

<sup>4</sup>J. Knight, 'A 12th-century stone lamp from Llangwm Uchaf Monmouthshire', *Med. Archaeol.*, XVI (1972), p 130-3.

<sup>5</sup>Mogens Bencard, 'Middelalderlige Stenmortere i Danmark', *Kuml* 1971, p.47, fig. 16.

<sup>6</sup>Museum of London no. 5045. The stone of this mortar was examined in 1973 by Dr. F. W. Anderson and identified as Sussex marble.

<sup>7</sup>The notes and archive of Dr. G. C. Dunning are kept in the Department of Medieval and Later Antiquities, British Museum.

<sup>8</sup>*Sussex Notes and Queries*, II (1928-9), p. 224.

<sup>9</sup>British Museum (reg. no. 67, 3-40, 4). R. L. Hobson, *Catalogue of English Pottery in the British Museum*, (1903), p. 66, B67.

<sup>10</sup>British museum (reg. no. 1970, 5 - 1, 1). This mortar was first identified by Mr. Tony Rook and was subsequently given by Mr. J. Wallace to the British Museum. The mortar was drawn by Miss M. O. Miller.

## THE DISPUTE OF THE SALT FEN

by E. M. Yates, Ph.D., M.Sc.

The Priory of Lynn, a cell of the great Benedictine abbey of Norwich, was granted by the Prior of Castleacre the estate of Haveless at a rent of 20s a year, and land in Mintlyn of the same value.<sup>1</sup> In 1438-9 the Haveless lands were worth £6 a year, with fuel (presumably peat) worth £1-9s. In the accounts of the last abbot Edmund Drake (alias Edmund Norwich) the Mintlyn lands were rented by Thomas Thoresby but he had not paid his rents. In the *Valor Ecclesiasticus*<sup>2</sup> no mention is made of Lynn Priory except for the payment of £2-4-4 to Edmund Farewell the bailiff of its lands. After the dissolution the Haveless lands were bought by Thomas Thoresby and he came into conflict with the men of Middleton over the ownership of Salt Fen situated between Middleton and Haveless. Thomas Thoresby came of a rich Lynn family. His grandfather was mayor in 1437, 1442, 1443 and 1453. His father was a mayor in 1477, 1482 and 1502, and his father's will, evidence of the wealth of the family, is given by G. Eller in his *Memorials of West Winch*.<sup>3</sup> The Thomas Thoresby of the quarrel with the men of Middleton is described as a country gentleman,<sup>4</sup> but this dispute was not isolated. He was accused before the Star Chamber in 1535 of attacks on Adam and Ann Foster of Gayton in a dispute over lands<sup>5</sup> and similarly in 1537 for assaults on Nicholas Gurling of Grimston.<sup>6</sup> He was sufficiently eminent in the life of the county to be one of the group of Norfolk gentlemen selected to meet Anne of Cleves at Sittingbourne in 1540, together with William Paston and Sir Edward Knyvet.<sup>7</sup>

### *The controversy*

This is best explained by reference to the map prepared c.1550 for the hearings in the Star Chamber<sup>8</sup> (fig. 1) and the modern six-inch map (fig. 2). The land alleged to have been enclosed by Thoresby is to the north of Middleton Stop Drain. The new dyke cut by him is followed by the parish boundary. The disputed land had been isolated by this cut, the area centreing on TF 660181. According to the details on the documents which originally accompanied the map the boundaries of the disputed land were Haveless to the north, the King's highway to the east (Calseye = causeway), Mintlyn Marsh to the west, and the lands of the Countess of Oxford to the south.

The map was prepared for the Star Chamber proceedings but the matter had been raised previously in the Court of Requests in 1548.<sup>9</sup> The complaint (nominally to the crown but including a plea to Somerset), was made by a group of thirty-two men led by Thomas Fincham of West Winch, gentleman. Only six were able to sign the complaint, the remainder making their marks. Only a few were

living in Middleton in 1548 but all knew the fen, and they added to their complaint that all the inhabitants of Middleton supported their statements.

According to them the fen was 100½ acres and had always been common to Middleton, but used also by Runcton, West Winch, Setchey and Hardwick. Thoresby, dead by the time the complaint was made, had enclosed eight years before, that is in 1540, a year after Lynn Priory was dissolved. Depositions were taken on 25 April 1549 before Sir Nicholas Lestrangle, Sir Thomas Hollys, Edward Beawpre<sup>10</sup> and John Dethyk. The depositions were made by the complainants, all stating how long they had known the fen. At the head of the list was John Winter of Stow Bardolph, aged 100, who had been brought up in Middleton until he was 23, and had known the fen for 80 years. Most gave details of how the fen had been used, described below, but Thomas Baker of Hardwick added the information that the Commissioners for Sewers had inspected the river below 'Tower Bridge' fourteen years before. Thoresby had been present and had agreed the boundaries.

