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GOVERNING ENGLAND THROUGH THE MANOR COURTS, 1550–1850*

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ABSTRACT. *Using records from 113 manors in Yorkshire and elsewhere, this article surveys the changing role of manor courts in English local government over three centuries. These institutions allowed juries of established tenants to deal cheaply and easily with a variety of chronic concerns, including crime, migration, retailing, common lands, and infrastructure. Their focus varied significantly according to region, topography, settlement size, and time period, but active courts existed in most parts of the country throughout the seventeenth and eighteenth centuries. Ultimately, they had many valuable functions which historians have barely begun to explore. This article thus offers the most systematic analysis to date of the role of these institutions in making and enforcing by-laws in this period, showing that many of the courts evolved to suit the changing priorities of local tenants rather than falling rapidly into ruin as has sometimes been assumed.*

The manor court was a valued institution of local governance in post-medieval English society.[1] Ordinary people used these courts to punish petty violence, suppress disruptive behaviour, regulate economic life, protect common resources, and manage shared landscapes. This article highlights the remarkable resilience of these institutions in a constantly changing world. Whereas

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[1] 'Manor court' is used in this article to encompass 'courts baron' (for tenurial matters and enforcing 'the custom of the manor', including civil disputes, common lands, harbouring strangers, 'ill-disposed persons', etc.) and 'courts leet' or 'views of frankpledge' (for assaults and affrays, assizes of bread and ale, etc.), as well as 'honour courts' (for large estates comprising multiple manors). Often, these jurisdictions were locally intermixed, whereby a single court session might include business from multiple jurisdictions. Other lesser courts (not examined here) shared many features with manor courts, including 'portmotes' (for ports), 'wardmotes' (for urban wards), 'courts of pie powder' (for fairs and markets), and 'barmotes' (for mines). For a concise overview, see P. D. A. Harvey, *Manorial records* (revised edn, London, 1999), pp. 44–7.

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some historians have dismissed early modern manor courts as decaying relics of the middle ages, analysing some of the voluminous archival material produced by these courts reveals the vital role that they played in local life in the seventeenth and eighteenth centuries.[2] This investigation shows that many of them – rather than merely fading away after c. 1600 – actually shifted their focus away from violence, disorder, and victualling towards 'infrastucture' such as roads, drainage, and fences, while often remaining heavily involved in the management of common lands and local immigration.

The regulations issued by these courts and the records of their enforcement survive in great numbers, and these documents form the basis of this article. Specifically, I examined the by-laws and presentments produced at approximately 450 court sessions between c. 1550 and c. 1850, from more than 100 different manors, including a broad sample from Yorkshire and a smaller selection from more than two dozen other English counties. As will be seen, these documents present real methodological difficulties, but they can also tell us much about English society during this period and this article is partly a plea for further research into this undervalued source.

By analysing a large sample of court documents both qualitatively and quantitatively, this article reveals that householders in many communities met regularly as manorial jurors to set down local rules and then monitored their neighbours to ensure their implementation. After all, the manor was, in the words of one contemporary, 'a little commonwealth'.[3] But they varied significantly by time and place. The circumstances of a particular locality could dramatically affect the strength and focus of its manor court. There were thus notable contrasts between uplands and lowlands, and between towns and villages. Broad regional differences may be detected as well, with the most active courts seemingly concentrated in the midlands and the north. Of course, there were also changes over time, but simply to dismiss the post-medieval manor court as an institution in decline would be extremely misleading. Instead, many of these courts probably handled more business (at least for certain categories of offences) in the seventeenth century than they had in earlier periods. Not only was Walter King right to argue that manor courts were 'still needful and useful' under the early Stuarts, these bodies often remained essential to local governance until the era of parliamentary enclosure in the late eighteenth and early nineteenth centuries.[4]

This article has four main sections. The first briefly reviews the relatively small existing scholarly literature on post-medieval manor courts and the remarkable volume of manorial records that remain unexplored, as well as outlining the

[2] For the historiographical emphasis on 'decline', see Section IV below.

[3] This oft-quoted phrase comes from John Norden, *The surveyors dialogue* (London, 1607), p. 28.

[4] W. J. King, 'Early Stuart courts leet: still needful and useful', *Histoire sociale/Social History*, 23 (1990), pp. 271–99.

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sample of documents used in this article and the methodological challenges they entail. The second section presents an overview of the functions of these courts, highlighting the balance between various categories of offences over the period as a whole. The third focuses on the geographical variations in the business handled by these institutions, illustrating the similarities and differences between the manors of lowland and upland Yorkshire and between those of urban and rural communities in the larger sample, while also suggesting possible regional contrasts in the courts' strength and longevity. The fourth section addresses the issue of change over time by demonstrating their resilience in the seventeenth and eighteenth centuries, whereby many manors evolved to meet shifting circumstances rather than stagnating in their medieval form or rapidly falling into ruin. The first two sections are intended primarily for scholars who are relatively unfamiliar with these courts and their records, and with their potential value to early modernists. The next two sections will, I hope, be of use to all historians of English local governance and society, including those who have already discovered the value of post-medieval manorial documents.

I

Despite the fact that manor courts had a central place in the lives of many men and women in Stuart and Hanoverian England, they have been confined almost entirely to the margins of post-medieval historiography. The wealth of information about local government preserved in the manorial records of the seventeenth and eighteenth centuries remains largely undiscovered.

Medievalists have made very effective use of manorial regulations to investigate agrarian society during this earlier period, and their work on these sources can serve as a useful model for historians of early modern England. For example, W. O. Ault's pioneering study of medieval manorial by-laws showed how tenants regulated local agriculture, increasingly acting on their own initiative rather than relying on the authority of their lords.[5] More recently,

[5] W. O. Ault, 'Open-field husbandry and the village community: a study of agrarian by-laws in medieval England', *Transactions of the American Philosophical Society*, n.s., 55 (1965), pp. 11–54, esp. pp. 40–3. For other important work on the disciplinary and regulatory functions of the medieval manor court, see H. S. Bennett, *Life on the English manor: a study of peasant conditions, 1150–1400* (Cambridge, 1937), ch. 8; A. DeWindt, 'Local government in a small town: a medieval leet jury and its constituents', *Albion*, 23 (1991), pp. 627–54; J. S. Beckerman, 'Procedural innovation and institutional change in medieval English manorial courts', *Law and History Review*, 10 (1992), pp. 197–252; Z. Razi and R. Smith, eds., *Medieval society and the manor court* (Oxford, 1996), esp. chs. 2–3, 6–7; S. Olson, *A chronicle of all that happens: voices from the village court in medieval England* (Toronto, 1996); J. M. Bennett, *Ale, beer and brewsters in England: women's work in a changing world* (New York, NY, 1996), ch. 6; P. R. Schofield, 'Peasants and the manor court: gossip and litigation in a Suffolk village at the close of the thirteenth century', 159 (1998), pp. 3–42; M. Bailey, *The English manor, c. 1200–c. 1500* (Manchester, 2002), ch. 4; A. R. DeWindt and E. B. DeWindt, *Ramsey: the lives of an English fenland town, 1200–1600* (Washington, DC, 2006), esp. chs. 3, 5, 9.

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Marjorie McIntosh offered an impressive survey of the efforts of hundreds of communities to police 'misbehaviour' using manor courts and other 'lesser public courts'.[6] Her study, which extends from the late fourteenth century to the late sixteenth century, strongly challenged the many scholars who had 'wrongly concluded' that these sorts of records 'are of little value' for the Tudor period.[7] She demonstrates that, in most parts of country, they were actually handling more business by 1600 than ever before.[8] Likewise, Christopher Harrison provided additional evidence that Elizabethan manor courts were far from moribund, showing that they were in fact 'the premier courts of the first instance in most villages and many towns'.[9]

Yet, the voluminous manorial documents that date from beyond c. 1600 have received little sustained attention from historians, the chief exception being in scholarship on common land and enclosure. Several important studies of various types of 'commons' in the seventeenth and eighteenth centuries have made extensive use of these records, including the work of Eric Kerridge on common fields, Angus Winchester on northern upland pastures, and Jeanette Neeson on common land in Northamptonshire.[10] However, these authors only rarely discuss the other functions of the court. For that one must turn to the scattered research exploring 'courts leet'. Those of early Stuart Lancashire have been analysed in several articles by Walter King, whose fruitful work on the material inspired him to publish an appeal for further research into the ways in which these institutions 'satisfied the desire and need for local, inexpensive,

[6] M. McIntosh, *Controlling misbehavior in England, 1370–1600* (Cambridge, 1998).

[7] Ibid., p. 42. See also her study of an Essex manor, which made extensive use of these records: eadem, *A community transformed: the manor and liberty of Havering, 1500–1620* (Cambridge, 1991), esp. pp. 298–326.

[8] McIntosh, *Controlling misbehavior*, pp. 44–5, 81–2, 239.

[9] C. Harrison, 'Manor courts and the governance of Tudor England', in C. Brooks and M. Lobban, eds., *Communities and courts in Britain, 1150–1900* (London, 1997), p. 48.

[10] E. Kerridge, *The common fields of England* (Manchester, 1992); A. Winchester, *The harvest of the hills: rural life in northern England and the Scottish borders, 1400–1700* (Edinburgh, 2000), esp. chs. 2, 7; J. M. Neeson, *Commoners: common right, enclosure and social change in England, 1700–1820* (Cambridge, 1993), esp. ch. 5. For other examples of work that has used these records to examine commons and land management during this period, see R. Dilley, 'The Cumberland court leet and the use of common lands', *Transactions of the Cumberland & Westmorland Antiquarian & Archaeological Society*, n.s., 67 (1967), pp. 125–51; idem, 'Agricultural change and common land in Cumberland, 1700–1850' (Ph.D. thesis, McMaster University, 1991); P. Large, 'Rural society and agricultural change: Ombersley, 1580–1700', in J. Chartres and D. Hey, eds., *English rural society, 1500–1800: essays in honour of Joan Thirsk* (Cambridge, 1990), pp. 105–38, esp. 125–35; E. P. Thompson, *Customs in common: studies in traditional popular culture* (New York, NY, 1993), ch. 3, esp. pp. 144–51; S. Hindle, 'Persuasion and protest in the Caddington Common enclosure dispute, 1635–1639', *Past and Present*, 158 (1998), pp. 48–50; L. Shaw-Taylor, 'The management of common land in the lowlands of southern England, c. 1500 – c. 1850', in M. De Moor, L. Shaw-Taylor and P. Warde, eds., *The management of common land in north west Europe* (Turnhout, 2002); M. Clark, 'The gentry as governors in early modern England, with special reference to Middlesex and Essex, 1558–1625' (Ph.D. thesis, Cambridge, 2008), ch. 2. Amazingly, some key studies of commons largely ignore manorial records: J. A. Yelling, *Common field and enclosure in England, 1450–1850* (London, 1977).

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"neighbourly" justice'.[11] The non-agricultural functions of eighteenth-century manorial courts were somewhat dismissively addressed by Sydney and Beatrice Webb over a hundred years ago, but since then the only published work on this topic has been Robert Dilley's short article on manorial prosecutions for slander and defamation in Cumberland.[12] Whilst all of this work is valuable, it is still quite restricted. Most of it focuses on the management of common land, and those authors who have examined the broader aspects of manorial governance and regulation (Winchester, King, and Dilley) have focused on the north-west, with special emphasis on the period before c. 1650. This has left a vast body of manorial records essentially untouched.

The sheer volume of material that has yet to be studied is intimidating. A search of the digitized portions of the Manorial Documents Register at The National Archives between 1550 and 1850 reveals 840 manors with lists of presentments and 329 with lists of 'pains' (by-laws).[13] Given that these figures exclude court books and other documents that frequently contain regulations, and that they include only the twelve English counties whose registers have been digitized, the actual number of communities with surviving evidence of post-medieval manorial government must surely number in the thousands.[14] Of course, in some cases this material consists of only one or two court meetings with perhaps no more than a dozen by-laws detailed, but for other manors the records run in largely unbroken series for decades or even centuries.[15] It would take many years to exhaust the research possibilities offered by the existent records for even a single county.

