JUSTICES AT WORK IN ELIZABETHAN NORFOLK

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COUNTY government centred upon the biannual Assizes and quarterly sessions of the peace. On these six occasions the foremost gentry and many men of more humble origin assembled together to maintain the law and settle their local affairs. No doubt many people found these gatherings a convenient occasion to meet friends, transact private business or enlist the justices' support for their latest ploy, but most of them attended as participants in the court's business. These included fifteen or twenty magistrates (more at Assizes where their attendance was virtually compulsory), several private clerks employed by the foremost magistrates,[1] the sheriff, the clerk of the peace, all high constables (32), members of the grand (23), petty (12) and Hundred juries and, of course, prisoners and those bound by recognizance to appear.[2] To these must be added the alehouse keepers and corn dealers seeking new licences, the maimed soldiers and other distressed people—all hoping for relief out of county funds—as well as petitioners, informers,[3] and no doubt a host of attorneys. Quarter sessional and Assize towns thronged with people for several days on end; rumours spread; bargains were struck; decisions were made or shelved; Council orders promulgated; grievances voiced. No doubt many gentry, riding home after the hub-bub and excitement, found it difficult to differentiate between official and unofficial decisions.

A statute of 2 Henry V required J.P.s annually to hold general sessions of the peace during the week following the feasts of Epiphany, the close of Easter, St. Thomas the Martyr (July 7), and St. Michael the Archangel (September 29). In some counties the magistrates held all sessions at the county town, in others they held each quarterly session at a different town. Wiltshire justices, for instance, usually assembled for their Epiphany, Easter, Summer and Michaelmas sessions successively at Salisbury, Warminster, Devizes and Marlborough or Chippenham. Possibly the Wiltshire justices developed this system in order to spread business brought by quarter sessional crowds among as many market-town traders as possible. Also at first glance they appear to have reduced many people's travelling time and hostelry expenses by taking the sessions to them; but for most gentry, any saving in time and money at their nearby sessions was offset by the inconvenience of getting to subsequent sessions at the other side of the county.[4]

The Norfolk justices devised a system which, although complicated, resulted in both equitable trade and good administration, in that it involved several market towns and genuinely reduced travelling time and expenses for everyone except themselves. Whereas the Wiltshire justices met annually in three or four different towns, their Norfolk counterparts did this quarterly, so that

nobody ever needed to travel beyond his division to attend quarter sessions. This system took shape during the fourteenth century when the justices began to meet at King's Lynn to deal with affairs in north-west Norfolk before adjourning to Norwich where they deliberated for the rest of the county. By the sixteenth century they had divided the county into three quarter sessional areas, assembling every quarter in each: at King's Lynn or Swaffham for the western division; at Walsingham or Holt for the northern division; and at Norwich for the south-eastern division. The justices' itinerary varied with the seasons. They commenced their so-called Epiphany sessions during mid-December at King's Lynn, adjourning, with a day's interval, to Walsingham or Holt, and then, after a second adjournment over Christmas and the New Year, they completed their business at Norwich during Epiphany week. Easter sessions opened, equally prematurely, at Norwich during the first week in Lent and were then adjourned, with an interval of five or six weeks, successively to King's Lynn and Walsingham where the justices always met during the last week in Lent or Easter Week. Summer sessions, like those at Epiphany, opened in the western division, but at Swaffham instead of King's Lynn. Here the justices met early in the week preceding Trinity Sunday; two days later they re-assembled either at East Dereham or Holt in the eastern division, and so to Norwich immediately after Trinity Sunday. Occasionally they started the summer sessions at Norwich during the first week in Trinity, in which case they adjourned for five weeks before meeting in the western and northern divisions during July. Michaelmas sessions were less prone to variation. Once more the justices assembled in the western division, usually at King's Lynn, in mid-September, and then adjourned to Walsingham and Norwich where they always met immediately following the feast of St. Michael.[5]

This quarter sessional programme made strenuous demands upon the magistrates. Early Elizabethan sessions at King's Lynn, Swaffham, Walsingham and Holt usually occupied a day each; those at Norwich frequently continued for two or three days on end. By the 1590s most of these divisional sessions lasted for two days, while the Norwich Bench often deliberated for four. This meant, for instance, that during 1598 assiduous justices could have been occupied on the Bench for no less than thirty-five days. They could obviously lighten this burden by attending only their local sessions, thereby splitting the county into three exclusive quarter sessional regions. Certainly those in the northern division had little direct contact with their western counterparts, but the magnetism of Norwich sessions prevented excessive localism. Here, since the Bench dealt with administrative matters which concerned the entire county, justices attended from far and wide; in 1595, for instance, at least seven magistrates from the northern and western sessional divisions also assembled at Norwich. In fact, far from dividing the county, this system enabled justices to dispose of half their routine legal business at King's Lynn and Walsingham so that they gained more time at Norwich to discuss the multifarious administrative problems which beset them.

Administration usually involved taxation and so tended to stir passions and stimulate interest in quarter sessions. There is certainly no evidence to

suggest that the Norfolk Commission was full of idle justices who apparently inflated the commissions in other counties and who certainly haunted the imaginations of parliamentary speakers; justices who, according to Sir Nicholas Bacon, kept "the name and place of a justyce more for reputacon's sake then for any care they have to performe their offyce and othe and be in effect but as drones among bees".[6] Such records of quarter sessional attendances as are extant convey the impression that Norfolk justices were not merely conscientious, but even enthusiastic. Late Elizabethan sessions at King's Lynn, Swaffham, Walsingham and Holt regularly attracted six or eight justices; those at Norwich rarely less than fifteen. Out of thirty-eight J.P.s who could have attended quarter sessions in 1595, no less than thirty-four were present for at least two days, while sixteen had attendances varying from eight to twenty days. Moreover, out of seventy justices resident in Norfolk between 1590 and 1600 only five failed to attend quarter sessions for at least a few days during most years. It is noteworthy that justices who sat low in the order of precedence were among the most assiduous in their attendance.[7]

The *custos rotulorum* presided at quarter sessions; if absent, the senior barrister on the Bench deputized for him. Early Elizabethan *custodes* regularly took the chair at every quarter sessional meeting, but their successors were less conscientious. Indeed, for the last twenty years of the century there was no regular chairman: Sir Christopher Heydon (*custos* 1571–80) never attended the sessions at King's Lynn or Swaffham where Francis Gawdy frequently deputized for him, while his successor, Sir Drue Drury (*custos* 1580–1603), spent much time at the court and only presided intermittently at any Norfolk sessions.[8]

Sessions opened with some hurried preliminaries. First the sheriff made his return of the precept and the processes directed to him, together with the calendar of persons summoned to attend the court and the prisoners to be tried. Next the crier called the court, noting the absence of any official who should have been present. Then, while justices handed the clerk of the peace their records of recent inquisitions and recognizances, members of the grand, petty and hundred juries took their oath. The grand jurors had two functions: first, to examine indictments preferred by the justices and to decide whether or not there were reasonable grounds for trial; second, by presentments to draw the court's attention to unrepaired highways, misconduct among minor officials, decayed bridges and other abuses which might be irritating the entire county. The sheriff selected twenty-three of the most substantial freeholders for this jury. The petty jury of twelve freeholders decided upon the innocence or guilt of those indicted by the grand jury, while the hundred juries did for the localities what the grand jury did for the county.

