

ASPECTS OF AGRARIAN SOCIETY

IN

BRENT MARSH, SOMERSET,

1500 - 1700

by

Patricia E.C. Croot
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Abstract

This study examines 16 adjacent parishes in the Somerset Levels which illustrate important aspects of agrarian history in the early modern period. Land use in the Levels allowed a type of farming whereby small farmers could produce a surplus and participate in progressive, commercial farming, while the manorial structure and the secure copyhold tenure aided the tenants and supported the development of a group of landholders living on rents and other unearned income. Economic and tenurial independence, plus an absence of resident gentry, produced a parallel independence in religious and political thought and action.

The Introduction describes the settlements, topography, markets, population, the distribution of wealth, and non-agricultural occupations.

Chapter 2 considers the manorial structure and landholders, the formation of sub-manors, customary tenure, the level of fines, forfeiture, manor courts and the position of manorial lords, and the increasing use of copyholds as investments.

Land use and husbandry are then described, including field systems, different types of husbandry and the farming systems followed.

The incomes of small farmers are calculated; commercial leasing, sub-letting, and incomes from rent are considered, together with the role of small farmers in the economy and in agricultural change.

Chapter 5 discusses the transmission of land and goods through pre-mortem transfer, disposal of free and copyhold land, and disposal of personal property by will. The payment and economic effects of legacies are also considered.

The position of women under both common law and manorial custom is then treated, showing the responsibility given to women as their husbands' successors, financial advantages of marriage, women in economic and social life, and the economic effects of widow's right.

Chapter 7 describes the involvement of countrymen in events of the 17th century, the growth of political divisions in local society, the end of religious uniformity, and the generation of deep commitments which led to armed rebellion under Monmouth.

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LIST OF ABBREVIATIONS

Add.	Additional
<u>AHEW</u>	<u>The Agrarian History of England and Wales, vol. IV, 1500-1640</u>
B.L.	British Library
C.C.C. Oxford	Corpus Christi College, Oxford
<u>Cal. Com. Comp.</u>	<u>Calendar of Proceedings of the Committee for Compounding</u>
<u>Cal. S.P.Dom.</u>	<u>Calendar of State Papers Domestic</u>
<u>Cal. Treas.</u>	<u>Calendar of Treasury Books</u>
<u>D.N.B.</u>	<u>Dictionary of National Biography</u>
Eg.	Egerton
Harl.	Harleian
H.M.C.	Historical Manuscripts Commission
<u>O.E.D.</u>	<u>Oxford English Dictionary</u>
P.C.C.	Prerogative Court of Canterbury
P.R.O.	Public Record Office
<u>PSAS</u>	<u>Proceedings of the Somerset Archaeological Society</u>
<u>SDNQ</u>	<u>Notes and Queries for Somerset and Dorset</u>
S.R.O.	Somerset Record Office
S.R.S.	Somerset Record Society
<u>V.C.H. Som.</u>	<u>Victoria History of the County of Somerset</u>

Dates

Dates in the text are as given in the source, with the addition of the modern year for dates between January 1st. and March 24th. inclusive.

Note on Names

Names with an alias (e.g. Thomas Smith alias Martin) are almost solely found in Wedmore, and both surnames were passed down several generations in this form until usually one of the names was eventually dropped. There were several family names of this type in Wedmore, spreading into neighbouring parishes, but this peculiarity has not been noted elsewhere in England as far as I know.

KEY TO MAPS 1 AND 2

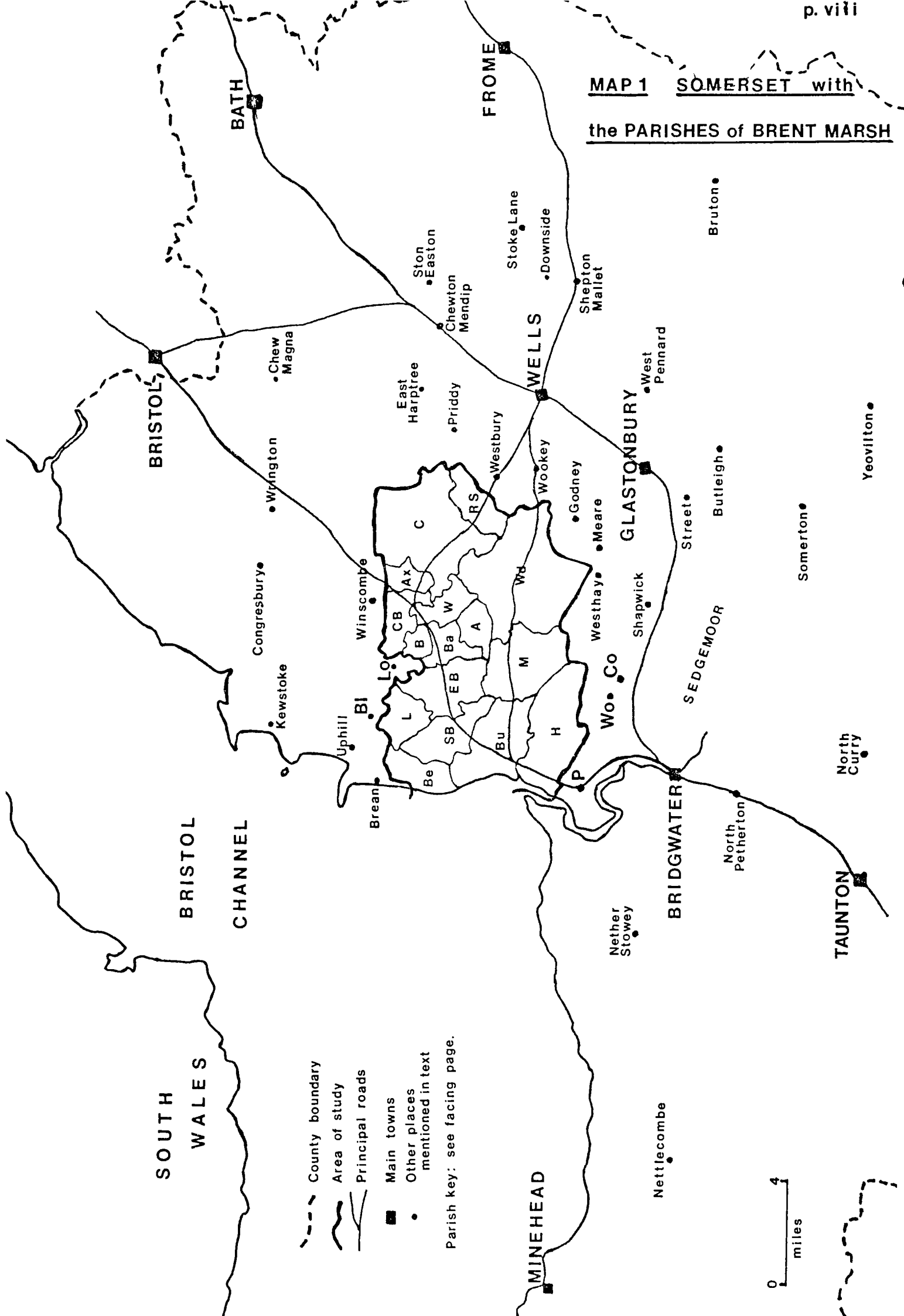
Brent Marsh parishes:

A Allerton
 Ax Axbridge
 Ba Badgworth
 Be Berrow
 B Biddisham
 Bu Burnham
 C Cheddar
 CB Compton Bishop
 EB East Brent
 H Huntspill
 L Lympsham
 M Mark
 RS Rodney Stoke
 SB South Brent
 W Weare
 Wd Wedmore

Other places:

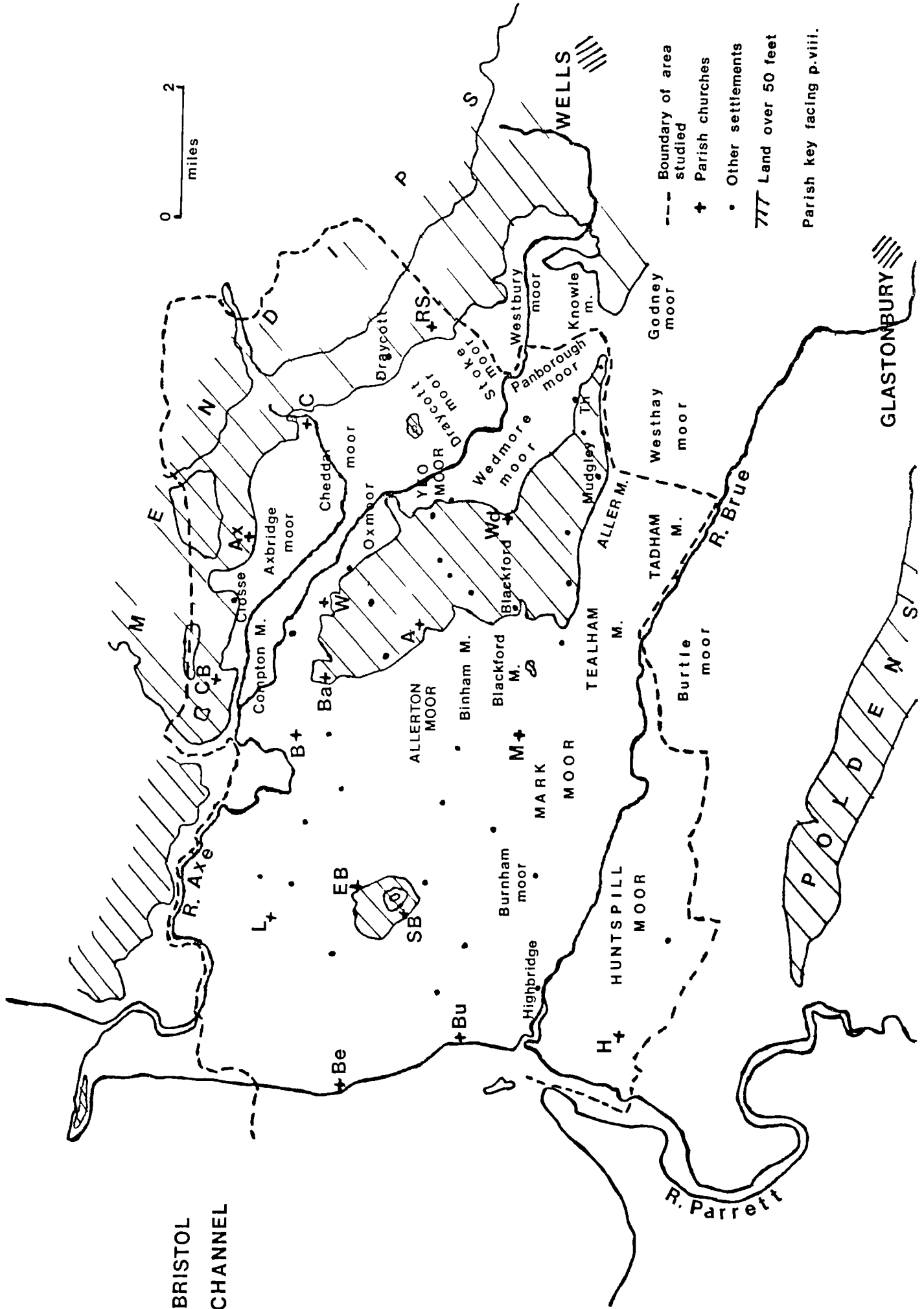
Bl Bleadon
 Co Cossington
 Lo Loxton
 P Pawlett
 Th Theale
 Wo Woolavington

MAP 1 SOMERSET with
the PARISHES of BRENT MARSH



MAP 2

BRENT MARSH: SETTLEMENTS and MOORS



Chapter I

Introduction: Settlement, Population and Wealth in Brent Marsh

The Somerset Levels in the 16th and 17th centuries exemplified the pastoral economy and society of the small family farmer who, with good markets within reach, was able to specialise in the livestock farming to which the region was suited, and to avoid the depression in prices and other problems that seriously affected small farmers in arable economies. Those farmers who held their land by customary tenure had security and freedom from the control of manorial lords. Although the land-holdings were not large by the standards of arable farming, the rich and plentiful grazing of the moors and coastal pastures supported small farmers who apparently did not need industrial by-employments to acquire an adequate income, and enabled many of them to accumulate resources that allowed them to form a rural middle-class of gentry and professional men by the end of the 17th century.

This study examines the inhabitants of a group of 16 contiguous parishes in the Levels, forming and bordering an area known for several centuries

as Brent Marsh; the parishes have been chosen for their geographical unity and for their manorial and economic interdependence, though naturally there were many links with adjacent parishes and nearby towns which could not be included. The group of parishes is large because few topics can be adequately studied on the basis of a single parish: the local economy was never parochial, but varied from regional to national; manorial boundaries here were rarely coterminous with the parish, nor did the tenants limit their holdings to one parish or manor; even the inhabitants' social life was rarely confined to one parish. By studying a group of parishes, a wider range of evidence becomes available to throw light on the inhabitants' activities, and the danger of the single exceptional parish is avoided. At the same time, the amount of material has meant a limit had to be made to the aspects of the area that could be treated here.

The object of this study is to illuminate certain important aspects of the farming community which gave to it its unique character in comparison with other, similar, pastoral areas. The bulk of the material on Brent Marsh proved to be weighted significantly towards one section of the population - albeit a large one - the copyholders and husbandmen, who may well form the majority of the population in

this area of small farmers, though this suggestion cannot be confirmed. This study therefore focuses largely on the land-holding and farming population, with only incidental treatment of other people. Local society is examined through three main aspects: land-holding, the farming economy, and the transmission of property between the generations. These aspects in turn influenced religious, social and political attitudes, and the most significant of these are also examined.

Settlement and the Moors

An unpopular vicar of East Brent in the early 18th century, who had offended his parishioners and had had a difficult time with them in consequence, retaliated by publishing a satire on Brent describing

The bleak knoll, and all the marshes round,
A fort of chaos and unfashion'd ground;
'Twere made in winter we may safely swear,
For winter is the only season here. ¹

His comments, though strongly biassed, are valuable for their rarity: the travellers of the 16th and 17th centuries who left written accounts of their journeys rarely traversed the area, nor gave much detail. Leland travelled from Wells to Glastonbury and described only the moor along his road, as a 'great plain of meadow';² Camden saw the moors for

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1. R. Locke, 'On the Improvement of Meadow Land ...', in Letters and Papers of the Bath and West of England Society, V, (Bath 1793), p. 200.
 2. The Itinerary of John Leland in or about the years 1535-1543, ed. L.T. Smith, vol. I (parts I-III) (1907), p. 147.

the difficulty they presented in winter for travellers, and cited the monks of Glastonbury who translated 'Brentmersh' as 'the habitation of fen frogs', and 'Brentknol' as 'the little hill of frogs'.³

However, a visitor in the 1630s did refer to the land around Glastonbury as 'those fertile and pleasant Moores',⁴ and Defoe, while also pointing out the difficulties that the Bristol road across Brent Marsh presented for strangers and the occasional serious flooding from the sea, drew attention to the richness of the grazing used for oxen for the London market, to the cheese, especially that from Cheddar, and to the large number of colts bred on the moors.⁵ The battle with sea and river floods was not settled in favour of man until the Second World War,⁶ but this did not mean that man could not cultivate and otherwise use the area successfully through the centuries, and the inhospitable image that put off visitors did not deter the inhabitants.

3. W. Camden, Britannia (1806 edn.), vol. I, pp. 77,82.

4. 'A Relation of a short survey of the Western Counties...in 1635', ed. L.G.W.Legg, p.80, in Camden Miscellany vol. 16 (Camden Society, 3rd series, 52, 1936).

5. D. Defoe, A Tour Thro' the Whole Island of Great Britain (1927 edn.), I, pp. 270-1.

6. M. Williams, The Draining of the Somerset Levels (Cambridge 1970), p. 240 and passim. Even so, some flooding still takes place in exceptionally bad winters.

The 16 parishes of this study, covering 53,066 acres in the 19th century,⁷ are bounded by the Mendips to the north, the Poldens to the south, the Bristol Channel to the west, and the Wells and Glastonbury area to the east.⁸ Low-lying and relatively flat, the region was and still is subject to flooding from its rivers, the Axe and the Brue, and from the Bristol Channel. The coastal clay belt is some 20 feet higher than the peat moors inland, so that instead of draining away easily into the sea, surplus water tended to remain concentrated on the moors, parts of which are below sea level.

Reclamation of the moors to provide grazing was undertaken on a large scale by the abbey of Glastonbury in the medieval period, using rhynes, sea-walls and sluice gates to keep the sea-water out and to channel away river water.⁹ Most of the area was divided into manors held by the abbey, whose tenants were obliged to maintain the walls and rhynes as part of their customary works. Some river flooding was allowed in winter because the silt thus deposited enriched the land and the water kept the soil warm, promoting an early growth of grass much as water-meadows were designed to do. Drainage activity

7. Victoria History of the County of Somerset (hereafter V.C.H.Som.) II, ed. W. Page (1911), pp. 341, 345, 351-2. Acreages for the individual parishes are given in Table 1, p. 479.

8. See Maps 1 and 2, pp. viii-ix.

9. Material on drainage of the moors taken from Williams, Somerset Levels, especially Chapters 3 and 4.

appears to have slackened off between 1400 and 1600, though possibly some new land was reclaimed around Wedmore island and south of Compton Bishop. Moreover, after the dissolution of Glastonbury abbey, it proved difficult to keep the drainage system as a whole in good repair, as it was left to commissions of the sewers and presentments at local manorial courts to try to get tenants to keep their ditches clear.

As in other parts of England, in the 17th century speculators attempted to enclose the moors and remove common rights, but met with little success, partly because so many manors, manorial lords and commoners had rights in each moor. Even the enclosure and drainage of Sedgemoor, the one common moor owned solely by the Crown, failed through distrust and jealousy between Crown, agents, manorial lords and commoners.¹⁰ One moor, Alder or Aller moor near Street, was drained in this period, probably because it was smaller and involved far fewer tenants than Sedgemoor.¹¹ In Brent Marsh the number of commoners was large: by the 1770s Mark moor was commonable by 1,215 separate holdings in 14 parishes,¹² and since the rights were attached to

10. Ibid., pp. 96-100.

11. Ibid., p. 102.

12. S(omerset) R(ecord) O(ffice), D/P/b.on.s. 23/15.

tenements which were indivisible, this number is probably close to the 16th-century figure. Only in the late 18th century were the moors finally enclosed (by Act of Parliament), and Mark moor was divided into plots of about one acre per holding, poor compensation for the free grazing the commoners had hitherto enjoyed over 1600 acres.¹³

Because of its intimate association with flooding, including complete inundations by the sea,¹⁴ the area acquired the reputation of being unhealthy¹⁵ for human habitation and rather poor for agriculture. Early settlers did not share this view however: farming settlements were established at least by the Roman period, and all the main settlements in each parish existed by 1086,¹⁶ situated either on the higher coastal clay belt, on the slopes of the Mendips, or on Wedmore island. Four of the parishes - Compton Bishop, Axbridge, Cheddar and Stoke Gifford or Rodney Stoke - are situated on the springline of the southern slope of the Mendips, and contained both

13. Grazing and other uses of the moors are discussed in Chapter 3, pp. 118-27.
14. One in 1607 was the subject of a tract: Williams, Somerset Levels, p. 87.
15. Undeserved even in an earlier period: in 1327 the coastal and inland parishes formed the second wealthiest area in Somerset in the lay subsidy: Williams, Somerset Levels, p. 78. According to Richard Locke the reputation for disease was created by the inhabitants to keep strangers away and rents down: Locke, 'On the Improvement of Meadow', loc.cit., p. 200.
16. H.C. Darby & R.W. Finn (eds.), The Domesday Geography of South-West England (Cambridge 1967), p. 165 fig. 40.

rough grazing on the hill above and moorland grazing stretching to the river Axe.¹⁷ The other 12 parishes - Allerton (now Chapel Allerton), Badgworth, Berrow (formerly Berghes), Biddisham, East Brent, South Brent (now Brent Knoll), Burnham, Huntspill, Lympsham, Mark, Weare and Wedmore - lie entirely in the levels, though the contours of the land within each parish vary a good deal, and the contrast with the surrounding moors makes some appear quite hilly.

The settlement pattern of both nucleated and dispersed villages reflects the topographical constraints of the area. The most concentrated settlements lay in the four Mendip parishes, where dwellings were built near the small arable fields, sandwiched between the steep upper slopes of the hill above and the meadows and river Axe below. On the other hand Wedmore parish, most of which lies on fairly high ground, had a much greater degree of dispersal. A large settlement existed around the church forming the borough of Wedmore, but dotted about the island on which Wedmore lay were several villages and hamlets which had cleared their own arable fields and meadows at an early date. A few, like Allerton and Weare, had formed separate parishes, but most were part of Wedmore which had in all about 12 separate settlements.

17. B.M. Swainson, 'Rural Settlement in Somerset', Geography, 20 (1935), pp. 112-17.

These Brent Marsh villages reflect some of the themes of this dissertation. Virtually the only buildings of note or substance in the 16 parishes were the churches: nearly all were large; all except Allerton church had towers, generally of the type for which the county is justly famous with the Perpendicular Somerset tracery, pinnacles and battlements; and nearly all had been rebuilt or altered in the Perpendicular style of the late 14th to early 16th centuries.¹⁸ In addition, 14 of the churches had new interior fittings in the early 17th century: Jacobean pulpits are particularly common, a reflection perhaps of increased religious activity in the period, and Axbridge and East Brent obtained their rare Gothic plaster ceilings with elaborate decoration in the 1630s. At South Brent, the medieval bench-ends satirised the abbot of Glastonbury as a rapacious fox who is finally hung, and though it would be tempting to see this as an early example of the inhabitants' anti-clericalism, it was probably a protest by the local priest as well as the parishioners at the demands of Glastonbury abbey who held the manor and tithes.¹⁹

The paucity of substantial secular buildings surviving from the period arises from the non-residence of the largest landowners. The Rodneys' seat at Stoke

18. Unless noted, descriptions of buildings are taken from N. Pevsner, North Somerset and Bristol (1958), pp.79-82, 153-5, 173-4, 251-2; South and West Somerset (1958), pp.80, 86-8, 92-4, 109-10, 117, 160-1, 202-3, 226-7, 230-1, 321, 331-3.

19. Pevsner, South Somerset, p.93; leaflet from St. Michael's, Brent Knoll.

Gifford and Glastonbury abbey's house at East Brent were the only two manor houses inhabited by manorial lords in the early 16th century: the Rodneys remained until the mid-17th century, but their house was in ruins in the 18th, and the 15th-century manor house at East Brent, with its chapel, kitchens, guest house and outbuildings, built by Abbot Selwood (d.1493), does not appear to have housed anyone of note after the Dissolution, and was dismantled in 1708.²⁰

On the other hand, the financial success of some local inhabitants by the 17th century led to new or rebuilt houses of stone that still survive: the manor farmhouse at Compton Bishop that came into the Prowse family, Axbridge merchants, in the late 17th century; a nine-bay house in Cheddar built in the early 17th century; and most notably the Great House at Theale in Wedmore, built by the Boulting family in the late 17th century, of five bays with an outstanding staircase, wall-paintings and woodwork. These were probably the survivors from a great deal of piecemeal improvement to farms and houses at this time, which is hard to date and often obliterated by later alterations.

The older buildings that survive today show the 16th and 17th centuries as the economic transition between the prosperity from wool production in the late 14th and 15th centuries, reflected in the substantial alterations to the parish churches then, and the prosperity of farmers during the Napoleonic wars, which led

20. J. Collinson, The History and Antiquities of the County of Somerset (Bath 1791), III, p.605, I, p.197; B(ritish) L(ibrary), Eg(erton) MS.3034, f.106d. John Brent of Cossington, esquire, held the manor house as a free tenant in 1607, but did not live there: P(ublic) R(ecord) O(ffice), LR 2/225, f.53.

to a general rebuilding or refronting of farmhouses and town dwellings in the familiar limestone, or in brick, obscuring traces of the previous houses. In the early modern period, generally only the parish churches stood out in the villages of Brent Marsh, with their groups of farmhouses possibly built of stone and thatched with reed or tiled with stone, but with few outstanding houses that could reinforce social divisions between farmers and gentry.

Communications and Markets

Though the bleakness of the turbaries can give the Levels a remote air, Brent Marsh formed the hinterland to flourishing markets and had good communications both for local and more distant requirements. The main highway from Bristol to Exeter ran through the western part of Brent Marsh including Huntspill and East Brent, and at Crosse in Compton Bishop connected with a road from Wells, linking the parishes of the southern edge of the Mendips. South of Brent Marsh, the main road from Glastonbury to Bridgwater ran along the Polden ridge, and a local road linked several villages in and around Wedmore with Wells. These roads carried much traffic and, as roads everywhere in this period, were prone to decay.²¹ Decay of bridges was also a problem. The many water-courses crossing the area necessitated all kinds of bridge, from the major

21. e.g. S.R.O., QSR 66/111, 67(1)/4, presentments of the road between Pawlett and Huntspill market.

stone-built variety to simple wooden footbridges, and demands for their repair, made at quarter sessions as well as in the manorial courts, testify to the importance, as in the case of roads, of having freedom of movement and access to markets.²² Water transport was a convenient alternative, and in the medieval period seems to have been the principal means by which officials of Glastonbury abbey travelled to Brent.²³ Quite apart from the major port of Bridgwater to the south, the river Axe contained the medieval port of Rackley, below Axbridge, used by merchants of Wells for trade between England and Gascony, Bayonne and Lisbon, and used for local transport into the 19th century.²⁴ Glastonbury had a similar port at Rooksbridge in E. Brent, on the Pilrow Cut, which was still being used for coastal traffic in 1547, when a Bristol merchant took delivery of 20 barrels of butter at Wyngods Pill (creek) there.²⁵ Uphill, at the mouth of the Axe, was one of several embarkation points along the Somerset coast for the frequent traffic with S. Wales.

Although the coastal ports could be used for transport to London as well as to overseas markets, the

22. e.g. S.R.O., QSR 67(1)/4, footbridge from Huntspill to Mark over the rhyne at Notham.

23. Williams, Somerset Levels, p. 68.

24. Ibid., p. 65 n; R.W. Dunning, A History of Somerset (Bridgwater 1978), p. 21.

25. The Ledger of John Smythe, 1538-50, ed. J. Vanes (Bristol Record Society 28, 1974), p. 292.

transportation of goods to London and other inland centres seems usually to have been by road. A regular carrier service to London from several Somerset towns existed by 1637, the nearest such town to Brent Marsh being Wells, from which two carriers went to Holborn and two to the City each week.²⁶

These transport links both local and distant were vital for the inhabitants, because they made possible the creation of good markets for the area. Good markets not only allowed farmers to sell their produce, but also made it possible for them to buy necessities such as corn, thus freeing them from the need for self-sufficiency and allowing them to specialise in husbandry more suited to the area than arable farming. No 17th-century toll books survive for the market towns of the area, but other evidence indicates the goods bought and sold.

Weekly markets were held in Axbridge, Wells, Bridgwater and Huntspill, and probably in Wedmore borough as well, at which inhabitants bought and sold beef, mutton, corn, vegetables and wool as well as livestock, and traders from larger centres such as Bristol also operated there.²⁷ Axbridge, Bridgwater and Wells had large non-agricultural populations that created a steady demand for food and

26. J.A. Chartres, 'Road Carrying in England in the Seventeenth Century: Myth and Reality', Economic History Review, Second series, 30 (1977), passim; J. Taylor, 'The Carriers Cosmography' (1637), in An English Garner, ed. E. Arber, vol. 1 (1895), pp 241-2.

27. S.R.O., QSR 81/62.

other goods and services, especially Wells with its ecclesiastical and legal inhabitants, and this ensured that a strong market network would remain in operation. Most parishes also had at least one fair each year, and taking the 16 parishes as a whole, January appears to be the only month without a fair being held. The fairs were principally intended for sales of livestock, but other goods such as textiles, leather goods and small trinkets were also sold.

Not all buying and selling was done in the open market. Farm produce was also sold by private arrangement, and contracts were made to ensure the supply of food in towns. John Cox of Axbridge, possibly a victualler, made a contract with Thomas Edwards of Stoke Lane in eastern Somerset c. 1540 for the supply of 40 quarters of barley malt and 52 bushels of wheat malt, at the rate of 3 quarters and 1 bushel respectively a week;²⁸ the rector of Huntspill sold his tithing corn from 75 acres of mixed grains to a Huntspill butcher in 1541, at a flat rate of 8d. an acre;²⁹ and the farmer of the Berrow tithes sold the corn in the sheaf to two men from Yeovilton in south Somerset c. 1620.³⁰ Middlemen operated in the marketing of butter and cheese, as well as corn: a cheesemonger was operating in Wedmore in the 1540s,³¹ and licences for badgers living in Brent

28. P.R.O., C 1/973/67.

29. P.R.O., C 1/973/74.

30. P.R.O., E 178/4467, deposition of Robert Hitchcocke.

31. Medieval Wills From Wells, ed. D.O. Shilton and R. Holworthy (S(omerset) R(ecord) S(ociety) 40, 1925), p. 81.

Marsh appear in the quarter sessions records which survive from the early 17th century. A good deal of the specialised produce of the area was sold much farther afield, however, either by middlemen or by the individual producers. In 1598 a Wedmore husbandman took a wain-load of butter and cheese to Andover where there was a specialised cheese fair, acting as a middleman for his neighbours as well as selling his own produce,³² while several horse-breeders from the marsh regularly took their colts to the Magdalen Hill horse fair at Winchester for sale in the 17th century.³³

Bristol naturally attracted much trade: John Smythe, a Bristol merchant, was supplied by the regular carriers that brought goods from Wells and the neighbouring villages in the first half of the 16th century, and corn, butter and cheese were bought in Somerset by Bristol merchants.³⁴ Even rabbits from the Mendip conigars were being sold in Bristol in the 1640s.³⁵

Many of the butchers resident in the area were graziers as well, and bought livestock from their neighbours, but beef cattle were also sold to butchers

32. S.R.O., D/D/Cd 28, 'detection' v. Henry Meade, dep. of John Kinge, 10 July 1598.

33. I am deeply grateful to Dr. Peter Edwards for allowing me to use his notes from the Magdalen Hill fair toll books (in Winchester Cathedral Library) and other similar material.

34. Ledger of John Smythe, passim; T.G. Barnes, Somerset 1625-1640: A County's Government During the "Personal Rule" (Cambridge, Mass. 1961), p. 10.

35. P.R.O., SP 28/242, part 1, f. 136.

in the towns such as Axbridge and Wells, and sold for the London market as well: a Huntspill yeoman sold 10 or 12 oxen in 1623 to a man from South Somerset who was well-known to him and who subsequently drove the beasts to London.³⁶

As a whole, the evidence for the trade and markets of the area gives a picture of a flourishing network of outlets for produce and opportunities to purchase food and other goods, and bears out Defoe's impressions of the produce of the marsh a century later.³⁷

Population

The population of an area and its rate of growth or decline have an important influence, particularly on the local economy and attitudes towards the inheritance of property. Most pastoral areas in England in this period either attracted a great deal of immigration or suffered from mortality crises. The northern border counties were especially prone to the latter owing to insufficient harvests and the inability of a large part of the population to buy grain.³⁸ Poor

36. P.R.O., E 134/20 Jas I/T.11.

37. Defoe, Tour Thro' Great Britain, I, pp. 270-1; see above.

38. A.B. Appleby, Famine in Tudor and Stuart England (Liverpool 1978), passim.

harvests affected the death rate in most areas to some extent,³⁹ but pastoral areas farther south generally suffered more from increases in population because looser manorial control, the presence of large expanses of commons or woodlands, and rural industries there all attracted the poor and landless from less favourable areas.⁴⁰ The fens of Lincolnshire drew large numbers of poor for its grazing and turbary rights, while the woodlands of the West Midlands also drew in immigrants to the unstinted commons and the opportunity of industrial work.⁴¹

Brent Marsh did not share these characteristics of pastoral areas, principally because the common rights of grazing and turbary in the moors were attached to holdings and not open to all inhabitants; only the tenants of the manors could make use of the moors, which meant that these parishes though mainly pastoral in their economy, were no more 'open' or favourable to poor migrants than tightly controlled arable parishes.