Nonetheless, this article seeks to examine a relatively broad (though admittedly shallow) selection of these documents by delving into the manorial records of 113 different communities, most of which fall outside the boundaries

[11] King, 'Early Stuart courts leet', p. 298. For his earlier work on this material, see idem, 'Leet jurors and the search for law and order in seventeenth-century England: "galling persecution" or reasonable justice', *Histoire sociale/Social History*, 13 (1980), pp. 305–23; idem, 'Regulation of alehouses in Stuart Lancashire: an example of discretionary administration of the law', *Transactions of the Historic Society of Lancashire & Cheshire*, 129 (1980), pp. 31–46. For an analysis of an Oxfordshire court leet during this period, see M. Griffiths, 'Kirtlington manor court, 1500–1650', *Oxoniensia*, 45 (1980), pp. 276–81.

[12] S. Webb and B. Webb, *English local government* (9 vols., London, 1906–29), II, chs. 1–3; R. Dilley, 'Rogues, raskells and turkie faced jades: malediction in the Cumbrian manor courts', *Transactions of the Cumberland & Westmorland Antiquarian & Archaeological Society*, 97 (1997), pp. 143–51.

[13] Manorial Documents Register, www.nationalarchives.gov.uk/mdr/, accessed on 13 Nov. 2011. The twelve digitized counties are Berkshire, Buckinghamshire, Cumberland, Hampshire, Hertfordshire, Middlesex, Norfolk, Nottinghamshire, Shropshire, Surrey, Westmorland, and the three Ridings of Yorkshire.

[14] The extent to which these figures understate the actual number of documented courts is suggested by the fact that Winchester cites regulatory evidence from twenty-three manors in Cumberland from this period, sixteen of which are not listed in the Manorial Documents Register in the categories of 'pains' or 'presentments': Winchester, *Harvest of the hills*, pp. 176–7.

[15] For an example of the former, see Burton Salmon (1659). For the latter, see Acomb (1544–1822).

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of previous scholarship (see Appendix). The first part of the sample consists of 77 manors from Yorkshire, the kingdom's largest and most diverse county. This includes evidence from the wetlands of the Humberhead Levels, the fertile plains of the Vales of York and Mowbray, the hilly pastures of the North York Moors, the industrializing landscape of the West Riding coalfield, and the stock-raising hamlets of the Yorkshire Dales. The second part of the sample comprises 36 manors from 26 other English counties. It is too small to be described as 'representative', but it at least encompasses manors from Cumberland and County Durham in the far north to Cornwall and Devon in the south-west to Kent and Middlesex in the south-east.[16] For each of the manors in this sample, I have recorded the number and type of rules and offences listed in the court records for one or more years.[17] Together, these amount to 6,529 by-laws, orders, presentments, or fines from 452 court meetings – an average of about 14 offences per meeting and 58 per manor.[18]

It must be emphasized that measuring manorial regulation quantitatively is fraught with difficulties. As with all research into law-breaking and law-enforcement, the 'dark figure' of unreported crime makes it extremely difficult to distinguish changes in the number of actual offences from changes in number of prosecutions.[19] Furthermore, unlike official county or borough records, the survival of manorial documents is extremely haphazard as it depends largely on the record-keeping sensibilities of the various lords of the manor or their stewards, making survival more likely for manors with institutional owners and less likely for resident gentry families of modest wealth.

[16] Note that although the manors in the sample were intentionally drawn from a relatively wide variety of topography and regions, the primary criterion was the accessibility of their records rather than a scientifically robust sampling procedure.

[17] I have sampled one court session per decade, except when a particular set of records cover only a few years in which cases I have recorded two or more years from the same decade.

[18] The nominal distinction between 'rules' and 'offences' has been elided in the main sample for two reasons. First, separating them would double the number of categories necessary for any quantitative analysis making the presentation of the data much more opaque. Second, and perhaps more justifiably, many early modern manor courts do not appear to have made much of distinction themselves. Many 'pains' were not general by-laws but rather rebukes directed at specific offenders. Thus, the pains issued by the jury of Barlow in 1638 included not only broad rules about breaking hedges, ringing swine, and maintaining highways, but also many cases of pains that essentially laid conditional fines on specific people such as 'wee lie a paine that John Richeson the millner keepe weights and scales at his milne' (6*s* 7*d*), 'a paine layd that Thomas Knight take his wood out of Robert Clay dike by the out wood laine' (33*d*), and 'wee lie an pane that Grace Man make hir Peice betwext hir and Elizabeth Grub betwixt and martinmas next' (12*d*). Likewise, some supposed 'presentments' were not reprimands issued against named individuals but were instead pre-emptive amercements against any future offenders. For example, records from a session at Hunton in 1832 listed several presentments of specific people for specific infractions, but also included such entries as 'We present and amerce every person' who turns any animals into the highways (5*s*) and 'We present and amerce all persons' who neglect to source their ditches and drains (£1).

[19] J. Sharp, *Crime in early modern England, 1550–1750* (Harlow, 1984), pp. 42, 47–8; P. King, *Crime, justice and discretion in England, 1740–1820* (Oxford, 2000), pp. 11–12, 131–4.

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Thus, a lack of records from a specific manor (or during a specific period) is not proof that its court was inoperative. Moreover, sometimes the documents contain a fairly complete record of all the business of the manor court, but more often they include only presentments (without noting the underlying set of rules) or only pains (without indicating how often they were violated or enforced). Finally, the extremely individualized nature of English manors makes any attempt at standardization or categorization difficult. Rules were designed to apply to local circumstances, often naming the specific landscape features or particular people to which they pertained, and on rare occasions the use of dialect or the assumption of local knowledge simply makes a regulation impossible to decipher. All these factors must be borne in mind when considering the assessments that follow.

In addition, there are many facets of post-medieval manorial government that might be illuminated by these records but which cannot be addressed within the limited scope of this article. The court was, after all, a tremendously versatile institution. Its jury of tenants might serve as not only a legislature and a judiciary, but also as an arbitrator of private disputes, a franchise for electing officers, and a recorder of tenure and property.[20] The court could also provide a forum for informal debates and an opportunity for convivial socializing.[21] However, this article focuses solely on its law-making and law-enforcement functions. Moreover, several other issues have had to be set aside. There is, for example, no direct discussion of the social status of the jurors, the influence of lords and their stewards, the gendered nature of some offences, or the role of court officers such as haywards, swineherds, aletasters, and constables.[22] These important aspects of local administration deserve an article of their own, which hopefully will soon emerge from further work on this extraordinarily under-exploited class of documents.

[20] Harvey, *Manorial records*, ch. 4. Private disputes resulted in personal actions for debt, trespass, or covenant.

[21] For examples of the role of the manor court as a social event and source of local status, see St Mary Whittlesey (1788); D. R. Hainsworth and C. Walker, eds., *The correspondence of Lord Fitzwilliam of Milton and Francis Guybon, his steward, 1697–1709* (Northamptonshire Record Society 36, Northampton, 1990), p. 57; C. Estabrook, *Urbane and rustic England: cultural ties and social spheres in the provinces, 1660–1780* (Manchester, 1998), pp. 31–4; King, 'Regulation of alehouses', pp. 40–1.

[22] For jurors, see McIntosh, *Controlling misbehaviour*, pp. 36–7; King, 'Leet jurors', pp. 309–10; Clark, 'Gentry as governors', pp. 69–70; Griffiths, 'Kirklington', pp. 269–72, 282–3; J. Healey, 'Agriculture and community in Elizabethan England: the duchy of Lancaster survey books for the south and midlands, 1591', unpublished paper presented at the Economic History Society Annual Conference, 2010 (Durham). For lords and stewards, see D. Hainsworth, *Stewards, lords and people: the estate steward and his world in later Stuart England* (Cambridge, 1992), pp. 43–5, 190–4, 209–10; Clark, 'Gentry as governors', pp. 56–62. For gendered offences, see McIntosh, *Controlling misbehavior*, pp. 58–9, 73–4, 85–6, 197–8. For manorial officers, see McIntosh, *Community transformed*, pp. 316–26; J. Kent, *The English village constable, 1580–1642: a social and administrative study* (Oxford, 1986).

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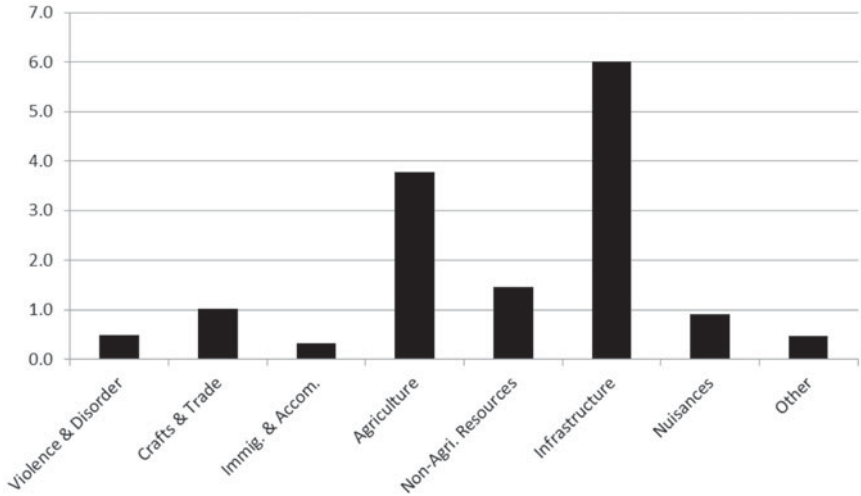


Fig. 1. Average number of offences per session, c. 1550–1850 *Sources:* Sample of 6,529 offences from 452 sessions for 113 manors (see Appendix).

II

The legislative and judicial functions of the manor court can be roughly divided into seven broad categories of concern: (1) violence and disorder; (2) crafts and trade; (3) immigration and accommodation; (4) agriculture; (5) non-agricultural resources; (6) infrastructure; (7) miscellaneous nuisances (Figure 1).

Attempting to suppress and punish violence was never a substantial proportion of manor court business. Normally, the jurors only presented one or two people at any particular sitting for 'assaults', 'affrays', or 'bloods', and at many courts these crimes received no attention at all, especially by the eighteenth century.[23] Cases like that of Robert Wythes of Colton (Yorks.), who was fined 6 s 8*d* 'for drawinge the blood of his man Thomas Dawton' in 1628, represent just one in every fifty offences recorded in the sample.[24] Only in especially large or especially active manors does one find nine or ten violent offenders being punished in a single year.[25] Nonetheless, as Walter King has shown for early Stuart Lancashire, people in some parts of England were much more likely to prosecute 'offences against the person' at local courts leet (or at petty sessions) than at the county quarter sessions.[26] Much the same can be said

[23] They were recorded in 45 sessions (10.0 per cent of the 452 total), 28 of which had only 1 or 2 such offences. It should be noted that technically only 'courts leet' (not 'courts baron') had the right to punish violent offences. In places where a 'court leet' did not operate, all such offences theoretically had to be presented at the county quarter sessions.

[24] Colton (1628). [25] Sheffield (1564); Stanton Lacy (1609).

[26] King, 'Early Stuart courts leet', pp. 276–7, 298.

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about other types of disorderly behaviour, such as 'scolding', 'night-walking', and 'unlawful gaming'.[27] These offences made up a similarly small proportion of the total sample and very rarely amounted to more than a couple of cases at any particular court.[28] Still, some manorial juries did indeed implement the sorts of 'moral regulation' that so excited many previous social historians.[29] At Lutterworth (Leics.), it was men 'playing at the shovelabord' and innkeepers encouraging 'unlawfull games' who faced prosecution, whereas at other manors it was bawdy houses or Sunday tippling that received attention.[30] However, the fear of disorder is most clearly revealed when the tenantry took action against assaults on the authority of manorial government itself. In the seventeenth and eighteenth centuries, several Yorkshire manors issued punishments for 'Contempt & ill behaviour in Court', 'abusing the Jurey', and 'giving Eill Langu[ag]es to a By-law'.[31] This suggests that vocal resistance to the regulatory power of these local assemblies was not uncommon, but also shows that it might come at a serious cost.