Preliminaries over, the chairman delivered his "charge" to the jurors—a tedious oration which sometimes lasted for over two hours. It comprised two parts: an introductory exhortation varying in quality and length with different chairmen, followed by a summary of the laws appertaining to quarter sessions.

The best exhortations probably echoed the Council's opinions about matters which needed urgent attention; these the chairman may have gleaned from Star Chamber pep-talks in which, from time to time, the Lord Keeper berated justices and jurors for their slackness. Many chairmen, however, must have expounded their personal views on matters of moment as did Edward Flowerdew in 1573 when he caused "great question . . . what bread ought to be used at the comunion" by making "mention of common breade to be used by authoritie of the statute". Occasionally, when the Council wished to expound or justify its policy, their Lordships prepared a special "charge" which the chairman declaimed, no doubt with relief, instead of his own laboured introductory remarks. Robert Buxton received one to deliver at the Michaelmas sessions in 1592. For two hours he subjected the court to a polished, learned exposition of the relationship between church and state. It was intended to galvanize the county into a concerted campaign against Jesuit missionaries and their recusant supporters: "if there bee any putrified branch or member, if there bee any in whome there is no suretie of allegiance, by suspition of Rebellious or treacherous practizes or seditious behaviour, it is proper and belonging to all the rest of the members of this civile and pollitique body to joyne in common aide to committ that branche and member to the censure of cyvile justice least it infecteth and corrupteth the whole bodie". Thus the solemn words rolled from the lips of Robert Buxton, faithful servant to Philip Howard, Earl of Arundel, who was already in the Tower under suspicion "of rebellious and treacherous practices"![9]

Sometimes, no doubt, a luckless justice suffered the fate of the Surrey magistrate who arrived at quarter sessions to find the regular chairman unexpectedly absent and his colleagues suggesting that he should deputize. He managed to deliver an extempore "exhortacon to the Juryes of betwene a quarter and halfe an houre and then caused the clarke of the peace to reade the lawes". This formal part of the charge set forth the laws under which quarter session operated. All but the most experienced chairman would read from a prepared classification available in any up-to-date procedural handbook like Lambarde's *Eirenarcha*. This exposition frequently took an hour or more and, exceptional circumstances apart, formed the bulk of the charge.[10]

After so tedious a discourse, the court readily turned to business. Much has been written about quarter sessions as a court. Its procedures and the categories of offences which came within its jurisdiction can be studied in contemporary justices' manuals and in several record societies' editions of quarter sessional minute-books (especially that prepared by H. C. Johnson for the Wiltshire Archæological Society), or in T. G. Barnes book on *Somerset* 1625–40, where he devotes a large section to these matters. The purpose of the following paragraphs is to emphasize the importance of *administrative* business in making quarter sessions immensely significant for many people throughout the county. It may also serve to add emphasis and detail to F. W. Maitland's famous dictum that, by the sixteenth century, quarter sessions had become "not merely a criminal court for the county, but also a governmental assembly, a board with governmental and administrative powers".[11]

Within the framework of parliamentary statutes, justices in quarter sessions had many delegated powers, many decisions to make. Some were straightforward and routine; others were reached only after acrimonious discussions followed by voting, which, in a factious county, caused large attendances at quarter sessions. We know little about it because the clerk who kept the sessional minute-book merely recorded the court's decisions without any reference to the discussion and intrigue by which they were reached. Voting is, however, implicit in much sessional business and occasionally a document refers to it. The most explicit account comes from a late seventeenth-century diary kept by Sir Roger Hill of Buckinghamshire. The story is best told in his own words:

> "the 28th of March, 1693 I received a letter from Mr. Thomas Smith, clerke of the peace for the county of Bucks., (dated the same day) by which he gave me notice that I was left out of the commission of the peace; which was noe unwelcome news to me, the rather because I was turned out for doeing my duty, viz. because att last Easter sessions I opposed Mr. Thomas Wharton's turning out of Henry Munday from his place as Master of the house of correction unless he were proved guilty of those crimes which Mr. Wharton accused him of, viz. of his being an enemy of the government, and his being a drunkard, whore master and swearer. I moved that he might have leave to clear himself, or else till he was proved guilty I must think him innocent, but upon conviction of any one of those crimes I was ready to remove him or any other that was in my power. *nota:* att Mr. Whartons directions it was put to the vote; not half the company voted against Munday but noe one except Captain Salter haveing courage to second me (though the same day they severall of them thanked me for what I sayd), Munday was declared out, and one Read was att Mr. Wharton's nomination declared his successor. *Nota:* alsoe all this proceeding was extrajudiciall, it being done out of sessions; it was done in the chamber after diner, the sessions haveing been adjorned att the rising of the court to be holden again att the public hall after dinner. Att Midsummer Sessions Munday moved to be restored [but] all Mr. Wharton's ffriends suspecting it, appeared on the bench though severall of them new Parliament men and the Parliament was then sitting. However, they fearing it would goe against them, Mr. Beake moved to adjourne it till Michaelmas sessions because Mr. Wharton, who he sayd was concerned, was not present, neither did he spare to reflect upon me for opposing him behind his backe, alledging I durst not doe it before his face, though severall of the justices then present affirmed I sayd much more when he was by att the former sessions; att length it was put to the vote and Mr. William Busby (the chaire man) and Sergeant Thurbarn refuseing to give any votes and Mr. John Shall Cross, who, though he had alwaise been Munday's acquaintance and ffriend, (haveing as supposed by some things he had done made himselfe obnoxious and fearing he should hear thereof if he disobliged some more) voteing against him, his vote cast Munday out; *nota:* Munday was wholy a stranger to me but I could not agree to an arbitrary punishment of anyone without proofe and from the Easter Sessions aforesaid Mr. Wharton would never speak to me, and as I heare he and Mr. Hamden have reported I should be turned out of commission, and accordingly this last Assizes I was left out and four new ones put in . . . which confirmes me in the belief that if Henry Munday was guilty of whoremongering and swearing and drinking he was not turned out for those crimes."[12]