However, estimates of the population and rates of change in Brent Marsh are hard to provide because the sources are so sparse. The chantry certificates

39. Ibid. pp. 192-3.

40. The Agrarian History of England and Wales, IV, ed. J. Thirsk (Cambridge 1967) (hereafter AHEW) p. 38.

41. Ibid., pp. 39, 107.

of 1548 give the numbers of communicants for only four of the 16 parishes,⁴² and the Episcopal Returns of 1563 also give the households for four only.⁴³ Both the 1603 returns and the Compton census of 1676 only recorded totals for the whole diocese and not individual parishes.

The rate of population change is also assessed from annual totals of baptisms and burials given in parish registers and from family reconstitution: here again Brent Marsh has few good series of registers until the late 17th century. The main exception, Wedmore, has registers dating from 1561, but cannot be taken as representative of the other parishes as it was two or three times the size of most of the parishes, had several villages and a borough within its bounds⁴⁴ and attracted numbers of adult craftsmen and servants. In addition, figures for any parish after 1660 were affected by the area's dissenters, and Wedmore registers show an abrupt drop in baptisms and marriages which never recovered to pre-civil war totals.⁴⁵

42. Somerset Chantry Certificates, ed. E. Green (S.R.S. 2, 1888), pp. 61, 71, 73, 77.

43. B.L., Harl(eian) MS. 594, f. 51.

44. See below, Non-Agricultural Occupations.

45. Wedmore Parish Registers, ed. S.H.A. Hervey, vol. I Marriages 1561-1839 (Wells, 1888), vol. II Baptisms 1561-1812 (Wells 1890) vol. III Burials 1561-1860 (Wells 1890).

Taxation records can also give an indication of population, though they exclude an unknown number of people exempt from taxation. The 1524 subsidy returns, complete for Brent Marsh, are generally thought to include a very high proportion of inhabitants including many poor, down to those receiving wages of 20s. a year or more.⁴⁶ Hearth tax returns of the late 17th century giving the number of households are often used to compare with the subsidy figures, but here again Brent Marsh is unfortunate in that only a few exemption certificates have survived. Some parishes do have poll tax returns for 1660 though, so these have been used here to obtain figures for the later 17th century. The poll tax really reflects the number of households rather than individuals, since the head of the household generally paid a lump sum which included 6d. a head for wife, children over 16, and servants.⁴⁷

The figures obtained have been put together in Table 1.⁴⁸ Three of the parishes for which 1563 figures are available show increases of 17% to 41% over the 1524 figures; the fourth, Biddisham, apparently shows a decrease, but this is probably a distortion caused because the tax figures included a

46. K. Wrightson & D. Levine, Poverty and Piety in an English Village: Terling, 1525-1700 (1979), p.32.

47. P.R.O., E 179/256/7, Winterstoke hundred, E 179/172/416, 417, Brent and Bempstone hundreds. Assessment for Huntspill hundred has not survived. See below, Wealth, for discussion of the taxes.

48. See p. 479 .

large hamlet, Tarnock, which was in Badgworth parish. The increases shown are similar to the estimated growth in national population, but do not reach the extremely high rates of growth found in some Cambridgeshire fen villages in this same period.⁴⁹

A comparison of the number of taxpayers in 1524 and in 1660 shows widely varying rates of increase: 230% and 310% in Axbridge and Compton Bishop (which included part of Axbridge town) respectively, down to 86% and 88% in East Brent and Wedmore; the last two compare closely with Willingham in the Cambridgeshire fens which had a total increase in taxpayers of 83% between 1524 and the hearth tax of 1664.⁵⁰ However, bearing in mind the qualifications on the use of tax figures for population estimates, too much reliance should not be placed on figures that seem to show a trebling of the population in agricultural parishes, where there is no other evidence to support heavy increases.

Incidental evidence also suggests that there was growth in the population, but that it was not so high that it was commented on or led to visible tensions in the community, and it is this, the results of population change, rather than any particular rate of change that is significant. Reference was made, for other reasons, to an increase in the houses in one hamlet in

49. M. Spufford, Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries (Cambridge 1974), p. 18.

50. Ibid.

Wedmore: Heathhouse had two houses c. 1580, four by 1587, and 'more' had been built by 1597,⁵¹ and similarly references occasionally occur to a barn converted into a house, newly-built dwellings, or one or two cottages allowed on the waste, inhabited by day-labourers or craftsmen. The increase seems mainly indigenous, and the immigration that occurred was apparently of craftsmen or husbandmen who rented holdings, and not the subsistence poor; no comments were made regarding poor squatters or an uncomfortably high increase in population.

The Source and Distribution of Wealth

While the population figures are rather tentative, more definite information is available on the wealth of the area and its distribution. The predominant source of wealth was agriculture in which the bulk of the population was directly involved, and even those such as Axbridge merchants who had other sources of income were frequently assessed on land rather than goods, so that it is reasonable to assume that nearly all the inhabitants rated for tax obtained the greater part of their income from rents or farming. Where the taxation returns⁵² can be matched up with manorial surveys and rentals, most of the taxpayers have been found to be copyholders; there were few freeholders in

51. S.R.O., D/D/Cd 51, Hodges & others v. Tinknell, deps. of Andrew Luccock and Isabel Penn, 15 Jan. 1638.

52. Principally those of 1524, 1597, 1628 and 1660.

these manors and hardly any were resident in the area.⁵³
 In 1524, out of 52 subsidy-payers in the two tithings of Lympsham, only 19, of which five were those assessed on wages, could not be matched up with tenants in the manors of Lympsham and Lympsham Parva, listed in 1516 and 1540 respectively.⁵⁴ Only nine of the 42 tenants in Lympsham do not appear in the Lympsham tax list. In view of the fact that some Lympsham residents are known to have held land outside the parish, and that some tenants did not live in the parish where they held land, the match between the two sets of names is a good one.

Similarly, when the 1597 subsidy return for East Brent is compared with surveys for the three manors in the parish, out of the 52 taxpayers, only six of those assessed on goods, and five on land, cannot be identified in one or more of the three manors.⁵⁵ Two of the identified tenants were freeholders, two were life leaseholders, but the remainder were holding by

53. Of the 13 freeholders in the four Brent manors, only four were residents: the vicar of E. Brent, and Somerset, Dinghurst and Sayard. They are not especially highly placed among the taxpayers.
54. P.R.O., E 179/169/171; B.L., Eg. MS. 3034, ff. 132-147; S.R.O., T/PH/VCH 38. Though the latter is rather later in date than the subsidy, the copies listed in it date from Henry VII's reign.
55. P.R.O., E 179/171/324, Brent hundred; LR 2/225, ff. 53-114; C(orpus) C(hristi) C(ollege), Oxford, Fn 13, Northgrove MSS, survey 1609; S.R.O., DD/WY 70, survey of Edingworth 1600.

copies for three lives. Wherever taxpayers have been identified for land-holdings or for occupations, nearly all have been found to be either copyholders or yeomen and husbandmen. The only exception is the parish and borough of Axbridge, where the majority had other occupations: in 1597 ten out of the 18 taxpayers are known to have had occupations in commerce and trade; six were drapers, two were tanners, and one an innkeeper, even though two of these - William Braddie, woollen draper, and David Jones, innkeeper, - were assessed on land rather than goods.⁵⁶

Though most of the wealth was produced from the land, the division of wealth between individuals was very unequal. Analysis of the subsidy of 1524 is the most useful way of obtaining information on the distribution of wealth, and because it has been widely used in other studies makes possible comparisons with other areas. The subsidy has been used widely because of its nature: it was drawn up to include a wider section of the population than former assessments, taxing everyone who received £1 a year from land, possessed goods worth £2 or more, or wages of £1 a year or more, taxing them on whichever source produced the most tax.⁵⁷ Though the subsidy assessments are useful to show the distribution of wealth among the population, they are not always reliable

56. P.R.O., E 179/171/324, Winterstoke hundred. Occupations of 7 of the remainder are unknown.

57. Suffolk in 1524 (Suffolk Green Books no. X, Woodbridge 1910). p.x.

guides to the wealth of individuals, nor to the resources of the area as a whole. Besides the perennial problem of under-assessment, only freehold land was apparently taken into account, and not customary land the most common tenure among taxable residents here. Some customary tenants held as much as 100 acres, at ancient valuations of about 1s. an acre, and its potential value in produce or rents was not taken into account.

Table 2⁵⁸ gives a breakdown of the numbers assessed for each parish divided into three groups, coastal, inland, and Mendip, though as the figures show the variations that do exist do not follow these geographical divisions but seem rather to depend on the circumstances within individual parishes. The coastal and Mendip parishes have similar percentages in the two lowest categories, while the inland group has a rather higher percentage of inhabitants assessed on wages, owing to the very high figures for Biddisham and Wedmore. At the richer end of the scale the figures for all three groups are fairly equal, but the group that includes Axbridge and Compton Bishop, where many wealthy townsmen lived, and Rodney Stoke, the residence of Sir John Rodney, has most of those assessed on land.

Compared with other areas, these parishes have a lower level of wealth at the top of the scale, but

58. See p. 480.

compare favourably in the proportion of wage-earners to others. Table 3⁵⁹ gives figures for areas in Lincolnshire, Leicestershire and Cambridgeshire, as well as Brent Marsh: in the latter less than one-fifth were assessed on wages, the lowest proportion among these examples and appreciably lower than some.⁶⁰ Similarly, the percentage of taxpayers assessed on £20 or more also compares very favourably with the other areas, but despite this the wealthiest taxpayers in the Levels had far less than the substance enjoyed in parts of Lincolnshire and elsewhere.

The lack of resident manorial lords was one reason for this: the leading taxpayer was Sir John Rodney assessed on lands worth £140 a year, the only resident landowner of any note; most manors in the area were held by the Church at Wells or by Glastonbury Abbey, together with a very few non-resident peers and gentry. Added to this was the fact that very little demesne remained in the lords' hands available for leasing to one tenant to make him stand out among the taxpayers.⁶¹ The customary tenants did not hold the acreage that would result in several hundred pounds-worth of goods, and the wealth of townsmen was notoriously hard to assess, which is probably why many were assessed on their small quantity of freehold land. The wealthiest taxpayer assessed on goods was Isabel Wall of Lympham

59. See p. 481.

60. e.g. Spufford quotes 36% for Devon: Communities, p. 31.

61. See Chapter 2.

at £60: she was the widow of John Wall who had held c.66 acres of customary land in Esterlympsham in 1516, and she and John were named together in a copy in the manor of Lympsham parva for 17½ acres and part of 18 acres, making a known holding of about 90 acres in all.⁶² While the farming and landholding residents of the area by no means enjoyed the same amount of wealth, the area produced few great extremes of wealth and few individuals living in the area who could dominate the community economically and financially.

The analysis of wealth in the later 17th century is more difficult to carry out. The best source for this purpose is usually the hearth tax returns of the 1660s and 1670s because, as a recent study for a mainly rural area has shown, there is a reliable correlation between the number of hearths and status and occupation categories over a parish.⁶³ However, as mentioned in connection with population, no returns for Brent Marsh have survived, so another source has had to be found. The poll tax returns of 1660, used for population figures, do not provide complete coverage of all the parishes, but the returns do provide much useful information, especially regarding distribution of wealth on a sample basis.

The poll tax, levied for the disbanding of the forces, was set at a fixed amount on peers, certain

62. B.L., Eg. MS. 3034, f. 133d; S.R.O., T/PH/VCH 38.

63. Spufford, Communities, pp. 36-41.

office-holders and members of crafts' and trades' gilds, with a rate of 2% on the net disposable income of everyone else with £5 a year or more. Below that income, unmarried people over 16 paid 1s. each and married people paid 6d. a head, but anyone receiving alms was exempted.⁶⁴ In theory, therefore, the returns should indicate the farming and rentier income of most commoners and the division of wealth within the parishes, but in practice the actual figures are far from reliable since individuals more or less valued their own incomes with obvious results.⁶⁵ Furthermore, while the 6d.-payers are often distinguished either singly or as man and wife, the higher taxpayers sometimes paid a lump sum which included the 6d. a head for their wife, their children over 16, and their servants; as far as the effect on the wealth figures is concerned, this is probably not very serious, assuming a level of under-assessment in any case.⁶⁶ In addition, those paying the fixed amount as a member of a gild are not differentiated in the returns, so everyone has to be treated as though the tax they paid reflected their income,⁶⁷

64. 12 Car.II c.9.

65. S. Dowell, A History of Taxation and Taxes in England (1888 edn.), II, p. 29, who cites Samuel Pepys's experience of under-assessment.

66. Method of recording varied from parish to parish in the returns examined.

67. The amount varied from £6 to 5s. for different groups of gilds. The fixed rate is particularly unfortunate where the mercers and drapers of Axbridge are concerned: evidence suggests they were among the wealthiest men in the area, and the poll tax might have borne this out.

and in some parishes the tax seems to have been treated as a land tax, so may have been imposed on non-residents.

Despite the drawbacks, however, the figures obtained from a sample of tithings in the area do show the relative distributions of wealth amongst the taxable inhabitants, and are shown in Table 4.⁶⁸ In the large tithing of Wedmore, for example, there were 304 entries (excluding tax on the parsonage), 158 households or couples, and 146 single persons.⁶⁹ In this tithing the married and single (or widowed) men paying 6d. or 1s. together account for nearly half the taxpayers in the tithing, while taxpayers paying 2s. to 5s., representing an annual net income of £5 to £12 10s., account for 20% of the taxpayers. The highest payers, with incomes of £27 10s. or more, account for only 3% of the total. Even in the smaller, coastal tithing of Alston and Worston in Huntspill parish the 1s. and 6d. payers formed 60% of the 81 taxable inhabitants and the married and single men again accounted for nearly half the total. The poll tax may cover more of the population than the subsidy 140 years earlier, and in 1670 60 people in Wedmore tithing were exempted from

68. See p. 482.

69. 48 of these by their name and position in the list were probably living in the household of a married couple or another single person, i.e. with their parents, a widowed parent, or other kin; this affects the number of households, but since the tax assumes they had their own income, they are considered as separate units.

paying the hearth tax,⁷⁰ but many of these can be identified on the poll tax return among the 1s. and 6d. payers. Of course, it may be that their income had diminished in the intervening decade, or that, though poor, they were not receiving alms, the criterion for exemption from the poll tax.

Inventories are another source that can be analysed to give a profile of the wealth of the area, but for Somerset the surviving inventories are too few to draw conclusions about the spread of wealth: only 37 survive for the lowland parishes and 16 for the Mendip parishes surveyed here, covering the period 1556 to 1712.⁷¹ The inventory totals for a further 211 testators were endorsed on the register copy wills, mainly of the period 1539 to 1556.⁷² Thus, this period is the only one with a good sample from which to judge the range of wealth, and even then 173 of the 200 totals were for only six, coastal, parishes. Overall, 51% of the totals were less than £10, and 22% between £10 and £19.

The surviving inventories cover a wide range of social backgrounds and total wealth. The highest inventory, and likely to have been the highest even if all the inventories had survived for the period, was that of Sir George Rodney taken after his suicide

70. Dwelly's National Records, vol. 2, Directory of Somerset, ed. E. Dwelly (Fleet, Hants. 1929), pp. 46-7.

71. Details of inventories are given in list of Sources.

72. These registers are listed among the probate sources.

in 1601, when he had goods valued at £444, debts due to him of £629, a wardship worth £450, and lands valued at £292 a year,⁷³ totals far in excess of anything other residents could show at that time. Edmund Bower of Allerton, an attorney with free, copy- and lease-hold land, had goods worth £117 and lands valued at £160 a year when his property was sequestered in 1645,⁷⁴ and shows the standard of the well-to-do minor gentleman in the neighbourhood. Several other inhabitants reached and indeed exceeded this wealth in goods especially in the later 17th century, as the list of inventories shows, even though in the more usual probate inventories that make up the rest of the sample, free and copyhold land was not included in the valuation.

Overall, Brent Marsh apparently supported a solid middle range of wealth, in which the gulf between the top and bottom of the economic scale had widened by the late 17th century, with certain individuals standing out among their neighbours. Some men like Edmund Bower had moved into the area and obtained much of their wealth from outside sources. Others were connected with freeholders of gentry rank who had bought lands in the area, such as Henry Wogan, the leading taxpayer in Wedmore tithing in 1660, who

73. P.R.O., E 178/1992.

74. P.R.O., SP 28/214, Bempstone hundred, sequestrators' accounts.

had married a coheiress of George Hodges; the Hodges family had owned a freehold estate scattered over several parishes here and elsewhere in Somerset. Others, however, emerged from the solid rank of copyholders, such as the Boultings, a copyholding family of the 16th century who had bought the freehold of part of the manor of Wedmore in the early 17th, and by the end of that century were styled gentlemen, building for themselves a graceful residence in Wedmore. Though the pre-eminence of these men remained purely local, they were small landowners who were able to maintain their position even in the face of the economic difficulties that caused small landowners elsewhere to disappear as a recognisable class.

Non-agricultural Occupations

The occupational structure followed closely the sources of income: most wealth came from the land, and agriculture employed the greatest proportion of those whose occupations can be ascertained. The occupation or status given for male witnesses in the ecclesiastical courts have been compiled into Table 5 below, which shows that husbandmen and yeomen account for two-thirds of the witnesses, other occupations only a quarter; witnesses whose occupations were not given were also likely to have been husbandmen.

Table 5 Occupational Structure

<u>Male Occupations:</u>	<u>1549 to 1684</u> ⁽⁷⁵⁾		<u>1505 to 1693</u> ⁽⁷⁶⁾	
Husbandmen	165	60.2%	213	27.7%
Yeomen	18	6.6	136	17.7
All other	69	25.2	109	14.2
Not given ^(a)	22	8.0	310	40.4
	—		—	
	274		768	
	—		—	

(a) Mainly at the beginning of each period.

The table also gives the occupations of testators, which follow a similar pattern. The term 'husbandman' covered widely differing economic positions, from men who farmed their own holdings to covenant servants in husbandry, but their number in relation to other occupations underlines the overwhelming importance of agriculture in the area.

However, occupations other than farming can be found in every parish, most of them the usual wide range of crafts and services that were required by the farming community and others, but they also included a commercial community based on Axbridge. Axbridge, a Saxon burgh, had always been overshadowed to some extent by Wells only a few miles away, which had become the largest town in Somerset by the 14th century,

75. Taken from S.R.O., D/D/Cd, deposition books 1549 to 1638, with 5 causes 1661-1684.

76. From wills and inventories.

if not before.⁷⁷ Nevertheless, Axbridge had some importance in the Somerset woollen industry in the 14th century,⁷⁸ as it lay near the Cheddar fulling mills; it was also well-placed in regard to the lead, silver and calamine mines on Mendip,⁷⁹ and became an important local distribution and marketing centre. By the early 17th century it had three gilds - drapers, leather men, and firemen (metal-work) - one of which all inhabitants of the town had to join after 1624, a mayor and aldermen to manage the affairs of the Corporation, and its own justices and sessions.⁸⁰ Nearly all the mercers, drapers and other leading tradesmen of the area were based in Axbridge, and the borough probably controlled the activities of the few weavers found in the nearby lowland parishes and the fullers living in Huntspill and Cheddar. In the early modern period, it is hard to say how much locally-made cloth went outside the area, and how much was consumed locally, considering that several tailors worked in the area. Whatever the case, trade for these cloth merchants was good enough to put them among the wealthiest men in the district, but in view of the decline in the Somerset cloth industry in the 1620s, it is not surprising to find that these men, like other leading

77. Dunning, Somerset, p. 23.

78. H.L. Gray, 'The Production and Exportation of English Woollens in the 14th Century', English Historical Review, 39 (1924), p.30.

79. H.C. Darby (ed.), A New Historical Geography of England Before 1600 (Cambridge 1976), pp. 108-9.

80. H(istorical) M(anuscripts) C(ommission), Third Report, Appendix, p. 302.

citizens of Axbridge, by the end of their lives had put their money into the purchase of free-, copy-, and life lease-hold land, with which they endowed their children.⁸¹

The cloth industry was one which was suitable for absorbing the surplus labour and spare time of pastoral farmers, yet despite an economy which favoured dual employment elsewhere,⁸² there is no evidence to indicate that farmers here engaged in industrial by-employments.⁸³ Little evidence of cloth-making, for example, occurs in the admittedly small sample of inventories: no looms, for instance, or even spinning wheels, and only occasional references to wool, yarn or cloth and even then in an inconclusive manner. This contrasts strikingly with the equally small sample of surviving inventories for East Harptree, on the top of the Mendips, which included at least one clothier and several references to looms and large stocks of cloth and yarn.⁸⁴ Axbridge was in a position to conduct commercial activities in

81. They also put out money in secured loans, mortgages and other financial dealings, but there was difficulty in this period of finding secure investments other than land.
82. J. Thirsk, 'Seventeenth-Century Agriculture and Social Change', in Land, Church, and People, ed. Thirsk (British Agricultural History Society, vol. 18, supplement, 1970), pp. 171-2.
83. The wives and daughters of husbandmen and labourers engaged in spinning wool and lace-making, but this aspect of women's employment is not confined to pastoral economies.
84. Inventories in S.R.O., D/D/Ct. Harptree had been an important cloth-producing village, producing 100 to 200 cloths a year in the 14th century: H.L. Gray, loc. cit., p. 31.

the Mendip area as well as the lowlands, and no doubt this was where the bulk of the wool and cloth they handled came from, though some evidence does show that commercial dealings were more widespread at one time. In the 1530s a Wedmore mercer, William Fereford, had supplied money and wares to the value of 42s. to a weaver in 'Yerkcomb', Devon, probably stock to be made up for Fereford.⁸⁵ It is significant that though there was the commercial network for cloth-producers in the area that farmers could take advantage of if they wished, they do not appear to have done so to any visible degree.

Most of the 51 non-agricultural occupations that appear in sources for the area are those that usually occur in an agricultural economy, processing farm products to meet the basic needs of the population: food, clothing, household goods, farm equipment and buildings.⁸⁶ It was an economy typical of pre-industrial England, dependent to a great extent on the countryside, dominated by agriculture, and mainly engaged in providing directly for the consumer.⁸⁷ Of the occupations found, only tanners, fullers and weavers

85. P.R.O., C 1/787/37.

86. Among the less common occupations that occur are silkweaver, brasier, pewterer (all Axbridge), plateworker (Weare), barber-surgeons (Axbridge, Mark, Wedmore), houndkeeper (Huntspill).

87. D.C. Coleman, Industry in Tudor and Stuart England (1975), p. 12; W.G. Hoskins, 'An Elizabethan Provincial Town: Leicester', in Provincial England (1963), pp. 94-6.

were probably not selling directly to the consumer, but even in these trades strict craft demarcations were being broken and these craftsmen would sell as well as make the goods.⁸⁸ Although the boroughs of Axbridge and Wedmore had the largest concentrations of craftsmen, such men were spread throughout all the parishes studied, rather than settling only in the main towns of the area - Axbridge and Wedmore, or Wells and Bridgwater nearby. Tailors seem to have been particularly numerous and widely spread: 23 tailors occurred in 12 parishes between 1620 and 1657, and even a tiny parish such as Biddisham of 572 acres with only 14 households in 1563 had two tailors mentioned within three years of one another, in 1620 and 1623. A craftsman's work was not confined to his parish of residence, of course, and some men settled where they had inherited houses or even large holdings of copyhold.⁸⁹

The number of craftsmen such as tailors does suggest that the demand for these goods and services was fairly high and argues a healthy level of agricultural wealth. Other indications of high demand also exist: the large number of weekly markets and seasonal fairs; tradesmen from Bristol who took stalls at Bridgwater market;⁹⁰ the latter from Bruton in the

88. Coleman, op. cit., p. 21.

89. e.g. John Adams, a carpenter, held 21 acres of customary land in E. Brent in 1516; his occupation was only recorded to distinguish him from another tenant of that name: B.L., Eg. MS. 3034, f.113.

90. S.R.O., QSR 81/62.

south-east of the county who found it worthwhile to take a stall at St. Andrews fair in Wells, in competition with local hatters from Axbridge;⁹¹ the indications of a wide network of trade links for selling agricultural produce.⁹²

The number of tradesmen who were attracted to settle in the area also indicates an economy with a degree of demand to make it worthwhile, and these immigrant craftsmen usually lived in the towns. In a sample of 54 trades and craftsmen between 1572 and 1676, 21 were resident in the parish of their birth, 17 came from within 10 miles, 5 came from large towns or cities, and 11 from elsewhere in Somerset and beyond.⁹³ 21 of the craftsmen lived in Axbridge but only a third of these were born there, the rest having migrated into the town, several at apprenticeship age. 17 of the sample lived in Wedmore and 7 of these were born elsewhere, while of the craftsmen in the other parishes, only a quarter lived in the parish of their birth.⁹⁴ Because the sample is small, and figures for emigration out of the area are not available, conclusions must be tentative but certain aspects of this immigration indicate that Axbridge and Wedmore

91. S.R.O., QSR 72(2)/133.

92. See above, Communications and Markets.

93. Taken from S.R.O., D/D/Cd, ecclesiastical court deposition books.

94. Compared with a sample of 180 husbandmen and yeomen taken from the same source, of whom 60% lived in the parish of their birth.

in particular offered a good opportunity to make a living. Three of the migrants came from towns which themselves might be expected to provide good opportunities.⁹⁵ One of these men was Jasper Wrentmore, who came from Taunton about 1572 when 12 years old, probably as an apprentice, and as a woollendraper founded one of Axbridge's leading families of the 17th century, and was himself mayor of Axbridge in 1620.⁹⁶ The area also seems to have attracted men in the clothing trades from old-established cloth areas: both Devonshire and the town of Frome provided weavers and glovers; another weaver came from North Petherton, south of Bridgewater, while another came from as far away as Herefordshire.

Tradesmen here sold their goods or services in a number of different ways. One was to take goods to the weekly markets or the fairs; other sales took place in the tradesman's "shop": Francis Tuthill, a mercer, sold lace and other cloth from his shop in Axbridge.⁹⁷ Others worked at the homes of their customers. William Hedlon, a tailor living in Axbridge, 'wrought at his trade of taylor ... for wages' in the house of William Wall at Weare in 1612, making a suit of clothes valued at 40s. for Wall's

95. Bristol, Taunton, Wells.

96. S.R.O., D/D/Cd 54, 'detection' v. Thomas Mooreton, 10 Mar. 1619/20.

97. S.R.O., QSR 34/60.

stepson.⁹⁸ Men engaged in building work might stay weeks or months at the house of their customer. In the 1570s Thomas Galway, an Axbridge mason, worked on the house of Christian Hopkins in East Brent for three years and during this time he boarded in her house. When he had nearly completed his work, a carpenter, also from Axbridge, was hired by Christian and worked daily on the house while also boarding there.⁹⁹

Though farmers apparently did not engage in industrial by-employment, some craftsmen did engage in farming. Thomas Looke, a tailor born in Butleigh south of Glastonbury, had come to Wedmore when 15 years old and lived there and in neighbouring parishes for 30 years. While living in Weare he rented 16½ acres of meadow most of which he mowed for hay, and continued to mow 13 acres after moving to Mark, but there is no information on whether he had stock nor what he did with the hay.¹⁰⁰ A plateworker living in Weare pastured beef cattle or young stock in the 1660s,¹⁰¹

98. S.R.O., D/D/Cd 76, Horte v. Wall, dep. of William Hedlon, 17 Dec. 1633.

99. S.R.O., D/D/Cd 25, Gee als. Hopkins v. Hopkins, deps. of William Lascombe and Thomas Galway, 13 May 1572. Craftsmen also worked over a wide area: two tilers from Axbridge, two masons from Congresbury, two carpenters from Loxton and Congresbury and a mason from Bristol were called on to give estimates for work at Loxton (see map): D/D/Cd 71, Englefield v. Gawler, dep. of Nicholas Maies, 9 Nov. 1631.

100. S.R.O., D/D/Cd 51, Hill v. Counsell, dep. of Thomas Looke, 28 Oct. 1633.

101. P.R.O., E 134/19 Car II/M.16.

while a Wedmore glover rented land which included two acres of arable and he kept at least two dairy cows and their calves in the 1670s.¹⁰² Richard Thomas, a Wedmore tanner, left corn, hay and two plough horses at his death in 1640, in addition to all his tanning equipment.¹⁰³ Craftsmen also grazed animals on the moors, possibly to take advantage of common rights attached to customary messuages.

The involvement of craftsmen in farming might be interpreted to indicate that the economy of the area could not support full-time crafts, forcing men to supplement their income, but the other economic indicators discussed above do not bear this out. In fact, occupational specialisation was never very rigid in the countryside: even most professional men farmed some land. John Westover, father and son, were barber-surgeons in the 17th century who farmed inherited land in Wedmore and Allerton; Edmund Bower, a lawyer, farmed his demesne land as well as the parsonage glebe he held on lease, and many parsons farmed their glebe themselves. Naturally, these men did not put a hand to the plough themselves, but the principle - of obtaining income from farming as well as other sources - was the same. Craftsmen were

102. P.R.O., E 134/29 Car II/M.2.

103. S.R.O., D/D/Ct vol. T, inventory of Richard Thomas.

ready to take advantage of any land they held with their dwelling, or could obtain, but possibly they too did not work the land themselves, but left the farming side to their wives or family: a tucker and a blacksmith, both of Wedmore, kept dairy cattle in Blackford moor which were milked by their wives, dairying usually being left to women at this time.¹⁰⁴

Though the area supported a number of craftsmen, then, and offered attractive prospects for the usual range of rural crafts- and trades-men, agriculture remained the most important source of wealth and work, and industrial activity never became of more than minor significance. When husbandmen took on extra work to supplement their own farming income, it always seems to have been connected with farming, such as helping out neighbours in busy seasons, driving beasts to fairs, or looking after stock for non-residents.¹⁰⁵ It was farming that was the source of most of the casual employment, rather than domestic industry.

104. S.R.O., D/D/Cd 51, 'detection' v. Henry Lange, depts. of Elizabeth Petherham and Katharine Napper, 3 Apr. 1623.

105. In fact, industrial craftsmen also turned to casual farm-work to supplement their incomes: John Trott, a weaver of Berrow, threshed the tithing corn and did other odd jobs for the sequestrators of Berrow parsonage between 1620 and 1625: P.R.O., E 178/4467, E 135/5/45.

The economy of the area was thus based deeply on the land, but the land produced two different types of income: that from rents and the profits of land sales, and that from agriculture. Two different groups of residents thus benefited from the land, and though the personnel of the groups overlapped, each has to be considered separately. First in importance here as everywhere at this time were the owners and holders of land, and these are considered in the following chapter.

Chapter 2

Landownership, the Manorial Structure and Copyholders

The Manors

In the 16th century, the manor, with its court, was still the most important unit in the organisation of land, and the principal means of managing freehold estates, despite variations in the vitality and usefulness of the courts from place to place. In this area of Somerset the manors retained their importance for the tenants because customary tenure still flourished, and the manor court provided a simple and relatively cheap method of conveying land and registering title, even though in other respects the courts were no longer very effective and manorial jurisdiction had only a declining influence over the affairs of the tenants.