Trade, manufacture, and commerce constituted the second broad category of issues subject to manorial supervision. These economic activities did not feature especially prominently in juries' presentments, but they were addressed

[27] Pockley and Beadlam (1735: abusing neighbours with her tongue); Brompton (1635: bawling and scolding); Clare (1702: eavesdropping and night-walking); Howden (1616: unlawful games); Gnossall (1585: playing 'le tables and cards', scolding, and night-walking). Slander and defamation, in contrast, were normally handled by the ecclesiastical courts and no cases were found in the sample. However, these offences did appear in a few manor courts in the early modern period: Dilley, 'Rogues'; McIntosh, *Community transformed*, p. 67. Gaming and drunkenness, if it occurred on the Sabbath, might also be prosecuted in the ecclesiastical courts.

[28] Recorded in 36 sessions (8.0 per cent), 22 of which had only 1 or 2 such offences. These largely fit into the clusters of offences that McIntosh labelled 'disharmony' and 'disorder', analysed at length in McIntosh, *Controlling misbehavior*, esp. pp. 56–81.

[29] For important discussions of early modern 'moral regulation', see K. Wrightson and D. Levine, *Poverty and piety in an English village: Terling, 1525–1700* (2nd edn, Oxford, 1995), pp. 142–72, 207, 210–11; M. Spufford, 'Puritanism and social control?', in A. Fletcher and J. Stevenson, eds., *Order and disorder in early modern England* (Cambridge, 1985), pp. 41–58; J. Innes, 'Politics and morals: the reformation of manners movement in later eighteenth-century England', in E. Hellmuth, ed., *The transformation of political culture: England and Germany in the late eighteenth century* (Oxford, 1990), pp. 57–118; L. Davidson et al., eds., *Stilling the grumbling hive: the response to social and economic problems in England, 1689–1750* (Stroud, 1992), ch. 5–7; M. Ingram, 'Reformation of manners in early modern England', in P. Griffiths, A. Fox, and S. Hindle, eds., *The experience of authority in early modern England* (London, 1996), pp. 47–88; McIntosh, *Controlling misbehavior*; P. Seaver et al., 'Symposium: controlling (mis)behavior', *Journal of British Studies*, 37 (1998), pp. 231–305.

[30] Lutterworth (1563); the Savoy (1684, 1694, 1714, 1754); Burbage (1584); St Mary Whittlesey (1788, 1794).

[31] Arncliffe (1706: fined 'for his Contempt & ill behaviour in Court', 10*s*); Bishopthorpe (1765: presented 'for abusing the Jurey', 1*s*); Escrick (1753: none 'shall rail of any of the Jouery', £1); Deighton, E. R. (1638: none 'raile of aney of the juery', 6*s* 8*d*); Sherburn-in-Elmet (1730: presented for 'giving abuse at the By-law', 1*s* 8*d*; 1752: presented 'for giving Eill Langues to a By-law', 2*s*). For examples from Cumberland and Lancashire, see Dilley, 'Rogues', pp. 149–50; King, 'Leet jurors', p. 320.

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more often than violence and disorder, accounting for about 7 per cent of the offences recorded in the sample.[32] The most common complaints of this type focused on bakers and brewers who tried to sell their vital wares at unlawfully high prices, thus breaking the assize of bread and ale.[33] Also prosecuted were millers 'for takinge excessive toll more than due' and butchers for selling meat at inflated prices.[34] Moreover, some manor courts took a variety of other measures to regulate local traders and craftsmen. For instance, the jurors who governed the inland port town of Selby on the Yorkshire Ouse required that 'searchers' hunted out 'corrupt victualls' on market days, that corn dealers only sold their loads at the dock after they were 'publickly Cryed' by the bellman, that millers 'grynde the freholders & tenants corne before anie forriners', and that curriers sold only 'well Tanned' leather.[35] Yet the protection of consumers was not the only way in which manor courts intervened in commercial affairs – they also occasionally defended seigniorial interests by demanding that tenants only grind their corn at the lord's mill, and at least a few juries even tried to enforce religious prescriptions by prosecuting Sunday trading.[36]

Alongside the security of a well-ordered market, tenants also prized a stable population and a fixed settlement pattern. Ordinances and prosecutions intended to maintain this stability were found somewhat more widely than those concerned with violence or trade, though they only comprised about 2 per cent of the sample.[37] The specific means employed by locals to exclude unwanted immigrants were essentially twofold. First, they prohibited current tenants from sub-letting to 'undersettles' or providing lodging to the mobile poor. The jurymen of West Tanfield (Yorks.), for example, imposed a 10 s fine on William Emerson in 1752 'for habouring Common Vagabonds contrary to Law and to [the] terror of the Inhabitants and the evil example of all others'.[38] Second, the tenantry used the Elizabethan law against the building of dwellings without four acres of land to restrict the erection of cottages that might accommodate poor

[32] Recorded in 59 sessions (13.1 per cent), 21 of which had 1 or 2 offences.

[33] For examples, see Acomb (1586, 1614, 1624); West Routon (1662). For a more general discussion of this offence, which makes only one brief mention of manor courts, see S. Webb and B. Webb, 'The assize of bread', *Economic Journal*, 14 (1904), pp. 196–218. Like assault, these regulations were supposed to be enforced only by 'courts leet' (not 'courts baron').

[34] Drax (1658); Gnossal (1593); Lutterworth (1563).

[35] Selby (1625, 1682, 1716).

[36] Tottenham (1558: refused to use lord's mill); Eckington (1585: withholding corn from lord's mill); Escrick (1753: only use lord's mill); Clare (1715: selling meat and 'turning' on the Sabbath); Dowdeswell (1654: selling ale without licence on the Sabbath); St Mary Whittlesey (1788, 1794: tippling or carting on the Sabbath).

[37] Recorded in 64 sessions (14.2 per cent), 48 of which had 1 or 2 offences.

[38] West Tanfield (1752). See also McIntosh, *Controlling misbehavior*, pp. 93–6; S. Hindle, 'Exclusion crises: poverty, migration and parochial responsibility in English rural communities, c. 1560–1660', *Rural History*, 7 (1996), pp. 128–31; idem, *On the parish?: the micro-politics of poor relief in rural England, c. 1550–1750* (Oxford, 2004), ch. 5.

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incomers.[39] Hence, the manorial jurors of Riccall (Yorks.) regularly reaffirmed 'that noe manner of person shall ericte or build anye house to dwell in Except it be upon [an already existing] front stead', with offenders forfeiting the huge sum of 39 s 11 *d*.[40] These sorts of by-laws ensured that established inhabitants could enforce a degree of control over any potentially disruptive immigration into their villages.

However, whilst the aforementioned issues received attention from many manorial juries, the management of agricultural land and livestock had a far more central place in the business of these courts. In fact, over a quarter of the sample consisted of pains and presentments that fell under this category, and this group would appear still larger if one included the 'agricultural infrastructure' discussed below.[41] Both arable and pastoral agriculture usually required some communal oversight and co-operation, though as will be seen in subsequent sections this varied greatly from place to place.[42] If a village had 'townfields' (i.e. 'open' or 'common' fields), the manor court was often used to co-ordinate the harvest and the grazing on the stubble that followed. Juries thus issued orders directing, for example, that everyone reaped 'his Lande in the Fields within Foure days after notice given by the Fielde Reeves', that no one began 'gleaning till the stookes [corn-stacks] be taken away', and that no tenants put their cattle into the harvested fields 'before publike notice be given in the Church that the Inhabitants . . . shall agree to enter and feed the same fields'.[43] Similarly, if the settlement had common pastures or 'wastes', manorial ordinances were used to ensure these lands were not over-grazed. In many places, this meant setting out in detail the 'stint' allowed to different inhabitants, specifying the number and type of livestock permitted to each, and limiting grazing to particular times of the year.[44] Many manors also severely

[39] This was apparently one of the few rules 'routinely and effectively enforced' by the manors of Abson and Wick (Glos.) after 1660: Estabrook, *Urbane and rustic England*, p. 33. For a detailed examination of the implementation of the Cottages Act of 1589, see D. Tankard, 'The regulation of cottage building in seventeenth-century Sussex', *Agricultural History Review*, 59 (2011), pp. 18–35. For more on the role of the manor in the accommodation of the poor, see S. Birtles, 'Common land, poor relief and enclosure: the use of manorial resources in fulfilling parish obligations, 1601–1834', *Past and Present*, 165 (1999), pp. 87–90; J. Broad, 'Housing the rural poor in southern England, 1650–1850', *Agricultural History Review*, 48 (2000), pp. 151–70, esp. pp. 153–7.

[40] Riccall (1625, 1646, 1655, 1665, 1674). In theory, most manor courts were restricted to fines of less than 40*s*, but there is also evidence of manorial juries imposing fines far above that level, even up to £10: the Savoy (1684, 1694, 1714, 1754); Hertfordshire Archives, QSR 16/1675/562.

[41] Recorded in 280 sessions (61.9 per cent), 49 of which had 10 or more offences. For a quantitative analysis of agricultural offences presented at 17 manor courts in Cumberland between 1630 and 1839, see Dilley, 'Cumberland court leet', pp. 132–40.

[42] Scholarship on common lands is vast, but some key studies are cited in n. 10 above.

[43] Girton Pigotts (1682); Bishopthorpe (1625); Exning (1581).

[44] Great Horwood (1550); Wedon (1564); Burbage (1584); Salford (1592); Eggborough (1607); Snaith (1648, 1687); Everingham (1633); Girton Pigotts (1653); Brotherton (1667); Ware (1687); Acomb (1713); Orston (1731); St Andrew Whittlesey (1779, 1795), St Mary

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restricted the use of commons by non-residents. Tenants of Newton Longville (Bucks.) had to offer grazing rights to neighbours before letting them to foreigners, and the inhabitants of Thorpe in Balne (Yorks.) could not 'gist any strangers Cattell upon Thorpe Marsh' at all.[45] In addition, most communities had by-laws designed to protect agricultural land from the depredations of loose animals such as swine (which had to be ringed and sometimes yoked) and geese.[46] As a result of these manifold injunctions, vast numbers of people were presented and fined for the damage caused by their livestock, whether found wandering in the fields or over-stinted on the commons. Private encroachments upon manorial 'wastes' – or, in some cases, upon another tenant's holding – also elicited fines.[47] Rarely did those who attempted to expand their own fields by ploughing up a piece of the common escape notice.

The protection of non-agricultural resources – such as fuel, timber, earth, fish, and game – was another function of the manor court, and although previous historians have often bundled this with agricultural regulation it deserves closer attention.[48] Such regulations were very widespread, despite accounting for far fewer presentments than those related to crops and livestock.[49] About 7 per cent of the offences in the sample were cases of unlawfully cutting wood, breaking hedges, collecting furze, or graving turves, most of which must have been committed by men and women seeking supplies of winter fuel. Jurors rarely dealt with more than a couple of these cases each year, though there were exceptions, such as the fourteen people presented at Carthorpe (Yorks.) in 1620 for breaking hedges and taking the lord's wood.[50] Furthermore, the court was usually responsible for preventing individuals from damaging the commons by digging out soil, sand, or clay for use as building materials.[51] Even the use of manure was often regulated due to the value it

Whittlesey (1678, 1718, 1838, 1848). For a recent analysis of the long history of 'stinting' pastures, see A. Winchester and E. Straughton, 'Stints and sustainability: managing stock levels on common land in England, c. 1600–2006', *Agricultural History Review*, 58 (2010), pp. 30–48.

[45] Newton Longville (1608); Thorpe in Balne (1669).

[46] Indeed, the offence of 'unrung' or 'unyoked' swine comprised nearly 5 per cent of the sample. For the details of why and how pigs were so restricted, see Ault, 'Open-field husbandry', pp. 27–9.

[47] For examples of encroachments on common land, see Owston (1714); Clare (1702). For a man fined 6*s* 8*d* 'for making an Encroachment upon the said [neighbour's] Garden', see Beechill (1755).

[48] For a more general discussion of the exploitation of these resources, see D. Woodward, 'Straw, bracken and the Wicklow whale: the exploitation of natural resources in England since 1500', *Past and Present*, 159 (1998), pp. 43–76.