It is possible to discern occasions when justices meeting at Norwich must have discussed, disputed, and finally resorted to voting after this fashion. Tension and intrigue could stem as much from a high constable's appointment as from a Bridewell keeper's. Until the sixteenth century, high constables had been appointed in the Hundred Courts; but as these courts declined and the constables increasingly assumed the role of administrative assistants to the justices, their appointment and good bearing became a quarter sessional matter. Careful selection provided the best safeguard against corrupt and inefficient constables, but justices might well differ as to a candidate's merit. In 1603 Nathaniel Bacon expected discussion, perhaps even dispute, when the Bench had to appoint a new constable for Launditch Hundred. In preparation he noted: "that a chief constable be appointed . . . Mr. Ferrar's . . . sonne in lawe . . . is though very fitt for the place and desired by Mr. Gooch [the remaining constable] to be his partener. Mr. Utbert is not thought so fitt because he is a great brewer and maie become a freind to the alehousekeepers whereof ther are great store in that Hundred".[13] With whatever care justices selected these constables, many remained so inefficient and corrupt that their dismissal was a common occurrence at the quarter sessions, leading, on at least one occasion, to scenes similar to those depicted by Sir Roger Hill of Buckinghamshire.[14]

Rating assessments provided the justices with opportunity enough for debate and dispute since Norfolk financed all its local government from *"ad hoc"* taxes. Some were raised to pay for particular projects: to repair a bridge; to assist the port towns in setting forth a ship for war; to repair Yarmouth haven; to relieve distress after a disastrous fire such as occurred at North Walsham in 1600; to repair the main London—Norwich highway between Wymondham and Attleborough; to repair coastal sea defences; or to provide "coat and conduct" money for the latest levies. Others were an annual charge to meet recurrent expenses: maimed soldiers' pensions; the King's Bench and Marshalsea fund; muster-masters' salaries; purveyance for the Royal household or maintenance of Houses of Correction. Each year the justices re-estimated and re-granted these recurrent rates, as well as sanctioning the occasional ones, so that few sessions passed without discussion about both the amount of a particular rate and each Hundred's contribution towards it.[15]

Dissension could arise at either stage: justices from central Norfolk for instance, usually protested against the estimates for sea defences or harbour repairs, while those near the coast complained about excessive rates for repairing inland highways.[16] Even if they compromised about the total rate, they would almost certainly disagree again over the assessment of each Hundred's contribution. There appears to have been no agreed formula for calculating this, although records of previous assessments must have provided a rough guide. Consequently, every time a rate had to be apportioned between Hundreds, the justices argued about the relative wealth of their localities, and frequently they adjusted contributions. In Wiltshire, for instance, they raised one "division's" contribution towards gaol repairs from £6 10s. 0d. to £7 10s. 0d. and reduced another's from £9 0s. 0d. to £7 10s. 0d. These may be paltry

sums, but when, as in Norfolk, fourteen rates were levied in one year, it behoved a justice, anxious about his prestige, to secure as low a rate as possible for his local Hundreds. By 1600 magistrates occupied so much time arguing about these assessments that Nathaniel Bacon put forward a scheme whereby each Hundred could be rated without discussion. His colleagues must have rejected it for they were still drafting such a scheme in 1628.[17]

Once sanctioned, rates had to be levied—a procedure which offered occasion for further disputes at quarter sessions. These arose as a result of complaints about the maladministration of High Constables whose duty it was to rate each township in their respective Hundred, collect all contributions, and pay them to the appropriate Treasurer. In the ensuing discussions the justices usually disagreed about an equitable system for assessing the rate in each parish. Even if they devised one it was invariably disregarded. In 1598 Nathaniel Bacon became so incensed by the disregard for the latest scheme which he and his fellow magistrates had hammered out, that he complained bitterly to the Council:

> "It may please your Lordships to be advertised that by occasion of some differences in this country about the equal rating of money towards her majesty's diet, the setting forth of soldiers, the muster masters' wages and such like, there was in Lent last at a general sessions of the peace holden for the country a conference had thereabout by the justices of peace there meeting. And by their general consent with some direction had before from the Lord Chief Justice of England this rule was then set down: viz. that the levies and taxations of all extraordinary kinds should be guided principally by the value of lands in every man's occupation. And yet regard should be also had to raise or abate every person charged according to his substance in the said parish beside his lands. This was and is thought to be a rule very indifferent because the richer sort did occupy lands in sundry parishes and did contribute only in the parishes where their dwelling was and thereby the poorer sort was forced to bear part of their burden. The equity of this rule is partly approved by the last Statute made for the relief of the poor. Now there be many of the better sort of persons some dwelling in the county, some out of the county, who do refuse to be contributary by the former rule, whereby we shall be enforced to alter that which we have agreed upon unless we may be aided by your Lordships' authority."[18]

Dissension deepened when justices disagreed, not about the methods of rating or the amount to be levied, but about whether to sanction a tax at all. A major dispute arose in 1587 when several justices refused to sanction a tax which Sir Arthur Heveningham demanded, under cover of letters patent, for repairing two important highways in south Norfolk. This incident became a "cause celèbre" and gave rise to profound constitutional debates in the Norwich quarter sessions.[19] Then, in 1596, these same justices challenged attempts by the burgesses of King's Lynn and Yarmouth to shift on to the entire county their responsibility for providing ships in time of war. The Council sided with these port-towns in their ploy, for when their lordships ordered them to provide two ships for Essex's impending expedition to Cadiz they directed that the towns should receive assistance from member creeks and "such other townes and

places as did contribute . . . in the yeare 1588 or shalbe nowe particularlie mentioned by letters from the Lord Admirall". King's Lynn and Yarmouth agitated so successfully for a generous interpretation of this clause that the Council subsequently instructed the deputy lieutenants in Norfolk to raise £700 from "the inhabitants . . . of the shire" towards the expense of the two ships. Representatives from Lynn and Yarmouth argued their need for this assistance at the Whitsun quarter sessions in Norwich, where the justices, unenthusiastic about this novel imposition, shelved the matter until the July Assizes.

Meanwhile they had received a second Council letter again requiring them to assist the port towns. By this time, however, their resolution had strengthened, and once more they deferred a decision. In fact the justices did not sanction this burdensome tax until 1597, and even then by no means unanimously. The county was in an uproar: some chief constables refused to levy the rate, while others were forbidden to do so by their neighbouring justices. A year later, despite frequent representations from the port towns, Norfolk had still not paid its contribution. A settlement must have been reached shortly afterwards, since there are no further references to this dispute.[20] Puritan lawyers, especially Nathaniel Bacon, Nicholas Bacon and Henry Gawdy, led this opposition to ship money, as they did to the imposition of any taxes which had not been discussed and approved in Parliament or at quarter sessions. Justices who were prepared to instruct constables to disregard Council letters and quarter sessional warrants must have grounded their opposition on more than expediency. Indeed one suspects that in these Norfolk rating disputes many arguments were first haltingly formulated which were to be stated with growing vehemence and conviction during the first three decades of the seventeenth century.