The point of view from which manorial tenants are regarded is important in any assessment of their position in rural society. Viewed from 'above', from the position of the nobility and gentry, the manorial tenant is the bottom rung of an economic and social hierarchy of landholders, a point of view which blurs the distinctions within local society. Viewed from within that society, however, the copyholder ceases to

be at the bottom of the pile, some kind of servile peasant: the existence of the manor and the security of customary tenure gave the copyholder a financial position among the richest inhabitants of the area, with an income derived more and more from rents than from direct farming. Much of their independence was a result of the manorial structure, and the security and value of copyhold set the tenants apart financially from the rest of the agrarian population.¹

The complex manorial structure caused by the creation of sub-manors, and increased by the tendency of freeholders to 'manorialise' their acquisitions of land, has made it hard to establish the actual number of manors and their acreage. Though customary tenure remained important, the manors varied considerably in size, vitality and unity in the course of the 16th and 17th centuries, and where manorial records have not survived, very little is known about quite large and important manors.² Altogether some 51 manors appear in the various sources looked at for the area, of which 40 can be considered legal manors for which a

1. It should also be pointed out that by the 17th century copyhold had lost any servile status, and all ranks of society took copies as freely as any other form of tenure.

2. The manors of Mark and More for example, which together covered the large parish of Mark and had jurisdiction over Mark moor.

court was held at some time in the period, and 11 for which there is only, perhaps, a single reference to their name,³ and which may never legally have been manors.⁴

Since information concerning the manors is patchy, it follows that the ownership of the manors in this area is also not always clear; many manors were held by ecclesiastical bodies at the beginning of the 16th century and underwent frequent changes in ownership in the next 200 years. Table 6 below summarises the ownership of 45 manors for which enough information is available.

3. e.g. Sir John Couper's holding as a free tenant of the dean and chapter of Wells, in their manor of Allerton, was also called the manor of Allerton in the extent for the sale of the wardship in 1610, and may have included his freehold in Weare and elsewhere: Sales of Wards in Somerset, 1603-1641, (S.R.S. 67, 1965), p.16.
4. The term 'manor' apparently should only be applied to those in existence before the Statute of Quia Emptores (18 Ed.I. c.1): W.H. Aggs, Wharton's Law-Lexicon (11th edn. 1911), p. 539. A manor required the existence of copyhold land to exist de facto, and included the right to hold courts baron and customary. Properly the court baron was the assembly of the lord and his free tenants, but the term was generally applied here to the court at which customary tenants and their lands were dealt with, since they all met together. The Oxford English Dictionary summarises various legal definitions of 'manor'.

Table 6 Ownership of Manors

<u>Type of Lord</u>	No. of manors held		
	<u>c.1500</u>	<u>c.1600</u>	<u>c.1700</u>
Glastonbury Abbey	7	-	-
Diocesan Clergy	16	8	8
Corporations (Oxford Coll., Hsp., Boro.)	-	1	3
Nobles	8	4	3
Gentry	14	23	19
Crown Farmers (often gents. o/s Som.)	-	6	1
Divided (all/maj. sold to tenants)	-	2	7
Unknown	-	1	4
	<hr/>	<hr/>	<hr/>
	45	45	45

Only rarely did a manor remain in the same family (by inheritance or marriage) throughout the period, although Huntspill-Cogan appears to have remained in the Bouchier family or their descendants until sold in 1693, and Huntspill-Verney passed by marriage rather than sale. Manors belonging to the diocesan clergy had rather more stable histories: the dean and chapter of Wells, the rector of Huntspill, the prebend of Compton Bishop and the vicars choral of Wells kept their manors throughout the period, apart from brief interruptions during the Edwardian Reformation and the Interregnum, which do not, however, appear to

have affected the tenants at all. The bishop of Bath and Wells, however, lost the 5 manors and rents⁵ he held in the area, including Cheddar and Axbridge, and the substantial holdings of Glastonbury abbey, which passed as a whole to the duke of Somerset in 1547, were divided into their component manors and passed to several different owners after the duke's attainder.

Most lords of the manor, both lay and ecclesiastical, were absentees: the Rodney family were the only holders to live on any of these manors, and their estate was divided among the heirs general of George Rodney by Act of Parliament in 1603.⁶ A few manorial lords were of Somerset families, but none attempted to establish a family seat on these manors, apart from the few local freeholders who built up small, self-styled 'manors' out of their holdings. Manors in lay hands tended to be small items on a large noble or gentleman's rent-roll, and being far from the lord's seat were the first to be handed over on marriage, sold to pay debts, or disposed of to tidy up estates; often the lord of the manor was not the principal beneficiary of the profits, as the manors were often farmed out in entirety and the court held by the farmer.

5. P. Hembry, The Bishops of Bath and Wells (1967), p. 107.

6. Sales of Wards (S.R.S. 67), p. 52.

The lack of interest shown by the lords in their manors here may have been a result of the manorial structure, which contributed to the lords' weak position in regard to their tenants. In general manors have been divided into two types, closely linked to landscape and husbandry. The lowland areas tended to be highly manorialised, with nucleated common-field villages and communal agriculture controlled by the manor court. Typically the parish contained only one manor or very nearly so, and the manor only one settlement, giving the lord control over the inhabitants, immigration and squatters, and other parish affairs, helped by the fact that the lord usually held a large proportion of the land in demesne which gave him an economic influence as well. This type of manor, often regarded as typical of agrarian organisation in England, was found for example in the vales of Yorkshire, Lincolnshire and the Midlands.⁷

The other type is associated with pastoral area, the uplands, forests, and wood-pasture economies, where settlement tended to be spread out in several hamlets and single farms, and the parishes might commonly contain half a dozen manors or more. In some manors common grazing brought tenants together, in others there were no communal farming activities at all, and control exercised

7. AHEW, pp.8, 14, 33.

by the court or the lord in this type of manor is considered weak: the manor existed chiefly for its financial and legal functions. Manors in the wood-pasture areas of East Anglia were of this type, as were those in most of the northern border counties, parts of the West Midlands, and Devon and Cornwall.⁸

Within these stereotypes were many variations however. The non-residence of the lord or the break-up and leasing out of the demesne in parcels to the tenants weakened some lowland manors, as did the large number of freeholders in some East Anglian manors, or in Wigston in Leicestershire.⁹

The manors in Brent Marsh did not fit either of the types, but combined elements of both. As mentioned in the previous chapter, settlement in the area was mainly in nucleated villages and common-field farming still played an important part in the husbandry, but like the wood-pasture areas nearly all the 16 parishes had more than one manor within their bounds. A fundamental difference in the way sub-manors here were formed, compared with most pastoral manors, is the main reason for the unusual mixed character of Brent Marsh manors.

Formation of Sub-manors

Free holdings in several of the chief manors here were turned into sub-manors in the medieval

8. Ibid., pp. 8, 14, 48.

9. Ibid., pp. 8, 92-3.

period. Though the sub-manors formed from them show that the acreage of the freeholds could be quite large,¹⁰ the number of freehold tenants, where they appear at all in the surveys, was very small, as Tawney found to be generally the case in the West Country,¹¹ as this area did not have the many small freeholders holding by socage that had existed in East Anglian manors by 1086.¹²

The existence of sub-manors or additional manors is not unusual: most of the pastoral parishes that have been studied had more than one manor, and even parishes with nucleated settlements and a strong manorial organisation might include another small manor within their bounds.¹³ These lesser manors might be sub-manors held from the head manor by knight service, rents or other feudal incidents, or might have lost any connection with a head manor, if they ever had one. Additional manors in wood-pasture areas tended to be formed as assarts from unsettled land; they were usually enclosed, and held

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10. e.g. freeholds in S. Brent, 1516, were 5 ferdels plus 20 acres (formed part of Northgrove); a half yardland plus 2-1/2 acres (part of S. Brent Huish); a half yardland; 5 acres; 60-1/2 acres: B.L., Eg. MS. 3034, ff. 149d.-150d. Freeholds in Lympsham, 1516, were a half yardland, 8 ferdels, plus 17 acres (formed the manor of Lympsham Parva, c. 222 acres); 1 ferdel; 1 ferdel: Eg. MS. 3034, ff. 132d.-133d.
 11. R.H. Tawney, The Agrarian Problem in the Sixteenth Century (New York, 1967 edn.), pp. 24-5.
 12. AHEW, p. 45; A.R.H. Baker & R.A. Butlin, Studies of Field Systems in the British Isles (Cambridge 1973), p. 306.
 13. e.g. Chippenham in Cambs.: Spufford, Contrasting Communities, pp. 58, 60.

by freeholders, and their lands were physically separate from other manors in the parish. This pattern can be seen in Myddle in Shropshire where the smaller manors were formed from separate settlements colonised from the parent liberty of Myddle.¹⁴ In some forest areas, hamlets which had their own common fields also developed into separate manors, as in some parishes in the Forest of Arden in Warwickshire,¹⁵ and the manors within the parish of Wedmore may have followed this pattern, as several hamlets - Mudgley, Blackford, Crickham and Cocklake - had their own open fields, though by the 16th century some tenants held strips located in the fields of one of the other manors.¹⁶

Most sub-manors in Brent Marsh were formed in one of two ways. The first method, probably very common throughout England, was for a freeholding of one manor to become a manor in itself. At Cheddar, where the head manor, Cheddar or Cheddar Episcopi, had about ten free tenants,¹⁷ the lands of five of these formed sub-manors by the early 16th century

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- 14. D.G. Hey, An English Rural Community: Myddle under the Tudors and Stuarts (Leicester 1974), pp. 29, 70-1.
 - 15. V. Skipp, Crisis and Development: An Ecological Case Study of the Forest of Arden 1570-1674 (Cambridge 1978), p. 7.
 - 16. See Chapter 3, pp. 138-40.
 - 17. S.R.O., DD/SE 17 (Box 2), Reeve's account for manor of Cheddar 1601.

all with customary lands that shared the same customs and practices as the head manor.¹⁸

Other sub-manors, especially in the four Brent manors, and in Badgworth, Tarnock, Allerton and Burnham, had a more complicated origin, being formed from the freeholds of several different manors that had come together in the hands of one tenant. A similar process was quite common for monastic estates where groups of scattered tenements and rents acquired by a religious house at different times were grouped together in an artificial 'manor' for administration: one such manor in Devon consisted of farms, parcels and dwellings scattered over at least eight parishes. Some 'manors' included demesne, and courts were also held, though this probably depended on the existence of customary land: in a 'manor' consisting of freehold rents only, no court was held.¹⁹ It is reasonable to suppose that lay owners, too, created 'manors' for the same reason of convenience, though it has not so far been noted in other areas studied.

The origins of two sub-manors, South Brent Huish and Northgrove, can be traced quite fully and illustrate this process of manorialisation by freeholders. South Brent Huish was a distinct

18. Cheddar Hanhams: S.R.O., T/PH/VCH 38; C. Parsons: DD/CC 131910a/2; C. Vicars Choral: DD/CC 116013; C. Fitzwalters: DD/SAS H/143/4; C. Berkeley: DD/PO 1.

19. AHEW, pp. 308-9.

manor by 1547 when it was granted to the duke of Somerset, and had the alternative name of Dawbeney Huyshe.²⁰ Henry, Lord Dawbeney, had been a freeholder of Glastonbury abbey's manors of S. Brent and E. Brent in 1516, and the reserved rents he had to pay to the abbey then, tally with sums due in 1567 from the manor of S. Brent Huish to the lord²¹ of S. Brent and the former ministers of Glastonbury. Other sums listed in 1567 were due to the lords of S. Brent Rectory and Burnham, but unfortunately no lists of freeholders have been found for these manors, and also to the lord of the manor of Huish, for which the amount tallied with the freehold rent due to the manor of Huish in 1650.²² It appears then that the manor was formed from freeholds in the five manors of S. Brent, E. Brent, S. Brent Rect ry, Burnham, and Huish. Northgrove alias Grove, also called Stapleton Grove after a former tenant, was similarly composed of freeholds in the manors of S. Brent and E. Brent, held jointly by Thomas Leighton, Thomas Cresset and John Fitzjames by knight service, and bought from them by the bishop of Winchester in 1516, to give to the found-

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20. Calendar of Patent Rolls, Edward VI, vol. I, pp. 126, 131. Usually called S. Brent and Huish in this period. In 1626 it was called S. Brent Huish alias S. Brent Dawbeney: Sales of Wards (S.R.S. 67), p. 64.
21. B.L., Eg. MS. 3034, ff. 149d., 107; C.R. Straton (ed.), Survey of the Lands of William First Earl of Pembroke (Oxford, printed for The Roxburghe Club, 1909), II, p. 485.
22. S.R.O., DD/CC 114099,

ation of Corpus Christi College, Oxford, who held it thereafter.²³ On a lesser scale, several gentlemen also used this process to form manors for which little information is available. Thus the Brent family built up the manor of Rooksbridge, a small hamlet in E. Brent, out of freeholds in the manors of E. Brent, S. Brent Huish, Blackford, Worston and Cossington.²⁴ In 1661, a lease for lives of land in E. Brent granted by John Brent still required his tenant to perform suit of court at his manor of Rooksbridge and to pay the rent due to the chief lord of the fee.²⁵

In the 16th century S. Brent Huish and Northgrove both consisted predominantly of customary land, which was granted out by copy of court roll. It seems likely that when the lord of the head manor granted out the freeholds from which the sub-manors were formed, most if not all the land was already occupied by customary tenants rather than being demesne, and continued to be granted under custom in the same way. As the interests accruing to the lord of the manor were now transferred to the freeholder, he had to hold a court to administer the property, thus forming a new manor. Even the

23. Cal. MSS of Corpus Christi College, Oxford (N.R.A.), vol 28, f.63, vol. 30, f.691; B.L., Eg.MS. 3034, ff.149d., 106d.-107.

24. P.R.O., C 142/41/28; B.L., Eg. MS. 3034, f.107; Straton, Survey, II, p.471; S.R.O., DD/AH box 11/9.

25. S.R.O., DD/SAS C/61 25.

lands appertaining to various rectories in the area were handled in the form of a manor, since most included a few customary tenements in addition to glebe land and other perquisites,²⁶ and were themselves sub-manors granted out by the lords of the chief manors.

The way in which these sub-manors were formed had important consequences: not only were there several manors in each parish and parts of several parishes in each manor, which considerably weakened the position of the manorial lords and diminished their influence in parish affairs, but also the strips of open-field land of different manors, perhaps three or four, were physically and sometimes inextricably mixed in the fields, making the consolidation of large freehold estates almost impossible, even where the sub-manor did include demesne, thus reducing the lords' economic influence as well. It has not been possible to tell from other studies whether a similar intermingling of openfield land from different manors was present elsewhere, and

26. e.g. the Rectory Manor of Huntspill, which contained the parsonage house etc., 62 acres of glebe lands, 12 oxen lease, 8 or 9 tenements containing c. 24 acres, and common of pasture such as the tenants of the head manor of Huntspill enjoyed: S.R.O., D/D/Rg 201, glebe terriers 1613, 1639. The rector held a manor court roughly twice a year: D/P/hun. 3/1/1, court book, 39 Eliz. to 14 Jas. I.

a recent study of British field systems does not refer to it.²⁷

Though the sub-manors referred to above were formed before the end of the 15th century, and probably much earlier, the process of forming manors can be seen continuing with the Hodges family about 1600. This family appeared in Wedmore in the mid 16th century, when Mr. Thomas Hodges married the daughter of a Wedmore freeholder,²⁸ and the Hodges' were one of the few families in this area to achieve social prominence, being included in the visitation of 1623.²⁹ Thomas's grandson George succeeded to the family lands on Thomas's death in 1601. A view of George's tenants was taken in 1602 and showed his lands to include four tenements formerly part of the manor of S. Brent, and one formerly of the manor of Wedmore, all granted out by copy of court roll, and five other tenements in Weare and S. Brent granted out by lease for lives. Included with this survey are the records of the court of George Hodges and Eleanor his wife, for the years 1605 to 1607, though their 'manor' does not have a name. Not much business was carried on, just a few land transactions and presentments for not ditching,

27. Baker & Butlin, Field Systems, Small freeholds in East Anglia were mixed up with the main manors, but presumably their land was in one block: ibid., pp. 311-12.

28. P.R.O., PROB 11/52, PCC 10 Lyon, will of John Cooke.

29. Visitation of the County of Somerset in 1623, ed.F.T. Colby (Harleian Society xi, 1876) (hereafter Visitation 1623 (Harl.Soc.xi)),p.53.

fairly average for manors in the area.³⁰ No further evidence concerning the subsequent history of George Hodges' court has come to light, and his property here and elsewhere was divided between his granddaughters in 1662.³¹ It is probable that since not only copies but leases for lives stipulated attendance at court twice a year, Hodges held a court for the purpose,³² and if the court had become permanent, Hodges' lands would probably have become a manor, taking the name of his residence or a hamlet on the property.

This apparent desire to manorialise real property, even as late as the 17th century, may be explained in two ways: either men who acquired freehold lands had an attachment to the traditional manorial concept, both for the recognisable status it conferred and for the familiarity of its method of managing land; or the strength and convenience of customary tenure made the use of a manor court essential.

It would be natural for freeholders to be deeply influenced by the tradition of valuing land for the status and power it gave, and socially to be the lord of a manor carried more cachet than to

30. S.R.O., DD/SH 23.

31. S.R.O., DD/SH 18, bundle 'Old Wedmore papers'.

32. They also held two (legal) manors elsewhere in Somerset, which would encourage them to treat all their land in the same way.

be just a freeholder, a designation which covered men of very different social and economic rank. The development of land ownership and the concept of the landed estate were still in an early stage: until their abolition in 1642 feudal incidents such as wardship underlined the idea that land was held of the king, rather than being owned outright.

Practical reasons also made a change from manorial management to direct farming or commercial leasehold less feasible in this area. The complex manorial structure meant that most manors were composed of scattered strips and closes interspersed with the land of other lords or of freeholders who were virtually outside the lord's control, and most manors had little or no demesne, held and farmed in one unit, which could form the nucleus for direct farming.³³ In Glastonbury's manors, for example, the non-customary and former demesne land, called overland in this area, had been parcelled out among the tenants well before 1516 and was listed in their customary land.³⁴ It was therefore the tenants who were in a position to exchange strips, consolidate their holdings and enclose, to carry out rational farm management or changes in farming practice; for the lords it was not possible on a scale large enough to make the effort worthwhile. As far as commercial leasing was concerned, again there were

33. Field systems are discussed in Chapter 3.

34. B.L., Eg. MS. 3034, passim.

no large blocks of land to attract farmers who would take expensive leases, nor was it easy to exploit land in a way which kept pace with rapidly changing rental values without constant supervision, and as already mentioned few lords lived in or near their manors here.

On the positive side, moreover, the manor did provide a regular fixed income, and the form of tenure allowed the fines for copies and leases to be increased to a certain degree without requiring a possibly difficult change in administration which would be bound to arouse opposition among the tenants. This ability to increase income without radical change may have made the lords amenable to keeping the customary tenure here, while elsewhere they were forced to try to change the tenure as the only way to increase their manorial income.

However, even when these factors are taken into account, it is clear that the strength of customary tenure should not be underestimated. Elsewhere manors were broken up, tenures changed and copyholds turned into leaseholds for years or at will, when the tenants' title and the custom were not strong enough to prevent it. Examples of a more commercial estate management existed, and the

men who held the manors in the area were very often merchants from London and Bristol who are thought to have brought a more capitalistic outlook to land ownership.³⁵ More than the negative factors mentioned it is the strength and the acceptance of the accustomed land tenure above and beyond the limits of common law that is the vital factor in the continuance of the manorial system and the position of customary tenants here, so that even when copies became leases for lives many of the same customary rights were included in the tenants' holdings and continued to be enjoyed by them.

By far the greatest number of manorial tenants here were copyholders. In S. Brent in 1516 there were 72 copyholders (93%) and 5 freeholders; in Huntspill de la Haye in 1525 33 copyholders (91%) and 3 free; in S. Brent Huish in 1567 38 copyholders (60%), 18 life leaseholders, 7 free; in Tarnock there were 15 copyholders (60%), 2 leaseholders and 8 free tenants in the late 16th century; and in E. Brent in 1607 98 copyholders (84%), 8 leaseholders and others, and 11 free tenants.³⁶ This preponderance of copyholders was common in pastoral areas where common-field land had

35. e.g. Thomas Gardiner, citizen and goldsmith of London; Hugh Smythe of Long Ashton, of the Bristol merchant family.

36. B.L., Eg. MS. 3034, ff.149d.-168d.; Straton, Survey, II, pp.471-86; P.R.O., E 315/385, ff.90-95d; LR 2/191, ff.29-31; LR 2/225, ff.53-114.

originally predominated, such as in some parishes in the Forest of Arden,³⁷ and was also common in other manors in the Somerset Levels.³⁸ The type of customary tenure in this area differed in some important respects from the ordinary copyhold of inheritance, and gave the copyholders a position between that of freeholders with almost absolute rights over their land, and the rather precarious economic position of tenants holding by an ordinary lease for years.

Customary Tenure

The work of Charles Gray and Eric Kerridge³⁹ has demonstrated the legal security of customary tenants, whose rights under the custom of the manor were protected in the courts of equity and common law. Customary tenure in this area was predominantly copyhold for lives, which was very common in the western half of England: in the West Midlands for example this was generally the form taken by customary tenure.⁴⁰ It was in some ways a less attractive tenure than copyhold of inheritance. With the latter, a holding was granted to the tenant and his heirs forever, so that when a tenant died, his heir, generally but not always the eldest son, had the right to succeed him on payment of an entry fine.

37. Skipp, Crisis and Development, p. 7.

38. V.C.H. Som., III, passim.

39. C.M. Gray, Copyhold, Equity, and the Common Law (Harvard Historical Monographs no. 53) (Cambridge, Mass., 1963); E. Kerridge, Agrarian Problems in the 16th Century and After (1969).

40. Hey, Myddle, p. 70.

Since these fines, like the rents, were usually fixed at the very low, early-16th-century level, this tenure became tantamount to free socage in most respects. Copyhold for lives, which is thought to have outnumbered inheritance by two to one in the Tudor period,⁴¹ was granted to the tenants named in the copy for the duration of their lives, usually holding the property successively in the order named in the copy, the next life succeeding on the death, forfeiture or surrender of his predecessor, by paying a heriot to the lord: usually either the best beast or good, or a small fixed sum of money.⁴² Though the annual rent was fixed and low, the entry fines paid for these copies were generally variable, having to be renegotiated when a new copy was required, and so is regarded by most writers on the subject as very insecure financially.⁴³

⁴¹. AHEW, p. 685.

⁴². Wording of the copy specifies this, the most usual form, though occasionally a copy is granted to the purchaser for lives who do not have any rights in the holding and whose names can be taken out as the purchaser desires. Where non-holders are named, they are usually relations of the purchaser, or people known to him: no cases have been found of, say, members of the royal family being named, as occurs in some 18th-century leases. Unless otherwise noted, all the copies mentioned here are held by those named in them. The only other type that sometimes occurs is a grant made for the minority of the lord of the manor by his guardian: e.g. a grant to Richard Nelne and his son William of a tenement in the manor of Edingworth for the minority of Thomas, son and heir of Ralph Jenyns: Orchard Wyndham MSS, court roll 31 Mar. 16 Eliz. Successive holding is the most common form found, though sometimes two lives may hold jointly, with the third after their deaths, particularly when the first two are husband and wife, and sometimes also all three lives may hold jointly, which is used by fathers taking copies for the benefit of three children: see Chapter 5.

⁴³. Kerridge, Agrarian Problems, p. 37.

However, despite implications in many works that the level of these variable fines was completely arbitrary at the will of the lord and so could be used to drive the tenants off the land altogether, local studies have produced little evidence to show that this in fact happened. Two factors may be responsible for this: one is the body of customs of the manor which were in most cases upheld in the central law courts, and the other seems to have been a customary right by which a tenant was regarded as having supra-legal rights to his holding, so that he would still remain in possession even when he had in theory forfeited the protection of customary law.

Customs varied even between adjacent manors, and many practices were taken for granted and never recorded, making them hard to recover, but the customaries that do exist for manors in the area can be supplemented with practical examples from court rolls and information from legal cases.⁴⁴ The manors held by Glastonbury

44. The various customs and legal aspects of copyhold in general are discussed in several works from the early 18th century onwards, including The Compleat English Copyholder, 2 vols. (1735); J. Scriven, Treatise on the Law of Copyholds (6th edn. 1882); T.E. Tomlins, Law Dictionary, vol. I (1835), under 'Copyhold'; Wharton's Law-Lexicon, pp. 222-5. Copyhold tenure was finally abolished in 1925. None of these works say much about copyhold for lives or its legal implications.

followed a common custom, which was listed in a customal drawn up in 1494, 'uppon the vewes of old records as also uppon the presentment of the tenauntes within the manors', in the first year of the abbacy of Richard Bere.⁴⁵ In these manors copyholds were taken for a maximum of two lives according to the customal, and this is supported by a few examples in equity cases concerning the Brent manors and Northlode,⁴⁶ but in one such case, a copy had apparently been granted for three lives in E. Brent in the late 16th century, and by the 17th century there was confusion over how many lives were permitted. This manor was held by a succession of Crown farmers and stewards and a new

45. S.R.O., DD/SG 22; this is a copy made in 1592, probably as a result of dispute over custom. There are 40 customs, and against all but five the word 'allowed' is written in a similar hand, but it is not clear whether this was taken from the 1494 original or added when the copy was made. Four of the exceptions concern haymaking and carrying services by cottagers and tenement holders, the only labour services mentioned; probably by the late 15th century these were a dead letter anyway. The fifth concerns the rights of the last wife of a tenant. The active role of the tenants in drawing up the customal shows both their interest in preserving custom and its importance to them, as well as their importance for the vitality of the manor.

46. P.R.O., C 2/Eliz. D2/21; REQ 2/22/99; REQ 2/109/2.

steward had probably been unaware of the correct number.⁴⁷ Northgrove also had a limit of two lives,⁴⁸ but in other sub-manors of the Glastonbury manors, a maximum of three lives was being granted by the beginning of the 16th century, and three lives was the custom in most other manors for which evidence exists;⁴⁹ this was carried over into leasehold for three lives as well, as was the case in manors elsewhere with a similar tenure such as Myddle in Shropshire.⁵⁰

Copyhold for three lives was only specified from the late 15th century: terriers and court rolls of an earlier date are much more vague and usually only mention the holder and his wife, without recording the names of those with future rights in the property. Until the number and ages of the

47. P.R.O., C 2/Eliz. M8/5; E 134/13 Car. 2/E.17 & M.15.

48. C.C.C.Oxford, Northgrove MSS, Fn 13, survey 1609.

49. (Glastonbury), S. Brent Huish: Straton, Survey, II, p. 485, the earliest copy is dated 34 Henry VIII: p. 473; Lympsham Parva: S.R.O., T/PH/VCH 38, pp. 103-110, earliest 18 Hen. VII; Tarnock: ibid., pp. 91-101, earliest 19 Hen. VII. (Other manors), the Cheddar manors: S.R.O., DD/CH 4, customs 1757; Allerton: Prebendary Coleman, 'Manor of Allerton and its Tenants, 1530-1866', P[roceedings of the S[omerset] A[rchaeological] S[ociety], vol. 46 (1900), part II, p. 81; Mudgley: S.R.O., DD/SAS PR 462, customs 1558 (this manor was once part of the deanery of Wells, and its customs were probably common to other former deanery manors - Mark, Moore, Wedmore); Blackford: DD/SE 65, survey 1657; Huntspill Rectory: D/P/hun. 3/1/1; Burnham Rectory: DD/CC 110001/1, f. 124.

50. Hey, Myddle, p. 70.

lives in being were of importance in assessing the level of the fine for a new copy, there was no reason to mention those who were not actually in possession of the holding when the survey was made, since in any case the assumption was that the next of kin would have first refusal on the holding if it became vacant.⁵¹ However, by the 16th century the succession to a holding had become formalised in most manors by grants of reversions for the same numbers of lives, in addition to the copy in possession. When the last life in the current copy had died or surrendered, the reversion came into force, and the first life named took possession of the property. Sometimes the number of reversions allowed was limited,⁵² sometimes it was 'as many copies in reversion as Lord and tenant can agree for'.⁵³ The practice differed widely from manor to manor: the Glastonbury manors and S. Brent Huish did not specify a limit to the number of copies in reversion,⁵⁴ while other manors did not allow reversions at all and made provision for the holder to add new lives by surrendering the old copy and taking a new one.⁵⁵

51. See below.

52. Allerton allowed 3 copies with 3 lives in each: PSAS, 46 part II, p.81; Northgrove allowed 1 reversion of 2 lives: C.C.C., Oxford, Fn 13.

53. Burnham Rectory manor: S.R.O., DD/CC 110001/1, f. 124.

54. S.R.O., DD/SG 22, passim; Straton, Survey, II, p. 485.

55. Cheddar manors: S.R.O., DD/CH 4; Mudgley: DD/SAS PR 462.

The rights of reversioners, however, were complicated by the existence of widow's right, the custom whereby the widow of a copyholder could retain all the customary lands, known here as "old austers", that her husband held at his death, as long as she remained unmarried and lived chastely.⁵⁶ As far as can be seen, the custom applied to all manors in the area, though in Cheddar it differed in that only the widow of the last life in the copy enjoyed this right.⁵⁷ The custom irked some copyholders - or rather their heirs - in cases where the next name in the copy was the eldest son, who had to wait for possession while his father's widow, possibly his third or fourth stepmother and younger than he, enjoyed the profits of the holding. Undoubtedly in these cases many widows were bought out directly, sometimes before the death of the tenant. Thus Richard Evans of Lympsham made an arrangement with his wife whereby she agreed to surrender her widow's right in the tenement, to allow Evans's son John (already married with four children) to have it immediately on Evans's death. In return she received money and goods, and an acknowledgement that part had already been handed over was entered in Evans's will.⁵⁸ Alternatively the next heir might employ the kind of arrangement that John Hide of

56. Overland, which was not customary land, passed straight away to the next life on the death of the holder.

57. S.R.O., DD/CH 4.

58. S.R.O., DD/SAS SE 30.

Biddisham made. His stepmother Joan was left in possession of three tenements and 42 acres when his father died about 1580, and Robert Kinge offered to marry Joan in return for 20 marks and the profits of the holdings for six months after the wedding. Later, however, John found he had been duped, as Joan was already with child by Robert when the bargain was struck, so the property should have been forfeited to John in any case.⁵⁹ widow's right may have been a reason why copyholders agreed to switch to leasehold for lives, since the widow's right was the major difference between the two tenures, although in the 17th century there was no strong indication of a dislike of giving the widows control of their husbands' property, and most testators regarded their wives as their natural successors.⁶⁰

Widow's right was modified by some of the other customs governing the rights of copyholders and reversioners. The widow was not entitled to the customary holding if a reversion had been granted before her marriage to the tenant.⁶¹ If a woman bought a reversion for herself and her next husband, but died before the tenement came into her possession, then her widower would have no further claim on the tenement.⁶² The husband of a tenant in possession,

59. P.R.O., REQ 2/58/37. Hide brought the case to recover his 20 marks.

60. See Chapter 5.

61. S.R.O., DD/SG 22, no. 31; Straton, Survey, II, p. 485.

62. S.R.O., DD/SG 22, no. 33.

however, had the right to hold the tenement, but on most manors only during her lifetime.⁶³ These legal refinements, which might take effect unknown to the parties concerned - for example when a widow knew nothing of reversions granted before her marriage - led to a great many legal wrangles as widows and widowers claimed land they believed they were entitled to, and as many had probably married with the land in view, they were unwilling to let it slip away.

A further apparent injustice was created by the right of the 'taker' of the copy of reversion, that is, the one who had paid for it who was not necessarily named in the copy, to change the names or dispose of the property without consulting those named in the copy. This also led to numerous cases such as that in 1576 of Henry Bailie of Compton Bishop, whose father had paid the fine for a copy for himself, his wife and his son Henry in 1555, but had surrendered the property in 1560 while Henry was still a boy. Henry claimed a custom whereby the copyholder could not grant away the property without the surrender of those, like Henry, in remainder,⁶⁴ but all the other evidence is against this when the holder has paid the fine. Scores of similar cases occur in court records, and many times the plaintiffs were totally unaware of who had paid the fine.