[49] Recorded in 139 sessions (30.8 per cent).

[50] Carthorpe (1620). Even more were presented at the nearby manor of West Tanfield in 1641.

[51] Riccall (1614); Selby (1682); Pockley and Beadlam (1804, 1831). In contrast, for the spectacular failure of the Whickham (Durham) manor court to deal effectively with the expansion of coal-mining in the seventeenth century, see D. Levine and K. Wrightson, *The making of industrial society: Whickham, 1560–1765* (Oxford, 1991), ch. 2.

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Table 1 *Infrastructure offences by type*

Type	No.	No./session	%
Ways, lanes, paths	534	1.2	19.6
Drains, dikes, ditches	1,253	2.8	46.1
Fences, hedges, pinfolds	803	1.8	29.5
Houses, chimneys, roofs	100	0.2	3.7
Other infrastructure	29	0.1	1.1
Total	**2,719**	**6.0**	**100.0**

Sources: See Appendix.
Notes: Figures may not sum due to rounding.

added to local agricultural land – hence, villages like Burton Salmon (Yorks.) passed ordinances against gathering or carrying away any dung from the common without the consent of the lord and freeholders.[52] The prerogatives of the manor's owner had to be protected as well, and this led to a small number of people being fined at the court after having been caught fishing in seigniorial waters or catching rabbits on the moors.[53]

The largest group of offences handled by England's manor courts concerned local infrastructure, an issue unlikely to stir the hearts of many historians but one that has long been a crucial element in the lives of ordinary people. This category made up over 40 per cent of presentments and pains in the sample, and it was addressed in more than four-fifths of all court sittings.[54] As with offences relating to fuel and timber, previous discussions have often subsumed this type of offence under the general heading of agricultural regulation and many of these rules were indeed directly related to protecting crops and managing livestock, but it is worth looking at the specific offences here in slightly more detail (Table 1).[55] The infrastructure mentioned in these records varied significantly between different manors and over time, but three types stand out. First, the roads and paths essential to the movement of goods and people had to be maintained, necessitating innumerable presentments for those who neglected to repair the lanes adjoining their land, who obstructed the streets with dunghills or sandpits, who failed to attend the 'common days

[52] Burton Salmon (1659). For other examples, see Elmley Castle (1567); Escrick (1753); Acomb (1814).

[53] Alston Moor (1597, 1692); Eggborough (1607); Chilham (1655). The lord's right to windfall timber was also protected here: Hainsworth, *Stewards*, p. 209.

[54] Recorded in 383 sessions (84.7 per cent).

[55] For previous quantitative analysis of this function of the manor court see Clark, 'Gentry as governors', pp. 62–82; B. Waddell, *Landscape and society in the Vale of York, c. 1500–1800* (York: Borthwick papers, no. 120, 2011), section 2.6 and appendix 1. In Clark's sample of 248 presentments from twelve manors (1599–1627), over two-thirds concerned infrastructure. In my Vale of York sample, it comprised just over half of the 2,414 offences.

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work' for mending the highways, or who removed the stiles and bridges on their footpaths. Second, the drainage system used to prevent floods and waterlogged fields required communal oversight, and this led to hundreds of fines for not cleaning out ditches, not fixing broken embankments, not trenching common fields, and not digging sufficient dikes. Third, the network of enclosures and boundaries used to manage livestock and define holdings could not be ignored, so manorial juries frequently issued penalties for allowing fences to fall down, leaving pinfolds unrepaired, and ploughing the baulks that separated furrows in open fields. Finally, in addition to supervising these three major parts of local infrastructure, the manor courts also occasionally dealt with tenants who refused to maintain the fabric of their houses (especially the chimneys) and officers who neglected to provide the community with adequate 'amenities' such as village wells, cucking stools, or whipping posts.[56]

Finally, tenants also concerned themselves with a variety of other miscellaneous nuisances. Punishments were meted out for unlawfully tipping waste or fouling water supplies, as evidenced in presentments 'for making a dunghill to the anoyance of his neighbours' and penalties for inhabitants who 'Raite [i.e. soak] aney Line or hempe in the maine dam.'[57] In an age of wooden buildings, reducing the risk of fire was also important, so juries frequently issued orders against 'carrying … any fire from one House to Another uncovered' or 'smock[ing] any Tobaco in any of the Town Streets … without a Convenant Covering for the same'.[58] Likewise, juries sought to maintain the health and quality of the village's livestock by prohibiting tenants from putting 'scabbed', 'mangy', or 'stoned' (uncastrated) animals on shared pastures.[59] These sundry annoyances, when combined with the small number of minor offences that cannot be categorized, comprised about one in ten of the by-laws and presentments in the sample.[60]

III

The range of concerns addressed by post-medieval manor courts testifies to their potentially broad jurisdiction. However, treating them as a uniform bloc would be deeply problematic, as it would overlook the occasionally stark contrasts between the manor courts of different regions and localities. Variations in function and strength meant that the manorial governance of an

[56] Acomb (1544, 1555: common well); Wedon (1564: grindstone); Alston Moor (1597: archery butts); Brompton (1634: cucking stool); Leake (1634: stocks); Dowdeswell (1634: stocks, crow net and whipping post; 1673: whipping post); Ware (1705: cucking stool); West Tanfield (1754: stocks).

[57] Howden (1616); Selby (1682).

[58] Bishopthorpe (1795); St Andrew Whittlesey (1729).

[59] Exning (1694); Alston Moor (1597); Brotherton (1667).

[60] For examples of uncategorized offences, see Dowdeswell (1581: inhabitants 'have not used their bows and arrows according the statute'); Gnossall (1585: not wearing a cap); Acomb (1624: refusing to lodge a lawful traveller); St Mary Whittlesey (1768: butcher killing a bull without baiting it at the common bullring).

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upland village in the north-west might be quite unlike that of a small market town in the south-east.

The diverse geography of the sprawling county of Yorkshire offers an insight into the practical impact of these variations. A clear split emerges within the sample's seventy-two Yorkshire manors between those situated in the alluvial plains or marshy estuaries of the county's lowlands, and those found on the elevated ridges, rolling hillsides, or steep slopes of the industrial and upland areas (see Table 2).[61] Some of these differences are predictable. For example, the huge contrast in the proportion of manorial business focused on local infrastructure was almost entirely due to the fact that lowland manors dealt with an average of four or five times as many drainage-related offences per session as their upland equivalents. Whereas tenants of flood-prone villages like Owston, Drax, and Fulford sometimes made twenty or thirty presentments about dikes and embankments at a single session, most of those at higher elevations made no presentments of this sort at all.[62] Likewise, the stark difference in the regulation of non-agricultural resources is mostly the result of upland manors focusing much more closely on potential fuel supplies such as bracken, turf, wood, and hedges. At the edge of the North York Moors, for instance, the manorial jurors of Sproxton and Beadlam fined numerous offenders for 'graving turffs having no right' on their common moorland.[63]

Other differences are less self-explanatory, especially the disparity in presentments for violence and disorder. In this sample, more than twice as many prosecutions for this type of behaviour were made in upland manors as in lowland ones, both for 'affrays' and for other 'disorders'. The bulk of these cases came from the industrializing neighbourhoods in and around Sheffield and Leeds, so it seems that socio-economic factors may provide at least a partial explanation, but the contrast is also partly caused by the chronological biases of the sub-samples.[64] The limits of the data also contribute to the differences in the proportions recorded under the headings of 'crafts and trade' and 'miscellaneous nuisances': in both cases, an extraordinary number of these offences were presented at a single manor court, skewing figures that would be otherwise unremarkable.[65] More interesting is the fact that the distribution of court business across several categories was actually very similar in these two regions. Despite extremely different landscapes and economies, the manors of lowland, upland, and industrial Yorkshire all attended to a comparable number of cases concerning immigrants, new cottages, open fields, common grazing,

[61] For a fuller discussion of a selection of lowland Yorkshire manors, see Waddell, *Landscape and society*, esp. part 2.

[62] Owston (1626); Drax (1661); Fulford (1825). Of the upland/industrial group, 28 sessions (65.0 per cent) had no drainage-related pains or presentments. This was true of only 60 sessions (28.4 per cent) of the lowland group.

[63] Sproxton (1670, 1745); Pockley and Beadlam (1735, 1831).

[64] Bradfield (1564); Leeds (1666). The shifts over time are discussed in the subsequent section.

[65] Sheffield (1564); West Tanfield (1635, 1656).

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Table 2 *Categories of offences by topography in Yorkshire, c. 1550–1850*

	Lowland Yorks. (211 sessions)			Upland Yorks. (80 sessions)			All Yorks. (291 sessions)		
	No.	No./s.	%	No.	No./s.	%	No.	No./s.	%
Violence & disorder	58	0.3	1.8	59	0.7	4.5	117	0.4	2.7
Crafts & trade	84	0.4	2.6	224	2.8	17.1	308	1.1	6.8
Immig. & accom.	70	0.3	2.2	26	0.3	2.0	96	0.3	2.1
Agriculture	799	3.8	25.1	312	3.9	23.8	1,111	3.8	24.5
Non-agri. resources	163	0.8	5.1	187	2.3	14.3	350	1.2	7.7
Infrastructure	1,788	8.5	56.1	342	4.3	26.1	2,130	7.3	47.5
Misc. nuisances	167	0.8	5.2	151	1.9	11.5	318	1.1	7.0
Other	60	0.3	1.9	11	0.1	0.8	71	0.3	1.6
Total	**3,189**	**15.1**	**100.0**	**1,312**	**16.4**	**100.0**	**4,501**	**15.5**	**100.0**

Notes: 'No./s.'=number per session. Figures may not sum due to rounding. 'Lowland' includes the Vale of York, the Vale of Mowbray, the Humberhead Levels, and Holderness; 'Upland' includes the North York Moors, the Yorkshire Dales, the Pennine Fringe, the Yorkshire Coalfield, and the Magnesian Limestone Ridge. For a discussion of these regions, see D. Hey, 'Yorkshire and Lancashire', in J. Thirsk, ed., *The agrarian history of England and Wales*, v: *1640–1750* (Cambridge, 1985), pt 1, pp. 59–86.

Sources: See Appendix.

straying livestock, fences, highways, food selling, and minor nuisances. Even the contrast that one would expect to see between offences relating to arable and pastoral agriculture is not apparent in the data.[66] This suggests that, at least within Yorkshire, geographic variations were important and noteworthy, but hardly overwhelming.

In the rest of the England, the pattern may have been much the same, though the smaller size of the sample of courts outside Yorkshire means that establishing firm conclusions is beyond the scope of this article. Simple comparisons hint at the expected results. Thus, low-lying manors in the fenny parts of Lincolnshire, Cambridgeshire, and Middlesex devoted much more energy to managing their drainage systems than did the upland settlements in Cumberland and Derbyshire.[67] Common resources were also geographically specific. Regulations concerning the right of 'turbary', for example, were concentrated in places where the scarcity of wood made alternatives such as peat and turf more valuable.[68] Somewhat surprisingly, the offence with the clearest regional limit was the 'retting' (soaking) of hemp and flax, which formed an important step in processing this fibre for use in rope and cloth but which also risked polluting the local water supply. With the single exception of Dowdeswell (Glos.), the only manors in the sample that sought to restrict 'retting' were in Yorkshire, perhaps indicating that this particular cottage industry required a type of alluvial soil that was not found everywhere.[69]

At least one important geographical variation in patterns of regulation had little to do with topography or climate – this was the division between urban manors and their rural counterparts (Table 3).[70] The courts leet of urban

[66] Instead, the lowlands had almost exactly the same number of 'livestock' (3.6) and 'crops and harvest cases' (0.2) per session as the uplands (3.6 and 0.3).

[67] Corringham Magna (1601); St Andrew Whittlesey (1739); Tottenham (1558, 1565, 1576); Alston Moor (1597, 1692); Eckington (1556–1723).

[68] Alston Moor (1597, 1692); Wasdale Head (1664); St Mary Whittlesey (1678); Prestaller (1764).