Other rating problems led to similar quarter sessional disputes. In October 1600 north-westerly gales, coinciding with spring tides, whipped up heavy seas which breached the sea banks at Terrington and caused widespread flooding. The commissioners of sewers estimated that repairs would cost at least £2,000, but emergency measures were urgently required if they were to prevent further inundation during the winter. The Terrington commissioners therefore proposed to raise £400 immediately by rating their own township at £200 while the seven other Marshland towns which sheltered behind Terrington's banks should provide the rest. Customarily each township repaired its own banks, so that it is not surprising that the other Marshland commissioners "withstood this proposal". The defeated minority, led by Nathaniel Bacon, persuaded the Council to instigate an enquiry into the arrangements for Marshland's sea defences. Special commissioners estimated that £5,000 would be needed to secure the area from inundation—clearly a sum beyond Marshland's means, let alone Terrington's. A parochial rating dispute had revealed the necessity for repairs on a scale which could only be financed by a rate levied throughout the entire county—or so Nathaniel Bacon pleaded at the Easter sessions for 1601. Inevitably the Bench disapproved of a county-wide rate from which one locality alone would benefit. Indeed several justices from south-east Norfolk retaliated

by seeking Council backing for a second county rate to repair similar sea breaches at Waxham.

Meanwhile, Marshland supporters had procured two Council letters to the justices, recommending them to sanction a countywide contribution towards repairing Terrington's banks. Although the sheriff received their Lordships' first missive several days before the summer sessions opened, and their second one during these sessions, he cunningly withheld both while the Bench again rejected outright Marshland's request. Then, immediately sessions had ended and magistrates dispersed to their estates, he summoned a special meeting to answer the Council's letters. As he anticipated, few justices attended—none at all from distant Marshland—thereby providing a good excuse for postponing any reply until the Assizes on 15 July. At these the justices rejected the proposal for a county rate which Nathaniel Bacon and the Marshland justices had put forward. The majority agreed to inform the Council that "the ruynes of the Common banck there . . . maie be repaired and set in good state for lesse than £700 which the principall follower of the cause being present cannot much gaynsaie. Which some wee are credibly informed maie be easily borne by the land occupiers of the said towne". As an additional safeguard they appointed commissioners—all justices from south Norfolk—who inspected the decayed banks and reported favourably upon Marshland's ability to sustain the expenditure. So ended another quarter sessional wrangle. Terrington was rated at £500; the other Marshland towns contributed £500; in due course the banks were inadequately repaired only to be breached again in 1607 and 1613.[21]

Despite these controversies, the county could act as a community, especially when the justices united to protest against, and even obstruct, unpopular Council orders. The campaign they waged against the embargo on corn exports aptly illustrates this aspect of quarter sessional business. For a variety of reasons the Elizabethan government constantly forbad the shipment of grain coastally and overseas except under royal licence.[22] This suited neither Norfolk corn-masters whose production regularly exceeded local demands, nor merchants at King's Lynn and Yarmouth who were shipping away grain from five agricultural counties. Their complaints received a ready ear at quarter sessions where the justices, themselves corn growers if not exporters, willingly concerted how best to secure free transportation. At the Epiphany sessions for 1600 they drafted a persuasive letter to Lord Treasurer Buckhurst which resulted in a temporary repeal of the export embargo. A few months later he reimposed it, but after receiving further lengthy entreaties from the justices at their summer sessions, Buckhurst made some concession. He agreed to allow free transportation coastwise, provided that he received a monthly report, prepared by at least six justices, on the county's grain supplies. The Norfolk Bench responded with alacrity and at its Michaelmas sessions assured Buckhurst that grain supplies were plentiful. For a few weeks Norfolk merchants freely shipped their corn to less well-stocked regions, but by December 1600 the restraint had been reimposed. After prolonged discussions at their Epiphany sessions, the justices drafted another plea for free transportation. It was of no avail, and at the Easter sessions they agreed upon a more strongly worded

letter. It is not known if this led to a temporary lifting of the embargo, but certainly by the autumn 1601 merchants were still forbidden to ship unlicensed grain coastwise or overseas. Buckhurst, meanwhile, had received so many petitions out of Norfolk against the "tyrannous" restraint that in November he promised to allow indefinitely free coastwise shipments provided that at each quarter sessions the Bench would certify to him "the plenty and severall prizes of graine". Once more the concession was short-lived. The justices' pleas continued, with similar limited success, well into the seventeenth century; but let us leave them, merely noting that, as long as the county continued its struggle for unrestricted grain exports, the quarter sessions provided the rallying point for opposition.[23]

No doubt similar issues frequently stirred passions at the quarter sessions, but the justices did not always work in such a charged atmosphere. Mostly they were occupied with hum-drum routine business which might unexpectedly provoke controversy, but more frequently induced sleep. Poor Law administration took up a lot of their time, although substantially an out-of-sessions activity. For instance, disputed settlement cases resulted in frequent appeals to quarter sessions. Here too, after 1592, the justices annually chose one of their number to administer the fund for the relief of maimed soldiers, besides frequently adjudicating upon veterans' claims, and chivvying the constables into collecting the rate. Similarly, at every meeting after 1599 they dealt with petitions for assistance out of the fund for poor prisoners in the Queen's Bench and Marshalsea, usually, oddly enough, on behalf of people who had suffered grievous loss by fire. The magistrates investigated each case carefully; but even then their business was not necessarily ended, for they still had the annual appointment of the fund's treasurer over which to haggle.[24]

The administration of laws regulating economic and social affairs provided quarter sessions with plenty of business. Although two justices acting out of sessions usually granted alehouse licences, applications were sometimes heard in sessions. Also at quarter sessions the magistrates renewed or granted corn-badgers' annual licences and, from 1571–1593, discussed whether grain supplies were sufficiently plentiful for them to allow unrestricted shipments overseas.[25] Indeed matters concerning corn supplies frequently prolonged their business. Whenever bad harvests inflated grain prices, the Council feared violent disturbances. Usually their Lordships blamed engrossers and merchants for the rising prices and demanded that justices took special care to ensure well stocked markets at prices reasonable to the poor. To this end, many justices worked laboriously out of sessions, but they still spent long hours in sessions co-ordinating their efforts and compiling numerous detailed reports for the insatiable Council.[26]

Oversight of constables also occupied much time. The Bench's concern about the good behaviour of high constables went beyond its care over their selection. Since they collected and handled most county rates, they were frequently accused of embezzlement and corrupt practices, sometimes no doubt

with justification. In an attempt to prevent their worst excesses, the justices agreed to audit all their accounts annually at the Easter sessions.[27]

Quarter sessions, besides being a court, had become both an administrative council and a forum or debating chamber for the county. Here the justices reached many routine administrative decisions; granted or rejected petitions; received their Lordships' instructions, frequently arguing about the implementation thereof and occasionally side-stepping them; drafted letters to the Council on a variety of topics; and, by no means least, approved or disallowed taxation for all county affairs. Above all, quarter sessions at Norwich provided a platform for discussion, and sometimes, with many trained lawyers present, for the formulation of significant constitutional ideas which were developed to meet the exigencies of local affairs.