63. Ibid., no. 36.

64. P.R.O., REQ 2/121/35.

The grants of reversions or the ability to add new names as required meant that rarely did a holding fall vacant: there were always one or two copies waiting to 'fall in'. It also gave security for the holder's family, who could establish several individuals in the succession to the holding. Copies were usually taken for named and living people, but two other possibilities are quite commonly found: a copy to a named woman and her next husband, and one to a named man, his wife, and their first or next child. Sometimes the purchaser of a copy was given time in which to name the lives in the copy,⁶⁵ or a man would take a copy for himself and his wife and named a relative until such time as the couple had a child. This ability to change the names may have enabled the takers to use copies to secure a mortgage by putting in the name of the lender or his nominee as one of the lives, and would explain the instances where the third life in the copy is the child of a

65. e.g. John Keene of Wedmore noted in his will that he had paid his landlord the fine for his 'bargain' and the lord had to add another life when Keene's wife demanded it: P.R.O., PROB 11/68, PCC 12 Brudenell. A landlord, Maurice Rodney esquire, left instructions to his executors that George Cade of Rodney Stoke was to hold his bargain for any two lives that he should name, if Rodney's wife and son thought them convenient: PROB 11/72, PCC 56 Rutland. The first name seems always to have been a named and living individual but the next two could be unknown.

man known to have been wealthy but who had no known connection with the purchaser of the copy.⁶⁶

Besides the security of being able to purchase the holding for future lives, the copyholder was also protected by the custom by which the lord could not sell the reversion away from the holder's kin without offering it to them first, an example of the assumption that seems to have governed customary tenure, that the next of kin had a 'right' to inherit, parallel to the assumption that the kin of a nobleman could expect the king to grant his lands back to them, even after attainder. This customary right to inherit

66. e.g. Margaret Hatch widow took a reversion for her 2 children plus Sara daughter of Adrian Bower: S.R.O., DD/CC 114067, Allerton, 11 James I. In another example, Thomas Welsh, son of the holder, took a reversion for himself and two older men, Thomas Wrentmore senior of Axbridge, member of a prominent merchant family, and Richard Vayle of Glastonbury: DD/CC 110225. To speculate further, some of the reversions taken by outsiders such as Colston of Bristol or Billingsley of London, may have been at the request of the tenant as security for a loan, which would also explain the short-term connection of such men with the property and the area.

is bound up with the difficult problem of rights of renewal of copies. In view of the fact that this form of copyhold is regarded as inferior because of its variable fines, it is important to establish whether there was right of renewal, because this would affect the fines permitted in law. Kerridge tries to show that 'any fine, however high, would have been reasonable with holding for term of life',⁶⁷ because unlike a high fine on copyhold of inheritance, there was no right of the heir that could be defeated thereby, the main legal objection to arbitrary fines. However, Scriven, in his Treatise on Copyholds, declares that fines for copyholders of inheritance and for lives renewable must be 'reasonable' - that is, a maximum of two years improved value.⁶⁸ The main difficulty now lies in establishing whether a manor granted a right of renewal. The Glastonbury customal states

'that the children and the next of his keine shall have the reversion of the fathers Tenementes before other person or persons, yf they will seeke it of the lord and geve for it to him as any other will geve at such tyme as the lord will sell it, or els other may buy it'.⁶⁹

This is open to differing interpretations though: a fine equal to that anyone else would give could be seen as unlimited, if the lord found someone willing to offer an exorbitant amount, and

67. Kerridge, Agrarian Problems, p. 40.

68. Scriven, Treatise, p. 155.

69. S.R.O., DD/SG 22, no. 8.

'such tyme as the lord will sell it' could be taken to imply that the lord could withhold the reversion altogether.⁷⁰ However, the true meaning may be that exemplified in the custom of the manors of Wedmore and Churchland, which is very similar in wording to the Glastonbury customal, that if any copyhold tenement fell vacant by the death of the tenant

'then the next of the kynde [of that tenant] shall by custom have the same for life paying so much for a fine as any other tenant of the manor would reasonably give without fraud',

and agreement of the next of kin had to be given before a copy was granted to a stranger.⁷¹

This seems more or less to have been the practice throughout these manors. In Northgrove a tenant in possession had three years or three court days to nominate the reversioner, before the lord could grant it away.⁷² The tenants of the manor, the homage, were the best protection against the lord attempting to sell away a holding, since grants of copies were supposed to take place in open court,⁷³ and on

70. I have found no examples of this happening though, nor any cases at law.

71. P.R.O., REQ 2/21/11; or at least the lord should obtain the agreement of the tenant in possession: REQ 2/32/8.

72. C.C.C. Oxford, Fn 4, court book 1698-1726: a complaint was being made that this custom was often ignored now.

73. P.R.O., REQ 2/21/11.

occasions when they did not, or when reversioners thought they had been wronged, complaints were made in the manor court or cases brought in the equity courts.

Other sources also suggest that the agreement of the holder was required for the grant of a reversion; a daughter took the reversion of her father's tenement 'by the assent and goodwill' of the said tenant,⁷⁴ and in several copyholders' wills the testator nominated the lives to be bought in a reversion or copy or instructed his executors to buy his tenement for a certain person.⁷⁵ The entries in the court rolls record when copies were bought through instructions by will,⁷⁶ and the book of Proposals for Grants for the dean and chapter's manors also contains a note when a reversion was granted through the nomination of the current holder to someone else.⁷⁷ The

74. P.R.O., C 2/Eliz. D2/21.

75. e.g. Dr. William Barker held a reversion in Biddisham in which some of his children were named, and his other two children were to be put in reversion after them: P.R.O., PROB 11/118, PCC¹⁰³/Wood; John Whiting's two sons were to enter his tenement and hold according to custom of the manor: PROB 11/149, PCC 98 Hele.

76. e.g. S.R.O., DD/CC 131926/7, Allerton, 9 Aug 15 Car. I, reversions taken by Elizabeth, daughter of Walter Bower gent., deceased, on nomination in his will.

77. S.R.O., DD/CC 114068.

delicate balance of wills between the lord and the tenant is illustrated by the process by which the Crown let a copyhold tenement on a lease for lives in 1616. The customary holding of William and Robert Grove in East Brent was to be leased to Adrian Bower for three lives, if Bower could come to an agreement with William Grove; if not, the lease was to be granted to Grove for three lives, at half the rent that Bower would have been charged.⁷⁸

In effect then, customary tenure in this area was defined and supported by quite precise customs that were legally binding on both the tenants and the lord and gave security to the copyholders.

The Level of Fines

The customs cited show that though fines were variable, and would therefore rise higher than the fixed fines on copyholds of inheritance, the fines were by no means arbitrary and would not rise to the level where they would defeat the right of the sitting tenant to buy a copy for his children. Whatever the tenants of the manor thought a reasonable fine was, it would clearly bear a relationship to the rents or produce that the holding could deliver, and only mismanagement by the tenant, or a

78. P.R.O., E 310/23/128, f.30.

severe financial loss, would leave him unable to pay the fine to buy the reversion for his heirs, especially since some manors gave as much as five years or more in which to pay. Furthermore, as shown above the lord could not legally dispose of the property as he chose, in defiance of the wishes of the tenant in possession, a restriction which would help to prevent the fines for copies being pushed up beyond the economic value of the land by outsiders looking for landed investments in copy-holds, increasingly common by the late 16th century.

However, on a practical level it is not easy to establish whether or not fines were raised beyond a 'reasonable' amount, and therefore whether copies can be considered renewable here. Though some manors have very full series of court rolls in which to examine fines, a number of unknown factors could affect the amount of the fine: advantageous grants to local officials or the surrender of a previous copy with one or two lives still in being meant a lower fine, and possibly the number and ages of lives in the copy were taken into account when calculating 16th-century fines, as they certainly were by the mid 17th century.⁷⁹ Then again, when a tenant

79. S.R.O., DD/SE 65, survey 1657, lists the ages of the lives in being, as do some of the parliamentary surveys of church lands, the first to do so in the area.

failed to take a reversion of his holding for his children, there is rarely evidence to show why; he may have had other property for them, he may have sold his right in order to invest elsewhere, or he may have been in financial difficulties: these are all possibilities.⁸⁰

The strongest support for the view that fines were not beyond the means of the tenants comes from negative evidence: the lack of cases brought by tenants against lords claiming unreasonably high fines. Given that the customals state fines must be a reasonable market level, it is unlikely that tenants would have been slow to bring cases in the equity courts if they were being asked for fines much higher than they could afford, especially since some tenants, or would-be tenants, brought cases in connection with other customs even where they had no grounds at all for their complaints.

Two manors for which the fines have been examined show a widely differing pattern in the amount charged. In the dean and chapter's manor of Biddisham, fines, generally for copies for three lives in reversion, were low considering the acreage and

80. The references in wills when testators left sums or instructions to buy their holdings indicate that they had just not got around to doing it themselves, possibly not wishing to tie up that amount of money before it was necessary: e.g. John Hide left £100 because he had not bought his Biddisham copyhold for his daughter; he was a well-to-do freeholder and could have afforded it. Chapter 5 has more detail on the Hide land holdings.

quality of land here,⁸¹ and were affected by a large number of grants to the canons of Wells and their relatives, presumably at a favourable rate. Even ignoring these, the fines levied in the late 16th and early 17th centuries were still low. For a holding consisting of a tenement and 14 acres, a cottage and 7 acres and 2-1/2 acres of overland meadow £12 was paid in 1569 for a reversion for three lives, and £13 6s. 8d. in 1610, both sets of lives being related to the tenant in possession, and in 1620 £8 was paid for a second reversion for the three children of a Chewton man, with no known connection with the tenant.⁸² For two tenements with 28 acres £10 was paid in 1552 for a reversion for two lives, £5 in 1579 for a second reversion for three lives, all connected with the tenant, and £12 in 1572 for a reversion for three lives not connected with the tenant, which was surrendered to the tenant's family five years later.⁸³ Where new tenants, often Bristol merchants or officials from Wells, took copies, their fines were no higher than those of local families.

81. Biddisham was an area of level, well-drained meadow and pasture, on the banks of the R. Axe.

82. S.R.O., DD/CC 131923/5; DD/CC 131925/7; DD/CC 131925/2.

83. S.R.O., DD/CC 131922/1; DD/CC 131907/20; DD/CC 131907/21.

In the manor of Edingworth, which was held by a series of gentlemen, fines were much higher, especially from the middle of Elizabeth's reign when the tenure was changed to leases for 99 years or 3 lives. For a holding of 18 acres a fine of £63 6s. 8d. was paid for a copy for 3 lives in 1587, £115 in 1605 for a lease for 3 lives, £145 in 1628 and £35 for a reversion for 1 life in 1689.⁸⁴ For a holding of 16 acres the tenants in possession paid £5 for a reversion in 1558, and a fine of £95 was paid in 1594 for a lease for 3 lives with a change of one name in 1604, and £70 in 1682 for a lease for two lives.⁸⁵ New tenants without any apparent connection with the holder did seem to pay more than those related to the tenant, but as these new tenancies mainly followed the surrender or death of the tenant in possession, the copies or leases were for three lives in possession, and consequently of greater value than a reversion. Thus after the death in 1654 of the last holder of 34 acres, valued at £24, a lease for 99 years or 3 lives was granted in 1657 to William Phippen, yeoman, of Wedmore, for⁸⁶ the lives of his 3 grandchildren, at a fine of £320,

84. Orchard Wyndham MSS, 17th-century book, Edingworth manor, ff.63, 65d., 66d; S.R.O., DD/WY70. I am grateful to G.C.Wyndham, esq., for kindly allowing me to examine the MSS at Orchard Wyndham.

85. Orchard Wyndham, MS book, ff. 63, 65d., 66d.; S.R.O., DD/WY 70.

86. Orchard Wyndham, MS book, ff. 63, 65d., 66d.; S.R.O., DD/WY 70.

and for a roveless⁸⁷ cottage and tenement and 60 acres surrendered by the tenant a fine of £300 was paid in 1596 by John senior, a Cheddar husbandman, for a lease for three lives.⁸⁸

Assessment of the level of fines presents a difficult problem; too many variables were apparently taken into account when fixing the fines. However, none of the evidence available on tenurial arrangements suggests that manorial lords put up the fines beyond the means of the copyholding class even though the amounts were more than 2 years value, and the amounts do seem to be linked with what the market would bear: the levelling off, or even reduction, of fines in the 1680s in Edingworth indicates this. The lords wished to let their land conveniently and profitably, and had no desire to drive off their tenants. The stewards' notes, available for some of the manors, show that the arrangement of a tenancy was a bargain between two parties, rather than an honour conferred by the lord.

Forfeiture

The secure position of customary tenants also emerges in cases where they had committed an offence against custom, by which in theory they could lose

87. Literally 'roofless', but used for sites of former old auster tenements, etc.

88. Orchard Wyndham, MS book, ff.64, 64d.

their estate and title in the holding. According to the Glastonbury customal the following actions would lead to the forfeiture of a holding: the selling of trees or fuel without licence; making waste; not repairing any decay of a tenement or lands after sufficient warning; keeping an under-tenant without licence; dwelling away from the tenement without licence; encroaching on the lord's ground or any tenant's lands; not serving the lord in war if he was called on by the king.⁸⁹ In all manors a widow holding by widow's right forfeited her estate if she remarried or lived unchastely, and in Mudgley she forfeited her estate if she married without the lord's licence.⁹⁰ In effect, these regulations were designed to protect the lord's lands and the interests of the next tenant from waste or spoil, and they were enforced by presentments of the homage, the body of the tenants of the manor, in the manor court. For example, a tenant would be presented for having a house or barn in disrepair, or for not living on his tenement. An order would be made to rectify the fault usually by a certain feast day or the next court, and in some courts one or two members of the homage were appointed to see the job was carried out. A penalty was set, generally a fairly low amount varying

89. S.R.O., DD/SG 22, nos. 15, 17, 18, 19, 25, 27.

90. S.R.O., DD/SAS PR 462.

between 3s. 4d. and 10s., depending on the manor and period; if the order was not carried out the penalty was forfeited at the next court and a new penalty, generally double, was set.

Clearly the mechanism was a reasonable one, and though obviously forfeiture for a transgression was not likely in the first instance - even the setting of penalties was rare at the first presentment - the lord had the means of justifiably ejecting a tenant and taking the holding into his own hands. Varying series of court rolls for nine manors have been examined for cases of offences that could lead to forfeiture.⁹¹ Setting aside forfeiture of widows who remarry, dealt with separately below, there are few examples of forfeiture even being mooted, although all the offences listed above occur except not serving the lord in war.

Offences for which forfeiture was mentioned in these nine manors, were for not residing on their land (2 cases), or for alienating the premises (4), all without licence, for disrepair (3), but forfeiture was invoked more as a threat than with the objective of removing the tenant. In Blackford, Ralph Senox and Thomas Hill were presented in October 1655 for

91. Allerton, Biddisham, Blackford, Burnham Rectory, Edingworth, Huntspill Rectory, Lympsham Parva, Northgrove, Tarnock. See Bibliography for dates of court rolls used.

not living on their respective tenements, and ordered to do so under pain of £5 each. In October 1656 they were presented again and this time forfeited the £5 and their respective estates in their copyhold tenements 'according to the custom of the manor'. However, at the court held in November 1658 they were still in possession of their tenements and were presented once more for not living there and for having let them to others, and they were ordered to return and reside there. There is a gap in the court papers until 1661 and no more is heard of them, though they were still in possession in 1663.⁹²

Short-term alienation, that is letting the premises for three, or seven years, was allowed in most manors without licence, but the alienation of a tenement for life brought the threat of forfeiture. In one of the four cases found, Lewes Symons had demised his tenements in Edingworth for 60 years or his life, but the tenements cannot be identified

92. S.R.O., DD/SE 63 (Box 18), Blackford court papers. Only presentments survive for 1654 to 1658. The holdings were apparently held in right of their wives, according to the surveys of 1657 and 1663: Dorothea wife of Thomas Hill held a messuage and 18 acres and 1 cottage; Anne wife of Ralph Senox held a messuage, 21 acres and 8 acres: DD/SE 65 (Box 18).

and the outcome of the case is unknown.⁹³ Of the other three cases, one in 1586 concerned Joan Scott, a joint tenant who sold her right in 15 acres to her co-tenant without licence and so forfeited, but was still presented as joint tenant at her death the following year.⁹⁴ Thomas Roche, a Biddisham tenant, alienated a messuage and 13 acres 'against custom' and so forfeited, paying his heriot, but the admission of the 'next heir', Benjamin Griffen, was respited as he was a minor. Roche, however, was still in possession four years later when he made a formal surrender to Griffen.⁹⁵ In the third case, Thomas Swayne forfeited his tenement in 1509 for alienating for life without a licence and paid his heriot. However, at the next court, held in April 1510, he paid a fine of 10s. for a new estate in the forfeited tenement for himself and his wife.⁹⁶ Though gaps in the series of court rolls make it hard to be conclusive, in all four cases the entries concerning forfeiture for alienation seem to be the first reference to the case, and do not appear to have

93. Orchard Wyndham MSS, Edingworth court book, 1597. The man to whom the tenements were demised did hold a cottage of 2 acres pasture sometime before 1605, but there is no other evidence that this is the holding meant.

94. C.C.C. Oxford, Fn 1, Northgrove court rolls, 8 Aug. 28 Eliz., 17 Aug. 29 Eliz.

95. S.R.O., DD/CC 131925a/4, Biddisham, 16 July 27 Eliz.; DD/CC 131924/4, *ibid.*, 14 May 31 Eliz.

96. S.R.O., DD/CC 131907/8, Allerton, 10 Oct. 1 Hen. VIII; DD/CC 131907/8, *ibid.* 23 Apr. 2 Hen. VIII.

caused much distress. In fact the presentments appear as the best way for the lord to get his dues on a change of tenant, with legal and official recognition of a de facto change.

Failing to make good any decay to land or buildings could also provide grounds for forfeiture, but only after considerable time and warnings. In Allerton, John Collins held two tenements containing a total of 29 acres and was presented in July 1597 for a decayed roof. This was repeated in 1598, 1599 and 1600, during which time penalties of 10s. and 20s. were forfeited. In July 1601 he was presented yet again for the unrepaired roof and forfeited his estate in the premises, but this was respited by grace of the steward without any reason. He was not presented again and continued in possession of his holdings, dying sometime between 1606, when he was foreman of the homage, and 1609, when his widow surrendered the property.⁹⁷ A case in

97. S.R.O., DD/CC 131925a/12, Allerton, 29 July 39 Eliz.; DD/CC 131924/1, ibid., 7 Sep. 40 Eliz.; DD/CC 131924/6, ibid., 24 July 41 Eliz.; DD/CC 131907/12, ibid., 22 July 42 Eliz.; DD/CC 131907/19, ibid., 15 July 43 Eliz.; DD/CC 131907/14, ibid., 21 July 4 James I; DD/CC 131925/7, ibid., 14 Aug. 7 James I.

Lympsham Parva ran on even longer than this: Joan Biddle, widow, and her next husband John Broke were presented nine times between August 1582 and September 1602, and at the last of these presentments were ordered to repair on pain of forfeiture. However, by the following April Joan had died and the tenement came into the lord's hands in any case.⁹⁸

Cases of forfeiture were rare considering the number of times similar grounds occurred. In Northgrove a tenant was presented for disrepair in 1576, 1578, 1579, and after a gap in the series was presented for living outside the property in 1583. He died in 1600 and his widow was presented for disrepair.⁹⁹ In Huntspill a tenant was presented from 1598 until 1617 and then for living outside as well. Two other tenants were also presented over a four-year span.¹⁰⁰ In Edingworth six tenants were presented over four, five and six years,¹⁰¹ and this is found in most manors. Disrepair was often linked with living outside without a licence, and the usual outcome of such cases was that the

98. Bradford Library, Cunliffe-Lister MSS, Lympsham Parva court rolls.

99. C.C.C. Oxford, Fn 1, Northgrove court rolls.

100. S.R.O., D/P/hun. 3/1/1, court book of Rectory manor.

101. S.R.O., DD/WY 70, Edingworth court rolls.

offending tenant paid a fine for a licence. In Biddisham, Richard Day was first presented for living outside and for disrepair in 1592, and again in 1593, 1599, 1600 and 1601, when he was also in default for suit of court. In 1602 he was foreman of the homage and paid a fine of £5 for a special licence to live outside and let the property for his life.¹⁰²

Forfeiture, then, was not used to get rid of unsatisfactory tenants, and indeed it was not really possible for a lord to use forfeiture to obtain holdings for himself: the forfeiture was of a tenant's right in a holding, so that though the transgressor lost possession, the next life in the copy or reversion took over not the lord.¹⁰³ It was more a safeguard for the lord so that he could obtain his rightful dues for transfer of holdings, prevent waste and get the services he was entitled to. Thus, though the letter of the custom appears baldly and rigidly explicit, the tenant's position was in reality far stronger than the customal suggests.

102. S.R.O., DD/CC 131909/15, Biddisham, 15 Mar. 34 Eliz.; DD/CC 131925a/10, ibid., 17 July 35 Eliz.; DD/CC 131924/6, ibid., 23 July 41 Eliz.; DD/CC 131907/12, ibid., 21 July 42 Eliz.; DD/CC 131907/19, ibid., 14 July 43 Eliz.; DD/CC 131910a/1, ibid., 4 Aug. 44 Eliz.

103. 'John Collins has not sufficiently repaired,... his estate in the said tenement is therefore forfeit' (my emphasis): S.R.O., DD/CC 131907/19, Allerton, 15 July 43 Eliz.

Forfeiture by widows holding customary land for their widowhood was extremely common, but is in a different category since it was not strictly for an offence as such. The widow received her husband's customary lands for her support, and if she remarried the need for support was theoretically removed. The custom was strictly enforced because there was generally a tenant waiting eagerly to take over. Where there was no heir, a widow who remarried sometimes took a copy for the property in her own name and that of her new husband. In Allerton, Agnes Swaine forfeited her widow's estate in a tenement and 21 acres when she remarried, but the year before this a copy had been bought for the man she married and her son by her first marriage.¹⁰⁴ In the case of a tenement in Burnham Rectory, there were apparently no children by the first marriage, so the widow, Alice Mower, paid a fine for a copy for herself and her new husband.¹⁰⁵ Similarly, on some manors the lord granted a licence to marry to the widow, who could then keep the holding for her life if she remarried.¹⁰⁶ These sort of cases show that being in possession of a holding, even if only under widow's right, gave at the least an opportunity to buy an estate in the property, if not first refusal. In Allerton,

104. S.R.O., DD/CC 131925a/7, Allerton, 28 June 18 Eliz.

105. S.R.O., DD/CC 131925a/1, Burnham Rectory, 27 Aug. 2 Eliz.

106. S.R.O., DD/CC 13324, p.136.

for example, Grace Deane forfeited her holding of 17 acres to the next heir, an outsider and no relation, but the next reversion was bought by her new husband, Thomas Hatch, for himself, a kinsman (possibly the son) of her former husband, and Hatch's son.¹⁰⁷

Manor Courts and the Position of Lords

The penalty of forfeiture was a final resort for the lord trying to collect his dues, rather than an example of the strength of the lord and a means to remove tenants; it illustrates the role of the manor court which was primarily a protection for the tenants and their successors, and generally only indirectly aided the interests of the lord.

A study of manors from the point of view of agrarian history has sometimes implied that the court was the instrument of the lord's control, and that where the lord had left the manor and sold off his demesne the manor collapsed, or at least was subjected to partition and alienation of holdings, an influx of squatters and other manifestations of weak control.¹⁰⁸ While there is obviously some link between the absence of a lord and the breakdown of manorial organisation, it is not necessarily as direct as this view suggests, and other factors should be looked for. In Brent Marsh the lords were also absentees, the demesnes usually parcelled out, and agricultural control reduced to grazing matters and the upkeep of ditches, but this did not result in the total collapse of the manor, partition of holdings or other ills. The court continued

107. S.R.O., DD/CC 131907/12, Allerton, 22 July 42 Eliz.; DD/CC 131910a/1, ibid., 5 Aug. 44 Eliz.

108. AHEW, pp. 48, 69, 86, 92-3.

to play a vital role for the tenants, even though its function was limited in other respects, and this role, connected with the tenants' legal and customary rights, ensured that the court would continue to function. Though court business did decline in the course of the 16th and 17th centuries, most of the manors remained intact until the 19th century and the enfranchisement of copyholds.

The nature and efficiency of manorial administration also varied during this period: in the dean and chapter's manors, notably Allerton and Biddisham, the 1570s marked a period of better administration with a survey in 1571 of all manors, and the introduction of books to record proposals for grants in about 1576;¹⁰⁹ an increased number of orders and bylaws in this period also suggests that some effort was made to tighten up on infringements. In the manor of Blackford, owned by Sexey's Hospital, Bruton, the advent of a new steward, a lawyer, in 1653 brought better recording and attention to detail: he deleted a casually-worded heading and brief date on a court roll and substituted the correct formal style.¹¹⁰

The manor courts examined here were courts baron only and did not, therefore, deal with criminal matters, which were taken initially before the hundred courts. The business of manorial courts falls roughly into four categories:

109. S.R.O., DD/CC 110002, March 1570/1; DD/CC 114066.

110. S.R.O., DD/SE 63 (box 18), Blackford court roll, 12 May 1653.

- 1) Land and tenurial matters: grants and surrenders of copies; presentation of deaths; admission of new tenants; licences to live outside the property and to let for years or life.
- 2) Supervision and enforcement of the obligations of tenants and lord: repair of tenements; rhyne and seawall works; repair of pounds (the lord) bridges (the lord), fences, gates, roads.
- 3) Regulation of activities in the manor: orders and by-laws; grazing the open fields; election of officials; strays; driving the moors; exchanges of land and enclosures; trespass; miscellaneous licences.
- 4) Arbitration: views on land, etc., in dispute between tenants, or a tenant and another manor; decisions by the homage; publication of custom.

Listed in this way, these four categories might seem to indicate a good deal of control exercised over the tenants, but in fact, not only were practically all items of court business more directly in the interests of the tenants rather than the lord, but also most emanated from the tenants themselves.

Much of the business of the court arose from presentments drawn up by the homage and put forward by the foreman. Presentments surviving among court papers are unfortunately rather late in date, when court business was declining, but still give an idea of the business put forward by the tenants.

In Biddisham, at the court held on 9 August 1639, the homage presented the death of Agnes Griffen since the last court, and the heriot paid,

and that they supposed Mrs. Eleanor Barker to be the next tenant; Mr. Tristram Towse and Mrs. Eleanor Barker were presented for not dwelling on their tenements; Richard Jervis craved a view upon an incroachment by a tenant of the manor of Churchland, to be viewed on 19 October by the tenants living in the parish on pain of ?12d. each; the names of three tenants for election as reeve for next year were put forward, from which the steward could make his choice.¹¹¹ Presentments for Blackford for 31 October 1654 show a similar range: the deaths of two tenants with the heriots taken and the names of their successors; an order to clean a water-course by St. Andrews day on pain of 6d. a rope,¹¹² and the two men to oversee it; the repair of the pound, some gates and a ditch; nominations for the reeve and appointment of a hayward; four tenants that 'do not make their abode on their tenements as they ought'; four tenants for not repairing gates; an order that on reasonable warning all tenants were to send one person from each household to help drive the chase - to round up all the animals on the moor and impound those that should not be grazing there; and two buildings in decay, to be repaired.¹¹³

111. S.R.O., DD/CC 110233, Biddisham court papers.

112. A 'rope' was 20 feet in length: Williams, Somerset Levels, p. 187.

113. S.R.O., DD/SE 63 (Box 18), court papers.

The only items which did not appear to come within the orbit of the tenants were grants of copies, the formal admission of tenants to holdings which took place at the court, and grants of licences. Orders, such as those mentioned above, came from the wishes of tenants, but possibly others came from the lord or his steward. However, most dealt with agricultural matters or drainage, and were of more benefit to the tenant than of concern to the lord. Though licences were granted by the lord, where the other tenants were affected their agreement was obtained, as in the case of a licence to erect a cottage on the waste in Blackford, granted to two day labourers in 1637, and signed by the lord (the feoffees of Sexey's Hospital), and including 'we the tenants likewise agree', to which 19 tenants also signed.¹¹⁴ The court in fact was of far greater importance to the tenants, who benefited from the custom and could use the court to uphold this, and to regulate the behaviour of neighbours when it impinged on their convenience. J.A. Raftis found in studying medieval villages that 'the dynamism of [village byelaws] was from below rather than imposed from above by the lord',¹¹⁵ and this is borne out in this period for the manors studied here.

114. Ibid.

115. J.A. Raftis, Tenure and Mobility (Toronto 1964), p. 207.

Since the registration of title to land was the prime function of the manor court, it is not surprising that despite variations in the amount and type of business carried out by the court, transactions concerning land always formed a large proportion of the business, and its proportion increased as land changed hands more often, and other business declined. Court business for nine manors is summarised in Table 7 (at end); the change in the court's function is particularly marked in the dean and chapter's manors where in the early 17th century there was a great deal of speculation in reversions and the disappearance of practically all other business. In these manors there was also a high proportion of gentry copyholders, generally non-resident, who therefore had little interest in making presentments concerning the upkeep of the manor or farming regulations. In Blackford, on the other hand, most of the tenants lived in the parish of Wedmore, where the manor was situated, and many farmed their land themselves, so that one finds a greater concern with the obligations of the tenants, particularly the proper maintenance of ditches and fences, and repairs to buildings, and to roads, bridges and the pound.¹¹⁶ In the course of the 17th century,

116. These four headings account for 76, 37, 19, and 17 items respectively and make up the total of 149 for obligations for Blackford in Table 7, p. 483.

business in most manor courts became limited to land transactions and decay to buildings.

The type of farming also contributed to the decline in the role of the manor court, with the large amounts of pasture, held in severalty, and closes being carved out of the common arable fields, making the need for rigid regulation of common land less important. The orders that do occur tend to concern the driving of the moors, for example, which were still grazed in common.

The decline in the scope of the manor court can be seen in other ways. The Biddisham presentments for July 1664 were drawn up by only two out of the 16 customary tenants, who stated that as there were not three present to be nominated for reeve according to the custom, the old reeve was to stand again.¹¹⁷ A year later the entries were headed with the note that only three tenants appeared at the court, and seven were presented for living outside without licence, while in 1671 the aggrieved steward noted that no tenants at all had appeared at the court, and they were all to be fined 10s. each if they did not appear next time.¹¹⁸

117. S.R.O., DD/CC 110233, Biddisham court papers.

118. Ibid. The manor had 16 tenants in 1650: S.R.O., DD/CC 110001/1; DD/CC 110225, f. 79.

The court's transition from arbiter in all areas of manorial life, to that concerned solely with land transfer and the obligations of tenure is reflected in the court's remoteness from the serious physical events in the area. Years of high mortality are not reflected in the deaths presented in the manor courts, but even more significant - copyholders were after all generally among the better-off and therefore less likely to die from disease or food shortages - is the absence of references to flooding, even the catastrophic inundation of 1607 when the sea was said to have reached Glastonbury Tor, east of Brent Marsh. The waters left their mark on many parish documents, those that survived, and drowned large numbers of animals, yet not a single reference occurs in the rolls and the floods were not followed by increased orders to improve rhynes or seawalls, even in one of the worst-hit parishes such as Burnham. The references that do occur in this connection appear in quarter sessions rolls and in reference to the commissions of sewers, and the latter had in fact taken over the responsibility for waterways and drainage systems.¹¹⁹

119. Williams, Somerset Levels, pp. 82, 86. The early records of the Commission unfortunately are lost, but the court of the Commission was probably held at least once a year; there are references to courts held in July 1612, May 1620, Oct. 1622, June 1623, in P.R.O., E 134/5 Car.I/E.8.