[69] Dodeswell (1588); Riccall (1601, 1691, 1705); Acaster Malbis (1626); Thornborough (1635); Sproxton (1670). However, for evidence that flax and hemp were grown 'on a substantial scale' elsewhere, see E. Kerridge, *Textile manufactures in early modern England* (Manchester, 1985), p. 141. For more on the cultivation of hemp and flax, see J. Thirsk, *Alternative agriculture: a history from the Black Death to the present day* (Oxford, 1997), pp. 28–9, 46–7, 64.

[70] For examples of other urban manor courts, not included in the sample, see D. Butcher, *Lowestoft, 1550–1750: development and change in a Suffolk coastal town* (Woodbridge, 2008), pp. 247–66; B. Howlett, 'Manorial estate and market town: the early development of Hitchin', in T. R. Slater and N. Goose, eds., *A county of small towns: the development of Hertfordshire's urban landscape to 1800* (Hatfield, 2008), pp. 212–17; F. Hearnshaw and D. M. Hearnshaw, eds., *Court leet records [Southampton, 1550–1624]* (4 vols., Southampton, 1905–8); A. Hewitson, ed., *Preston court leet records, 1653–1813* (Preston, 1905); J. P. Earwaker, ed., *The court leet of the manor of Manchester* (12 vols., Manchester, 1884–90); C. M. Fraser et al., eds., *The court rolls of the manor of Wakefield* (14 vols., York, 1977–2004); Doncaster Archives, AB 5/5/5 (Doncaster court leet, 1608–1819). For a list with many more urban courts leet (some of which were still active in the eighteenth and nineteenth centuries), see F. J. C. Hearnshaw, *Leet jurisdiction in England*

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Table 3 *Categories of offences by geography, c. 1550–1850*

	Urban (38 sessions)			Rural (414 sessions)			All (452 sessions)		
	No.	No./s.	%	No.	No./s.	%	No.	No./s.	%
Violence & disorder	74	2.0	10.1	146	0.4	2.5	220	0.5	3.4
Crafts & trade	263	6.9	35.9	196	0.5	3.4	459	1.0	7.0
Immig. & accom.	9	0.2	1.2	142	0.3	2.5	151	0.3	2.3
Agriculture	86	2.3	11.7	1,621	3.9	28.0	1,707	3.8	26.2
Non-agri. resources	21	0.6	2.9	633	1.5	10.9	654	1.5	10.0
Infrastructure	220	5.8	30.1	2,499	6.0	43.1	2,719	6.0	41.7
Misc. nuisances	46	1.2	6.3	360	0.9	6.2	406	0.9	6.2
Other	13	0.3	1.8	198	0.5	3.4	211	0.5	3.2
Total	**732**	**19.3**	**100.0**	**5,795**	**14.0**	**100.0**	**6,527**	**14.5**	**100.0**

Notes: 'No./s.' = number per session. Figures may not sum due to rounding. 'Urban' includes Clare, Leeds, Lutterworth, Northallerton, Selby, Sheffield, and the Savoy in the Strand; 'Rural' includes all others.

Sources: See Appendix.

boroughs and small market towns often dealt with many issues particular to their larger, more diversified economies.[71] Pre-eminent among these was trade and manufacturing, which accounted for about one in three offences here, well over tenfold more than in villages.[72] Indeed, whilst bakers and brewers in the countryside were very rarely punished for sharp dealing, those of the towns were fined relatively often. The same is true of assaults and other disorderly conduct, which made up about one in every ten offences presented by urban juries.[73] Townspeople also used their manor courts to focus on a few other specific issues, namely the maintenance of streets and paving, the digging of clay and gravel pits on commons, and the limiting of potential fire hazards. Yet, overall, the regulation of non-agricultural resources and miscellaneous nuisances featured less prominently in urban manors than in rural ones. So too did agricultural affairs, and for understandable reasons there were almost no mentions of crops or harvests. Still, as Henry French has recently shown, most towns controlled at least some local common pastures.[74] As a result, by-laws and presentments relating to livestock were recorded fairly frequently, including dozens of fines for over-stinting and grazing 'without right' that were imposed by the leet jurors of Northallerton in the 1630s in an effort to govern the use of the market town's shared pastureland.[75] In other words, urban courts still had a significant impact on communal grazing and road maintenance whilst taking a much more active role in the suppression of predatory trading and unruly behaviour.

Assessing geographical variations in the strength of manor courts is rather more difficult than analysing differences in their function.[76] The Manorial Documents Register might appear to be a promising source, but many of the figures for particular counties seem more likely to be the result of differences in

(Southampton, 1908), pp. 248–321. Many towns and cities, including London and York, also had 'wardmote' courts that (like courts baron) dealt with streets, nuisances, lodging strangers, and other quotidian affairs: Webb and Webb, *English local government*, III, pp. 581–6; A. T. Harris, *Policing the city: crime and legal authority in London, 1780–1840* (Columbus, OH, 2004), p. 13; P. M. Tillott, ed., *Victoria county history: Yorkshire – the city of York* (London, 1961), p. 182; York City Archives, F 9, fos. 13–14, 17 (1686–7).

[71] This was also true of the leets of Cockermouth and Egremont: Dilley, 'Cumberland court leet', pp. 128–9.

[72] The urban proportion is much higher than that of the rural manors even if one excludes the extraordinary figures for Sheffield (1564) and Lutterworth (1563).

[73] Again, this pattern holds even after accounting for exceptional cases and chronological bias.

[74] H. French, 'Urban agriculture, commons and commoners in the seventeenth and eighteenth centuries: the case of Sudbury, Suffolk', *Agricultural History Review*, 48 (2000), pp. 171–99; idem, 'Urban common rights, enclosure and the market: Clitheroe town moors, 1764–1802', *Agricultural History Review*, 51 (2003), pp. 40–68. See also M. Bowden, *Graham Brown, and Nicky Smith,* An archaeology of town commons in England: 'A very fair field indeed' (Swindon, 2009).

[75] Northallerton (1634, 1635).

[76] Only functioning manors are included in the main sample, so it reveals little about the balance between active and inactive manor courts.

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Table 4 *Manors with extant manorial documents, 1550–1850*

County	No. with pains	No. with presentments
Berkshire	4	58
Buckinghamshire	10	34
Cumberland	12	14
Hampshire	0	132
Hertfordshire	19	43
Middlesex	2	14
Norfolk	1	16
Nottinghamshire	27	53
Shropshire	18	150
Surrey	0	42
Westmorland	5	14
Yorks., ER	66	48
Yorks., NR	86	116
Yorks,. WR	79	106
Total	**329**	**840**

Source: Manorial Documents Register, www.nationalarchives.gov.uk/mdr/, accessed on 13 Nov. 2011.

archival cataloguing practices than indications of actual patterns of regulation (Table 4). For example, although the three Ridings of Yorkshire together included 270 manors with recorded sets of presentments and Hampshire had 132 of the same, the counties of Cumberland and Westmorland each included only 14 such manors, a disparity too large to be plausible.[77] Until further research comparing particular regions is undertaken, one must rely on reasoned speculation.[78] Logic suggests that the extent of common lands – both arable and pastoral – correlated relatively closely to the vibrancy of manorial regulation because such resources required communal oversight. Thus, the most active manors were probably concentrated in the open-field counties of the Midlands and in the common-pasture counties of the northern uplands and the eastern fenlands. In contrast, less active manors must have predominated in places characterized by extensive early enclosure such as Kent, Essex, and Cornwall.[79] Similarly, manor courts probably handled more local business in

[77] For evidence of at least Cumberland being undercounted, see n. 14 above.

[78] But for pre-1600 regional patterns, see McIntosh, *Controlling misbehaviour*, pp. 43–5.

[79] M. Turner, *English parliamentary enclosure: its historical geography and economic history* (Folkestone, 1980), ch. 2, esp. pp. 35, 59, 61; J. R. Wordie, 'The chronology of English enclosure, 1500–1914', *Economic History Review*, 2nd ser., 36 (1983), pp. 489–90; G. Clark and A. Clark, 'Common rights to land in England, 1475–1839', *Journal of Economic History*, 61 (2001) pp. 1029–33.

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areas where other institutions were weak or non-existent. This pattern can be seen most clearly in the case of urban centres that lacked a borough government – Manchester, for instance, had a powerful and long-lasting court leet.[80] Such a tendency may also have led to more active manors in the parts of England (namely the counties of Shropshire, Staffordshire, Derbyshire, and those further north) where the prevalence of large, multi-township parishes made parochial administration impractical.[81] Matters that were dealt with elsewhere by the parish vestry would here be the responsibility of manorial juries.[82] If, as seems likely, the distribution of common lands and of rival governing institutions was the key factor, then England's most active post-medieval manor courts were to be found outside the south-east, especially in certain central and northern areas such as the Midland plain, the fenlands, and much of the north.

IV

In the middle ages, manors served as the principal organ of local government for the vast majority of the English people. By the time copyhold tenure was abolished in 1922, these institutions were mere shells of their former selves. Understanding the chronology of this shift is important if we hope to make sense of the history of local justice and regulation.

Most historians who have discussed the manor courts of the seventeenth and eighteenth centuries have depicted them as institutions in decline. For Sidney and Beatrice Webb, who first surveyed the subject, these 'feudal' jurisdictions were severely shaken by the 'persistent hostility' of the early Stuarts and the commonwealth regime, 'from which they never recovered'.[83] By 1689, the institution was a 'court in ruins', 'in every instance falling into decay'.[84] Much the same sentiment is expressed by P. D. A. Harvey in his recently revised introduction to these sorts of records: 'After the late sixteenth century, ... the history of the manor courts is one of gradual but unrelenting decay. Their practical function dropped away and they ceased to meet or degenerated into mere jollifications or antiquarian play-acting.'[85] Several other scholars have offered equally pessimistic assessments.[86] Both Christopher Harrison and Jim

[80] Earwaker, ed., *Court leet of Manchester*, passim.

[81] R. J. P. Kain and R. R. Oliver, *The historic parishes of England and Wales* (Colchester, 2001), pp. 12–13.

[82] S. Hindle, 'The political culture of the middling sort in English rural communities, c. 1550–1750', in T. Harris, ed., *The politics of the excluded, c.1500–1850* (Basingstoke, 2001), pp. 127–8.

[83] Webb and Webb, *English local government*, II, p. 124.

[84] Ibid., p. 31. Richard Tawney, in contrast, writing at about the same time, treated manor courts very seriously indeed, but he confined his analysis to the Tudor period: *The agrarian problem in the sixteenth century* (1912; new edn, New York, NY, 1967), esp. pp. 125–9, 159–61, 244–6.

[85] Harvey, *Manorial records*, p. 57.

[86] F. G. Emmison, *Elizabethan life: home, work & land* (Chelmsford, 1976), p. 198; W. Hunt, *The Puritan moment: the coming of revolution in an English county* (Cambridge, MA, 1983),

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Sharpe have been less negative and have noted that manors remained a vital force in local communities in the early seventeenth century, but they too have suggested that at the Restoration their regulatory power was appropriated by the county magistrates and by the parish vestry.[87] Robert Dilley and Angus Winchester, by contrast, date the diminution somewhat later, placing it in the first decades of the eighteenth century.[88]

These narratives of the collapse of manorial governance are based on solid research and cannot be cursorily dismissed. Yet, it is not difficult to find evidence suggesting that the rate of 'decay' may have been considerably overstated.[89] The Manorial Documents Register, for instance, shows that extant records of regulation in the form of pains and presentments do not markedly decline in number at the expected dates (Figure 2). Instead, the number of presentment lists initially increases and then remains roughly the same between c. 1600 and c. 1800, before falling substantially thereafter. Lists of pains have a slightly different pattern, with a peak in the early seventeenth century, though they too remain relatively common until the late eighteenth century. In fact, this chronological trend in the issuing of by-laws may align with the multiplication of litigation and intensification of governance in other jurisdictions in the early seventeenth century that historians have already noted.[90] So, while the extraordinarily small number of pains and presentments surviving from the late sixteenth century suggests that these figures must be interpreted with extreme caution, the overall pattern implies that manorial regulation was hardly 'in ruins' before the spread of parliamentary enclosure. Likewise, some individual manors witnessed little change in the quantity of regulation that they undertook. The tenantry of

pp. 81–2; W. J. Jones, 'A note on the demise of manorial jurisdiction: the impact of Chancery', *American Journal of Legal History*, 10 (1966), pp. 300, 317–18. These were brought to my attention by Matthew Clark.