Out of sessions work provided justices with ample opportunity to practise what they had preached from the Bench. Generalizations about their keenness are bound to be misleading. Justices who favoured a measure would prosecute it vigorously, while opponents might lapse into inactivity or deliberate obstruction. However, if recognizance-taking be an index of endeavour, then most justices were busy men.[28] There is ample evidence to suggest that most Norfolk justices governed their localities vigorously. Indeed they could scarcely do otherwise since their prestige depended upon local respect; even if they tried to shun responsibility, a harassed constable or an enthusiastic neighbour could easily force it upon them.

Keeping the peace and enforcing the stack of Tudor statutes involved justices, either singly or in pairs, in such extensive out of sessions work that they developed two further institutional devices to facilitate their labours—the Division and divisional sessions. A statute of 1530 instituted the first tentative steps towards both. It ordained that each county be subdivided into four, six or eight areas in which local justices should meet once every six weeks. The act cannot have been popular, since parliament repealed it in 1545 on the pretext that "the King's most loving subjects are much travailed and otherwise encumbered in coming and keeping of the said six weeks sessions". Whether or not Norfolk magistrates had found these extra sessions burdensome, they apparently needed an administrative unit larger than the Hundred, for in 1546 the subsidy commissioners constituted eight Divisions instead of the thirty-two Hundreds upon which they had formerly based their supervision of local collectors and assessors. By 1570, after experimenting with various Hundred groupings, eight Divisions had been clearly delineated, and henceforth these superseded the Hundreds as the basic units for magisterial authority in the county. Thus the 1572 poor law act instructed justices to allocate themselves to Divisions and make "enquiry of all aged, poor, impotent and decayed persons borne within their said divisions"; similarly when the county compounded for purveyance in 1596 justices in their "several divisions" collected the composition

money; at the end of the century even the militia was mustered and trained by Divisions.[29]

Although parliament had repealed the statute empowering six-weekly sessions, administrative convenience compelled Norfolk justices to arrange frequent *ad hoc* Divisional meetings which gradually acquired a regular pattern. Poor law problems especially occasioned this development. As early as 1574 justices in south-east Norfolk had established an experimental bridewell at Acle; in 1598 their fellows set up others, with statutory encouragement, at Wymondham, Swaffham and Walsingham.[30] In order to ensure adequate supervision, they met monthly at their respective bridewells and, once assembled, no doubt found it convenient to deal with other Divisional affairs. A graphic description of proceedings at Acle reveals them groping towards a petty sessional system.

> "Upon the Wednesday, beinge market day ther, the Byshoppe, with certan gentlemen and chief yomen therabouts do mete once in thre wekes or a moneth at ix of the clocke when they firste repare to the church ther and spend one howre in prayer and preachinge, the chief effect wherrof is to perswade love, obedience, amitie, concorde, etc.
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> "That done they returne to ther inne, wher they dyne together at ther own charges, observinge the lawe for Wednesday. In the meanewhile, betweene sermone ended and dynner, they go to the said howse of Bridwell to consider and examyne howe all things ther ar provided and ordered as well for ther due punishment and reasonable worke as for ther meate and necessaryes, without which often sight and overseinge the said howse and orders wold come quicklie to nothing.
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> "After dynner, if any chief constable ther prove of any disorder or misdemenor within ther hundreds, redresse wherof belongeth to the justices of peace, which els wold require the said constables further travile to some justice's howse, if he will complaine of it ther, the offender is eyther openly punished or other order taken as the cawse requireth. And if besides all this, ther be anye private controversies betwene pore neighbours, wherof the hundred courte had wonte to be full, they bestowe the rest of the day in intreatinge them to peace one with another by accorde betweene themselves or by arbytrament of ther neareste neighbours."

Emphasis upon preaching suggests that puritan enthusiasm permeated these early bridewell sessions. Godly magistrates certainly held sway at Acle, where the pro-puritan Bishop Parkhurst presided over the deliberations of such zealots as William Blennerhassett and William Butts, and where, on more than one occasion, John More, the puritan "Apostle of Norwich", preached the opening sermon.[31]

Besides these monthly bridewell assemblies, late Elizabethan justices were meeting in their respective Divisions at least once between quarter sessions. We do not know precisely when Divisional as opposed to bridewell sessions started, but they are evident by the turn of the century. In February 1600 justices gathered at Watton; in September 1603 William Rugg attended

"Wymondham Sessions"; in neither case could these have been quarter sessions, since both time and place were wrong. At least as early as 1602 justices in north-east Norfolk met every six weeks at Holt, while in August 1604 the entire Norfolk Bench approved a county-wide system of monthly Divisional assemblies in order to "take knowledge and informacon how the lawes and other orders towching alehouses are kept and observed". We can be sure that a Council order of 1605, which directed magistrates in every county to allocate themselves to Divisions and "assemble them selves together once betweene everye quarter session", caused little stir in Norfolk. At best it confirmed an established procedure.[32]

Petty sessions, to use the seventeenth-century name, emerged as a response to the administrative challenge created by the Elizabethan propensity for economic and social regulations. But the successful enforcement of these regulations depended much more upon a justice's daily attention to a host of minor matters than upon his attendance at either monthly or quarterly sessions. Private memoranda and correspondence enable us to glimpse him at work day by day in his neighbourhood.

Tudor poor laws required elaborate administrative machinery. Although their implementation ultimately depended upon the intimate knowledge and laborious toil of parish officials, the latter would have achieved little without oversight by magistrates. Although in principle each parish vestry had sole responsibility for annually appointing two overseers of the poor, in practice local justices had to approve, and frequently nominated, the candidates. Supervision followed; notably the tedious task of checking overseers' accounts. Usually two justices met at a convenient church in each Hundred to which parish officers brought their books. Besides this supervisory role, justices had clear administrative functions in the system, frequently becoming involved in lengthy investigations and extensive correspondence over disputed settlement orders and cases of bastardy. Meanwhile their warrant was necessary to commit sturdy beggars, rogues and vagabonds to the bridewell.[33]

Supervision bulked large among magistrates' daily duties. Just as in quarter sessions they appointed Hundred constables and audited their accounts, so out of sessions they performed a similar role for petty constables in each township. Although in theory leet courts elected these minor officials, in practice the justices' influence usually intruded. As the Council put it in 1609: "take . . . care as fare as it maye any waye concerne you eyther as Lordes of letes or other wise for fitt and servicable persones to be chosen cunstables of every towneship". Similarly, scrutiny of these minor courts, as well as disputes arising therefrom, kept many justices busy. Highway repairs also depended upon their authority; they might goad lazy surveyors into action or terrorize unwilling parishioners into undertaking their statutory duties. Maintenance of adequate corn supplies

added one more task to their out of sessions work, especially in time of dearth when the Council demanded elaborate schedules and minute control.[34]

Alehouse licensing could prove extemely burdensome. Each year justices had to review and regrant these licences, usually working out of sessions, since effective decisions depended upon an intimate knowledge of local conditions. Sometimes unexpected hazards beset this apparently straightforward task. An alehouse, or its keeper, could engender such fierce passion that a licensing justice might find himself caught between rival factions. The situation could be further complicated by the machinations of local patronage, as Edmund Moundford discovered when Sir William Paston, a county magnate, entreated him to license an alehouse keeper whom he had previously committed to prison for keeping unlicensed premises.