The multiple nature of the manorial structure had much to do with the manors' lack of influence or involvement: since some parishes contained two or more manors, a body with powers over them all was clearly necessary. Similarly the augmentation of local powers at parish level was necessary to overcome the limitations of administration on a manorial basis, where the lands of three or four manors were intermingled. The social and political power of the lords was seriously reduced by this by-passing of the manors and their lack of an effective role in the wider community, while the power of the most substantial tenants within the parishes was thereby increased. In the course of the 17th century, these manors lost their social and economic functions and became solely legal instruments, a way for landowners to handle the legal and administrative business connected with their tenants, and a protection for tenants' rights.

In addition, the gradual transition in some manors from copyhold for lives to leasehold for lives also undercut the role of the court in these manors. Leasehold for lives, usually in the form of 99 years determinable on three named lives, was fairly common in the 16th century as the tenure by which demesne land was farmed out on ecclesiastical manors, but in some manors copyholds were also gradually or suddenly switched to this tenure. In

Edingworth the tenure was switched from copyhold to leasehold for lives during the late 16th century, and in the manor of Cheddar most holdings were leasehold by 1700.¹²⁰

The form of the lease was fairly uniform throughout the manors in the area: the lessee was often the first life named, though frequently the lives were three children of the lessee, both because hopefully the lease would then run longer, and because the lessee was often providing for these children. The annual rent was the same as the ancient rent under copyhold tenure, a heriot was payable on the death of each life, and generally suit of court and rhyne works were required as under customary tenure.

The reason for the change from copyhold to leasehold is not immediately obvious. The lord probably gained by the lifting of the control of custom over fines, but apart from the quite high fines in Edingworth, there is no evidence of large rises as a result: they were still governed presumably by demand. Moreover, the tenants must have seen some advantage to themselves, since the change required their agreement to extinguish customary tenure, and though in some instances pressures might be brought to bear on them, this

120. S.R.O., DD/WY 70; P.R.O., C 108/182, survey book, manor of Cheddar [c.1727].

is unlikely to have been widespread, given the status of most copyholders. Active agreement by the tenants is evident. In 1683, Thomas Owen alias Griffiths, a gentleman of North Curry, bought a lease for the lives of himself and his two children from the dean and chapter of Wells, of two messuages and 37 acres in Biddisham which he was already holding by copy, surrendering the copy and paying a further fine.¹²¹ Possibly tenants found the extinguishing of custom to their advantage in some respects, for instance in connection with the widow's right as suggested above. Their position does not appear to have deteriorated by becoming life leaseholders rather than copyholders: the holdings remained in the family of the lessee by taking a new lease for three lives as each life died. As regards security and status, the leaseholders for lives may be regarded in the same category as copyholders, and the discussion that follows, on the uses of copyhold, applied equally to these leaseholders.

The Use and Attraction of Copyhold

The point at which the manor changed from an economic institution to a solely legal one is made most apparent with the influx of nonfarming outsiders who bought copies or reversions, but this

121. S.R.O., DD/CC 110300.

change may be more apparent than real: the early 16th-century court rolls are blandly uninformative about the residence or status of tenants, but this need not mean they were all local husbandmen. However, by Elizabeth I's reign personal information is more common and the purchase of tenancies by outsiders and non-farmers can be charted; these purchases go to show that copyholds were far from being regarded as a servile and insecure tenure, but could be used in ways similar to other forms of freehold estate.¹²² The body of customs covering copyhold land, together with the recognition of custom in the central courts, had created a secure and worthwhile form of land tenure, and one which in many ways gave great flexibility in providing for families,¹²³ one of the principal functions of secure tenure.

Many men outside the farming community - lawyers, churchmen, gentlemen and merchants - showed great interest in acquiring copyholds in this area. The manors of the dean and chapter seem to have been particularly prone to sales of copyholds to out-

122. Freehold in the sense of the estate in the premises, rather than tenure of the land, an important distinction legally. Kerridge, Agrarian Problems, pp. 32-4, discusses the distinction between the two.

123. Uses of copyhold in providing for families are discussed in Chapter 5.

siders, especially to relatives of the canons or to officials of the chapter. In Biddisham, 13 of the 18 copyhold tenements passed into the hands of outsiders through the purchase, between about 1580 and 1635, of reversions. Six of these tenements went to children and other connections of the canons, five to gentlemen or merchants from London, Bristol and elsewhere in Somerset, and two to lawyers who acted for the chapter.¹²⁴ Similar purchases occurred in Allerton where eight of the 18 copyhold tenements went to outsiders, mainly gentry from Wells. The lands of the dean and chapter form an extreme example, and a certain element of corruption seems to have slipped in to the canons' estate practices: a note of each grant was supposed to be signed in the proposals book by the dean and several canons, which many of the grants to clerical relatives were not, and reversions were granted to Dean Barker's children for fines of only 5s. instead of the £10 or more that others had to pay.¹²⁵ However, a few purchases by non-farming outsiders appear in most manors: in Edingworth, which had 12 holdings, one was held by the steward for two generations, and three others passed to another steward, a gentleman from Axbridge, and merchants by the late 17th century.¹²⁶

124. S.R.O., DD/CC, court rolls of manors of dean & chapter, passim.

125. The reversions could possibly have been made in lieu of some stipend, though there is no indication that this was the case.

126. S.R.O., DD/WY 70, court papers.

The desire to obtain these copyholds led men to pay sums which were greatly in excess of the fines paid to the lord, in order to buy out the interests of those named in the copy and in any reversions. Since court rolls were only intended to record dealings of the tenants with the lord, it is unusual to find a record of the amount of the consideration paid by the incoming tenant to the outgoing holder. A rare example is the recorded £262 that Stephen Browne paid in 1631 to William and Robert Celey for their holding of two messuages, 28 acres of customary land and 9 acres of overland in Biddisham, and he paid another £40 to the reversioners of 23 acres of this holding. This far exceeded the fine of £24 10s. which the lord of the manor received.¹²⁷ Seven years later, Browne surrendered the holding to Tristram Towse, a notary and deputy to the chapter-clerk, for £200. Towse only paid a fine of £5 to the chapter, presumably because of his office.¹²⁸

The deals made by Browne and Towse also indicate that copyholds were not just land acquired to make a living from farming, or even from rents. The copies bought were almost all reversions and must have been regarded principally as investments unless the holders were also bought out, as the purchasers could

127. S.R.O., DD/CC 131911a/7, Biddisham, 7 Oct. 7 Car. I.

128. S.R.O., DD/CC 131926/7, Biddisham, 7 July 14 Car. I.

have no idea when they would be able to take possession of the land and derive any benefit from their copies. The only return in the meantime would be from selling the reversion at a profit. Many of the reversions granted by the lord never came into possession at all, and appear to be just this form of speculation in land. For example, in 1571 William Billingsley a haberdasher of London bought the reversions of two tenements and 28 acres for his three sons,¹²⁹ who five years later surrendered their rights in the holdings to William Mills, the husband of the tenant in possession.¹³⁰

Some of these outsiders who bought copyholds did establish a more permanent tenancy by residing in the area and engaging in farming. The most outstanding example of these was the Bower family of Wells and Allerton. Walter Bower, from a Wiltshire family, was a canon of Wells and died in 1580. His eldest son, Edmund, died without heirs, leaving all his lands in Somerset and Dorset to his brother Adrian. At his death in 1630, Adrian held free land in South Brent Huish (21 acres), Allerton (5 acres), Alston Sutton (14 acres), Butleigh (60 acres plus), and Wooton, Elm, Chesterblade, Wells, Shaftesbury, Buckland Weston, and

129. S.R.O., DD/CC 131907/21, Biddisham, 29 Aug. 13 Eliz.

130. S.R.O., DD/CC 131925a/7, Biddisham, 27 June 18 Eliz.

copyhold in Allerton (32 acres) and Biddisham (7 acres), with the lease of East Brent vicarage. His youngest son John went to Oxford and received the degree of M.A. in 1638, and two of his four daughters married churchmen or diocesan officials.¹³¹ His eldest son, Edmund, inherited his free land and much of the rest, living principally in Allerton, where he held the farm of the vicarage and the 132-acre demesne of the manor by lease for lives from the dean and chapter. He was one of the few men in the area to fight for the king in the civil war, as a captain, and his lands in Bempstone hundred, sequestered in 1645, consisted of 190 acres in Allerton, 64 acres in Wedmore, 28 acres in Tarnock, valued at a total of £160 a year, some of which he was farming himself, and rents totalling £19 10s. His brother John, also a Royalist soldier, held 70 acres in Allerton, Burnham, Biddisham, Mark and Weare, valued at £23 a year. At his death in 1660, Edmund also had land in Northgrove, Brent, Wells, Wookey, Mells, and in Dorset. His son Adrian kept a household at Allerton, but died in 1685 at his principal house, Seymours Court, Wraxall, and held most of the land of his grandfather Adrian. Another of Edmund's sons, John, was vicar of Burnham from

131. Alice married John Smith, clerk; Mary married Tristram Towse, notary.

1681 until his death in 1727.¹³² The family's connection with the area was therefore close and long-lasting, but it was confined to the traditional paths of Church and State. Edmund's support for Charles I cannot have made him popular in a predominantly parliamentary area, and a degree of animosity between him and his neighbours can be sensed in the complaints made against him at the quarter sessions in 1657, that he was in the habit of leaving a few sheaves of corn in the fields for several weeks after the harvest, so that he could impound the cattle turned into another part of the field.¹³³

The advent of the 'new' copyholders of the 17th century, of gentle status, such as Edmund Bower or Eleanor Barker, daughter of the dean of Wells, marks the transition from the medieval manor of large and small-scale husbandmen, to the growth of the 18th century rural and professional middle-class, and indeed, many of the families in this group were descended from those gentlemen who bought

132. Information on the Bower family taken from Fasti Ecclesiae Anglicanae 1541-1857, vol. 5, Bath & Wells Diocese, ed. J.M. Horn & D.S. Bailey (1979), p. 67; Visitation 1623 (Harl. Soc. xi), p. 12; P.R.O., C 142/688/23; C 142/760/59; SP 28/214, Seq. A/cs. Bempstone Hundred; F. Brown, Abstracts of Somersetshire Wills, Second series (printed for F.A. Crisp, 1888), pp. 54-5; Notes & Queries for Somerset and Dorset (hereafter SDNQ), 26 (1951-4), pp. 232-6; F.W. Weaver, Somerset Incumbents (Bristol 1889), p. 39; J. Foster, Alumni Oxonienses: 1500-1714 [1892], vol. I.

133. S.R.O., QSR 95(1)/40-1.

land in the area in the 17th century. However, they did not disturb a pattern of equality among earlier landholders, as from among these copyholders also emerged minor landed gentry and professional men, who purchased along the way some freehold land, the sine qua non of gentle status. Even in the early 16th century differences are apparent between the customary tenants. The acreages of customary land held varied considerably. In East Brent in 1516, 85 customary tenants held anything from 62 acres to less than 5, and in 1607 from 108 acres to less than 5 as the table below shows.

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Table 8 Acreage of Holdings of Each Tenant, E. Brent.

<u>Total Acres held</u>	<u>No. of Tenants in:</u>	
	<u>1516</u>	<u>1607</u>
Under 5 a.	8	10
5-10 a.	5	8
11-20 a.	17	17
21-30 a.	23	25
31-40 a.	13	13
41-50 a.	11	7
51-62 a.	8	7
	—	—
	85	89 (a)
	—	—

(a) Total includes two additional holdings of 91 a. and 108a.

The subsidy-payers in 1525 who can be identified as copyholders also varied considerably in the value of their assessed goods, and testators in the 1540s definitely identified as copyholders had inventories valued between £3 and £38. By the late 16th century, certain individuals and families became prominent in building up holdings of land in the area, and illustrate the continual undulation and change in rural society.

John Lying of Tarnock was a member of such a copyholding family in the area. He, or his namesake, held two messuages and 29 acres in E. Brent in 1516, and with his mother Joan he definitely held two tenements, 20 acres of old auster and 23 acres of overland in Tarnock by copy from 1525. He also took a 99-year lease of a windmill in the manor of Lympsham, and held a freehold messuage and 12½ acres¹³⁵ and another 3½ acres, in Tarnock, possibly property he bought from John Castell c. 1558.¹³⁶

Lying died in 1564 and his only son, also John, died about two years later leaving his sister Edith heir to his property. Soon after her father's death Edith had married Thomas Sayard of Lympsham, son of a copyholder who had also died in 1564

135. Another source gives 13-1/2 acres: S.R.O., DD/FN 2.

136. B.L., Eg. MS. 3034, ff.121d., 127; S.R.O., T/PH/VCH 38; P.R.O., C 3/39/59; Sales of Wards (S.R.S. 67), p. 41.

holding land in Lympsham, Berrow and Brent. In 1565 and 1566 Thomas was involved in a number of Chancery cases, mainly involving his wife's inheritance. He brought a case against Edith's stepmother for her marriage portion of £20, and paid £20 to settle another claim on the windmill, which was also part of Edith's portion. The most important case, however, was that brought against him by Edward Seymour, earl of Hertford, in 1566. Hertford stated he had previously brought a case against Lying, who had claimed to have bought a quarter part of Seymour's manor of Tarnock but who was later said to have admitted he had only bought a quarter of the rents paid. Lying had died before signing an agreement to this effect with Hertford, and the Sayards now claimed the quarter part, 'presuming on the wealth they had inherited from their fathers to get the earl's lands'. They answered that Lying had bought a quarter part of the 12 messuages, 6 cottages, 100 acres land, 100 acres meadow and 250 acres pasture that made up the manor and it had descended to Edith as Lying's heir. In 1572 an agreement was reached whereby Thomas and Edith sold to the earl their share in Tarnock, and the earl assigned to them and to Edith's heirs, various closes, oxenleases and rent totalling 69 $\frac{1}{4}$ acres in the manor of Lympsham Parva.¹³⁷

137. P.R.O., PROB 11/49, PCC 25 Stonarde (Richard Sayarde); C 3/115/61; C 3/25/8; C 3/159/27; C 3/160/21; C 3/174/91; C 3/161/30; S.R.O., DD/AB 22.

This land from Hertford and Lynning's freehold in Tarnock were settled on Sayard's daughter Sara, who resettled them in 1602 to descend to her eldest son, William Brodripp, after the death of her father and herself, but Thomas Sayard in fact died two years after his daughter, having lived in Axbridge for the last 6 years of his life. Described as a gentleman now, he was godfather to one of the Wrentmore children, and Jasper Wrentmore and Thomas Hall, two of Axbridge's leading citizens, were among the overseers of his will. His daughter Sara married first, William Brodripp, a member of a family with free and copyhold lands in Berrow and Burnham, and second, Arthur Morgan, a gentleman with freehold in Kewstoke and Biddisham.¹³⁸ Sayard's family thus had solid connections with the upper echelons of local society.

More significant, however, is the disagreement with Lord Hertford. Though Hertford was suffering political eclipse when the case began, he was still a great nobleman and landed magnate, with considerable property and influence in Somerset, yet first Lynning then Sayard, both just local husbandmen, were

138. Sales of Wards (S.R.S.67), pp.40-1; S.R.O., D/D/Cd36, 11 Sep. 1604, dep. of Thomas Sayard; P.R.O., PROB 11/118, PCC 67 Wood (Thomas Sayard); PROB 11/136, PCC 111 Soame (Wm. Bradripp); PROB 11/113, PCC 11 Dorset (Arthur Morgan).

able to press their claims against him to a successful conclusion, illustrating the strength of a landholder well-established in his locality.

Another family who established themselves in local society were the Boultings, of Wedmore. They held copyhold in Mudgley and Godney, but took advantage of the break-up of manors to acquire freehold as well. William Boulting of Wedmore, a husbandman, was one of five men who bought parts of the freehold of the manor of Mudgley when it was sold off from 1610; Boulting bought two messuages and 50 acres and the 10-acre Park Close. By the time he died in 1654, styled gentleman, he had also purchased part of the parsonage of Blackford, formerly a chapelry, and land in Weare, Blackford, and leaseholds in Burnham and Langport. He married three times, his second wife bringing him leasehold property in Blackford. One daughter, Ann, married Nicholas Kelson a Huntspill gentleman, and another, Edith, married Gabriel Ivyleafe, gentleman, one of Blackford's leading landholders. Boulting was able to pass on his status to both his sons: both were designated 'Mr.' in the parish registers. The younger, John, took copies of a messuage and 33 acres and a cottage and 3 acres in Blackford, possibly formerly held by his father, and was given some leasehold property under his father's will. The

elder son, William, received his father's freehold, and in 1670 built or rebuilt his house at Theale, known as Theale Great House. His eldest son, also William who died in 1705, bore arms, and the year after his death his son and heir, yet another William, was admitted to Corpus Christi College, Oxford, and later to Lincoln's Inn.¹³⁹

The most interesting of these well-to-do copy-holding families is perhaps the Westover family, who provided two members who combined farming with medicine. The family had two principal branches, one in Wedmore, the other in Allerton, both with land in both parishes. From the Wedmore branch, John Westover senior had a freehold house near the borough and 3 yards of free land near the windmill in Wedmore manor which he held on a lease for lives, as well as other parcels of copy and leasehold land. His son John made further purchases of free land, including 3 acres 1 yard of arable in fee from a kinsman for £18 in 1693, and the fee of two of the parcels the family had rented for some decades, at a cost of £89 in 1699. Both John senior (d.1679) and his eldest son, John junior (d.1706) were barber-surgeons, but both were also fully engaged in farming as well; John junior's

139. S.R.O., DD/SAS PR 462; B.L., Eg.MS. 3034, ff. 64d., 66, 68-d.; P.R.O., PROB 11/253, PCC 60 Berkeley (Wm. Boulting); S.H.A. Hervey, Wedmore Chronicle, II, pp.47-8, 291, 317; J. Foster, Alumni Oxonienses: 1500-1714.

particular claim to fame rests on being the first doctor known to have provided residential care for mental patients.¹⁴⁰

Local farming families did not disappear from the copyholders' ranks, but economic and social changes meant that many of their descendents ceased to be farmers, and the demand for copyholds and the consequent high fines and purchase prices meant that few ordinary husbandmen who were not already secured tenants could find the capital to buy a copyhold, however small the parcels of land. Copyholds became more and more just pieces of landed property which enabled their holders to live on an income from rents and pursue other occupations.

140. See Chapter 3 for John junior's farming activities; the farm work was done by agents, employees and patients (in lieu of fees): S.R.O., DD/X/HKN. Sources for the Westover family: DD/X/HKN, ff.152d, 211; Hervey, Wedmore Chronicle, II, pp. 82-168.

Copyhold and Litigation

As pieces of landed property copyholds became the subject of frequent litigation in the common law and equity courts, and the importance of this tenure is reflected in the numerous claims to copyhold property, whether the claim was legally justified or not. Even one John Hawkins, 'so poor that [he] now at this present liveth on the charity of good people', in 1565 felt impelled to the expense of a chancery suit, in order to be reinstated in a copyhold.¹⁴¹

The Brent Marsh area produced an increasing number of suits in the equity courts¹⁴² especially Chancery, between the mid 16th and late 17th centuries.¹⁴³ Cases concerning land and rents always outnumbered other subjects, but became even more dominant by the late 17th century. A breakdown of the cases in one group of chancery proceedings for the period 1558 to 1660, examined in detail in Table 10 below shows that 28 of the 105 suits involved copyhold land, forming the largest category.

141. P.R.O., C 3/81/18.

142. Common law courts, Common Pleas and Kings Bench, were probably equally important and well-used, but the records are not indexed by place and so could not be surveyed in the same way. References often occur in Chancery proceedings to related suits in a common law court, and pursuit of a case through several courts was common. T.G. Barnes found over half the Star Chamber cases he surveyed involved cases in other courts: J.H. Baker (ed.) Legal Records and the Historian (1978), p. 12.

143. Table 9, p.484, shows a breakdown for all local chancery cases 1553-1700.

Life leaseholds were involved in 19 suits, disputes over legacies, some of which also involved land, accounted for 18, and disputes over manors or large freehold estates, mainly concerning non-resident parties, accounted for 14.

Table 10 Breakdown of Chancery Suits in Series II (P.R.O.,
1558 to 1660 C 3)

<u>Cases between local residents:</u>	Over copyhold	15
	Over life leasehold	7
	Over freehold	1
<u>Cases between non-residents:</u>	Over copyhold	6
	Over life leasehold	9
	Over freehold	2
<u>Tenant v. landlord</u>	Copyholders	5
	Leaseholder	1
<u>Landlord v. tenant</u>	Copyholders	2
	Leaseholders	2
<u>Payment of Legacies</u>		18
<u>Between lords or estate owners, usually non-resident</u>		14
<u>Farms of manors and other leases</u>		6
<u>Advowsons, parsonages, tithes</u>		6
<u>Other</u>		11
		—
		105
		—

Despite their limited scope the manors of Brent Marsh had a vital role to play for the copyholders of the area. The manors with their courts and customs gave the landholders a secure tenure and a strong defence against the manorial lords, so that copyhold land provided the basis for wealth and attracted much outside investment. The landowners were in a weak position in this area: in addition to the security of customary tenure, the way many sub-manors were formed had resulted in the intermingling of land of different manors, diminishing their jurisdiction and influence, which was already reduced by the parcelling out of demesnes before the 16th century.

Copyhold and copyholders were fast losing their agricultural connection, in the same way as the manor was changing from an economic to a solely legal institution. As the subject of litigation, copyhold shows its similarities with freehold, and like freeholds copyholds were no longer land in the sense of an area of soil, but had become articles to be shuffled around in legal processes, or counters in investment and speculation. Just as the relationship of the copyholder to agriculture had become more tenuous, so had the relationship of secure tenure to the land; the price of freehold or copyhold land was now more often the result of financial and market factors than of the value of its products.

Nevertheless, the value placed on land in the Brent Marsh area was to some extent the result of the quality of the land and its agricultural produce, and at certain periods this meant that very small proprietors and husbandmen without a secure tenancy could also enjoy some prosperity, an aspect which is discussed in the following chapter.

Chapter 3

Land Use and Husbandry in Brent Marsh

While the previous chapter considered the lowland inhabitants who derived their income from the possession of land, this chapter and the next concern those who lived by farming the land. To an unknown extent the two groups overlapped of course. Some landholders farmed all their land themselves, some let part or all of it to others, living on rents or other sources of income, and the possible profits of these different courses are considered in the next chapter, together with the outlook of the small farmers of the area.

The study of agriculture in Somerset in this period is hampered by the lack of a most important source, probate inventories, the bulk of which were destroyed in the Second World War, and this loss has made it impossible to make a detailed analysis of a large sample of farms similar to studies carried out for other parts of England, which are particularly useful in revealing the types of changes that occurred or, indeed, the absence of change. However, plenty of other evidence does exist making it possible to draw a general picture of the

field systems of the area, the types of husbandry followed, and the choices made by individual farmers in deciding their farm production.

The Moors

The husbandry of an area is largely determined by the land, but whereas the earliest inhabitants of the Somerset Levels, who inhabited the Iron Age villages at Meare and Glastonbury, lived solely by fishing and fowling,¹ later inhabitants developed the agricultural potential of the lowlands, so that fish and fowl were little more than dietary supplements and of little commercial importance compared with animal husbandry. Dr. Williams has pointed out that 'the Levels were far from being the unproductive, desolate and dangerous morasses they have sometimes been supposed to be', but had a 'hierarchy' of usefulness in resources: pools and water-courses with fish and reeds; the peat turbaries, often inundated; the moors, used for pasturing, and also subject to flooding at times; and the improved land of arable, meadow and pasture.²

The moors, the large expanses of open pasture that covered much of north and central Somerset, not only determined the field pattern of the region but

1. Williams, Somerset Levels, p. 17. I am indebted to Professor F.J. Fisher and Dr. J. Broad for their comments on earlier drafts of Chapters 3 and 4.

2. Ibid., p. 25.

also the husbandry, because the large amount of grazing available for most of the year, well-watered to provide an early bite for stock, relieved pressure on the cultivated land of the manors and parishes especially the arable fields, and allowed flexibility in land use and rotation.

Though the inhabitants called these open pastures 'moors', they bore no resemblance to the moors of Exmoor or Dartmoor, nor those of the Pennines or North York. These latter consisted mainly of rough grazing on poor soil at relatively high altitudes, and remained under-cultivated since the climate was generally unsuitable for crops and the soil became quickly exhausted. The Somerset Levels, on the other hand, were under-cultivated because of their poor drainage and the nature of the peat subsoil but provided good grazing on silt-enriched soil and were more akin to the Lincolnshire fens or the marshes of south-east England.

John Billingsley, an ardent improver of the late 18th century, complained greatly about these watery, unenclosed moors. In a note he stated that 'Ten Thousand sheep have been rotted in one year in the parish of Mark, before the inclosing and draining took place',³

3. J. Billingsley, General View of the Agriculture of the County of Somerset (2nd edn., Bath 1798), p. 168. The parish of Mark includes Thurlmore.

but ignores the fact of the obvious value of the grazing, if so many sheep were kept there at all. Sheep rot was always a hazard at certain seasons, even in well-drained regions, but if such an epidemic had ever occurred, it was undoubtedly an exception since farmers would hardly risk their sheep year after year. It is true that some parts of the moors were wet and could only be used for part of the year: some areas were not effectively drained until after the Second World War, and even today will be flooded in bad winters, though often the flooding is deliberate, since the silt deposited on the fields is so beneficial. Like most of the claims and cases put by the agricultural improvers, Billingsley's criticisms cannot be taken literally, and even Richard Locke of Burnham, himself a promoter of improvement and founder of the Bath and West Society, thought the poor reputation of the area had been generated by the inhabitants themselves.⁴

The open moors of Brent Marsh covered between 10,600 and 13,900 acres, in which tenants of nearby manors had common of pasture and of turbary-the right to dig peat.⁵ The largest moors according to the

4. Locke, 'On the Improvement of Meadow Land', loc.cit., p.200.

5. P.R.O., LR 2/202, ff.255-268, 1638 survey for the lower figure; the upper figure is the area of moors enclosed in 18th- and 19th- century enclosure acts, listed in W.E. Tate, Somerset Enclosure Acts and Awards (Frome 1948). The moors may not be exactly the same in both sources as several lay partly in parishes outside the scope of this study, and this may account for the large discrepancy in the two totals. The moors are shown on Map 2.

survey of 1638 were Theale or Tadham moor, with 1,802 acres, in which the tenants of Mudgley were commoners, and Thurlmore or Mark moor, with 1,596 acres, in which Mark tenants were commoners. The hamlets and parishes on the Wedmore 'island' or adjoining it such as Mark were well served with common moors, but the coastal manors were not so fortunate. Part of Burnham known as Burnham moor lay adjacent to Mark moor, and Huntspill had two moors, Huntspill moor (641 acres) and Cote Little moor (88 acres), but otherwise there was no common moor within the coastal parish boundaries and for this reason various manors in these parishes had early in their history acquired intercommoning rights in the inland moors.⁶ The lords of E. Brent, S. Brent, Berrow and Lympsham, paid a rent of 'moremeat', either in cash or in kind, as in 1539 when E. Brent bought three quarters of oats to give to the lord of the manor of Moore, as rent for common pasture in Thurlmore.⁷

Some of the tenants of Huntspill, Burnham and Tarnock also paid for the privilege. In 1525, the eight tenants of customary land in Huntspill de la Haye had common of pasture in Thurlmore for a certain number of beasts each, ranging from six to 16.⁸ The

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- 6. Williams, Somerset Levels, p. 90, gives a map showing the extent of the intercommoning links for all the Levels.
 - 7. P.R.O., SC 6/Henry VIII/3163, m.15; E 134/34 Eliz/E.21. In 1592 the four manors paid £3 6s. 8d. for their rights.
 - 8. P.R.O., E 315/385, ff.90-95d.

tenants of the sub-manor of Tarnock had common of pasture without stint in Thurlmore for all animals except geese and swine as well as in Binham moor and Oxmoor, and in Elizabeth's reign tenants of the head manor of Tarnock had common of pasture without stint in the same three moors, the Lord paying 2s. to Allerton and Mark for the rights in Binham and Thurlmore respectively.⁹ The tenants of Biddisham had common without stint in Oxmoor ranging into the adjoining moors.¹⁰ Tenants of Mudgley and probably the other Wedmore manors had access to a wide number of moors: besides common of pasture and of turbary without limit in Theale moor, called the great heath in 1558, and Tadham moor adjoining it (the two being known as one moor by 1638), which lay within the bounds of the manor, they also had unlimited pasture in nine other moors surrounding Wedmore island.¹¹

Periodically, usually once a year in the summer, each moor was 'chased' by officers of the manor in whose jurisdiction the moor lay. The moorwardens or other tenants appointed by the reeve would make a drift of strays, which meant they rounded up all the animals on the moor and impounded those whose owners had no right of common, charging the owners from a few pence to a few shillings to recover them. Lawful commoners

9. S.R.O., T/PH/VCH 38, pp.91-101; P.R.O., LR 2/191, f.31.
 10. S.R.O., DD/CC 110001/1, f.88.
 11. S.R.O., DD/SAS PR 462, f.57.

were supposed to collect their animals at the same time, without charge, but if the reeve had to keep them in custody overnight he would also make a charge of a few pence.¹² The different moors were separated only by water-courses, either natural or man-made, and when in one hard winter the rhynes froze allowing animals to stray from Thurlmore into Tealham moor, a drift was made there and one trespassing owner had to pay 4d. for a score of sheep.

Occasionally complaints were made about the way the chase was carried out. Several complaints were made against the officers of Moore over the chase of Thurlmore around 1612. It was carried out in bad weather and three or four cattle were trodden into the mire and were either killed or at least left the worse for wear. Another year a tenant claimed that one of his cattle had been killed and that the reeve had sold the carcase to a butcher in Wells, from whom the owner had recovered the hide. Furthermore, the reeve was said to have taken the animals to a very inconvenient place owned by his son-in-law in order to pen them up, and many people had had to leave their animals overnight and were then charged for them. In many years the officers were said to have deliberately picked inconvenient times for the chase, such as the day a fair was being held in the neighbourhood when owners could not come to the chase, just to get the fees for keeping the stock.¹³

12. P.R.O., E 134/34 Eliz/E.21.

13. P.R.O., E 134/20 Jas I/H.20.

Sheep, mares, farrowing sows, and geese were all kept on the moors; kine were milked there morning and evening, and 'unprofitable' cattle, such as dry cows, young stock and steers, were grazed there. The quality and dryness of the moors varied and occasionally led to the illegal construction of sleights or enclosures for sheep, such as in Thurlmore where some commoners were accused of driving away other men's sheep from a place in the moor called Hust, and keeping their own, about 60-80 sheep mainly ewes, there for several days. The reason suggested for this anti-social behaviour was that the place was dry and the ewes could lamb there without danger, but the lack of regard for other men's stock, also near to lambing, was considered unusual.¹⁴ Despite the dangers of flooding and sheep-rot, sheep at least were grazed there through the winter.¹⁵

There is no real evidence that the moors were over-stocked or over-grazed in this period, but orders limiting their use particularly by 'foreigners' were made from time to time, and show a valuable right being jealously guarded, possibly with the fear that its value might be damaged. In general only sheep and unringed pigs had restrictions placed on them, probably because they did tend to

14. Ibid.

15. Ibid.; P.R.O., SP 16/165, no.56.

leave little to eat for other stock, the sheep by cropping grass close to the roots, and pigs by rooting it up. In Biddisham in 1510, sheep were ordered to be taken off the marsh from the end of March,¹⁶ and in Allerton in 1567, the homage ordered that no tenant was to put sheep into Binham moor between June and Michaelmas, and in 1593, that no-one was to keep any sheep in Binham or Allerton moors for three days at a time.¹⁷ The homage of Moore made an order, reported in 1592, that no foreigner should graze sheep on Thurlmore from Ladyday to Midsummerday,¹⁸ but by 1623 the order seems to have applied to everyone.¹⁹ Similar orders were made in Blackford where sheep were banned from Tealham between Ladyday and Midsummer in 1637 and unringed pigs were not allowed after 3 March,²⁰ and in 1658 no sheep were to be grazed on Blackford moor indefinitely.²¹ The tenor of these orders suggests in fact that more emphasis was being put on grazing cattle, and the grass was being protected for their benefit.