[87] Harrison, 'Manor courts', p. 51; Sharpe, *Crime*, pp. 25, 85.

[88] Dilley, 'Cumberland court leet', p. 132; Winchester, *Harvest of the hills*, pp. 47, 148. Likewise, Steve Hindle rightly suggests that in many areas, 'it might not be until the eighteenth century that the vestry became more significant than the manorial court': Hindle, 'Political culture of the middling sort', p. 128.

[89] For broader critiques of narratives of the 'modernization' of local communities and the 'decline' of neighbourly relations, see R. Smith, '"Modernization" and the corporate village community in England: some sceptical reflections', in A. Baker and D. Gregory, eds., *Explorations in historical geography: interpretative essays* (Cambridge, 1984), pp. 140–79; K. Wrightson, 'The "decline of neighbourliness' revisited', in N. Jones and D. Woolf, eds., *Local identities in late medieval and early modern England* (Basingstoke, 2007), pp. 19–49.

[90] C. W. Brooks, *Pettyfoggers and vipers of the commonwealth: the 'lower bench' of the legal profession in early modern England* (Cambridge, 1986), chs. 4–5; idem, 'Interpersonal conflict and social tension: civil litigation in England, 1640–1830', in A. L. Beier, D. Cannadine, and J. M. Rosenheim, eds., *The first modern society: essays in English history in honour of Lawrence Stone* (Cambridge, 1989), pp. 357–99; C. Muldrew, *The economy of obligation: culture of credit and social relations in early modern England* (Cambridge, 1998), ch. 8; K. Wrightson, *English society, 1580–1680* (2nd edn, London, 2003), ch. 6; S. Hindle, *The state and social change in early modern England, c.1550–1640* (Basingstoke, 2000).

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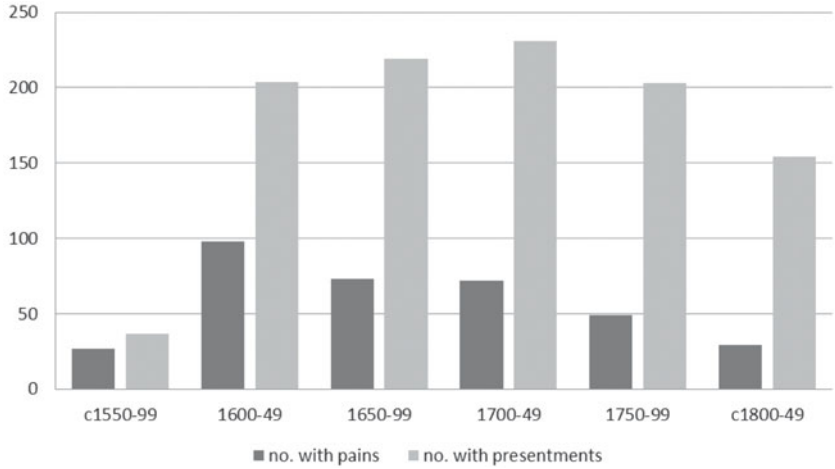


Fig. 2. Manors with extant lists of pains and presentments, 12 counties *Notes:* Totals include only records that were confined to the specific date ranges, thus excluding at least 165 records with dates that crossed multiple ranges. The minimal figures for c. 1550–99 might be attributable to the fact that sixteenth-century pains and presentments tended to be recorded in composite court rolls or court books rather than in stand alone lists. *Source:* See Table 4.

Acomb (Yorks.), for example, dealt with about fifteen or twenty offences per court session in the Elizabethan and early Stuart period, a rate that was often matched at courts held here over a century later.[91] Several other manors with long series of records – such as Riccall, Bishopthorpe, Dowdeswell, and Lowestoft – show similar patterns.[92] Although this was not the case in every community, the amount of business handled by many manorial juries does not appear to have dropped dramatically over the course of the early modern period.

So, rather than merely regarding these centuries as a period witnessing the gradual disintegration of the English manor, it would be more useful to think of this era as one in which communities adapted the role of these courts to suit their evolving needs. It is certainly true that some functions were ceded to other institutions, but others became increasingly important as local circumstances changed. The long-term shifts in the proportion of attention devoted to specific groups of offences in the sample of 113 manors can be seen in Figure 3 and Tables 5–7. If one examines the patterns of enforcement chronologically, there appear to have been three distinct periods.

[91] Acomb (1567, 1575, 1584, 1596, 1605, 1614, 1624, 1685, 1707, 1717, 1738, 1765).

[92] Riccall (1601, 1614, 1625, 1635, 1646, 1655, 1665, 1674, 1691, 1705); Bishopthorpe (1617, 1625, 1635, 1640, 1715, 1725, 1735, 1756, 1765); Dowdeswell (1577, 1588, 1599, 1610, 1636, 1649, 1654, 1664, 1673); Butcher, *Lowestoft*, p. 263. In contrast, regulatory business of Havering court leet declined markedly in the late sixteenth and early seventeenth centuries: McIntosh, *Community transformed*, pp. 304–12.

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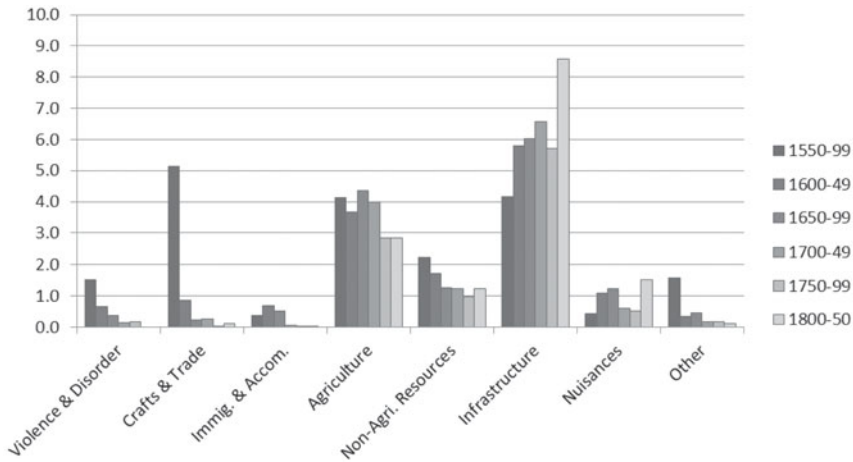


Fig. 3. Average number of offences per session over time, c. 1550–1850 *Sources:* See Appendix.

During the first era, stretching from c. 1550 to 1649, both the enforcement of the king's peace and the regulation of local trade were relatively common. However, both were seen less often by the end of the period, with an especially sharp decline in the prosecution of bakers, brewers, and butchers for marketing offences.[93] In addition, attempts to control immigration through restrictions on taking 'inmates' and building cottages actually grew as a proportion of the sample, probably as a result of rising demographic pressures.[94] Together, these three concerns – violence, trade, and immigration – each comprised about 5 per cent of the offences punished by early Stuart manors. The management of agriculture and of other local resources comprised about a third of the courts' business, a proportion which seems to have been gradually increasing at this time. The most significant changes, however, occurred in prosecutions for neglecting infrastructure or committing petty nuisances, both of which appeared more frequently in the early seventeenth century than in previous decades. Even in a period of growing poverty, social polarization, and moral anxiety, most manorial juries devoted a large and increasing amount of energy to the workaday affairs of wandering livestock, broken fences, unrepaired roads, and fouled water supplies.[95]

[93] For a discussion of shifts in the prosecution of brewers and alehousekeepers, see King, 'Regulation of alehouses', pp. 35–6.

[94] This category comprised 7.6 per cent of presentments in the twelve manors from this period analysed in Clark, 'Gentry as governors', pp. 62–82. For a summary of the population trends over this period, see K. Wrightson, *Earthly necessities: economic lives in early modern Britain, 1470–1750* (2nd edn, London, 2002), pp. 121–2, 159.

[95] For the importance of social, economic, and moral concerns in this period, see Wrightson, *English society*, chs. 6–7; Hindle, *State and social change*, chs. 2, 6–7.

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Table 5 *Categories of offences by period, c. 1550–1649*

	1550–99 (64 sessions)			1600–49 (89 sessions)			1550–1649 (153 sessions)		
	No.	No./s.	%	No.	No./s.	%	No.	No./s.	%
Violence & disorder	97	1.5	7.8	59	0.7	4.5	156	1.0	6.1
Crafts & trade	329	5.1	26.3	76	0.9	5.8	405	2.6	15.8
Immig. & accom.	23	0.4	1.8	62	0.7	4.7	85	0.6	3.3
Agriculture	264	4.1	21.1	326	3.7	24.7	590	3.9	23.0
Non-agri. resources	143	2.2	11.4	153	1.7	11.6	296	1.9	11.5
Infrastructure	267	4.2	21.3	516	5.8	39.2	783	5.1	30.5
Misc. nuisances	27	0.4	2.2	97	1.1	7.4	124	0.8	4.8
Other	101	1.6	8.1	29	0.3	2.2	130	0.8	5.1
Total	**1,251**	**19.5**	**100.0**	**1,318**	**14.8**	**100.0**	**2,569**	**16.8**	**100.0**

Notes: 'No./s.' = number per session. Figures may not sum due to rounding.
Sources: See Appendix.

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Table 6 *Categories of offences by period, 1650–1749*

	1650–99 (110 sessions)			1700–49 (88 sessions)			1650–1749 (198 sessions)		
	No.	No./s.	%	No.	No./s.	%	No.	No./s.	%
Violence & disorder	40	0.4	2.5	13	0.2	1.1	53	0.3	1.9
Crafts & trade	25	0.2	1.6	24	0.3	2.1	49	0.2	1.8
Immig. & accom.	57	0.5	3.6	6	0.1	0.5	63	0.3	2.3
Agriculture	479	4.4	30.1	351	4.0	30.5	830	4.2	30.3
Non-agri. resources	140	1.3	8.8	109	1.2	9.5	249	1.3	9.1
Infrastructure	663	6.0	41.7	578	6.6	50.3	1,241	6.3	45.3
Misc. nuisances	136	1.2	8.6	52	0.6	4.5	188	0.9	6.9
Other	50	0.5	3.1	16	0.2	1.4	66	0.3	2.4
Total	**1,590**	**14.5**	**100.0**	**1,149**	**13.1**	**100.0**	**2,739**	**13.8**	**100.0**

Notes: 'No./s.' = number per session. Figures may not sum due to rounding.
Sources: See Appendix.

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Table 7 *Categories of offences by period, 1750–1850*

	1750–99 (60 sessions)			1800–49 (41 sessions)			1750–1850 (101 sessions)		
	No.	No./s.	%	No.	No./s.	%	No.	No./s.	%
Violence & disorder	11	0.2	1.8	0	0.0	0.0	11	0.1	0.9
Crafts & trade	1	0.0	0.2	4	0.1	0.7	5	0.0	0.4
Immig. & accom.	2	0.0	0.3	1	0.0	0.2	3	0.0	0.2
Agriculture	170	2.8	27.1	117	2.9	19.8	287	2.8	23.5
Non-agri. resources	58	1.0	9.3	51	1.2	8.6	109	1.1	8.9
Infrastructure	343	5.7	54.7	352	8.6	59.5	695	6.9	57.0
Misc. nuisances	32	0.5	5.1	62	1.5	10.5	94	0.9	7.7
Other	10	0.2	1.6	5	0.1	0.8	15	0.1	1.2
Total	**627**	**10.5**	**100.0**	**592**	**14.4**	**100.0**	**1,219**	**12.1**	**100.0**

Notes: 'No./s.' = number per session. Figures may not sum due to rounding.
Sources: See Appendix.