Although the intrigues which beset Bassingbourne Gawdy when he suppressed a single alehouse may not be typical, they serve to illustrate the ramifications of this apparently innocent work. In 1600 townsmen from New Buckenham and Wymondham petitioned the justices to suppress Richard Howse's alehouse on the pretext that he encouraged unlawful conduct, gaming and lewd words. No doubt other inhabitants counter-petitioned in Howse's favour, for the justices, unable to agree at quarter sessions, referred the case to the assizes, where chief justice Popham ordered that the alehouse should be closed. Before Nicholas Bacon and Bassingbourne Gawdy, principal justices in that division, could implement Popham's decree, Howse had galloped off to solicit assistance from his former master, Sir John Fortescue. He returned flourishing a letter over the signature of Baron Clarke, Popham's colleague on the Norfolk circuit, which instructed Gawdy to relicense the alehouse. For the time being, Howse's beer continued to flow; but Bacon and Gawdy, suspecting forgery, wrote to Popham and Clarke who confirmed their suspicions and ordered the alehouse's immediate suppression. By the time constables arrived to remove the sign and take bonds for Howse's good behaviour, he had again disappeared, this time to enlist support from Sir Thomas Knyvett. Apparently Knyvett's family crest formed part of Howse's inn sign, so that Sir Thomas was able to complain fiercely to Gawdy about his constables' defacement of it—a move no doubt calculated to unnerve Gawdy since he rented extensive lands from Knyvett.

The wretched alehouse keeper's capacity for retaliation seemed inexhaustible! Sir John Fortescue now wrote to Gawdy and Bacon accusing them of injustice towards Howse. Meanwhile, the judges had been prevailed upon to reconsider his case at the 1601 assizes, where the Lord Chief Justice apparently upheld their previous decision. Even so, Howse remained obdurate and resourceful. By 1602 his patron Sir John Fortescue had written to Gawdy's enemies on the Norfolk Bench asking that the "said Howse . . . maye be by your meanes and permission suffred to use his trade untill next tearme at which tyme my Lord Chieffe Justice and I maye meete". Box and cox continued, but the records

falter. They suffice, however, to illustrate the hazards which could beset a justice engaged upon routine alehouse business.[35]

Throughout Elizabeth's reign justices acting out of sessions also bore the brunt of organizing and training the county militia. But not all justices for all the time. Paradoxically, at the very time when the Counter Reformation necessitated greater military preparedness, the Council began to confine responsibility for martial affairs to a small number of justices. As early as 1573 their Lordships selected twelve commissioners for musters from among the county's forty magistrates. At first their appointment did not necessarily preclude the rest from assisting in military administration. As their Lordships were at pains to make clear, "it is not ment that by naminge of some to take the speciall care, you, or any of you of the rest being in comission [of the peace] and having authoritie, shall think yourselves discharged [from military administration]". However, when Lord Hunsdon became Lord Lieutenant of Norfolk in 1585, he delegated the entire militia administration to four deputies unassisted by any magistrates. When he died in 1596 the Lieutenancy lapsed; in his stead their Lordships once more appointed commissioners for musters, but this time, presumably by analogy with the Deputy Lieutenants, they appointed only six.[36] Thus, during Elizabeth's reign, management and control of the county's militia had passed from the entire magistracy to a small committee of six or eight justices headed by the Sheriff. Their office was no sinecure. Conflict with Spain and unrest in Ireland meant that the Council frequently demanded fresh levies for overseas service as well as better training and equipment for the militia. Orders and instructions to this end dictated that commissioners met frequently and journeyed far: they held musters, appointed captains of companies, issued warrants for constables to levy "coat and conduct" money, taxed their neighbours towards setting forth light horsemen, and had the last word in frequent wrangles about who should be pressed for overseas service. The job entailed hard work but bestowed great power.

The policy of entrusting important administrative tasks to a few justices was not confined to militia affairs. In 1591 a small commission assumed responsibility from the entire Bench for enforcing the recusancy laws. Here too every justice was expected to inform and assist as occasion demanded, but the records suggest that initiative stemmed entirely from the commissioners. No doubt they were carefully chosen for their aggressive protestantism; certainly they met frequently and acted vigorously, goading the chief constables to report absenteeism from church and other suspicious behaviour, and keeping a black-list of persons who might be liable to harbour and help Jesuit priests. Where possible they selected a good protestant in each parish who could join with the incumbent in scrutinizing everyone's religious loyalty. Meanwhile they searched leading recusants' houses for priest holes and evidence of secret masses, consistently furnishing the Council with elaborate reports of their activities.[38]

The emergence of a magisterial élite is also evident in the organization of other local government functions. The tendency is most marked by changes within the subsidy commission. Until Elizabeth's reign Norfolk subsidy commissions contained most of the county's justices as well as several other gentry, and numbered forty or fifty persons. The assessment and collection of a subsidy no doubt justified such numbers. First, all commissioners gathered at Norwich to share out their duties on a Hundred, and, later, a divisional basis; they then met locally to select assessors from among the lesser gentry, and subsequently called them together to hear Council exhortations against corruption. Next, assessors then joined with Hundred constables to compile the subsidy book—a parish by parish valuation of all landholders. This done, the commissioners met once more to examine the books, and if necessary, adjust individual cases. Finally, they met to appoint collectors and take bonds for safe delivery of the money at the Exchequer. Such elaborate administration surely justified a large commission; but it served other purposes too, giving a commissioner opportunity to tax himself or his friends lightly and his enemies heavily. He could achieve such nefarious ends either by carefully selecting the assessors or by altering their assessments. Consequently most squires, sensitive of power and prestige, tried to safeguard their own and clients' interests by getting themselves put onto the commission. But as it grew, so income from subsidies fell. Consequently, by the 1580s the Council decided that less commissioners might mean less corruption and increased yields. To this end it reduced the Norfolk commission to twenty or twenty-five members at the very time when the Bench of justices had expanded to forty or fifty.[39]

Clearly the late Elizabethan Council preferred to entrust important administrative business to a few select magistrates. It had become convinced that efficiency was inversely proportional to the number of justices; that it was "prejudiciall to the successe of all causes to leave them to the care of many . . . [since] those deuties which concerne all men are neclected of every man". By 1609 their Lordships had instructed the Bench "to select by mutual consent . . . some three or fower or more of your nomber . . . to whose peculier care you maye at the begeninge of every yeare commend the execution and dispach" of proclamations, letters and commissions.[40] Administratively, no doubt, this tendency to limit responsibility represents an important development, but, for prestige-ridden Norfolk society, its significance lay in the increased power which accrued to a small minority at the very time when many gentry clamoured for authority in local administration.