16. S.R.O., DD/CC 131907/8, Biddisham 23 Apr. 2 Hen. VIII.

17. S.R.O., DD/CC 131925a/2, Allerton 25 June 9 Eliz.: wording gives 'nativity', but obviously meant nativity of St. John the Baptist, 24 June; DD/CC 13925a/10, Allerton 17 July 35 Eliz.

18. P.R.O., E 134/34 Eliz/E.21. A 'foreigner' meant a person who was not a tenant of the manor of Moore.

19. P.R.O., E 134/20 Jas I/H.20.

20. S.R.O., DD/SE 64 (box 18), court roll 26 Feb. 1637.

21. S.R.O., DD/SE 63 (box 18), presentments 2 Nov. 1658.

The right of common was attached to the customary tenement, and the tenant of such a holding only had the common rights as long as he was resident on the tenement. When the holding was sublet, the undertenant acquired appurtenant rights as well.²² The right was a valuable one and raised the economic possibilities of even a small customary holding: in the manor of Compton Bishop, Jeremy Waters felt it was a matter of some importance that 'although his tenement ... was but small, yet his comons were verie good'.²³ Common rights also had a commercial value. William Hixe, of the manor of Moore, grazed some stock of Edward Davys in the commons towards the repayment of a debt he owed him, marking them with his own mark to avoid accusation of trespass.²⁴ Another commoner also grazed sheep not his own and paid the reeve 13s. 4d. to overlook the trespass.²⁵

The demand for grazing whether in the moors or elsewhere is made evident in the grazing of 'foreign' cattle, and produced a smattering of by-laws and orders in the manorial courts. In 1577 the tenants of Biddisham were ordered not to give or sell their common in the manor to anyone from outside any longer, on pain of a 20s. fine, but in 1583 it was necessary to repeat that none of the tenants should

22. P.R.O., E 134/27-8 Eliz/M.21; E 134/20 Jas I/H.20.

23. P.R.O., E 134/27-8 Eliz/M.21.

24. P.R.O., E 134/20 Jas I/H.20.

25. Ibid.

sell his common to any outsider if another tenant would give us much for it as the stranger.²⁶ Blackford tenants were ordered in 1662 not to take any 'foreign' or havedge sheep for grazing on the fields of the manor.²⁷

Disputes over whether certain inhabitants had the right to graze various moors were regularly taken to the central courts for arbitration,²⁸ but it is hard to tell whether this indicates a new pressure on grazing, or a new desire to reinforce legal rights; equally acrimonious disputes had been carried on between the Abbey of Glastonbury and the Bishop and Chapter of Wells, and their respective tenants, over moorland rights in the 13th and 14th centuries.²⁹ The villages did not take each other to court over intercommoning rights, as occurred in other areas of lowland England where grazing was scarce, principally because the moors were controlled on a manorial basis which cut across villages, whose inhabitants did not have any grazing rights unless they were customary tenants. The 17th-century cases seem to indicate both a sense of the value of the grazing in the tenants, and a desire to share in this resource on the part of non-commoners.

26. S.R.O., DD/CC 131911a/2, Biddisham 25 June 19 Eliz; DD/CC 131923/1, *ibid.* 30 Apr. 25 Eliz.

27. S.R.O., DD/X/HMD, 30 Sep. 1662.

28. e.g. the Exchequer Court has several cases: P.R.O., E 134/27-8 Eliz/M.21, Compton Bishop, 1585; E 134/34 Eliz/E.21, Thurlmore, 1592; E 134/37-8 Eliz/M.2, Compton, 1595; E 134/20 Jas I/H.20, Thurlmore, 1623.

29. Williams, Somerset Levels, pp. 34-8.

Meadow and Pasture

The edges of the moors shaded off into cultivated areas of meadow and pasture, which included some common meadows shared by customary tenants from which stock was excluded until after haymaking, and large amounts of enclosed meadow and pasture.³⁰ The wetness of the area was of great advantage for both meadow and pasture land, which were enriched by the silt from the flooding rivers in the winter. There was no need here for expensive floating water-meadows; attention was given rather to maintaining drainage works so that the water would eventually run away. As was generally the case, good meadow was by far the most valuable land here in an economy which included large numbers of livestock that needed to be fed through the winter: in 1525 meadow in Huntspill was valued at 3s. 4d. an acre, twice as much as arable or enclosed pasture,³¹ and in Burnham in Burnham in 1694, while some land described as meadow or pasture fetched 11 or 12s. an acre, the best meadows were said to be worth 30s. an acre.³² This, together with conversion to pasture in the coastal parishes described below, confirms the importance of animal husbandry over arable. However,

30. Often called meadow-and-pasture, and differentiated from pasture or meads. This may have been a local usage referring to its dual use; Dr. Broad has suggested that it might refer to rotational mowing.

31. P.R.O., E 315/385, ff.90-95d.

32. P.R.O., E 134/5 W & M/M.23.

because of its limited area arable might have been expected to command a higher value simply because of its scarcity, but in fact rental rates for arable consistently fell below those obtained for meadow and pasture. In 1645 rental rates for land in the hundred of Brent showed an average of 7.25s. an acre for arable, 9.7s. for pasture and 13.11s. for meadow, while in the hundred of Bempstone an average of 13.55s. was obtained for meadow-and-pasture and 11.85s. for pasture.³³ In the 1650s, pasture in the coastal parishes of East Brent and Huntspill used for grazing was let at 20s. an acre.³⁴

In 1638 the moors and low grounds included 4,235 acres of common meadows.³⁵ Although referred to as 'common' meadows, they were not common in the sense that the moors were. The survey lists the moors and manor whose tenants were commoners in them - that is, those who had common rights of pasture and turbary in a moor. The meadows, however, were listed as being in the tenure of named persons, which may be interpreted as being that the common rights appurtenant to a customary holding did not include rights over the meadow unless the tenement included a specified holding in the meadow.

33. P.R.O., SP 28/214, sequestrators accounts.

34. P.R.O., E 136/6, f.252d.; S.R.O., D/P/hun. 3/2/3.

35. P.R.O., LR 2/202, ff.255-268.

Although some meadows had names such as 'dolemead', there is no evidence that the open meadows were shared out anew each year as was the case in Puxton and Congresbury, north of the Mendips; there the doles of meadow were given symbols which were marked on apples and drawn out to be distributed among the tenants every year.³⁶ Richard Locke suggested that parcels of the meadows were permanently attached to a holding: a full day's mowing was called a mead, and when tenements came to be identified and boundstones set up they were always estimated as five acres each, although Locke found many of them to be from 3 to $3\frac{1}{2}$ acres.³⁷

Some meadows were common in the sense that they were open for grazing by all the tenants between certain dates, and were usually stinted. In Allerton in 1585 the order had to be made that no-one should pasture more than their 'shoot' or stint in Blackheale meadow, and that two one-year-old beasts equalled one ox shoot.³⁸ In other meadows the grazing was controlled and the aftermath of the hay crop was let by the lord to certain tenants. In East Brent in 1516 the reeve for the year held half the aftermath of $21\frac{1}{2}$ acres of meadow in 'langmede', and four other tenants rented part of the aftermath

36. Tate, Som. Enclosure Acts, p. 27.

37. Locke, 'On the Improvement of Meadow Land', loc.cit., pp.191-2.

38. S.R.O., DD/CC 131925a/4, Allerton (?16) July 27 Eliz.

of 3 acres for a few pence a year.³⁹

Other meadow and pasture was held in severalty in parcels or in closes within enclosures. The formation of enclosures was essential if the land was to be used productively, since enclosures in the levels were made by digging rhynes whose most important function was to drain the land. They made useful boundaries, as major rhynes were about eight feet wide at the top, narrowing slightly towards the base, and were five feet deep; they were much cheaper to construct than any other form of enclosure and in summer could be stopped up for watering the stock.⁴⁰ The fields thus formed were large, from about 20 acres to as much as 60 in the old rich grazing lands described by Locke.⁴¹ They were rarely in the hands of one tenant but shared by several, and in some the use varied between arable, meadow and pasture, sometimes in open parcels sometimes in closes within the enclosed fields as occurred in arable fields.

In addition to pasture in closes and grazing rights over common fields, there were other forms of grazing available in various manors. Tenants

39. B.L., Eg. MS. 3034, ff.111, 112d, 126d.

40. Williams, Somerset Levels, p. 187 & n.

41. R. Locke, 'An historical account of the marsh-lands of the County of Somerset', Letters and Papers of the Bath and West of England Society, VIII (Bath, 1796), p. 259.

along the coast and rivers were able to make use of reclaimed land called warths and hams. In Berrow nearly all the customary tenants in 1516 had as part of their holdings the right to pasture on land outside the seawalls called wall and warth, the sea-walls being more in the nature of banks that could be grazed upon, especially by sheep. Some tenants also had certain quantities of grazing on the 'Nywewall', which as a late reclamation was part of the overland or demesne of the manor.⁴² Similarly, a few Lympsham tenants had grazing in warths and on the walls or along certain pathways, and five tenants also had grazing stints in Whelpe-sham, a pasture of 37 acres in which the lord had pasture for 37 beasts and the lord of Lympsham Parva had pasture for three.⁴³ Some men owned stints in a pasture which was held in severalty by another tenant: one man had the rights to graze 48 sheep on a 100-acre warth in Huntspill belonging to another to whom he sold this right in 1673.⁴⁴ By the 1620s, some tenants of Berrow had shares in Berrowsham which was also a later reclamation.

The grazing in the hams was particularly rich, and valuable to the tenants, and led to disputes between lords and their tenants. In Burnham a

42. B.L., Eg. MS. 3034, ff.172-88.

43. Ibid., ff.132-47.

44. S.R.O., DD/SAS C/82 16/1.

large pasture of about 100 acres called the Broadwarth was regarded by the tenants as a common pasture where they might graze sheep all year round, whereas the lord, Richard Fynes, began to assert his claim that the land was part of the overland of the manor, and he issued new copies from about 1540 with a clause excluding grazing in this pasture. The tenants brought suits in Request and Chancery, and Fynes in Chancery and the common law courts. The outcome is unknown, but the clause was still put in copies and leases in the 17th century.⁴⁵

The Mendips also had large tracts of grazing though not nearly as rich, which were known as sheep sleights or enclosures, taken out of the common grazing. Berkeley sleight belonging to the manor of Cheddar Berkeley was 100 acres in extent, and in 1671 was used for pasturing 200 sheep.⁴⁶

The Arable Fields

The presence of the moors influenced the settlement and field pattern which was arranged in relation to the safety of the land, so that the

45. Select Cases in the Court of Requests AD 1497-1569, ed. I.S. Leadam (Selden Society vol. 12, 1898), pp.62-4; P.R.O., C 1/1158/26-7, C 1/986/70-2. Papers regarding the sale of the manor in 1650 do not refer to it, either as a parcel of land or as a grazing right.

46. S.R.O., DD/PO box 13, lease Popham to Clipson, 31 Jan. 22 Car II.

arable tended to cling to the settlements on the higher ground, producing many features of the nucleated open-field village with large open arable fields near the settlements and the pasture and waste on the periphery, rather than a patchwork of small, enclosed fields typical of enclosed wood-pasture areas such as much of Devon.

Unfortunately, direct evidence for field patterns in the form of maps and plans, with or without field books, does not survive before the mid-18th century, when a few pre-enclosure estate maps can be found. Surveys are more numerous, but have drawbacks for illustrating farming systems and land use as details of holdings in manorial surveys tended to become 'fossilised' and ceased to refer accurately to the land and its use; most surveys were apparently drawn up from the copies of court roll or from previous surveys rather than from a view of the land and holdings. Surveys of manors of the dean and chapter of Wells in this area were particularly prone to repeating former descriptions of tenements giving only the barest details, such as a 'tenement and 14 acres of land, meadow, and pasture' or 'tenement and 15 acres 3 yards (roods) of land and 4 acres 1 yard of meadow': these phrases are repeated in every grant, surrender or survey of the property throughout the period.⁴⁷

47. S.R.O., DD/CC, MSS of manors of Allerton and Biddisham.

However, though surveys are not a reliable guide to actual cultivation they do indicate what many 18th-century surveys labelled the 'quality' of the land - fitness for a certain use - and though the land use may have changed, the surveys do indicate the original use and origin, whether part of the original settlement or taken out of the moors later on. Much additional information can be gleaned from manorial court records, deeds, and legal records, to produce a fair picture of the field systems of the area, which show a decided difference between inland and coastal parishes.

Inland Parishes

Despite the growing economic importance of stock farming in the area, in the inland parishes arable maintained an important position in the farming economy. As Table 11⁴⁸ shows, the percentage of arable in the inland manors with detailed surveys was quite high, and in two manors exceeded 50 % of the manor excluding moor and common meadow. This is much higher than in fenland manors in Lincolnshire, where arable formed 40-42% of manors in Holland, and only 4 to 25% in Elloe, and comes closer to the 66 to 75% commonly found in Leicestershire manors.⁴⁹ Most arable was situated in the

48. See p. 485.

49. J. Thirsk, English Peasant Farming (1957), p. 23.

open arable fields which were still retained in this period. A map drawn up in 1787 of the manor of Allerton shows even at that date the outlines of three large arable fields lying north, south, and east of the main settlement with much of the arable still in open strips, although by the 18th century many had been enclosed and the fields had been sub-divided and renamed.⁵⁰ The village of Allerton lay on the western slope of Wedmore island so that the arable was on the higher ground of the parish; to the west of the village lay meadow in large closes, and further west again were Allerton and Binham moors, lying at the lowest point in the parish. The droveways and the common pasture of Binham moor were still open common in 1787.

In the parish of Wedmore itself, however, the manors seem to have been based on a two-field arable system. The manor of Churchland, surveyed about 1610,⁵¹ presents an example of a two-field system which has not yet broken up. Over half the land in the manor was open-field arable and lay chiefly in the east and west fields. Tenants holding arable land had parcels more or less evenly divided between two of the many open fields in the parish of Wedmore: 28 tenants held land in the east and west fields, three in the south and west fields, two in Cocklake and Crickham fields, two in east

50. S.R.O., DD/CC 10860, (map); DD/CC 110563, (ref.bk.).

51. S.R.O., DD/GS 20. Date and identity of manor from internal and other evidence.

and south fields, and three had other combinations involving Wedmore field. Though no contemporary plan of the parish exists, a plan of 1805 shows remnants of the open fields which apparently covered most land over 50-75 feet. Piecemeal enclosures had eroded a great deal of the open field area, but enough remained to indicate where the fields lay. Blackford's south field was so named on the plan, and there were about six or seven other fields, unnamed, most of which contained strips belonging to more than one manor in the 17th century, which accounts for the great discrepancy in the total acreage of each field in any one manorial survey.⁵² In 1610, there were a few closes of arable in the manor, and two enclosures totalling $2\frac{1}{2}$ acres had been made in the west field, one of which had been converted to pasture, but otherwise the open-field arable system was intact. However, there are no court rolls nor any other firm evidence to show that a common rotation was followed, and incidental evidence discussed below seems to indicate that it was not. Churchland tenants, as in other manors, had extensive common grazing available to them in the moors if they required it besides their few closes of pasture. One-fifth of the land in the manor was meadow, 137 acres in closes and $64\frac{1}{2}$ acres in open parcels, some of the meadows such as Southmead containing both closes and open parcels.

52. S.R.O., DD/X/MRD, plan of Wedmore 1805. These fields also contained strips belonging to other manors.

The two-field system seems to have been common to all the manors in the parish of Wedmore, even though there were more than two fields in the whole parish. Two holdings which John Rosse and Hugh Sydenham, esquires, held in Mudgley manor were surveyed in 1609.⁵³ The first was 165 acres 1 yard, of which 40 acres was pasture in closes, 36½ acres was meadow in closes, and 34 acres enclosed arable. The remaining 60 acres 3 yards was open arable and although they were spread between three fields - 31½ in Mudgley field, 9 acres in the north field, 20 acres 1 yard in the west field - the unevenness suggests that the west and north field holdings may have been in one field formerly, as they roughly equal that in Mudgley field. The second tene-ment totalled 49 acres: 8½ acres pasture and 3 acres meadow in closes, one close of one acre being in the south field, and 6½ acres in meadows. All the arable was in two open fields, 18 acres 1 yard in north field, and 14 acres in south field.⁵⁴

Although the open arable fields were maintained in these inland parishes, strict regulation of rotation and common management was seldom found here because of

53. S.R.O., T/PH/VCH 11.

54. A possible but less likely interpretation of the fields in the first holding would be a more complex system involving the other manors whereby two fields out of the 8 or more in the parish followed the same rotation.

the large quantity of common grazing in the moors. Orders and by-laws concerning the arable fields are few among the extant court rolls and are mainly concerned with keeping stock from straying onto the sown fields from the paths and ways where many were grazed, or with excluding stock from the corn fields at the appropriate times. However as in the case of the moors, attempts were made occasionally, in Biddisham in 1506 and 1507 and in Allerton in 1560, to reduce the number of sheep grazed.⁵⁵ Most arable fields were still subject to common rights of pasture for the customary tenants in the 16th and 17th centuries. Allerton common field was grazed after harvest in 1657;⁵⁶ in Blackford the arable fields were subject to common grazing in 1654.⁵⁷ Those with grazing rights in the fields could turn their animals out onto the stubble after harvest, but ran the risk of having their animals impounded if any grain was left in the field.⁵⁸

55. S.R.O., DD/CC 131907/4, Biddisham 20 Oct. 22 Hen.VII, 18 May 22 Hen.VII: the dates given are ambiguous but the gist is obviously the same; DD/CC 131925a/1, Allerton 8 Apr. 2 Eliz.

56. S.R.O., QSR 95(1)/40-1.

57. S.R.O., DD/SE 63 (box 18), court roll 8 Aug. 1654.

58. e.g. S.R.O., QSR 95(1)/40-1. Plough oxen and milch kine were grazed in Allerton field from end of August, reaping having finished about 3 weeks earlier.

Though tenants made use of the right of grazing the arable fields, because of the existence of the moors they probably did so more to manure the fields than because they needed somewhere to graze their stock: plough oxen were said to be kept both for pulling the plough and manuring the land.⁵⁹ Since grazing the stubble was not as beneficial to the stock as grazing the moors and pastures, some farmers preferred to buy loads of manure for their fields, distinguishing between the qualities of the various types.⁶⁰ Manuring is not referred to very often, but was clearly a commonplace of farming practice as the common expression for a person who actually worked the land himself, was 'manuring' the land rather than 'occupying' it, which referred to tenure of the property and not necessarily to the physical presence there of a person or his stock.

The lack of necessity for grazing rights on the arable is reflected in the lack of concern over the enclosure of parcels in the fields. Though enclosure of parcels was not yet widespread in the inland parishes,⁶¹ where it did occur only half-hearted steps were taken by the tenants to prevent enclosures: the main objection seems to have been the failure to pay a

59. P.R.O., E 134/4 W & M/E.8.

60. S.R.O., DD/X/HKN, f.154d.

61. However, this assumption is made from surveys, and they cannot be relied upon to reveal recent enclosures and other changes.

fine for the licence to enclose, rather than because of any disruption to farming that was caused. In 1520 seven named tenants 'and many others' of the manor of Allerton were presented for enclosing land on which all tenants should have common between mid-summer and the beginning of February, but no further steps against them are recorded.⁶² In 1566 the homage of Biddisham was ordered to enquire whether the enclosure by John Cooke and others of a common field called 'souther parte' of Biddisham field was injurious to the tenants, but again no further action was taken.⁶³

In 1615 a lease of demesne land of the manor of Blackford included a close of 7 acres 1 yard of arable called New Close 'lately inclosed and taken in out of the north common feild of Blackford', but most of the demesne arable was still in open strips.⁶⁴ Even cottages were built on parcels of open arable in Blackford, such as 'a little cottage newly erected on the north-east end of one acre of arable in the Southfield'.⁶⁵

62. S.R.O., DD/CC 131920/10, Allerton 24 Oct. 12 Hen.VIII.

63. S.R.O., DD/CC 131907/17, Biddisham 2 Apr. 8 Eliz.

64. S.R.O., DD/SE 26 (box 3), lease Sexey to Harris, 20 Aug. 13 Jas I, and others.

65. Ibid., lease Sexey to Smith als. Martin, 16 Apr. 10 Jas I.

Clearly a great deal of enclosing went on without remark. While much attention has been paid to large-scale and widespread enclosures by gentry or outsiders, because they caused upheaval or riots in many areas, little notice is paid by historians to the much greater amount of enclosure carried out in small pieces by the inhabitants themselves because this caused no riots, and in this way a distorted view is presented of agrarian change being inflicted on the inhabitants rather than emanating from them. W.E. Tate, surveying the comments of H.L. Gray and R.H. Tawney, concluded that Somerset had an irregular field system showing some remnants of two- or three-field systems, but that some places had not an acre of open-field left when surveyed, and that much enclosure in Somerset was of small areas, and carried out by local inhabitants.⁶⁶ This contrasts strongly with the type of enclosure more commonly discussed, such as that in the open-field manor and parish of Cotesbach in Leicestershire where a small part of the manor was enclosed by the lord at the beginning of the 16th century, and the rest at one blow in 1603 by a later lord, by reaching agreement with the four freeholders and evicting the tenants whose leases had expired, reducing

66. Tate, Som. Enclosure Acts, pp.13-14. S. Brent is cited as one of the places without open-field arable in 1567, based probably on the survey of that date of the manor of S. Brent Huish. However, looking at this survey I can find no reason to suppose that land described, for example, as '1 acre in otegrotten' was not in open strips, as closes are described as such, and the descriptions are similar to those in the E. Brent survey of 1607, which H.L. Gray used to demonstrate a manor with some open-field remaining.

the number of tenants and the acreage they held.⁶⁷

One of Charles I's enclosure commissioners in 1635, a Mr. Powell, was a Somerset man who remarked on the enclosure movement as 'increasing and transcending from mean tenants to great landlords' and from small quantities of land to whole townships.⁶⁸ The inference is that the enclosure movement came first of all largely from 'below' in the social scale, from the local residents actually involved in farming, a progression found in other farming activities and far more typical and logical than gentry-originated change. Where opposition to enclosure existed, it was not directed at enclosure of common arable land but of common pasture such as the moors or the Mendip waste,⁶⁹ and in general these enclosures were not carried out for farming reasons but for profit or recreation. Despite the substantial amount of arable land shown in surveys in this period,⁷⁰ by the 18th century little remained to be enclosed by Act of Parliament: 400 acres of arable and meadow in Cheddar (Act 1795), 201 acres in Huntspill (Act 1800), and an

67. L.A. Parker, 'The Agrarian Revolution at Cotesbach 1501-1612', Leicestershire Archaeological Society, 24 (1948), pp. 41-76. The differences between Cotesbach and these Somerset manors are many: tenure, field patterns, manorial structure.

68. Quoted in Tate, Som. Enclosure Acts, p. 21. My emphasis.

69. e.g. opposition in Sedgemoor: Williams, Somerset Levels, pp. 97, 99-101. Also Sir John Rodney and his tenants, in Proceedings in the Court of the Star Chamber in the reigns of Henry VII and Henry VIII, ed. G. Bradford (S.R.S. 27, 1911), pp. 72-81.

70. See Table 11, p. 485.

unspecified amount of arable in Cheddar and Rodney Stoke included in a Mendip waste enclosure in 1811. In addition an unspecified amount of arable in two of the villages in Wedmore was enclosed under the General Enclosure Act of 1836 (Award 1863), covering nine fields or parcels including east field and south field.⁷¹

Lack of control over enclosure was extended to lack of control over rotation and conversion: the sources give the impression that land use was left to individual choice and that convertible husbandry was widespread from an early period. Enclosed arable was converted to different uses as in the examples of enclosed arable in the Wedmore fields. Occasional references are made to ploughing up and converting to tillage, which was prevented in leaseholds by covenants in the leases,⁷² probably because arable was worth less than meadow and pasture, and the wrong treatment could damage good grassland.⁷³

With the freedom to enclose and convert land, went freedom in the choice of crops, despite the continuation of common grazing over the arable

71. Tate, Som. Enclosure Acts, pp. 31, 33, 35, 55.

72. A leaseholder with 60 acres in Moore would only agree to pay his rent if the steward would give him a discharge for having ploughed up the meadow contrary to the terms of his lease: P.R.O., REQ 2/44/59.

73. J. Broad, 'Alternate Husbandry and Permanent Pasture in the Midlands, 1650-1800', Agricultural History Review, 28 (1980), pp. 83-4.

fields. John Westover, in a note of plough-work to be done in 1695, wanted three yards at Blackford Causeway furlong ploughed for wheat if it could be done in time, but if not then it was to be used for beans. Another time he paid a man who carted, at the same time, both a load of pease and two loads of wheat for him from the east field.⁷⁴ In 1638 a $3\frac{1}{2}$ -acre furlong in Wedmore called Short Rodford divided by a path was in the same season ploughed on one side for wheat and on the other for beans.⁷⁵ Where there is information for a few years in succession, individuals do appear to have followed a three-course rotation for their own parcels, with a period of fallow before ploughing for wheat,⁷⁶ but did not follow a common two-field system: Westover rented two half acres in Rodford in April 1699 for wheat followed by a bean crop rather than a fallow.⁷⁷

74. S.R.O., DD/X/HKN, f.173.

75. S.R.O., D/D/Cd 51, Hodges & others v. Gailerd, Hodges v. Tincknell, 19 July 1638.

76. e.g. the will of Ric. Jennet of Allerton in Weare, 1626, specified that fallow was to be broken the following spring; it is not clear whether this was to plough for autumn sowing or to sow spring corn though: P.R.O., PROB 11/151, PCC 33 Skynner.

77. S.R.O., DD/X/HKN, f.212d.

Overall, although the extent of enclosure and changes in land use cannot be ascertained, the layout of the types of land shown in the plan of Allerton was typical of most villages in the inland parishes, confined as they were by the uncompromising topography of the moors.

Coastal Parishes

Villages on the coastal belt had a different layout and for manors there the surveys are more useful, many giving the location of each parcel of land in the holdings, so that while the actual use may have changed the field pattern is clearer.⁷⁸

No common moor lay within the parish boundaries of most of the coastal parishes and only small parcels of waste, the tenants having common rights in the inland moors principally Thurlmore; the entire area within the parish boundaries was divided up into irregularly shaped fields by the drainage rhynes. Some of the fields were predominantly arable, composed mainly of open strips, but certain parcels in those fields were also enclosed. In East Brent in 1516, for example, William Ballet a customary tenant had $2\frac{1}{2}$ acres of arable in the west

78. Though more detailed, the descriptions may also have descended from an earlier period, as the way they are described, including some idiosyncratic spellings, also occurs in descriptions of land in S. Brent in 1312: The Great Chartulary of Glastonbury ed. Dom A. Watkin, vol. II (S.R.S. 63, 1952), pp. 541-3.

field in a close and another 3 acres in three strips in the same field.⁷⁹

This system made conversion of land use fairly easy, so that some fields in the manor of South Brent contained both arable, meadow and pasture, and common meadow,⁸⁰ and in Burnham the predominantly arable Worston field had some strips described as meadow in 1525.⁸¹ As in the inland parishes the arable fields were subject to common grazing. In Huntspill mares were grazed on the stubble in 1656,⁸² and some of the common field of Worston in Burnham still had open arable strips with common of pasture in 1674.⁸³

The intermingling of arable and pasture without any regular division was similar to the field pattern found in the same period in the saltmarsh areas of the Lincolnshire fens, but there the land was all enclosed and used in severalty. The coastal clay belt in Lincolnshire did have open-field arable, but only in the two arable fields, and using a regular two-field system.⁸⁴

79. B.L., Eg. MS. 3034, f.110d.

80. Ibid., ff.149-170d.

81. P.R.O., E 315/385, ff.90-95d.

82. S.R.O., QSR 93(1)/58.

83. S.R.O., DD/ALN box 6, lease, Pittard to Wall.

84. Thirsk, English Peasant Farming, pp.22, 60-1.

The amount of arable in the coastal manors of Brent Marsh was generally less than in the inland manors, ranging from 20 to 44%, with an average of 31.5%. This is slightly higher than the clay belt salt-marsh in Lincolnshire, which had 16 to 26% arable, but slightly lower than the marshland further inland, which had 40 to 75% arable.⁸⁵

In these manors the division of open-field acres for the individual holdings between the various common fields was not even, so clearly any common field rotation must have broken down long before, and the survey of East Brent of 1607 was used by H.L. Gray to show the uneven breakdown which was typical of the coastal manors for which detailed surveys exist, with the bulk of the land held in enclosed parcels.⁸⁶ The arable in this survey can be compared with the survey of 1516: in the earlier survey, 684½ acres of arable were in open fields, and 21 acres were in closes. In 1607, 454½ acres were still open while 178 acres were in closes. Unfortunately, the earlier survey lumped together land, meadow and pasture in the closes, so the proportion of enclosed land actually under arable cultivation is not indicated. In addition, such a comparison cannot take into account the practice of convertible husbandry: the arable of 1516 may not always be arable in 1607.

85. Ibid., p.58.

86. H.L. Gray, English Fields Systems (Cambridge, Mass. 1915), p.525.

The unevenness of division of arable between the various fields is as apparent at the beginning of the 16th century as in the 17th. In 1516 a full holding consisted of a messuage with curtilage and garden, an adjoining croft of an acre or so of pasture, a certain number of acres of land, meadow, and pasture enclosed and held in severalty, and a number of acres of open arable subject to common grazing. As an example, Richard Ellen of Burton in the manor of East Brent held a messuage with garden and orchard containing one acre, a croft of $1\frac{1}{2}$ acres, $18\frac{1}{4}$ acres of land, meadow and pasture in closes in four different places in the manor, and $16\frac{1}{2}$ acres of arable in three different places: $10\frac{1}{2}$ acres in three parcels in westfield, $2\frac{1}{2}$ acres in Northyeofield, and $3\frac{1}{2}$ acres in the Warth.⁸⁷ However, it was not unusual for the holdings in this manor to have arable divided between two, four, or even eight different places, so any resemblance to a three-field holding for Ellen is coincidental. Overall, the arable parcels in East Brent manor were located in 31 fields or areas, but the largest acreages were in five fields: westfield, $64\frac{1}{2}$ acres; Snyghhampton field, $63\frac{1}{2}$ acres; Hardland, $60\frac{3}{4}$ acres; Northyeofield, $54\frac{1}{2}$ acres; eastfield, $52\frac{1}{2}$ acres. Clearly, some time before the 16th century any strict two or three field system had ended and a

87. B.L., Eg. MS. 3034, f.111-d.

far more individual cultivation had been carried on. The names of many of the fields suggest they were assarts, and probably originated during the period of medieval reclamation under successive abbots of Glastonbury between the 12th and 14th centuries.⁸⁸

By the 17th century evidence points to more conversion to pasture from arable than vice versa in the coastal parishes. In a case concerning the rent of tithes in Berrow some witnesses commented in 1625 that there had been only a quarter as much land 'ripped up' and converted to tillage than of tillage laid to pasture and meadow in the previous twelve years.⁸⁹

Mendip Parishes

Fields on the Mendip slope followed the disparate field pattern of the coastal parishes but were grouped rather like the inland parishes because of the limitations of the terrain. In 1674 the rectory of Compton Bishop consisted of parcels of arable totalling $31\frac{1}{2}$ acres spread among seven fields, in addition to seven acres of arable in closes. Fourteen acres lay in closes of pasture, ten acres in closes of meadow or pasture, and $23\frac{1}{2}$ acres in closes of meadow, with another $4\frac{1}{2}$ acres in two common meadows.⁹⁰ Though the settlements and

88. P.J. Helm, 'The Somerset Levels in the Middle Ages (1086-1539)', Journal of the British Archaeological Assocn. 3rd series, 12 (1949), pp.42-4.