The second century, 1650 to 1749, witnessed the continuation of some, but not all, of the previous trends in manorial government. Agricultural concerns, especially the control of common grazing, remained central, as did the maintenance of fencing and drainage systems. Indeed, about three-quarters of all offences in the sample were related to these issues during this period. This may have been partly due to the relative stability of population levels and food prices, which probably made the supervision of victuallers less common, although concerns about poor migrants appear to have remained salient throughout the seventeenth century before declining sharply thereafter.[96] Cases of assault, scolding, and playing 'unlawful games' became steadily rarer.[97] Still, a few later Stuart manors continued to deal with them regularly. For example, the courts leet of Shrewsbury and Prescott dealt with hundreds of cases of 'affrays and bloods' in the seventeenth century and, although the annual average may have peaked in the 1630s, at least some were tried each year until the end of the century.[98] Indeed, some contemporaries noted the institution's continued efficacy in such matters. The charge to the jury of Dringhouses, near York, in 1734, reminded the tenants 'how useful and advantagious both to the Kingdome and to yourselves these Courts Leet and Baron are which bring Justice to your own Doors with so little trouble or expence', for they are 'without all doubt sufficient not only to secure and preserve the Peace of the King but also the Rights and Properties of every Persons with these Mannors'.[99]

From 1750, the long-term reorientation of manorial business was unmistakable. Presentments relating to violence, disorder, trade, and immigration now occurred very rarely, amounting to merely about one in every hundred in the sample. By this time, locals presumably brought complaints about such offences directly to the justices of the peace at quarter sessions, petty sessions, or magistrates sitting individually.[100] Manorial supervision of grazing remained relatively important despite a noticeable decline in the numbers handled at each session, and these still comprised more than a quarter of the total in the late eighteenth century. Even as late as 1907, one finds the tenants of

[96] Wrightson, *Earthly necessities*, pp. 229–31.

[97] At Lowestoft, the proportion of leet presentments concerning trading irregularity, breaches of the peace, and gambling declined from 43 per cent in 1618–22 to less than 1 per cent in 1718–22: Butcher, *Lowestoft*, p. 263.

[98] W. A. Champion, 'Recourse to the law and the meaning of the great litigation decline, 1650–1750: some clues from the Shrewsbury local courts', in Brooks and Lobban, eds., *Communities and courts*, pp. 192–4; King, 'Early Stuart courts leet', p. 275 (table 1).

[99] Yorkshire Archaeological Society Archives, MD 235.

[100] Sharp, *Crime*, pp. 25, 28, 89–90, 172; N. Landau, *Justices of the peace, 1679–1760* (Berkeley, CA, 1984); P. King, 'The summary courts and social relations in eighteenth-century England', *Past and Present*, 183 (2004), pp. 125–72; Drew Gray, *Crime, prosecution and social relations: the summary courts of the City of London in the late eighteenth century* (Houndmills, 2009), esp. pp. 17–20.

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Acaster Malbis using their manor to set out rules for grazing the common meadows, forbidding access to outsiders, and setting a stint according to each tenant's acreage.[101] However, the waves of parliamentary enclosure that began to spread across the country from c. 1750 reduced the demand for such regulations and, in some places, effectively extinguished manorial governance.[102] The intervention of common law courts into matters such as gleaning that were previously the purview of 'custom' may have hastened this shift.[103] By the nineteenth century, the core of the court's business was protecting wastes from fuel and gravel scavengers; punishing tenants who failed to repair their dikes, fences, and roadways; and fining any who annoyed their neighbours with dunghills or rubbish tips. Such offences accounted for over three-quarters of those handled by manorial juries by the early nineteenth century. Despite the renewed population growth and increasingly widespread poverty that characterized this period, the courts did not return to their Tudor role as guardians of the social order, instead serving as convenient mechanisms for protecting agricultural land and preserving shared infrastructure.[104]

It must be emphasized that the quantification of general trends often hides the specific situations that arose in particular communities. In the eighteenth century, for example, many manors were much like that of Beechill (Yorks.), where the jurors regularly fined tenants for nuisances such as loose swine and collapsed fences, but by the 1780s had lost even this relatively minor role.[105] Yet, atypical cases are not difficult to find. For instance, the court leet of the London liberty of the Savoy in the Strand was an energetic force of moral activism until at least the 1750s. The jurors here regularly inflicted fines of £2 or more on publicans and landladies 'for keeping a suspected Bawdy house', 'for keeping a Common Ninepin yard & ill house', and 'for keeping a Common Gameing Table'.[106] The two manor courts of Whittlesey in Cambridgeshire became the vehicle for a similar crusade in 1788 when the tenants ordered that 'the Churchwardens and

[101] Borthwick Institute for Archives, Wenlock 7/7. For the country's most famously long-lasting manor court, see J. V. Beckett, *A history of Laxton: England's last open-field village* (Oxford, 1989), pp. 26–34, 318–19.

[102] The rate of enclosure in various periods is still debated, but the pace almost certainly accelerated markedly after c. 1750: M. Overton, *The agricultural revolution in England: the transformation of the agrarian economy, 1500–1850* (Cambridge, 1996), pp. 148–51; Wordie, 'Chronology of English enclosure'; Clark and Clark, 'Common rights', p. 1026 (table 6).

[103] P. King, 'Gleaners, farmers and the failure of legal sanctions in England, 1750–1850', *Past and Present*, 125 (1989), pp. 116–50; idem, 'Legal change, customary right, and social conflict in late eighteenth-century England: the origins of the great gleaning case of 1788', *Law and History Review*, 10 (1992), pp. 1–31; Thompson, *Customs in common*, ch. 3.

[104] For trends in population and prices, see R. Floud and D. McCloskey, eds., *The economic history of Britain since 1700* (2nd edn, Cambridge, 1994), II, chs. 4–5, esp. pp. 63–6, 77–8, 97.

[105] Beechill (1725–1825).

[106] The Savoy (1684, 1694, 1714, 1754). This may be partly due to the fact that this liberty was extra-parochial and thus had no vestry: Webb and Webb, *English local government*, II, pp. 96–7.

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Constables do acert themselves in Suppressing Tippling in Inns and Ale Houses and the Practice of Carting and Barrowing on the Lords Day' on pain of forfeiting £1 each.[107] Even more conspicuous was the detailed charge to the leet jury of Bury St Edmunds (Suffolk) in 1769. It called for the building of 'a Cage & a Pair of Stockes', being 'Things very usefull as the World now goes' for suppressing 'idle and disorderly Persons', as well as demanding the punishment of alehouse-keepers who allowed unlawful games, idlers who robbed hen-coops and orchards, victuallers who conspired to raise prices, labourers who 'combined' to raise wages, tradesmen who used false weights or measures, corn-dealers who forestalled the market, and any inhabitant who neglected to repair their roadways.[108] Each of these cases was unusual, but they remind us that individual manors frequently faced unique circumstances and they might react to these in ways that ran contrary to the broader shifts of the era.

V

The picture of the manor court that emerges from these records may be unfamiliar to many students of English history. Here is an institution that allowed local people to create their own rules to govern many aspects of daily life, from land use and food retailing to immoral behaviour and violent brawling. It could be found in every part of the country, not merely in the northern uplands, and it did not fade rapidly to irrelevance over the course of the seventeenth century. A few keen scholars have already highlighted some important features of this legislative and judicial body, but it deserves to be much more widely known amongst historians who focus on the seventeenth and eighteenth centuries. Parishes and urban corporations already feature prominently in many detailed monographs and key textbooks – it seems that manors merit a place here too.[109] Put bluntly, if one hopes to understand how England was governed in the seventeenth and even eighteenth centuries, one must take account of manor courts.

[107] St Mary Whittlesey (1788); St Andrew Whittlesey (1789). These courts also ordered that no 'Young Persons' play football 'violently' on the market-hill and that the constable should seize anyone who 'Disturbe[d] the Neighbourhood in a most Riotous manner' by beating their wives: St Andrew Whittlesey (1759); St Mary Whittlesey (1794).

[108] Suffolk Record Office at Bury St Edmunds, EE 500/D8/2/5.

[109] For monographs, see Wrightson and Levine, *Poverty and piety*; Hindle, *On the parish?*; idem, *State and social change*, ch. 8; K. D. M. Snell, *Parish and belonging: community, identity and welfare in England and Wales, 1700–1950* (Cambridge, 2006); P. Withington, *The politics of commonwealth: citizens and freemen in early modern England* (Cambridge, 2005). Manorial government is not mentioned in Wrightson, *English society*, nor in D. Eastwood, *Government and the community in the English provinces, 1700–1870* (London, 1997). For an extraordinary set of by-laws from this period passed by a 'company' of 'chief inhabitants' that were neither a manorial jury nor a parish vestry, see S. Hindle, 'Hierarchy and community in the Elizabethan parish: the Swallowfield articles of 1596', *Historical Journal*, 42 (1999), pp. 835–51.

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Much work remains to be done. A clear picture of the place of these institutions in early modern society will only emerge once we have learned far more about the social status of jurors and about the various roles played by lords, stewards, officers, and tenants.[110] Further research is also needed on the court's role in much of central and southern England, as the research undertaken for this article can only hint at possible national patterns.[111] Nonetheless, it should now be clear that the reams of documents produced by these bodies can yield considerably more information about governance, social relations, and everyday life than current scholarship would suggest. Jim Sharpe, writing of the early Stuart manor courts, made this case eloquently. According to him, the cases they handled 'may seem far removed from the serious felonies, matters of life and death, tried in the majestic splendour of the assizes', but their records 'can provide us with a uniquely intimate impression of crime, conflict and control at the village level'.[112] He is undoubtedly right, though one must hasten to add that they offer glimpses of co-operation as well as conflict and that they can also illuminate later eras.

For the multitudes of people who rarely had any dealings with a justice of the peace and who never voted for a member of parliament, the semi-annual meeting of the manorial jury could be their primary encounter with the business of government.[113] It was here where the tenantry made decisions about the management of common pastures and local fuel supplies. Here too they judged and punished most of those who disrupted the peace of the neighbourhood, over-exploited shared resources, or neglected to fulfil their many other duties as members of the community. As such, manor courts functioned as policy-making bodies and as judicial arbiters, analogous to both parliaments and judges. The ever-expanding jurisdiction of the magistracy and the shifts in land management brought about by enclosure had an undeniable impact on the remit of manorial government – yet this impact should not be exaggerated. Often the users of these courts adapted them to suit changing circumstances, allowing them to remain relevant throughout the early modern period and beyond. The innumerable people who participated, whether as jurors or offenders or both, experienced first-hand the strength of these 'little commonwealths'.

[110] For some preliminary work on these questions, see the sources cited above in n. 21 above.

[111] Particularly ill-served by existing scholarship are the West Country and the whole of the south coast.

[112] J. Sharpe, 'Crime and delinquency in an Essex parish, 1600–1640', in J. S. Cockburn, ed., *Crime in England, 1550–1800* (London, 1977), p. 92; idem, ed., *Crime*, p. 26.

[113] For the parish vestry and other institutions through which people of modest means might take part in government, see Hindle, 'Political culture of the middling sort'; M. Goldie, 'The unacknowledged republic: officeholding in early modern England', in Harris, ed., *Politics of the excluded*, pp. 153–94.