The tendency to confine administrative responsibility to a few gentry becomes even more significant once it is realized that the same names appear in each commission; that ten or twelve justices formed virtually a county committee. Few days passed when they were not occupied with county business—even in midwinter. Bassingbourne Gawdy's propensity for record keeping enables us to glimpse him at work during the winter of 1600. On 8 January he rode 21 miles from Harling to Norwich for a recusancy commissioners' conference. Two days later he returned to Norwich for quarter sessions which lasted four days. Then,

on the 18th and 24th he conferred there with his fellow muster commissioners, but still managed to attend a Bridewell meeting at Swaffham on the 25th. February brought no respite: muster commission meetings on 1st, 10th, and 13th; quarter sessions in Norwich from 15th to 19th; finally, on 28th, militia business at Thetford, where he stayed to join with other justices in protest against the new system of compounding for purveyance.[41]

[1]From the evidence of draft letters and letter-book compilations it is reasonable to assume that at least 12 leading justices in Norfolk had private clerks who spent much time about their masters' official business. Professor T. G. Barnes has identified 22 of them in early seventeenth-century Somerset. "They were expected to attend quarter sessions whether their masters did or not in order to hand to the clerk of the peace the various documents produced by their principals between sessions". T. G. Barnes, *Somerset* 1625–1640, p. 75.

[2]*Wiltshire County Records: Minutes of Proceedings in Sessions* 1563–1592, ed. H. C. Johnson (W. A. S. Record Branch iv), pp. 23, 45, 46 and 88 (hereafter cited as *Wilts. County Records*, iv); W. Lambarde, *Eirenarcha*, (1581 ed.), pp. 294–304. Some lists of high constables, marked as if the names had been called over, are extant among the sixteenth-century Norfolk quarter sessions bundles.

[3]M. W. Beresford, "The Common Informer", *Econ. H.R.* Second series xii (1957), p. 225; M. G. Davies, *The Enforcement of English Apprenticeship* 1563–1642, p. 131.

[4]*Wilts. County Records*, iv, pp. xxi and 45–54; *V.C.H. Wilts.*, v, 88.

[5]*Norf. Rec. Soc.*, viii. 3; Norf. C.C. Offices, quarter sessions minute books 1562–1586. I am indebted to Mr. D. E. Howell James for allowing me to consult these records.

[6]Folger Shakespeare Library, MS. 89. 2, p. 69 (Doc. dated 1565).

[7]The statistics in this and the previous paragraph are based upon three sources. (a) Norf. C.C. Offices, the quarter sessions minute books 1562–1586. These give a conservative picture of J. P. attendances at quarter sessions since the clerk sometimes wrote "and others" when listing the justices present. This happened most frequently at the Norwich sessions, and probably indicated that more justices had attended on the second and third days, but the clerk had no room to add their names. (b) P.R.O., E. 135/33/3 (Estreats of Fines at quarter sessions for 4 and 37 Eliz.). These list the justices who attended each sessional adjournment and confirm that the quarter sessions minute books do not always list all the justices present. (c) P.R.O., E. 372/404–447 *sub* Norf. (enrolments of justices' wage claims on the Pipe Rolls). In some counties, by the early seventeenth century these enrolments had become formalised (see *V.C.H. Wilts.* v, 90–91), but there is no doubt from the nature of the Norf. entries that they represent claims for genuine attendances. For the number of justices in Norf. see my unpublished London Ph.D. thesis (1959) "The Gentry of Elizabethan Norfolk: Office-holding and Faction", Appendix II (hereafter cited as A. Hassell Smith).

[8]*D.N.B.*, *sub* Drue Drury. Commissions of the peace and the quarter sessions minute books indicate the *custos*.

[9]*William Lambarde and local government; his Ephemeris and twenty-nine charges to juries and commissioners*, ed. Conyers Read; C.U.L., MSS. Ee. II 34 fol. 145b, and Buxton, Box 96, a small volume with parchment covers, entitled "The Recognition of the High and Sacred authority of the supremacie invested in our most gratious Soveraigne Ladie Elizabeth. . . .", fol. 5.

[10]Granville Leveson-Gower, "Note Book of a Surrey Justice", *Surrey Arch. Collections* (Surrey Arch. Soc.), ix, 184; W. Lambarde, *Eirenarcha* (1581 ed.), pp. 317–382; *Wilts. Arch. and Nat. Hist. Mag.*, xiv, 208–216.

[11]F. W. Maitland, *Constit. Hist. of Eng.*, p. 233.

[12]J. L. Stern, "His Brother's Keeper. The Buckinghamshire Justice of the Peace 1678–1689" (unpublished Ph.D. thesis, Princeton University, 1960), pp. 124–6. He cites an unpublished diary of Sir Roger Hill for 1693.

[13]Nath. Bacon memoranda book (1603–9), p. 21. This MS. is in the library of the late Mr. H. L. Bradfer-Lawrence. I am greatly indebted to him for allowing me to consult his MS. collection.

[14]This para. is based on: *Stiffkey Papers*, ed. H. W. Saunders (Camden Soc. 3rd series, xxvi), p. 26; *Wilts. County Records*, iv., p. x; G. Davies, *The Enforcement of English Apprenticeship*, p. 170; W. B. Willcox, *Gloucestershire* 1590–1640, p. 49; B. M. Add. MS. 41140, fol. 64; A. Hassell Smith, p. 243.

[15]B. M. Add. MSS. 23,007, fols. 37b and 39b, 48,591, fols. 20b, 51b and 148, 41,656, fol. 1; Kings, 265, fols. 266–268; N.N.R.O. Gawdy, fols. 26, 26b, 31, 36, 58, 73 and 112, Frere MS. Box K. 12. (A.), Tunstead bundle, letter dated 30 July 1600; Bodleian Library, Tanner 95, fol. 20; *A.P.C.* 1571–5, pp. 106 and 194, 1595–6, p. 328, 1596–7, pp. 64–5 and 461; *H.M.C. Salisbury*, x, 202; *Norf. Arch.*, xxvi, 287–295; H. Swinden, *History and Antiquities of . . . Yarmouth*, pp. 102–3, 413 and 421–2; A. Hassell Smith, pp. 235–251.

[16]A. Hassell Smith, p. 240; below, pp. 100–101.

[17]*Wilts. County Records*, iv, 153; B.M. Add. MS. 48,591, fol. 51b. Holkham MS., General Estate Deeds, Misc. Bundle A. no. 3. *Musters, Beacons, Ship money*, ed. W. Rye, pp. 131 and 161–2.

[18]Draft letter to Council, in hand of Nath. Bacon's clerk, dated 20 Dec. 1598. MS. *penes* the late Mr. H. L. Bradfer-Lawrence (Box 14).

[19]A. Hassell Smith, pp. 235–251.

[20]*A.P.C.* 1595–6, pp. 123, 328, 404–5 and 413, 1596–7, pp. 6–7, 64–5, 461 and 553–4, 1597, pp. 285–6, 1597–8, pp. 188–9; *H.M.C. Salisbury*, vi., 272.