89. P.R.O., E 178/4467.

90. S.R.O., D/D/Rg 74, terrier 1674.

fields were limited by the terrain, the inhabitants had the advantage of two types of extensive common grazing. On the upper slopes of the Mendip range was rough grazing suitable for sheep, while below the settlements were the rich moors watered by the river Axe. The meadows were formed near this river and the arable fields lay above them on the lower slopes around the settlements and roads.

The fields of these 16 parishes show a wide range of patterns all under constant and gradual change. The field systems allowed flexibility in farming the land, and the piecemeal nature of the field patterns, the strips and the closes, was reflected in the nature of the farm husbandry practiced there.

Husbandry in the Levels

Farming in this area was characterised by diversity and flexibility. The structure of husbandry was not rigidly integrated, so that the three types of land - arable, meadow, pasture - could be managed separately to a great extent and, as has been shown in connection with the arable fields, individuals had a good deal of freedom in deciding their farming practice. The Levels maintained dairy herds, steers and oxen, ewes and wethers, mares, horses,

and pigs, and ducks and geese were kept on the moors. The region produced butter and cheese, wool and mutton, beef and hides, bacon, wheat, barley, beans, apples and pears, honey, reeds, peat and timber. On the edge of the Mendips rabbits were farmed, and teasels, garlic and onions were added to the arable production. Before the strength of the farming economy is assessed, the emphasis and variations in farm production are considered for the area as a whole, and though the lack of a large sample of evidence such as that given by inventories is a drawback, the available evidence all points firmly to some general conclusions.

Dairying

The evidence that does exist all confirms dairying as the most widespread husbandry throughout the period for residents of the area: all but five of the 26 lowland inventories had dairy cattle, in herds of two to 16, and two of the remaining inventories did not concern farmers in any case. Almost everyone kept pigs in conjunction with dairying, since they could be fed on the whey from cheese-making: in three cases the numbers were not given, otherwise from one to six pigs were kept, and those with from three to six pigs also had the largest dairy herds. Though the correlation is a logical one, the ratio probably depended more on unknown

personal factors. In Wedmore in 1676, for instance, one husbandman with four cows kept 15 pigs, while another with seven cows kept only six pigs.⁹¹ Only three inventories did not list calves or year-old stock with the cows to maintain the herd, and in many cases they were obviously buying in to rear either for milk or beef. Wills for the lowlands also give an indication of the importance of dairy cattle here: out of the 414 lowland wills, 187 mention bequests totalling 562 dairy cattle alone, while sheep, which tended to be a common token bequest, are found in only 89 wills, and the total number of all adult sheep involved, ewes and wethers, is 552 (though in a few cases numbers were not given).

Dairying was also the most widespread husbandry in Huntspill in 1693, when 44 out of the 58 resident tithe-payers had herds in milk which ranged from 1 to 16, with a median of 6, and only 10% of the calves born during the year were sold within the year, the rest being kept either for the herd or for beef. The number of dairy cows kept was closely related to the amount of meadow mown by each individual, and on average between 1 and 2 acres of meadow was mown for every cow owned, with only 3 farmers keeping more cows than they had acres of meadow.⁹²

91. P.R.O., E 134/29 Car II/M.2.

92. S.R.O., D/P/hun. 3/2/1. Surprisingly, though pigs were titheable they are not listed in the tithe book, though other evidence shows they were kept in the parish.

In the Mendip parishes also those involved in farming had dairy herds ranging from 1 to 17, though three cases were obviously for household supply only, and nine had calves or young stock indicating a well-balanced dairy interest; 12 had pigs in numbers from 1 to 19, though here a correlation with dairy herd size is not consistently found. The overall farming picture differs from the lowlands though, and the wills illustrate the emphasis placed on sheep; while only 85 dairy cows were bequeathed in 49 out of a total of 164 Mendip wills, 601 adult sheep were bequeathed in 67 wills.

This period saw generally a change in the role of the cow in English husbandry, from being primarily a breeder of beasts for traction to being a breeder of meat and producer of milk.⁹³ In the medieval period dairying in the Cheddar area was based on large flocks of ewes and she-goats rather than on cows,⁹⁴ but by the 16th century goats had disappeared from the available records and there is no indication that ewes were kept any longer for their milk, though this is entirely possible. Dairying in the area had obviously received an early impetus from the efforts of successive abbots of Glastonbury, which had included the building of a cow and calf house and dairy in their manor of Brent;⁹⁵ by 1516 it was let to some customary tenants.

93. R. Trow-Smith, History of British Livestock Husbandry to 1700 (1957), p. 173.

94. Ibid., p. 77.

95. B.L., Eg. MS. 3034, ff. 160d, 164d.

Dairying was an obvious and ideal husbandry for small family farms: it required intensive and constant labour though a good-sized herd could be managed by one or two people,⁹⁶ and in general the milking and cheese- and buttermaking were carried out by the female members of the family, leaving the men free for other husbandry tasks.⁹⁷ Production and therefore income were spread over six to nine months of the year. Calving was usually timed for February to March, so that the cow's highest yield at the beginning of the lactation cycle would coincide with the new spring grass, thus boosting the yield still higher.⁹⁸ In the late 18th century and probably at an earlier period cheese-making was carried on from March to Christmas, so that calves were given only a limited period of running with their mothers. In December the cow, by now in-calf again, would be dried off for two or three months to await calving. Dairy cattle appear to have had a long milking life, as much as 18-20 years, though they were not usually kept beyond 12 years, and the highest lactation was as now at

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96. R. Trow-Smith, History of British Livestock Husbandry, 1700-1900, (1959), pp.31, 179. Six cows could be milked an hour in the 18th century, and one dairymaid could be expected to milk 9 cows and make the butter and cheese.
97. e.g. wives going to milk their cows in the moors: S.R.O., D/D/Cd 51, 'detection' v. Hen. Lange, deps. of Eliz. Petheram and Katharine Napper, 3 Apr. 1623.
98. Material for dairying generally is from Trow-Smith, Husbandry to 1700, pp. 237-8, and for 18th-century Somerset, Billingsley, Agriculture of Somerset, pp. 144, 247-52.

6 years old.⁹⁹ Calf-rearing practice was much as practised today.¹⁰⁰ For a dairy herd as opposed to calves bred for beef there were two possibilities in rearing: one was to wean the calf on to the bucket soon after birth, the other was to allow the calf to suckle twice a day and to wean it on to grass at about seven weeks.

Pigs were fed on whey plus anything else that was available: some were fed with stolen mutton, while a straying pig happily drank a pan of milk.¹⁰¹ However, the fattening of pigs before slaughtering for bacon was carried out by feeding them with dried peas and beans plus whey and buttermilk for four to five weeks before slaughter.¹⁰² This seems to be the method used in the Levels too: an Axbridge yeoman who left a bacon hog to his wife also left her 6 bushels of beans to fatten it with.¹⁰³ Pigs that were not being fattened often ran loose on the moors and commons giving rise to constant orders not to allow them to go unringed after March, since they would make short work of the new grass unless

99. See Chapter 4, *Theoretical Income*, for discussion of milk yields.

100. Trow-Smith, Husbandry to 1700, p. 236.

102. Robert Loder of Berkshire used between 4 and 6½ bushels of dried pulses to fatten baconers in 1612 and 1613: Trow-Smith, Husbandry to 1700, p. 251.

103. P.R.O., PROB 11/143, PCC 2 Byrde (Henry Hort).

101. S.R.O., D/D/Cd 15, f.194.

prevented from rooting by the rings. Despite the amount of wandering they did pigs were not often reported stolen, the only notable case being the theft of nine pigs from Tealham moor in September 1666.¹⁰⁴ Much of the pig-meat produced was probably kept for home consumption: in Robert Loder's household in Berkshire the pigs were eaten at home and accounted for two-fifths of expenditure on meat,¹⁰⁵ and 15 Brent Marsh inventories record the presence of bacon. However, not all households reared their own pigs and some pig-dealing and selling to butchers was also carried on particularly by small-scale husbandmen. John Gane, a Wedmore husbandman or labourer of whom nothing else is known, gave evidence regarding a few small purchases and sales he made in a period of about six weeks. He bought two 'barroe' pigs, killed one and sold the other to a butcher; he then bought another pig which he killed a week later giving half to his lodger, and sold another pig he had to a Wedmore woman.¹⁰⁶

Sheep

In England generally at this time sheep were probably still valued more for their wool, milk and

104. S.R.O., QSR 111/78.

105. Trow-Smith, Husbandry to 1700, p.251.

106. S.R.O., QSR 23/17.

fertility than as a source of meat,¹⁰⁷ though the balance was beginning to shift particularly with depression in the wool and cloth markets. The management of flocks differed considerably between flocks kept for wool and sheep kept for meat. Where wool was the principal objective, flocks of wethers would be kept for several seasons for their wool and ewes for their lambs and wool, while in the case of meat, wethers would be fattened as soon as possible and sold to the butcher. Meat production also had an advantage in that non-breeding sheep kept for fattening could be wintered more cheaply than in-lamb ewes which required more hay at that time. The evidence is too disparate to say which was more prevalent, breeding and wool or fattening, nor to say what number of sheep were involved in each; certainly there is plenty of evidence for breeding and wool production as well as fattening.¹⁰⁸ In Huntspill 38 out of 58 farming residents kept sheep long enough to obtain wool and lambs from them, despite the area's popularity for fattening, and wool still played a large part in the economy of the small farmers here. Some 923 sheep were shorn in 1693, nearly twice the number kept for fattening only, but only 323 lambs were born, however, which even allowing for

107. Trow-Smith, Husbandry to 1700, p. 247.

108. Fattening is described in more detail separately below.

low lambing rates probably means the majority of the sheep were wethers. The median flock size in Huntspill was about 20.¹⁰⁹ Wool was in any case a by-product of all sheep farming since any flocks kept through the summer would have to be sheared if the sheep were more than a year old. Shearing in this area was carried out as elsewhere around midsummer, preceded by washing the sheep.¹¹⁰ The breeds of sheep kept are also something of a mystery, but the white horned Dorset was present in the area in 1680 as well as Irish sheep, and a white 'Tittling or Suckwell' ram was reared by a Compton Bishop labourer in 1649.¹¹¹

Sheep were perhaps more important in the Mendip parishes than in the lowland, and were more often mentioned in wills.¹¹² Of the 14 Mendip inventories only five list sheep but these are in sizeable numbers: one a 'flock', the others 20, 33, 75, and 133. In the lowland inventories sheep are mentioned in 11 inventories (including a man with a single wether), but in the seven which give the numbers the totals of all kinds of sheep and lambs only reach double figures twice with 15 and 50, and in wills the numbers of adult sheep are rarely in double figures:

109. S.R.O., D/P/hun. 3/2/1.

110. S.R.O., DD/SH 33, Wedmore parsonage accounts.

111. S.R.O., QSR 146/19; 81/94.

112. See above.

about 30 was the largest, apart from a flock of '100 rams' in 1528, which though owned by a lowland resident were kept on land he held on Mendip.¹¹³

The larger flock sizes of the Mendips are also reflected in the wills where half the sheep bequeathed were in groups of 10 or more: two totalled 100 and 160 and another seven were over 50, and these of course represent minimum flock sizes not totals. Flocks of 40 to 150 were probably common: it was not an area suitable for vast numbers but moderately large flocks could make good use of the large area of rather poor common grazing on the Mendips to provide an income from wool and lambs. By comparison, flock sizes in some Midland and Northern counties in 1549 averaged 142, with 11% of the flocks over 300 and 38% between 100 and 160.¹¹⁴ In the lowlands it appears that inhabitants in the inland parishes with limited pasture would not squander all their grazing resources on sheep, but might keep some for wool or meat on the moors: numbers ranging from 10 to 100 are mentioned in various disputes, but most men probably had only a few. Sheep appear to have been a great nuisance and crop up in records such as quarter sessions rolls with a frequency out of all proportion to their importance, and certainly more often than

113. Somerset Medieval Wills, 1501-30, ed. F.W. Weaver (S.R.S. 19, 1903), pp.270-1.

114. Trow-Smith, Husbandry to 1700, p. 248.

all other stock together. They were always straying or being stolen or dying under mysterious circumstances, and their presence obviously provoked acute temptation in some of the inhabitants who needed the odd fleece or joint of mutton, since men and women were constantly, it seems, forced to think up ingenious explanations for quarters of mutton found in their pots, heads hidden in their gardens, skins in their lofts, and bags of tallow hanging in trees.

Fattening of Cattle and Sheep

To some extent fattening stands apart from the husbandry of the Levels in that it involved non-residents to a far greater degree than other farming. Dairying and arable farming were rarely carried on by non-residents: dairying obviously required close daily attention and high labour involvement as did arable as certain periods. Only one non-resident had arable in Huntspill in 1693, and Edward Strode with his few acres of arable in Badgworth was exceptional and gave rise to a discussion in the Exchequer Court on whether he counted as an inhabitant of the parish or an outliver, since he kept a house, servant and plough in the parish.¹¹⁵ Edmund Bower grew a little grain while a non-resident, but though he had

115. P.R.O., E 126/16, f.45d.

dairy cattle at Allerton when he lived there, his son had none in Allerton at his death, but only at his residence at Wraxall.¹¹⁶

Fattening and grazing were a different matter. They had low labour requirements which could be fulfilled by local men retained to keep an eye on the stock or employed as part-time herdsmen. Hugh Day, a butcher from Bishop's Lydeard near Taunton, hired a man who lived half a mile from a pasture in South Brent where he was grazing 60 to 80 sheep, to be a 'guide' to them.¹¹⁷ A South Brent yeoman in his youth had been a herdsman to an Axbridge butcher and victualler about 1617, as had a Badgworth husbandman for another non-resident at about the same time.¹¹⁸

The interest of non-residents in taking land in the parishes which included much rich pasture is apparent in the 16th and 17th centuries,¹¹⁹ and there is evidence to show that they were not just interested in investment in land, but in using it to graze their own stock. These non-residents included butchers from local towns as well as graziers, but some of those keeping grazing animals along the coast lived quite far away, such as the Wiltshire man who kept sheep in Huntspill about 1632.¹²⁰ A grazier

116. SDNQ, 26 (1951-4), pp. 232-6.

117. S.R.O., QSR 40/118.

118. P.R.O., E 134/1657/E.15.

119. See pp. 100-05.

120. S.R.O., QSR 64(1)/10.

from Bath, William Master, took a new lease of a close of pasture of 48 acres in Biddisham plus two closes of meadow totalling 19 acres from the lords of the manor in 1617, surrendering a previous lease he held.¹²¹ Ralph Synock (Senox), a butcher from Wells, held customary land in East Mark and Tarnock as well as Blackford.¹²² The coastal parishes were particularly popular with outsiders seeking grazing land because of the large enclosed pastures there. In 1657 some 15 non-residents gave evidence concerning land they held in East Brent: a victualler from Ston Easton in the Mendips rented 30 acres, and another from Wells rented 120 acres, both using their land to graze cattle; a butcher, also from Wells, rented 40 acres in two closes in which he pastured cattle. The information given indicates that these non-residents had been leasing land from at least the early 17th century.¹²³ In Huntspill in the same period several non-residents leased land to graze animals,¹²⁴ and in 1693 about 28 individuals, apart from residents, owed the rector tithes for agistment.¹²⁵ Edward Strode used most of the land he held in Badgworth for stock, fattening about a dozen oxen and 12 to 14 heifers in the 1680s.¹²⁶ In the 1680s, and

121. S.R.O., DD/CC 110358.

122. P.R.O., E 134/20 Jas I/H.20; S.R.O., DD/SE 65 (box 18), survey 1657.

123. P.R.O., E 134/1657/E.15.

124. S.R.O., D/P/hun. 3/2/3.

125. S.R.O., D/P/hun. 3/2/1.

126. P.R.O., E 134/4 W & M/E.8.

for several years previously non-residents had grazed cattle and sheep on Burnham's pastures, and one man grazed 100 sheep in a period of three months.¹²⁷

How far residents were involved in fattening is problematic. The sample of inventories is too small to do more than indicate involvement in beef farming. Steers and two-year-olds are mentioned in nine low-land inventories both inland and coastal in numbers from two to 11, always in conjunction with dairying. Oxen occur in 10 inventories in numbers of one to six, but their presence may be primarily for labour rather than for fattening. Steers, bullocks and two-year-olds occur in only 35 wills and in small numbers, only once exceeding eight when John Sheres of Burnham left 18 or more in 1559.¹²⁸ Of the 14 Mendip inventories 6 had steers, again in addition to their dairy herds, in numbers from 1 to 10 plus one of 19 including calves, and 6 had oxen ranging between 2 and 6, plus the 16 of George Rodney, of which 12 were working oxen.¹²⁹

Evidence from Huntspill at the end of the 17th century shows that beef farming was pursued on an erratic scale. Some men just reared their own

127. P.R.O., E 134/5 W & M/E.10.

128. P.R.O., PROB 11/43, PCC 8 Mellershe.

129. P.R.O., E 178/1992.

calves for market; others made odd purchases and sales of cattle during the year. However, the short-term fattening of sizeable herds, similar to the sheep fattening discussed below is not apparent as far as residents are concerned.¹³⁰ Since the principal markets for beef were the urban centres, principally London and Bristol, this area of England was not so useful for the final fattening before slaughter, and was better placed for rearing over a longer period. On the other hand, since a steer did not beef-up until four or five years - three years for heifers¹³¹ - rearing home-bred stock was not recommended, since it would make a strain on the small farmer's grazing and winter keep unless he had access to moorland grazing. For those with grazing on the moors or good pasture holdings the situation was easier, as the animals required only light winter keep until near slaughter. The dual purpose of oxen and steers - eg. a 'yoke of steers'- also obscures the prevalence of fattening and even cows of most of the breeds common in the period were useful beef animals when their milking life was over. Eleven men out of the 58 farmers in Huntspill were grazing cattle comprising ten steers, 23 yearlings and six cows (two barren). The balance here seems to be

130. S.R.O., D/P/hun. 3/2/1.

131. Trow-Smith, Husbandry to 1700, p.239.

in favour of rearing and selling off quite young allowing others to do the final fattening. However, the sales made that year are fairly evenly balanced between young and mature stock: four steers, six yearlings, one heifer and two oxen, fattened, plus 28 of the calves born that year.¹³² It seems likely that most of the farming residents of the Levels would use their pasture to fatten a few animals, in addition to some other source of farming income such as dairying, and could profitably participate in the growing fatstock trade of the area.

John Westover of Wedmore is a good illustration of this. During the years covered by his journal, he made a number of transactions concerning beef cattle. He grazed yearlings from the end of April for 21 weeks, renting grazing for them in addition to using the moors, and sold them in the autumn; he bought steers which he sold in the spring, and bought oxen in April which he sold the following February.¹³³

The limitation of inventories in examining stock farming is obvious in that they do not show when the animals were bought nor when they would be sold, and many farmers with common rights might buy in steers for the summer, or just rent out keep to others, though the largest profit was to be found in

132. S.R.O., D/P/hun. 3/2/1.

133. S.R.O., DD/X/HKN, ff.97, 169d, 171, 182d.

wintering animals and selling in the spring.

Fattening sheep for short periods is even less likely to show up in the inventories in a representative way, because of its short-term nature: it required active bargaining and selling, and is less likely to be undertaken by ailing or aged men shortly before death; again, inventories do not say how long the animals remained in the farmer's hands. Evidence from the Huntspill tithe book is therefore particularly welcome. In Huntspill, the late 17th-century tithe customal laid down a rate for

sheep bought in and sold out at divers times in the year by the parishioners and inhabitants ... which are kept and depastured on the enclosed lands for every score 4d. by the month (134)

with a similar rate for grazing on the commons and moors where tithe wool was not paid; to compute the tithe, the flock size and time kept were noted in the tithe book. In 1693, 16 of the 58 farming residents grazed sheep for short periods in this way, in flocks numbering between 5 and 50, for periods ranging from one month to eight months, with six months the most common. Mr. William Maundrell was one such farmer, grazing 151 sheep in six different flocks of 5 to 50 sheep, for periods of two to eight months. Three of the 16 farmers grazed more than one flock during the year, and the total number of sheep grazed in this way was 540.¹³⁵ The fact that the tithe customal makes

134. S.R.O., D/P/hun. 3/2/2.

135. Ibid., 3/2/1.

provision for the short-term grazing of sheep suggests that this had been carried on for some time past, since customals tended to become fossilised and took time to change.

Other evidence shows that short-term grazing was also carried on in the early 17th century, in Wedmore. The numbers were the subject of a tithe dispute so cannot be relied upon and the evidence, concerning stock grazed by Robert Hole in 1624, is slightly conflicting, but the timing of the purchases and sales seems to have been agreed by both parties. Hole's shepherd, giving evidence for Hole's adversary said he had 60 to 80 sheep and had sold 20 before shearing, and had another 20 dry and barren unshorn plus 3 or 4 lambs born. Another witness said Hole had 100 which were grazed in Wedmore and Mark moor from August 1624 until June 1625; he then sold 40 unshorn and sheared the remainder. Yet another witness claimed Hole had 90 sheep and sold all but 11 ewes, but then bought 50 more in the spring and sheared them in June. To summarise, Hole appears to have had between 60 and 100 sheep bought in late summer and grazed through the winter, buying others in the spring, and then selling some before shearing while keeping the rest to shear himself. The buying and selling could thus be easily varied as prices for sheep or wool, the amount of feed available, or his need for cash, dictated.¹³⁶

136. P.R.O., SP 16/165, no.56.

Horses

Horses were fairly widely kept, and most owners bred from their mares if they were not required for heavy work full-time, but as Peter Bowden has pointed out, horse-breeding and rearing as a staple occupation required more capital and meant waiting longer for returns than any other type of husbandry.¹³⁷ However, like beef-fattening it fitted in well with a mixed farming economy that included large grazing resources, and the area was noted for horse-breeding by the end of the 17th century;¹³⁸ indeed, it had a long tradition of breeding dating from the activities of the abbey of Glastonbury in the 14th century.¹³⁹

Most inventories mention horses or mares though only two have more than five horses listed excluding young, and only rarely are more than a couple mentioned in wills: the eight mares belonging to Isabell Councell of Wedmore in 1580, and the seven young horses of John Hooper of East Brent in 1587 are the largest totals.¹⁴⁰ Inventories generally give very little detail about the horses listed. Joan Westover of Wedmore, the mother of Dr. John Westover, had 13 'horse beasts' at her death in 1692 in addition to a yoke of oxen. George Card of Draycott in Cheddar

137. AHEW, p. 673.

138. Defoe, Tour Thro' Great Britain, I, 271.

139. I.J.E. Keil, 'Estates of the Abbey of Glastonbury in the Later Middle Ages', (unpub. Ph.D. thesis, Univ. of Bristol, 1964), p.81.

140. P.R.O., PROB 11/63, PCC 35 Darcy (Isabell Councell); PROB 11/71, PCC 42 Spencer (John Hooper).

had 18 unspecified horses in 1689; though he had a good deal of arable, he also had four oxen so very likely some of the horses were largely for breeding and selling.¹⁴¹ In Huntspill 40 out of the 58 farmers in 1693 had colts born during the year; one man had seven born, another had 5, and two or three were common. About six of the residents had mares, colts and young horses in excess of reasonable requirements for draught and carriage. The largest herd belonged to George Winter who had six mares, one colt, one hog horse, and nine young horses, but no arable to work.¹⁴²

Horses were used for personal travel and hauling to markets and for farm work, though oxen were also commonly used for the latter. The make-up of plough teams varied a good deal between individuals, and here some confusion can arise because in local usage the term 'plough' meant a team of draught animals rather than just the implement, but may not always have meant the full team that would be used for ploughing when referred to in other contexts. Loads of turves were carried from the heath by tenants 'according to the strength of their plough',¹⁴³ meaning the strength of the team or the number used. In 1690 John Westover's accounts for plough work done for him record various individuals and their teams which varied between

141. Hervey, Wedmore Chronicle, II, 160; S.R.O., DD/BRC C/1082.

142. S.R.O., D/P/hun. 3/2/1.

143. P.R.O., E 134/20 Jas I/H.20.

two oxen, four oxen, four oxen and one horse, four oxen and two horses,¹⁴⁴ and Edward Strode kept a team¹⁴⁵ of four oxen and one horse for his arable in Badgworth.

Interest in buying and selling is also evident. The John Hooper mentioned above formed a partnership with another local man, John Boulting, in some horse-dealing enterprises selling 11 colts for a profit of 40s. in 1583, and was owed 3s. 4d. for the profit on a colt bought from a Burnham man, and 36s. 8d. for a colt sold on his behalf by Boulting.¹⁴⁶ In Huntspill sales were made in 1693 of seven colts, three young horses and three other horses: two horses fetched £13, two colts sold at Matthews fair (Huntspill) to another parishioner fetched £2 apiece, but another colt bought that year for £2 was sold for £6, suggesting that the colts were bred for different uses or quality.¹⁴⁷

Besides local deals, however, local farmers were taking their stock, mainly colts, to the specialised horse fairs such as that at Winchester in July, an indication of serious specialisation rather than casual disposals of surplus stock. In the years 1620, 1621, 1623 and 1625, some 53 local men from 10 parishes paid tolls on the sales of 79 colts, 8 horses, 2 nags,

144. S.R.O., DD/X/HKN, f.107.

145. P.R.O., E 134/4 W & M/E.8.

146. P.R.O., PROB 11/71, PCC 42 Spencer.

147. S.R.O., D/P/hun. 3/2/1.

one gelding and 6 unspecified at the Magdalen Hill fair, and though in 1647 and 1648 the numbers participating had dropped, four men, from East Brent, Huntspill and Mark in 1647, and seven from Allerton, E. Brent and Mark in 1648, paid tolls on a total of 12 colts, 1 gelding and 5 horses. Six of the men appeared in more than one of the four years examined for the 1620s. John Lion of Lympsham was one of the regular attenders, selling a horse and a colt in 1620, two colts in 1621, three colts in 1623, and two colts in 1625, and buying an unspecified horse in 1620. These local men are rarely recorded as buyers, though interestingly several of the buyers of the Brent Marsh horses came from nearby parishes in Somerset such as Ditcheat and Castle Cary, and these buyers in their turn sold horses at fairs as far afield as Shrewsbury, Kidderminster and Derby. Men from Somerset sold over half the horses sold at the Winchester fair in these four years, with 184 animals out of 313, and the majority came from lowland parishes in or near Brent marsh.¹⁴⁸

148. I am grateful to Dr. Peter Edwards for letting me use his transcripts of the Magdalen Hill Fair toll books, from which this information is taken, and for allowing me to quote his figures for total sales. Naturally, these men may also have made toll-free sales outside the jurisdiction of the Fair.

Fowl

Poultry-keeping was one of the border-line farming activities: most people seem to have kept a few birds, whether hens, ducks or geese, near their dwellings or on the moors, but some farmers also kept geese in numbers that suggest a commercial enterprise. In Huntspill in the 1570s, one resident had six brood geese and some 40 young,¹⁴⁹ while particularly large numbers were found near Wedmore and its common moors. One resident kept about 140 geese at a time for several years around 1678, while his uncle had 200, and he reckoned there were nearly 3,000 in the parish as a whole at that time.¹⁵⁰ These large numbers seem to be concentrated on Panborough moor, which lay to the north of Wedmore and was crossed by the river Axe, rather than the moors to south which were drier and more useful for cattle. Geese were valuable enough to be worth stealing on a large scale: in 1680, a Wedmore man drove about 30 out of Burtle moor just before Christmas, putting six in the hog's sty to fatten.¹⁵¹ Though some birds were no doubt eaten, they were mainly kept for the goose down and feathers, which were taken once a year, rather as wool was from sheep.

The moors also gave opportunity for the shooting or netting of wild fowl and occasionally guns and

149. S.R.O., D/D/Cd 15, ff. 8d.-9.

150. P.R.O., E 134/29 Car II/M.2.

151. S.R.O., QSR 149/20.

flight nets are mentioned in wills or inventories. Domestic ducks were marked in the feet to avoid being taken as wild,¹⁵² but not always effectively. Mallards, pyed, and Basland Muscovy ducks are mentioned as 'domestic' breeds kept.¹⁵³

Fishing was also possible in the moors, but its commercial importance is hard to gauge. In the late 18th century Collinson states that salmon, plaice, flounder and shrimp were caught along the coast at Huntspill and elsewhere, while eels, roach and dace stocked the rhynes.¹⁵⁴ Undoubtedly this abundance existed in previous centuries too but as in the case of fowling there is little evidence to show the extent to which it was made use of other than the occasional incidental reference to a man out late at night fishing or fowling, or pretending that he was. It is likely that the importance of fish and fowl was in supplementing the labourer's diet rather than as a farming enterprise for the customary tenants. However, most manors with rivers within their jurisdiction had a fishery existing from the Middle Ages, and held by a tenant, usually on a lease for lives. In E. Brent the fishery consisted of the common water course from Rokemyll to Gye stew, and in the sub-manor of Tarnock the fishery at Black lake was called

152. S.R.O., QSR 76(1)/2.

153. Medieval Wills from Wells (S.R.S. 40) pp.246-7; S.R.O., QSR 169/15.

154. Collinson, History of Somerset II, p.389.

Haypoole.¹⁵⁵ The rights of the lords in fishing certain stretches were carefully included in surveys and were probably of some value. There was also a decoy pool at Nyland, let with rights of fowling at a rent of £55 a year in 1677 to three local husbandmen.¹⁵⁶ What use was made of these pools and fisheries is not known. However, if tenants were willing to invest the capital needed to buy leases of these pools there was surely some profit to be made. This kind of capitalist enterprise cannot, however, be equated with the exercise of fowling rights by customary tenants in the Fens and elsewhere, which does not seem to have an equivalent in this part of the lowlands.

Rabbits were also farmed on more than a subsistence scale. Sir Edward Rodney had a rabbit warren at Stoke Gifford among his sequestered property in 1645, and there were several other warrens on the Mendips and Brean Down. The Rodney warren was let to a tenant who complained at having to sell some 200 couple of rabbits to the County Commissioners at from 14d. to 16d. a couple, since this was lower than the price he could expect at Bristol, even taking his costs into account.¹⁵⁷ In all likelihood fish and fowl, like the local rabbits, were sold in Wells or Bristol for a good profit by men who engaged

155. B.L., Eg. MS. 3034, f.128d.; S.R.O., T/PH/VCH 38.

156. S.R.O., DD/PO box 9/40.

157. P.R.O., SP 28/242, part 1, f.136.

in the trade on a scale large enough, but the catch of an individual was probably consumed at home and played little part in the husbandman's commercial production.

Arable and Fruit

Inventory evidence concerning the arable crops is disappointingly thin, an indication of its relative unimportance in the husbandman's total farm enterprise. Of the 24 lowland farmers' inventories only eight give acreages under crop ranging from one to 16 acres, of which six specify wheat and one had six acres of beans and peas in addition to five of wheat. While the date of the inventory does not appear to have any bearing on whether crops are included at all, it may account for the absence of spring-sown crops with the wheat, since those six inventories were all taken in November or February, while the one with beans was taken in August. The wills give some additional information, but apart from one case of $9\frac{1}{2}$ acres of wheat, bequests were generally of very small parcels of two or three acres. Only a few instances of pulses occur, even fewer of barley, and though bushels of oats appear in probate records, there are only three instances of its actually growing.

Other sources show that the picture given by the few probate records is misleading in this regard,

for while wheat was clearly important as a cash crop, beans and barley were produced in greater quantities.