The complaint to the Star Chamber was made by Thomas Lightfoot, Thomas Berwell, (normally 'Barwell'), Robert Forster, John Barwell and others. In the complaint to the Court of Requests the plaintiffs came from several villages but these men were all from Middleton. Three appear in the 1544-5 subsidy rolls, Thomas Lightfoot, Thomas Barwell and John Barwell, the last two named being paying the highest tax in the village.<sup>11</sup> As with the Court of Requests hearing, so too with the Star Chamber proceedings, depositions were taken from witnesses. The witnesses included men previously employed by Thoresby and also former monks of Lynn Priory. They testified as to the ownership of the fen on 23 August 1540 when presumably Thoresby bought Haveless. The testimonies were quite contradictory. Henry Corby butcher of Lynn stated that the shepherd of the Prior drove off any Middleton sheep with dogs if he found them in the fen. William Lawson of Wimbotsham said the Prior gave a 'good pyke' as compensation to his (William's) master if any of the priory cattle broke into the common. One former prior, Edmund Drake<sup>12</sup> stated the salt meadow belonged to Haveless and that Middleton cattle were impounded. John Stanton grocer of Norwich but previously servant to a former Prior, George Kingsham, and Robert Bytteryng Vicar of Kimberley who had lived with John Laksman Prior of Lynn thirty-seven years before, confirmed this. Further confirmation was given by Peter Caly, who was shepherd for Prior George Kingsham. No findings are attached to either set of records, so that it is impossible to say how the judges assessed these conflicting testimonies.

#### *Use of the fen*

The testimonies give a good deal of information about the uses of the fen, which as can be seen was gated to prevent the commoning animals escaping onto the arable land. Two shepherds, one employed by the Priory, the other by Thomas Thoresby, had used the fen with their flocks, and it was also grazed by cattle. There is reference to cattle grazing ('three score neat') in the testimony of William Lawson. There are numerous references to thatching materials, reeds and rushes being cut in very large quantities and dried below Haveless Wood. The reed appears to have been sold by the Middleton men, and the purchasers included, according to John Old of Wormegay, the Prior of Lynn, and according to William Okeryke of Pentney the Priory of Pentney. There is one reference to pigs in the fen, in that a fine was exacted when Priory pigs escaped from Haveless Wood into the common. The map also shows that water was led from the fen