[21]*Stiffkey Papers*, 104–121; "Supplementary Stiffkey Papers", ed. F. W. Brooks, p. 24, *Camden Misc. xvi* (Camden Soc. third series lii); N.N.R.O. Gawdy, fols. 57b–58, 63b–65 and 68b–69 and Norf. Arch. Soc. MS., bundle labled C3, shelf 2 (8), justices of Norf. to Council 7 May, 1601.

[22]V. Ponko, "N.S.B. Gras and Elizabethan Corn Policy: a Re-examination of the Problem", *Econ. H.R.* second series xvii, 24–43.

[23]*Stiffkey Papers*, pp. 130–159; *H.M.C. Salisbury*, xii, 637; B. M. Egerton MS. 2,714, fol. 61; N.N.R.O. Gawdy, fols. 28–29, 40b–41, 74, 114–115.

[24]B. M. Add. MSS. 27,401, fol. 22, 8,840, fol. 265; Pemb. Coll. Camb. MS. L. C. II. 230, fols. 31, 33, 34, 67 and 79; Bodleian MSS. Gough Norf. 55, fol. 81, and 34, fol. 26; Rainham Hall photostats *penes* T. S. Blakeney, vol. 33, no. 30; N.N.R.O., Frere MSS. Box K. 12. (A.), N. Greenhoe, Walsingham etc. bundle, letter to Nath. Bacon, 20 May 1602, Earsham, Earsham Parish, etc. bundle, letter to Sir A. Heveningham, 25 March 1604. Box K. 7. (B.), Lopham bundle, petition to justices dated 11 Jan. 1602, Garboldisham bundle, petition to justices dated 2 Oct. 1604.

[25]*Stiffkey Papers*, p. 54; *Wilts. County Records*, iv, p. xvii; *Statutes of the Realm*, 13 Eliz. cap. 13.

[26]B. M. Add. MS. 41, 655, fols. 226b–227; *A.P.C.* 1597–8, p. 42, 1597, pp. 88–9; N.N.R.O. Gawdy, fols. 9 and 34b; E. M. Leonard, *The Early History of English Poor Relief*, pp. 82 and 88; *Stiffkey Papers*, pp. 140–141; "Supplementary Stiffkey Papers", ed. F. W. Brooks, pp. 5–6, *Camden Misc.* xvi (Camden Soc. third series Lii); W. J. Ashley, *Bread of our Forefathers*, pp. 37 and 182–3.

[27]*Stiffkey Papers*, pp. 10 and 13; Folger Shakespeare Library, Bacon-Townshend MSS. L.d. 951 and 981.

[28]I have examined the Norf. quarter sessional bundles for 15, 23, 31 and 35 Eliz.

[29]22 Henry VIII. *cap.* 12, 37 Henry VIII *cap.* 7, 14 Eliz. *cap.* 5; P.R.O., E 179/281 (names of subsidy commissioners for 14 and 37 Henry VIII); B. M. Lansdowne MS. 82, fol. 218; *H.M.C. Gawdy*, p. 68.

[30]N.N.R.O. Gawdy, fols. 23, 36 and 36b, Norf. Arch. Soc. MS. bundle marked C3 shelf 2.12, memorandum dated 1602.

[31]*Norf. Arch.*, ii 95–6; N. Bownde, *Three Godly and Fruitful Sermons* (1594). According to Bownde these sermons were preached by More at the quarter sessions at Acle and were written at the justices' request. Quarter sessions were never held at Acle. I am indebted to Dr. P. Collinson for this reference.

[32]B. M. Egerton MS. 2,713, fol. 42b, Add. MS. 23,007, fol. 38; Folger Shakespeare Library, Bacon-Townshend MS. L.d. 1033; note book of recognizances taken by Nathaniel Bacon 1602–6, *penes* the late Mr. H. L. Bradfer-Lawrence.

[33]W. B. Willcox, *Gloucestershire* 1590–1640, p. 247; *Stiffkey Papers*, pp. 18–23 and 59; Bacon MS. *penes* B. Cozens-Hardy, "the account of Thos. King and John Poundiche, overseers" (I am indebted to Mr. B. Cozens-Hardy for allowing me to consult his volume of Bacon MSS.); N.N.R.O., Frere MSS. box K. 7. (A), Happing Hundred, sheet 8 (many overseers annual statements of accounts are scattered throughout the Bacon and Gawdy MSS.), box K. 12. (A), Diss, Shelfhanger bundle, letter to Bass. Gawdy 15 June 1598; *History Teachers Miscellany*, ed. H. W. Saunders, i, 37–38.

[34]N.N.R.O. Frere MS. box K. 9. (C), Larling bundle, declaration dated 26 Aug. 1600; *Stiffkey Papers*, pp. 26, 41–2 and 50; *Norf. Arch.*, x, 162–3. For the justices' relations with courts-leet see T. G. Barnes, *Somerset* 1625–1640, pp. 48–9.

[35]*H.M.C. Gawdy*, p. 73; N.N.R.O. Gawdy, fols. 37, 38, 42–44, 50b–51, 62b–63 and 95.

[36]C.U.L. MS. Mm. V, 7, fol. 1b; B. M. Cotton MS. Titus B V, fols. 59–77; P.R.O., S.P. 12/114 no. 46, fol. 5,/136 no. 52, fol. 2b,/133 no. 14; *A.P.C.* 1596, p. 53.

[37]Several letter books containing copies of the commissioners' papers and memoranda are extant. See especially N.N.R.O., Gawdy; Add. MS. 48591; Bodleian MS. Tanner 241; Woodhouse letter book *penes* Earl of Kimberley.

[38]*Stiffkey Papers*, pp. 168–184; *History Teachers Miscellany*, ed. H. W. Saunders, ii, 157–159; N.N.R.O., Frere MS. Box K. 11. (A), Beccles sheet 10; *East Anglian Notes & Queries*, ii, 159–160, 176–182; MS. *penes* B. Cozens-Hardy, undated letter from Henry Stutville to Nath. Bacon; *A.P.C.* 1591–2, pp. 159, 196–7, 336, 365–6.

[39]*Stiffkey Papers*, pp. 75–95; P.R.O., E. 179/281, S.P. 12/197 no. 33; N.N.R.O., Gawdy, fol. 39–39b, Frere MSS., Box K. 11 (A), Wayland Hundred sheet 7, Box K. 8 (A), Humbleyard Hundred sheets 6, 7–9; Letter Book of Philip Woodhouse, *penes* Earl of Kimberley; Bodleian MS. Tanner 241, fols. 31–32; Add. MS. 38, 508, fols. 15–19; *H.M.C. Gawdy*, p. 66.

[40]*Stiffkey Papers*, pp. 24–5.

[41]N.N.R.O. Gawdy, fols. 23, 28, 29, 31, 32 and 36. Holkham MS. General Estate Deeds Misc. Bundle A, No. 7, fols. 14 and 15.

Add. MS. 48591, fols. 13, 15b, 18b, 19 and 20b. Letter Book of Philip Woodhouse. *Penes* Earl of Kimberley.