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Table 7 *Appendix: manors used in the sample*

Manor	County	Sets	First	Last	Source
Acaster Malbis	Y-WR	5	1561	1633	NYCRO, ZDV(F) (MIC 3091/157–320)
Acaster Selby	Y-WR	4	1647	1673	JGC, Acaster Selby
Acomb and Holgate	Y-WR	21	1544	1822	Richardson, *Acomb*
Aldborough	Y-WR	1	1690	1690	WYAS-B, DB19/C7/7b
Alston Moor	Cumb.	2	1597	1692	Winchester, *Harvest*, pp. 160–5
Armthorpe	Y-WR	7	1730	1797	DA, DX/BAX/61732/2
Arncliffe	Y-NR	3	1629	1748	NYCRO, ZFL/116–18
Arthington with Adel and Eccup	Y-WR	3	1669	1671	WYAS-B, SPSt/5/6/1/2
Bainbridge	Y-NR	1	1829	1829	NYCRO, ZPG/5/4/10
Barlow	Y-WR	2	1636	1638	YMA, Hailstone BB13; HHC, U DDLO/1/15
Beechill in Knaresborough	Y-WR	6	1725	1795	BIA, CC.P/Beechill
Biddenham	Beds.	1	1575	1575	Ault, 'Open-field', p. 88
Birkby	Y-NR	1	1635	1635	NYCRO, ZBD 56/11
Bishopthorpe	Y-WR	16	1617	1810	BIA, Rev IV
Blacktoft	Y-ER	1	1616	1616	TNA, SC 2/211/61
Boroughbridge	Y-WR	2	1690	1691	WYAS-B, DB19/C7/7b–7c
Borrowby	Y-NR	2	1634	1635	NYCRO, ZBD 56/8,11
Bradfield	Y-WR	2	1564	1565	Hall, *Sheffield*, pp. 2–21
Braithwaite (pa. Kirk Bramwith)	Y-WR	2	1638	1657	DA, D2M2/62/M/2–4
Bramhall	Ches.	2	1632	1645	Clemesha, 'Bramhall', pp. 23–32

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Brayton	Y-WR	1	1657	1657	HHC, U DDLO/11/2
Breighton	Y-ER	4	1699	1723	BIA, Rev III/Brieghton
Brompton	Y-NR	2	1634	1635	NYCRO, ZBD 56/8,11
Brotherton	Y-WR	7	1667	1729	NYCRO, ZEC (MIC 1554/767–1268)
Burbage	Beds.	1	1584	1584	Ault, 'Open-field', p. 90
Burton Salmon	Y-WR	1	1659	1659	NYCRO, ZFR
Carthorpe	Y-NR	1	1620	1620	NYCRO, ZJX/3/1
Chilham	Kent	3	1654	1656	Jessup, 'Chilham'
Clare	Suffolk	14	1612	1761	TNA, DL 30/881, 883
Colton	Y-WR	11	1612	1695	NYCRO, ZNQ/III/1
Corringham Magna	Lincs.	1	1601	1601	Ault, 'Open-field', pp. 94–5
Dalton	Y-NR	5	1704	1744	NYCRO, ZPT 17/2/17–43
Deighton (ER)	Y-ER	4	1584	1638	HHC, U DDBH/3/2
Deighton (NR)	Y-NR	1	1634	1634	NYCRO, ZBD 56/8
Dore	Herefs.	4	1658	1691	TNA, C 115/95/6900–12
Dowdeswell	Glos.	24	1577	1673	Hill, 'Dowdeswell'
Drax	Y-WR	5	1627	1717	HHC, U DDEV/32/6
Ecclesfield	Y-WR	2	1564	1565	Hall, *Sheffield*, pp. 2–21
Eckington	Derbys.	7	1556	1723	Garratt, *Eckington*, I–iii
Eggborough	Y-WR	1	1607	1607	NYCRO, ZNQ/III/2/4
Elmley Castle	Worcs.	3	1563	1567	Ault, 'Open-field', pp. 86–7
Escrick	Y-ER	2	1753	1766	BIA, PR/ESC 20
Everingham	Y-ER	7	1632	1857	HHC, U DDEV/10/31, U DDEV/22/6
Exning	Suffolk	6	1581	1711	CA, 588/M16–21
Fulford	Y-ER	8	1694	1854	YAS, DD 8/1; DD 8/2; DD 8/8

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Table 7 Appendix: (Cont.)

Manor	County	Sets	First	Last	Source
Girton Pigotts	Cambs.	5	1653	1722	CA, 588/M10-M12,M22
Glatton	Hunts.	2	1575	1578	Ault, 'Open-field', pp. 88–9
Gnossall	Staffs.	3	1574	1593	Hone, *Manor*, pp. 190–202
Great Horwood	Bucks.	5	1550	1583	Ault, 'Open-field', pp. 85–90
Halton Gill	Y-WR	1	1579	1579	Winchester, *Harvest*, pp. 172–3
Hannesworth	Y-WR	1	1565	1565	Hall, *Sheffield*, pp. 2–21
Helmsley	Y-NR	2	1800	1817	NYCRO, ZEW/III/7/1
Helperby	Y-NR	1	1678	1678	NYCRO, ZEC (MIC 1402/1572)
Hemingbrough	Y-ER	10	1674	1836	BIA, Ware 7; Ware 14/3
Holwick	Durham	1	1627	1627	Winchester, *Harvest*, p. 38
Hornby	Y-NR	1	1634	1634	NYCRO, ZBD 56/8
Hornsea	Y-ER	3	1609	1623	TNA, SC 2/211/59
Howden	Y-ER	1	1616	1616	TNA, SC 2/211/61
Hunton	Y-NR	6	1677	1832	NYCRO, ZAW/147/1–86
Kelfield	Y-ER	1	1808	1808	HHC, U DDPR/8/3
Kilpin	Y-ER	1	1616	1616	TNA, SC 2/211/61
Kirby Stigston	Y-NR	1	1634	1634	NYCRO, ZBD 56/8
Knayton	Y-NR	1	1634	1634	NYCRO, ZBD 56/8
Launton	Oxon.	1	1587	1587	Ault, 'Open-field', pp. 90–1
Leake	Y-NR	1	1634	1634	NYCRO, ZBD 56/8
Leeds with Kirkgate and Holbeck	Y-WR	2	1666	1671	WYAS-B, SPSt/5/6/18/6
Linton-on-Ouse	Y-NR	2	1745	1750	WYAS-B, DB10/C2
Lutterworth	Leics.	1	1562	1562	TNA, SC 2/183/83

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Minskip	Y-WR	1	1691	1691	WYAS-B, DB19/C7/7c
Nether Poppleton	Y-WR	3	1746	1750	YCA, Acc. 135, N. P. 1/1
Newton Longville	Bucks.	5	1550	1608	Ault, 'Open-field', pp. 85–96
Northallerton	Y-NR	4	1634	1677	NYCRO, ZBD 56/7, 11; ZBD [22050]
Orston	Notts.	7	1682	1743	NA, DD/T/26/3/1–43
Osmotherley	Y-NR	2	1634	1662	NYCRO, ZBD 56/8; ZBD [22050]
Outhwaite	Lancs.	1	1580	1580	Winchester, *Harvest*, pp. 174–5
Owston	Y-WR	10	1626	1824	DA, DD/DC/A1/5/1–27
Pockley and Beadlam	Y-NR	10	1684	1830	NYCRO, ZEW/III/7/2
Podington	Beds	1	1587	1587	Ault, 'Open-field', pp. 91–3
Prestaller	Devon	9	1729	1815	BIA, CC.P.12/PRES
Riccall	Y-ER	11	1601	1705	YAS, MD 106
Salford	Oxon	2	1592	1596	Ault, 'Open-field', p. 93
Saltmarsh	Y-ER	1	1616	1616	TNA, SC 2/211/61
Scalby	Y-ER	1	1616	1616	TNA, SC 2/211/61
Selby	Y-WR	7	1540	1727	HHC, U DDLO/2/8/3, U DDLO/21/170–2, SE/CR/28–9
Sessay	Y-NR	5	1616	1818	NYCRO, ZDS III/11 (MIC 1242/248–87)
Sheffield	Y-WR	2	1564	1565	Hall, *Sheffield*, pp. 2–21
Sherburn-in-Elmet	Y-WR	11	1730	1856	NYCRO, ZDS III/7 (MIC 1242/8738–9170)
Skelton	Y-ER	1	1616	1616	TNA, SC 2/211/61
Snaith and Grammary Fee	Y-WR	10	1619	1792	NYCRO, ZDS/III/17/4/3–4
Southey	Y-WR	2	1564	1565	Hall, *Sheffield*, pp. 2–21

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Table 7 Appendix: (Cont.)

Manor	County	Sets	First	Last	Source
Sproxton	Y-NR	9	1670	1823	NYCRO, ZEW/III/7/3
St Andrew Whittlesey	Cambs.	8	1729	1795	CA, 126/M70-M71
St Mary Whittlesey	Cambs.	14	1678	1795	CA, 126/M72-M74
Stanton Lacy et al.	Salop.	1	1609	1609	Purton, 'Stanton Lacy', pp. 207–11
Strensall	Y-NR	1	1636	1636	NYCRO, ZEW/III/15
The Savoy	London	8	1684	1754	TNA, DL 30/100/1373
Thornborough	Y-NR	4	1620	1752	NYCRO, ZJX/3/1
Thornton-le-Beans	Y-NR	3	1634	1662	NYCRO, ZBD 56/8,11; ZBD [22050]
Thorpe in Balne	Y-WR	3	1669	1807	DA, DD/DC/A2/1–2
Thorpe Willoughby	Y-WR	2	1657	1658	HHC, U DDLO/11/2
Threthevy	Cornw.	3	1692	1713	BL, MSS Eg 3322A
Tong	Y-WR	2	1667	1823	WYAS-B, SpSt/5/6/23/1, Tong/8a/55
Tottenham	Middx.	4	1558	1582	Fenton, *Tottenham*
Ware and Thundridge	Herts.	4	1678	1705	BL, MSS Add. 27977–8
Wasdale Head	Cumb.	1	1664	1664	Winchester, *Harvest*, pp. 167–71
Wath	Y-NR	2	1635	1752	NYCRO, ZJX/3/1
Weardale	Durham	1	1595	1595	Winchester, *Harvest*, p. 166
Wedon cum Weston	Northants.	4	1564	1608	Ault, 'Open-field', pp. 86–96
West Rounton	Y-NR	2	1634	1662	NYCRO, ZBD 56/8; ZBD [22050]
West Tanfield	Y-NR	6	1635	1752	NYCRO, ZJX/3/1
West Wickham and Balsham	Cambs.	1	1666	1666	CA, 305/M147
Whixley	Y-WR	2	1671	1680	TNA, ASSI 47/20/9
Wistow	Y-WR	2	1662	1688	BIA, Rev VIII

ABBREVIATIONS IN APPENDIX

BIA	Borthwick Institute for Archives (York)
BL	British Library
CA	Cambridgeshire Archives
DA	Doncaster Archives
HHC	Hull History Centre
JGC	John Goodchild Collection (Wakefield)
NA	Nottinghamshire Archives
NYCRO	North Yorkshire County Record Office
TNA	The National Archives
WYAS-B	West Yorkshire Archive Service at Bradford
YAS	Yorkshire Archaeological Society (Leeds)
YCA	York City Archives
YMA	York Minster Archives
Ault, 'Open-field.'	W. O. Ault, 'Open-field husbandry and the village community: a study of agrarian by-laws in medieval England', *Transactions of the American Philosophical Society*, n.s., 55 (1965), pp. 11–54
Clemesha, 'Bramhall.'	H. W. Clemesha, 'The new court book of the manor of Bramhall, 1632–1657', *Chetham Miscellanies*, n.s., 4 (1921), pp. 1–35
Garratt, *Eckington*	H. J. H. Garratt, ed., *Eckington: the court rolls* (3 vols., Huddersfield, 1997–2003)
Fenton, *Tottenham*	F. H. Fenton, ed., *Court rolls of the manor of Tottenham, Middlesex* (5 vols., London, 1956–63)
Hall, *Sheffield*	T. W. Hall, ed., *Sheffield, Hallamshire: a descriptive catalogue of Sheffield manorial records* (3 vols., Sheffield, 1926–34)
Hill, 'Dowdeswell.'	M. C. Hill, 'Dowdeswell court book, 1577–1673', *Transactions of the Bristol and Gloucestershire Archaeological Society*, 67 (1949), pp. 119–216
Hone, *Manor*	N. J. Hone, *The manor and manorial records* (London, 1906)
Jessup, 'Chilham.'	F. W. Jessup, ed., 'Court rolls of the manor of Chilham, 1654–56', in *A seventeenth-century miscellany* (Maidstone, 1960), pp. 1–34
Purton, 'Stanton Lacy.'	R. C. Purton, 'A manor court at Stanton Lacy in 1609', *Transactions of the Shropshire Archaeological Society*, 53 (1950), pp. 207–11
Richardson, *Acomb*	H. Richardson, ed., *Court rolls of the manor of Acomb* (2 vols., Leeds, 1969–78)
Winchester, *Harvest*	A. Winchester, *The harvest of the hills: rural life in northern England and the Scottish borders, 1400–1700* (Edinburgh, 2000)

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