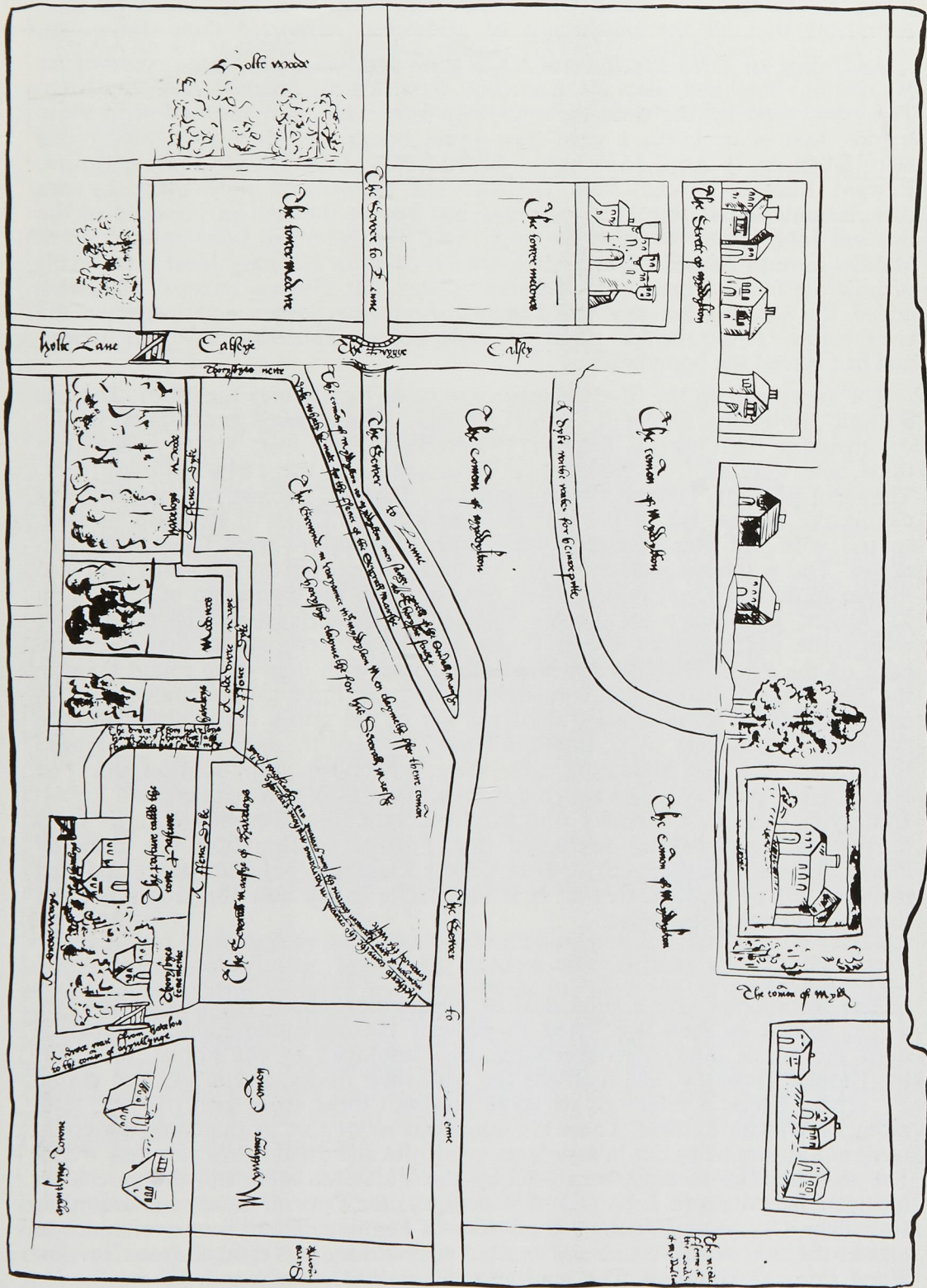


Fig. 1  
Redrawing of map prepared in c. 1550 for Star Chamber hearings

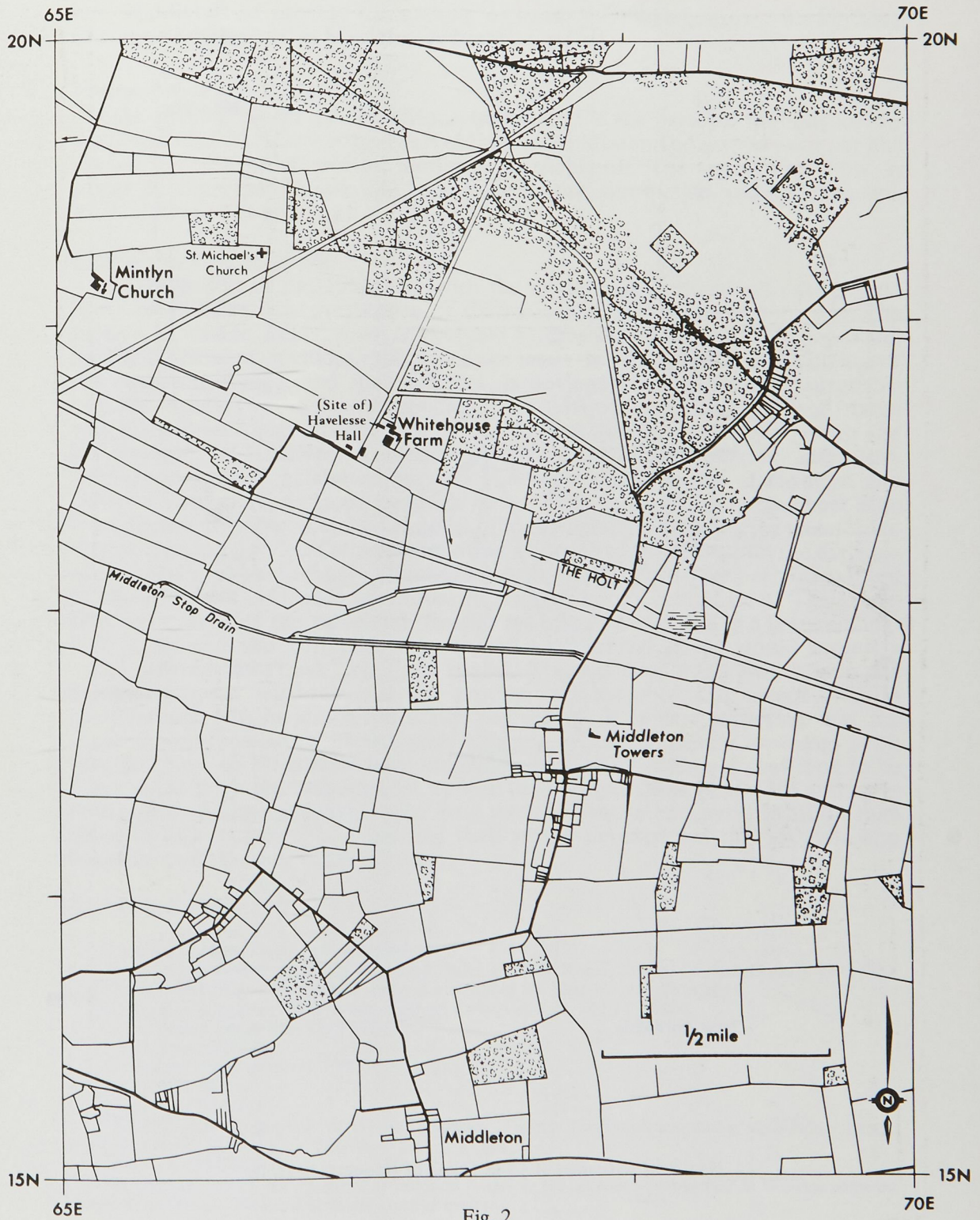


Fig. 2  
Modern 6 inch map of the area

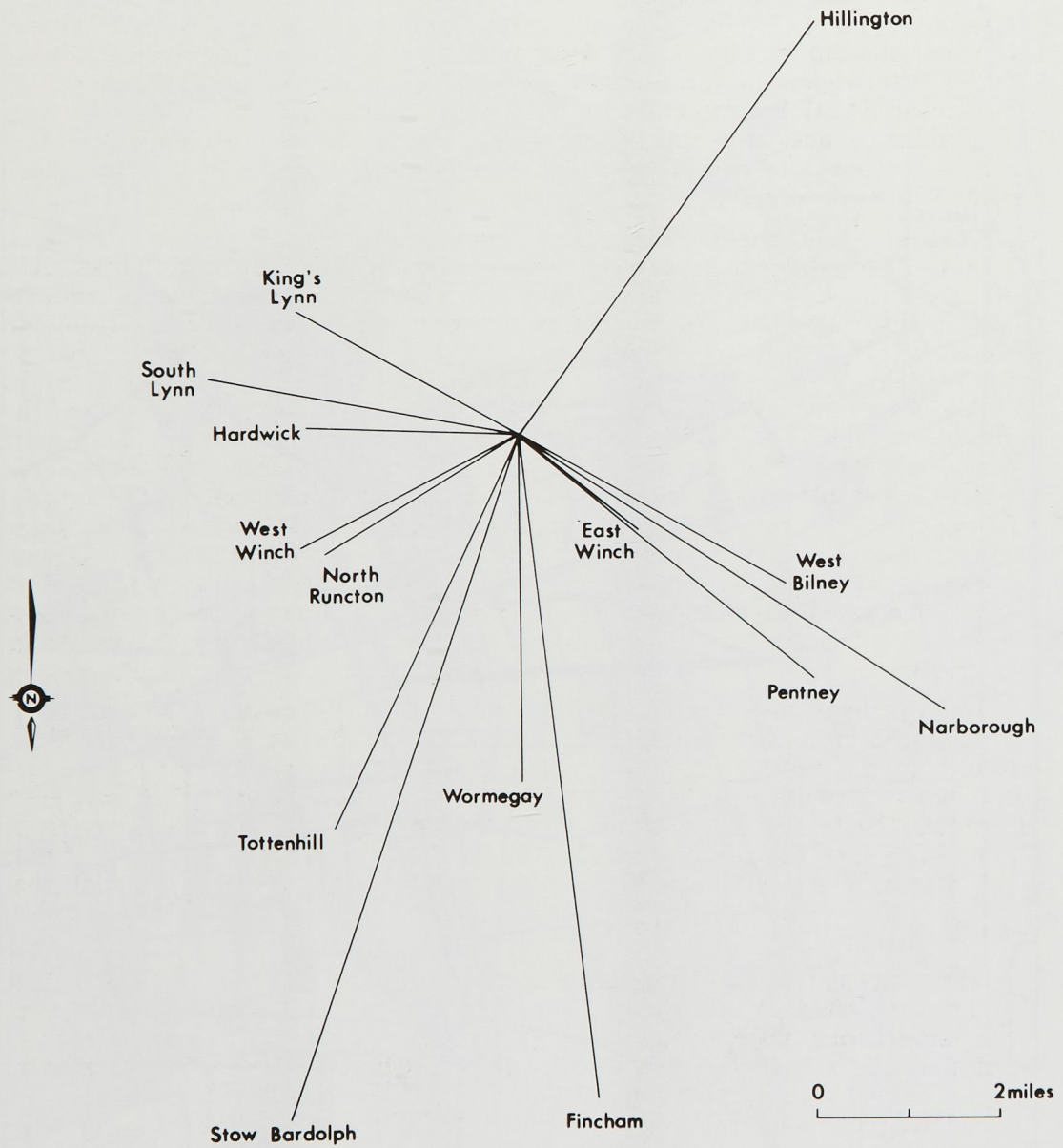


Fig. 3  
Names of witnesses at 1548 Court of Requests hearings

into Middleton to provide for soaking of hemp then widely grown for clothing ('hempen homespuns' in *Midsummer Night's Dream*).

### *Personal mobility*

One striking aspect of the various testimonies is the personal mobility of the witnesses (fig. 3). Many witnesses had lived in Middleton and moved away, or had visited the salt fen as reeders, herdsmen or shepherds. The testimonies show, as might be expected, an intimate knowledge of the countryside, and less expected, a circulation of population.

### *Changes in the Landscape*

A comparison of the 1550 map with the modern six-inch and with the ground levels reveals first the persistence of the basic elements of the countryside. The pattern of woods, fields, roads, dykes and bridges shown on the 1550 map is still readily to be seen, including the new dyke made by Thoresby. The persistence of the causeway bridge, and such features, is obviously not in the least surprising but the survival