October 1616
¹⁰⁷ LH/MSS/Box3/3/16 April 1618.
¹⁰⁸ CRO(K) WD/Crk/M5/27.
¹⁰⁹ For example, LH/MSS/Box3/3/14 October 1616.
¹¹⁰ LH/MSS/Box3/3.
¹¹¹ CRO(C) D/Lons/L/5/2/7/22; CRO(K) WDX/88/M3/17 October 1633.
¹¹² LH/MSS/Box3/3/16 October 1617.
¹¹³ CRO(K) WDX/88/M3/29 November 1631.
¹¹⁴ LH/MSS/Box3/3.
¹¹⁵ LH/MSS/Box3/3/16 October 1617.
¹¹⁶ CRO(K) WD/Crk/M5/23.
¹¹⁷ CRO(K) WDX/88/M3.
¹¹⁸ CRO(C) D/Lons/L/5/2/7/25.
¹¹⁹ CRO(C) D/Lons/L/5/2/21/14.
¹²⁰ CRO(C) D/Lons/L/5/2/7/25.
¹²¹ CRO(K) WDX/88/M4/16 October 1689.
¹²² CRO(K) WD/Crk/M5/25.

- ¹²³ CRO(C) D/Lons/l/5/2/7/25.
¹²⁴ CRO(K) WDX/88/M4/22 July 1687.
¹²⁵ CRO(K) WDX/88/M4/16 October 1689.
¹²⁶ CRO(C) D/Lons/L/5/2/7/22; 25.
¹²⁷ CRO(K) WDX/88/M3/May 1630.
¹²⁸ CRO(C) D/Lons/L/5/2/21/2.
¹²⁹ CRO(K) WD/Crk/M5/24.
¹³⁰ CRO(K) WD/Crk/M5/27; 36.
¹³¹ CRO(K) WDX/88/M3/17 May 1631; 14 November 1634; 20 July 1636.
¹³² CRO(K) WD/Crk/M5/39.
¹³³ LH/MSS/Box3/4/20 October 1665; 21 October 1673.