of scraps of woodland, Holt Wood and Haveless Wood (from which the prior's pigs strayed) is more so. Against this frame, however, much else has changed. Of Middleton Towers, home of the de Scales family, the impressive 15th-century brick gatehouse survives. The small settlements of Myntlyn and Haveless have gone, replaced by single farms. Even the surviving houses bear little resemblance to those sketched in 1550. The cartographer presents for us information of a regional style of which little other evidence survives. Despite the earliness of the map all the houses have chimneys (usually reported to have been introduced in late Elizabeth). All save one house in Mintlyn have a central stack. The exception has a stack at the gable end. Entries are by gable end, and in a few buildings both gable end and gutterside. The presence of central stacks would suggest a ceiled ground floor and first floor rooms. There is supporting evidence in the numerous upper windows. All the windows are round-topped except three in Mintlyn and two in Middleton which are square. It is here suggested that the squared windows were glazed, the rounded windows merely openings with shutters. Two of the houses have immediately adjacent buildings that look to be byres since they are unheated or at least lack a stack. Buildings with entries in both gable end and gutterside may have included house and byre. In all the map shows a higher standard of housing than would be expected in 1550, and also suggests a well populated countryside.

### *September 1980*

<sup>1</sup> Dugdale, *W. Monasticus Anglicanum* volume iv pp 462-4, 1821.

<sup>2</sup> *Valor Ecclesiasticus temp. Henry VIII*, ed. J. Caley and Rev. Hunter Record Commissioners p. 464, 1834.

<sup>3</sup> Eller, G. *Memorials archaeological and ecclesiastical of the West-Winch manors* 1861.

<sup>4</sup> Hillen, H. J. *History of the borough of King's Lynn*, vol. I, pp 197-215, 1907.

<sup>5</sup> Public Record Office Stac 2/15/197-207.

<sup>6</sup> P.R.O. Stac 2/23/237.

<sup>7</sup> *Letters and Papers of Henry VIII*, 1540, p. 381.

<sup>8</sup> P.R.O. MP1 64.

<sup>9</sup> P.R.O. Req 2/18/114.

<sup>10</sup> Beawpre was the guardian of Edward Thoresby, Thomas Thoresby's son during his minority *Letters and Papers Henry VIII*, 1541, g. 580/74.

<sup>11</sup> P.R.O. E 179/150/307.

<sup>12</sup> In Dugdale and in V.C.H. given as Edmund Norwich. He became a prebendary in Norwich after the closure of the Priory. His name is clearly given as Drake.