In the 2,221-acre parish of Berrow, the total grain production for the years 1622 to 1624 apparently ranged from 855 to 1,877 bushels of beans, 1,347 to 1,672 bushels of barley, 885 to 932 of wheat, 297 to 645 of oats, and 35 to 87 of 'dannske rye', a small quantity of the last also being grown¹⁵⁸ in their orchards and gardens by three parishioners. Details of the acreages devoted to each crop by 30 of the inhabitants are available for 1620. The acreages ranged from a quarter of an acre to $14\frac{1}{2}$ acres, and the totals for each crop were $39\frac{1}{2}$ acres of beans, 35 acres of barley, 35 acres of wheat, 3 acres of rye, and $12\frac{1}{4}$ acres of oats. All the acreages for each crop were small, the highest acreage for one crop by one farmer being 7 acres of wheat, his only crop. Nine other farmers had between $3\frac{1}{2}$ and $5\frac{1}{2}$ acres, 12 had $2\frac{1}{2}$ acres or less, and eight had one acre or less, which was always either barley or beans. Wheat was grown by 13 farmers, in acreages from half an acre to 7 acres, and apart from the man with 7 it was always grown in conjunction with other crops, so that seven men grew four crops and three grew three. Nine farmers

158. Figures obtained by multiplying by 10 the quantities of tithing corn sold, listed in P.R.O., E 135/5/45. No indication of any unsold grain remaining for these years.

included the three main crops, wheat, barley and beans. The $12\frac{1}{4}$ acres of oats were grown by 13 people, the largest area being 2 acres, always in conjunction with beans, while three people grew one acre of rye apiece.¹⁵⁹ Though some land was devoted to a cash crop, wheat, far more was given over to crops for feeding family and stock for which the land was better-suited: tillage land in Berrow was described as poor and the wheat yield per acre was two-thirds that of neighbouring parishes in 1801.¹⁶⁰ The spring corn was not necessarily all consumed by the farmer and stock of course, as it was easily sold locally and the area had long been known for its production of beans in particular: in 1531 a licence was granted for the purchase of beans in Brentmarsh for export, via Bridgwater.¹⁶¹

Corn-growing had a different emphasis in Burnham in the mid 17th century, where a group of 12 of the parishioners concentrated their rather small arable acreages on wheat production as far as possible. Nine individuals held acreages ranging from 1 to $33\frac{1}{4}$ acres, and there were also three joint enterprises: three men sharing three acres, two men sharing $3\frac{1}{2}$ acres, and two men sharing $\frac{3}{4}$ acre, the

159. P.R.O., E 178/4467.

160. P.R.O., HO 67/2/29.

161. Letters & Papers of Henry VIII, Addenda vol. 1, part 1, p.245.

personnel of these partnerships overlapping in each case. Excluding the shared crops and the man with one acre (wheat), eight farmers had between 4 and $33\frac{1}{4}$ acres. All grew wheat: on the smaller acreages it represented about three-quarters of the total; for the four larger farmers with 21 to $33\frac{1}{4}$ acres it was about half. All grew both barley and beans, except the two smallest who grew only one or the other, and the two farmers with the largest acreages also grew one acre and $1\frac{1}{4}$ acres respectively of oats and included peas with their beans. In all, $36\frac{1}{2}$ acres of barley were grown against $24\frac{1}{2}$ acres of beans, though some individuals grew more beans than barley. However, $80\frac{3}{4}$ acres were devoted to wheat, so clearly a decision was made to use the better arable land of Burnham for the most valuable cash crop and grow rather less feed-corn.¹⁶²

In Huntspill at the end of the century the same emphasis on wheat is evident. 32 of the 58 inhabitants produced crops, though a third of these cropped less than 5 acres. Wheat covered the largest area, 147 acres; except for five men who had only 1 acre of arable each, everyone with arable grew some wheat and it generally formed the largest proportion of the acreage. Nearly everyone with arable also grew some

162. P.R.O., E 134/1654-5/H.8.

peas, beans, or the two mixed, which altogether covered 100½ acres. Barley, however, only covered 25 acres and was only grown in addition to wheat. There were also a few acres of mixed crops: 22 acres pulses and barley, 3 acres French beans, peas and wheat, and 9 acres wheat and barley.¹⁶³

In the Mendip parishes the evidence for arable is very slight, quite explicably in view of the terrain. Very few grains are mentioned: the inventories do not give acreages and the wills very few, the largest being two acres of wheat plus two acres of barley. Oats are never mentioned even loose, beans only twice, and eight references to cut crops just refer to 'corn' and price it in with the hay. The only man for whom crop acreages are available is Sir George Rodney, whose demesne arable was exceptionally large for this area. In July 1601 he had under crop 22 acres of wheat, 3 acres of rye and wheat, 10 acres of oats, and 4 acres of beans.¹⁶⁴

While grain lacked importance in the Mendips the growing of teasels attracted a good deal of attention in the area. Seven people all but one from Cheddar out of the handful of Mendip inventories had teasels among their goods, and one of these had one acre of teasels growing as well. Even though there was little arable available for corn, farmers seem to have switched

163. S.R.O., D/P/hun. 3/2/1.

164. P.R.O., E 178/1992.

deliberately to growing teasels. They were probably less susceptible to poorer and wetter soil, as one man had teasels 'growing in the marsh'.¹⁶⁵ The value of teasels was about on a par with that of wheat: one acre growing was valued at £1 in 1589, while six years later $3\frac{1}{2}$ acres of wheat in the lowlands were valued at a few pence over £1 an acre.¹⁶⁶ The farmers clearly felt it was more worthwhile to switch from wheat to teasels: a rector in the Mendip parish of Winscombe, the northern neighbour of Axbridge and Cheddar, tried to establish in the Court of the Exchequer that teasels were grown on land previously sown with wheat following the spring-sown crop, greatly reducing the amount of grain grown in the parish and therefore his tithes.¹⁶⁷ The rectors of the great tithes were aware of its value: in Cheddar in the 1590s pasture land paid 2d. an acre agistment tithe, but if sown with any grain or set with teasels or garlic the tithe of the crop was to be paid.¹⁶⁸ Total stocks of teasels in Cheddar were valued at £15 8s. 8d., while a cleric in Compton Bishop had £8-worth which may have been tithes.¹⁶⁹

165. S.R.O., D/D/Ct vol. D, will of John Ducket, Cheddar, 1576.

166. Ibid. vol. H, inventory of Joan Howlet, Meare, 1595.

167. P.R.O., E 134/13 Wm III/T.19.

168. S.R.O., D/D/Cd 129, Croke & Boucher v. Lane, dep. of Thomas Brooke, (c.1590).

169. S.R.O., D/D/Ct vol. W, inventory of James Welsh, Compton Bishop.

Some wills, all from Cheddar, throw more light on teasel-growing. Besides teasels in the marsh,¹⁷⁰ one woman grew a crop of barley and teasels together, and a man had teasels growing in three different furlongs in 1629.¹⁷¹ The references to teasel-growing are concentrated in a fairly short space of time for these particular Mendip parishes, from the 1570s until 1635 when three stray lambs were penned overnight in a close of teasels belonging to a Compton Bishop husband-man.¹⁷² In part this may be the result of poor survival of sources, but the petering out of information also coincides with the recession in the Somerset cloth industry where teasels were used in finishing cloth, though some demand for teasels still existed after this period since there were fullers living in Axbridge, Cheddar and Huntspill at least until the 1650s.¹⁷³ Sales of teasels were also made further afield, to men in Reading and Boolemer [?] in the 1590s.¹⁷⁴

Somerset has always had a measure of fame for apples - or rather for the cider made from them - and this part of the county shows plenty of evidence of their existence. In surveys the presence of an orchard is as common as the curtilage or backside, and almost

170. Ibid., will of Joan Webbe, Cheddar.

171. P.R.O., PROB 11/222, PCC 116 Bowyer (Thomas Strowde).

172. S.R.O., QSR 72(1)/53.

173. There were $1\frac{1}{2}$ acres of teasels growing in Huntspill in 1693: S.R.O., D/P/hun. 3/2/1.

174. P.R.O., PROB 11/89, PCC 35 Cobham (John Crooker).

every customary tenement seems to have had at least one covering about an acre or so. In Huntspill 34 out of 58 farmers had orchards in 1693, two of them with three each, and two with two.¹⁷⁵ Despite this, substantial evidence of the value of the fruit to the inhabitants is strangely lacking. Out of 27 inventories, only three had apples on the premises; only one will mentions apples,¹⁷⁶ and only two mention orchards: William Phippen left his young orchard of 1½ acres to a son, and in the other will the herbage of an orchard was bequeathed.¹⁷⁷ Only one reference to pears occurs in all the local sources looked at, concerning the theft of half a peck of pears out of an orchard in Allerton in 1634.¹⁷⁸ This orchard belonged to Edmund Bower and though it is unlikely that he had destroyed his orchard in the interim it was not given a value unlike his other crops when his goods were sequestered in 1645. This lack of evidence does suggest that orchards were not planted with a significant commercial enterprise in mind, but were used in a supplementary way only. References to cider and to presses are equally sparse, and though cider was probably available in alehouses it seems to have been mainly brewed for home consumption.

175. S.R.O., D/P/hun. 3/2/1.

176. P.R.O., PROB 11/221, PCC 93 Bowyer (Anne Tutton).

177. P.R.O., PROB 11/144, PCC 115 Byrde (William Phippen); PROB 11/161 PCC 17 Audley (John Pitt).

178. S.R.O., QSR 70/36.

Despite this almost total silence about the fruit which must have been so common as to be hardly worth mentioning, there are indications of a continual interest in the raising and development of fruit trees in this area. About 1582 John Trevelyan esquire of Nettlecombe in West Somerset noted 'The Names of Apelles which I had there graffes from Brentmarch from one Mr. Pace', who cannot, unfortunately, be positively identified. This list has ten varieties of apples and other fruit as follows:

Item the appel w^a of Essex
 the lethercott or russell apell
 the lonnden peppen
 the [?] Kew greneling or the Croke
 the glassappell or pearmeane
 the redd
 the nemes appell or grenling
 the bellabone
 the appell w^a of Dorsettsher
 the domine quo vadis
 Item paces pear
 the kinges puffen figge.¹⁷⁹

A hundred years later John Westover of Wedmore was selling 'gribbles out of the nurssery at Sparkmore' to his neighbours and other lowland inhabitants; about 550 were sold at 4d. each, and were either apple seedlings or stocks for grafting.¹⁸⁰ Here again, Westover makes no mention in his journal of orchards of his own

179. S.R.O., DD/WO box 49, notebook. I am grateful to Dr. R.W.Dunning for drawing my attention to this.

180. S.R.O., DD/X/HKN, f.214. Definitions of 'grible' taken from Joseph Wright, Dialect Dictionary (Oxford 1923).

nor of payments for apple picking, but in November 1697 he did pay for making 19 bushels of apples into cider (1s. 7d.) and 10 bushels the following year (10d.).¹⁸¹ These quite chance items suggest that low-land farmers had a strong interest in the development of certain apple strains, and that these were well-known enough in the late 16th century to attract outside buyers; these cases also illustrate the drawbacks of the usual sources of agricultural history such as inventories when trying to assess the level of sophistication of farming in an area.

There were certain other crops peculiar to marsh areas that had some commercial importance but for which there is little concrete evidence. Withies, used in making baskets, brooms and other implements, are mentioned a few times in surveys and were grown in groves or beds of about half an acre in extent. Rushes and reeds were also grown in abundance on the moors and used for thatching, baskets, and animal bedding. Some customary holdings especially on the Mendip edge included an acreage of reed, and in Cheddar the vicar claimed the tithe of reed which in 1613 covered about $7\frac{1}{2}$ acres and was held by 16 inhabitants.¹⁸² Vegetables were obviously grown widely in the gardens which practically every holding had, and there are indications that some crops were grown on a wider scale as field crops. Garlic has already been mentioned in

181. S.R.O., DD/X/HKN, f.201.

182. S.R.O., D/D/Rg 71, terrier 1613.

passing and with onions occurs a few times especially in the Cheddar area. Mustard as a crop is not mentioned but mustard mills occur a couple of times in inventories, and potatoes were being grown in Wedmore as a garden crop in 1677.¹⁸³ Field names such as the leek beds in Huntspill and the hoppgarden and hopyard in Cheddar and Compton Bishop respectively are suggestive but the growing crops are not referred to.¹⁸⁴

The most interesting reference to a garden crop being put to a wider use occurs in Rodney Stoke where turnips were being grown in the field as early as 1609 and a few years previously, having been very common as a garden crop for some time in the parish.¹⁸⁵ Though details of the other crops grown by this farmer in addition to turnips are not given, if they existed, it is almost certain that the turnips were grown to supplement the winter feed for the dairy herd rather than to alter a crop rotation. It is strange that turnips are absent from any other evidence, though the existence of more inventories might have produced more examples: it is hard to believe that this was the only farmer to grow them as a field crop. Possibly they were disregarded by appraisers because being grazed by stock in the field they may have been looked on as a form of pasture.

183. S.R.O., DD/SH 33, Wedmore parsonage accounts.

184. S.R.O., D/D/Rg 71, terrier 1613; D/D/Rg 74, terrier 1674. 'Hopps' are mentioned in one S. Brent inventory in 1629: D/D/Ct vol. S, inventory of Edward Staple.

185. S.R.O., D/D/Cd 45, Hill v. Cade, 27 Apr. 1613.

Farm Systems

Having surveyed the agriculture of the area overall, it remains to see how the various types of husbandry were brought together by individual farmers, both large and small.

In Huntspill information is available for all the farmers in the parish in 1693 so a comparison can be made between the larger and the smaller regarding the choice they made among the types of husbandry available: dairying, permanent sheep flock, fattening and arable.¹⁸⁶ The size of the farms has been reckoned from the acreage given in the tithe book, which includes meadow, arable and enclosed pasture, but does not include gardens, orchards, crofts and curtilages, fallow arable or common grazing. Though the order of farm size need not necessarily equate with ranking in farm production, an order based on acreage, particularly holdings of meadow and arable must bear a close relation to the financial rank of the farmer.

Seven farmers had over 50 acres with 85 acres the largest and they each had, probably coincidentally, between 19 and 22 acres of meadow. The only other common factor was their diversity: five of the seven had all four elements of dairying, sheep, grazing, and arable, but the emphasis on each varied a good deal: the arable, for example, varied from six acres

186. The following paragraphs on Huntspill farmers are based on S.R.O., D/P/hun. 3/2/1.

to nearly 40. Of the other farmers, John Jeffreys junior had no permanent sheep flock, but the other, George Winter, is an unusual case: he had the largest acreage, kept a herd of 12 dairy cows and a flock of 25 sheep, but he had no arable and used his large amount of enclosed pasture (63 acres) for horses rather than fatstock. Either his holding simply did not include arable, or he had converted it to pasture.

Despite the individual variations, the larger farmers in the parish obviously aimed at a wide range of production. Mr. William Maundrell, a local gentleman with 60 acres, made 20 acres of hay, kept 12 cows and nine sheep, and though he had no enclosed pasture listed, grazed 151 sheep for short periods, either on the moors, fallows, or unrecorded pastures. He also had an exceptionally large amount of arable, with $39\frac{3}{4}$ acres under crop, of which 23 acres was wheat, 17 acres more than the next largest acreage. His diversity was rounded off with three orchards, some geese and a withy bed. Another large mixed farm belonged to James Stole, with 62 acres. By contrast with Maundrell he had only 6 acres of crops - 3 acres of wheat, 2 of pulses, 1 of barley - but the same number of cows and acreage of hay. He kept a far larger sheep flock though, comprising 60 sheep who produced 21 lambs, and on his 35 acres of pasture plus the moors he grazed two steers and four yearlings in

addition to his yoke of oxen and a couple of horses and mares.

The median acreage was quite low at 14-15 acres. Robert Mogg had 15 acres which were all used for hay. He had 8 cows, a flock of 25 sheep, and he grazed 10 other sheep for one month. He also had a few horses and sold one hog colt. Robert Andrews had 14 acres of which one acre was used for hay and 13 acres for crops: $4\frac{1}{2}$ acres of wheat, $2\frac{1}{2}$ acres of barley, and 6 acres of pulses. He had no dairy cattle nor a sheep flock, but grazed 47 sheep for various periods and collected 11 lambs from them. Though he produced no calves he did have two yearlings which he sold that year for £4. Again there is a variety of production though on a slightly lesser scale than that of the large farmers, but the disparity in production was not as great as the disparity in acreage might lead one to suppose because of the common grazing that tenement holders could enjoy.

At the bottom of the scale were nine men with less than 5 acres and two others with no land. Of the latter, Andrew Batts ran the mill and presumably grazed his horse and few sheep on the moors; Richard Trows grazed 20 sheep for six months on the moors, or possibly he rented some grazing for a short period. Two of the men with small acreages attempted mixed farming: one or two cows, one or two acres of hay,

a handful of sheep and two or three acres of wheat and peas, with the odd mare or two. Generally, though, those who appear to be small farmers farmed in only one or two categories: they either kept a permanent sheep flock or grazed sheep short-term (two men with 16 and 50 sheep). Three of them also had quite a few horses as well; John Varman for example had 6 mares, 3 colts and 2 horses. Only three of them kept dairy cattle, the obvious occupation for a small farmer, which suggests that most of these men were obtaining their income principally from some other occupation and farm income was only a supplement.

Evidence for other places bears out the picture of mixed farming given for Huntspill. The richer farmers at all periods seem to have kept up a mixed farm economy. Thomas Wychefield of Allerton whose goods were listed in March 1556/7 ¹⁸⁷ was a copyholder whose personal wealth was the eighth highest among the totals surviving for the 16th century in this area, and whose will was one of the few to be proved in the P.C.C. in the mid-16th century. No crops or produce were listed but he kept two plough-oxen, a wain and wheels and other equipment suggesting some arable farming; he also had 16 kine and heifers, 2 steers, 2 yearlings, 3 mares with colts, and 4 pigs.

187. P.R.O., PROB 2/291.

In 1604, Thomas Crypes of Berrow, yeoman, died possessed of £114 5s. in goods.¹⁸⁸ His inventory taken in March listed 16 acres of 'corn' and he had the use of the herbage of 42 acres of pasture. His stock included 9 cows and heifers, 5 calves, 11 steers or two-year-olds. He also had 4 pigs and unspecified numbers of sheep, horses and poultry. Produce on his farm included quantities of hay and corn, and he possessed plough gear and other equipment including a pack saddle. Here again his inventory shows a very wide spread of interests: dairying and the fattening of cattle were pre-eminent, with sheep kept either for wool or for meat, and arable which probably included some wheat. In addition to the herbage he had rented, he most likely had other land, meadow, and pasture held on customary or life tenancies and therefore not valued in the inventory.

Edmund Bower was a gentleman who in addition to legal and other interests farmed land in and around Allerton. In 1645 his goods were sequestered and listed as he had served in the Royalist Army.¹⁸⁹ He held land valued at £160 p.a. in Allerton, Wedmore and Tarnock totalling 190 acres of meadow and pasture and 92 acres arable which included

188. S.R.O., D/D/Ct vol. C, inventory of Thomas Crypes.

189. P.R.O., SP 28/214, sequestrators accounts, Bempstone hundred.

the demesne farm of Allerton,¹⁹⁰ but some was leased out to others. His stock included 6 oxen with plough harness, 6 kine, 2 heifers, 6 calves, 4 steers, 14 yearlings, and a colt. Undoubtedly he had other horses which had either gone to war with him or been commandeered by the passing armies. The inventory was taken in October and no standing crops were specified only round totals given of £30 in wheat, barley and beans, and £15 in hay. However, he appeared to have 75 acres under crop himself that year for which the sequestrators' accounts include payments for harvesting: 31 acres wheat, 30 acres beans and 14 acres barley and oats. This large amount of arable reflects the greater arable land available in the Wedmore area.

Bower's son Adrian did not live at Allerton but did keep in hand some land there. At his death in October 1685 his goods at Allerton did not include any dairy cattle but he did have six fat beasts, 100 wethers plus 48 other sheep, and a black steer. He also had seven mares and six colts, indicating some interest in horse-breeding. He kept a yoke of oxen at Allerton and had sown 2 acres of winter wheat but his arable was a great deal smaller than his father's¹⁹¹ had been, though he made a large quantity of hay there.

190. Preb. Coleman, 'Manor of Allerton', PSAS, 46 (1900), pt. II, p.73.

191. SDNQ, 26, pp.232-6.

Farming in the Mendip parishes can be illustrated by the wealthiest and socially most pre-eminent inhabitant of the area Sir George Rodney who farmed the demesne of his manor of Rodney Stoke. His goods and property were listed by a commission following his suicide in 1601, and although his wealth far outstrips the resources of anyone else in the area, the farming he carried on shows the same wide range of interest.¹⁹² The inventory taken in July specified the growing crops: 22 acres of wheat, 3 acres of rye and wheat, 10 acres of oats, and 4 acres of beans; some corn and beans also remained in the barn, as well as the newly mown hay. He had more than one plough-team having 12 working oxen, and also had two wains and ploughs and other equipment. His stock included 13 cows, plus a cow and calf obtained as a heriot as lord of the manor, three heifers and their calves, and two bulls, together with 14 pigs of all kinds and 5 young. He had four fat oxen, 4 yearlings and ten 2-year-old beasts, and he was also fattening 20 sheep. The bulk of his farm inventory, however, was taken up with specifying individually his great number of horses. He had 12 'trotting' nags, geldings, mares and colts: these were horses bred chiefly for military purposes, or where speed is required, as opposed to pack animals.¹⁹³ He also

192. P.R.O., E 178/1992.

193. My thanks to Dr. Peter Edwards for this information.

had 11 other mares, 11 colts, two stallions and five geldings. He was evidently breeding horses with some enthusiasm, but possibly with a gentleman's interest rather than a commercial one. Apart from the horses Rodney's stock is very comparable to the larger farms in Huntspill at the end of the century, but he was probably more fortunate than most farmers in the Mendips in having a large amount of arable. His relatively large herd of pigs may have been kept not just because of the dairy herd, but to make use of the woods, of which the manorial demesnes in the Mendips had large areas. These farmers, whose resources would presumably have allowed them to specialise in fattening or sheep-farming should they have wished, instead chose to maintain a mixed farm economy, which made the best use of the very mixed qualities of land that most residents in the area had in their holdings. Those who were fattening cattle and sheep all had other sources of income, either from other kinds of husbandry chiefly dairying or from outside farming altogether, and those with the latter tended to own or rent only pasture. Butchers and victuallers were particularly numerous amongst these graziers and for obvious reasons. Fattening their own wares gave them the profits of both grazier and butcher and it also gave them a constant supply of meat that they could regulate as

trade required. Before the advent of the deep-freeze the only reliable way to keep meat fresh was to keep it alive and all butchers had to have some land to keep their stock for a while, but the ability to fatten for longer periods meant the effects of sudden rises in the price of fat animals, or a dearth of stock could be avoided.

Thomas Hawkins alias Tarr was both a grazier and a butcher with land in Berrow in the 1650s, which he held as early as 1620.¹⁹⁴ In the years 1657 to 1659 Hawkins held Weeks farm in Berrow which consisted of about 80 acres and rented another 13 acres of pasture. Only $3\frac{1}{2}$ acres of the farm were arable, the rest meadow or pasture, and he mowed between four and 16 acres for hay in these years. He kept no dairy cattle but from May to Michaelmas each year he grazed between 40 and 50 fattening beasts and 30 from Michaelmas to Christmas. Each year he also kept about 100 sheep from Michaelmas until the following summer, when he sheared from 50 to 80 and sold the rest in their wool. From the few lambs mentioned it is probable that most of the sheep were wethers. Hawkins kept 'one sort of cattle or another, or sheep, as he thought convenient being both a grazier and a butcher'. He was clearly a man of substance, and one

194. P.R.O., E 134/13-14 Car II/H.14; E 178/4467. The material that follows is taken from a dispute over tithe of wool, but the numbers of animals were not in dispute.

of his descendants, Richard Tarr alias Hawkins, was described as a gentleman in 1712.¹⁹⁵

If one takes the farming activities of the richest residents as the ideal, one can then judge how many fall short of this and how far. Nine of the Mendip inventories are for Cheddar between 1588 and 1590. Analysed in five categories - dairying, sheep (purpose unknown), beef, horses and arable - the highest inventories had stock in all five groups, the next three had three or four of the categories, and the remainder had only one or two. The remaining Mendip inventories are for Rodney, discussed above, with all five categories, the vicar of Compton Bishop with just dairying, and two late 17th century inventories for Cheddar: one totalling £494, the highest after Rodney, has all five categories; the other totalling only £21 has three of the groups but his dairy interest consisted of only one cow and his main stock was his flock of 33 sheep. For the lowlands, the range of dates is far wider so the useful comparison of a series of the same date cannot be made, but to a great extent the same correlation is also found, apart from a few exceptions as might be expected.

The most interesting point to emerge from this study of farming systems in the lowlands is that the larger-scale resident farmers kept up a mixed farm economy. An increase in farm productivity does not

195. S.R.O., DD/DN 23.

only come from specialisation in one principal product; it may equally well be derived from improved mixed farming, particularly when this included two or three products for which the market was buoyant. This mixed farming system, with an emphasis on dairying, remained the most typical husbandry of the area into the 20th century, taking advantage of market demand, while at the same time spreading the risk. This was the most efficient farming system for the area, as it put the land with its various qualities to the uses for which it was best suited. Those farmers whose tenements included land in the arable fields maintained arable production not only because it was cheaper to grow grain for stock-feed than to buy it but also because the land was not as rich as the lower-lying pastures, and where a farmer had access to these he would gain nothing by converting arable to permanent pasture and ceasing arable production. On the other hand, he would stand to lose even more should he convert all his land to arable not least because of its wetness. the small arable acreages also meant lower labour requirements and smaller teams. None of the farmers for whom evidence survives had the full team of 8 or more oxen found in other parts of England: the most common size found in the Levels was four oxen led by

a horse, quite adequate for the small parcels of arable which were all that most farmers held, and even Edmund Bower, with about 70-80 acres of arable in hand only kept a team of 6 oxen.¹⁹⁶ Many farmers with only a small arable acreage probably did as John Westover, and hired their neighbours and teams by the day, acre or load.¹⁹⁷

The important change in animal husbandry was not specialisation in one product, but specialisation in the stock used, especially in cattle farming. Breeds of cattle that were dual-purpose gave way to the development of breeds primarily either for dairy or for beef. The best known developments took place in the 18th century with the improvement of the longhorn and the emergence of the shorthorn, bred in two strains for dairy and for beef. However, there are certainly indications that breeds from earlier periods, which the longhorn and the shorthorn displaced, were specialised in their function, but without the publicity that the 18th century gave to its improvements, it is hard to establish just how far the dairy herds of 16th-century Somerset were composed of cows selected for their good milk yields above all other considerations.

The evidence is also too sparse to indicate

196. P.R.O., SP 28/214, Bempstone sequestrators accounts.

197. S.R.O., DD/X/HKN, ff.99, 107, 173.

whether the balance between arable and animal husbandry altered in the course of the two centuries of this study, nor whether the balance between different crops changed: the large wheat production of Huntspill in the 1690s, for example, may have been a change from earlier emphasis on barley. Dairying was always an important element in the husbandry and the mainstay of the smaller farmers, but it is reasonable to suppose that the interest in fattening was growing amongst residents as urban markets expanded and prices rose. Arable continued to hold its own and was important enough and flexible enough to prevent the total enclosure of the open fields, even though individuals found it worthwhile to enclose and convert small parcels. Those farmers who grew wheat probably did well out of it, but the profits, given the difficulties of much of the land, did not warrant the concentration of resources on arable, especially with the financial advantages of other produce, and inhabitants did not feel impelled to bring marginal land under crop. In the Mendip area, however, where arable land was more limited and the soil thin, there was a trend towards growing cash crops such as garlic and teasels rather than grains, to the extent that the owners of the great tithes had to take steps to protect their income.

The husbandry was largely based on the existence of the moors which allowed flexibility in the farming systems used. The importance of the moors in the local farming economy is illustrated by the experience of the commoners of Alder moor near Street, the one moor in the Levels to be enclosed in this period; after enclosure and drainage, the allotment received by the commoners meant that they could pasture far fewer animals, possibly only a quarter of their previous stock, and they had to convert their arable to pasture to accommodate the rest.¹⁹⁸

Though detailed information from a mass of inventories is lacking, the evidence points to a husbandry similar in its range to that found in other fen and marsh economies, such as those in Lincolnshire and Cambridgeshire. More fatstock were kept on the coastal marshes of Lincolnshire than dairy cattle, with the reverse in the fens,¹⁹⁹ and this was probably true of Brent Marsh. Horses, however, were not only a speciality of inland farms, but were bred in all areas of Brent Marsh. Wheat was grown wherever possible as an important cash crop, but whereas the Lincolnshire fens had²⁰⁰ lost their common-field arable by the 16th century, most of the Brent Marsh parishes show the existence of some open field even in the 17th century, though without a common rotation.

198. Williams, Somerset Levels, p. 104.

199. Thirsk, English Peasant Farming, p. 70.

200. Ibid., p. 14.

The wide range of husbandry that the Levels supported together with the availability of different qualities of land meant that mixed farming was profitable and sensible; despite examples of specialisation, in fattening for example, usually by non-residents, the richer inhabitants of Brent Marsh preferred to keep to a wide range in mixed farming, for which their mixed land holdings were best suited.

The mixed farming pursued by the larger farmers also benefited much smaller farmers as well. They were not trapped in producing one type of produce regardless of changes in prices and other market conditions, and were not so much at the mercy of harvest failures as small sheep-corn farmers. The majority of holdings were quite small by the standards of arable farms, but as the following chapter seeks to show, this did not preclude an income above subsistence whether from rents or produce, nor the participation of small farmers in commercial, market-orientated farming.

Chapter 4

The Income of Small Farmers and Landholders and their Involvement in Commercial Farming

Income from land in Brent Marsh was derived in two ways, by farming it directly and by renting it to others, and despite the small size of holdings and small farm stocks, the inhabitants seem to have obtained a reasonable living in these ways. As discussed in Chapter 1, little trace has been found of the industrial by-employments among farmers that occur in many other pastoral areas,¹ and indeed many craftsmen looked to farming for additional income; this suggests that the local husbandry was profitable enough to support farmers without the need for additional sources of income.

To test this conclusion from another direction and to show the viability of small farming more clearly, this chapter attempts to gauge the income produced by the local husbandry and by the possession of land here, especially by copyholders, and concludes with an assessment of the attitude of small farmers towards commercial farming, and their contribution to economic development in the period.

Theoretical Income

Except for a very few people who left accounts, the sources and amounts of individual incomes in this period

1. J. Thirsk, Economic Policy and Projects: The Development of a Consumer Society in Early Modern England (Oxford 1978), pp.167-8.

are virtually impossible to discover. The 'richer farmers' examined in the previous chapter were defined by their titheable acreage or the total of their farm capital, not from any knowledge of their actual income or even, in most cases, the extent and nature of their landholdings. It cannot be argued, therefore, that because an inventory lists a certain number of animals, that this amount and type of stock formed a viable farm and was the sole support of the farmer and his family.

On the other hand, if the gross income that local farming, particularly dairying, might produce could be established, this would give an estimate of the size of farm that could support a family and give a surplus. However, establishing the income produced by the local dairying in this period is close to impossible. There is a dearth of dairy accounts for Somerset and few for anywhere else; in particular there is little evidence of the milk yields obtained in the 17th century. Robert Loder's cows, fed on indifferent Berkshire pasture, gave a lactation of 200 gallons for the year, averaging one gallon a day during the summer.² In Ireland in 1640 a lactation of 384 gallons was estimated for cows kept on rich pasture.³ Loder thought that on good

2. Robert Loder's Farm Accounts 1610-1620, ed. G.E. Fussell (Camden Society, 3rd series, 53, 1936), p.156.

3. Trow-Smith, Husbandry to 1700, p. 237.

pasture he would be able to obtain 550 gallons a year, though whether this was based on real examples is hard to judge. In the early 18th century the very best milkers were said to give '2 gallons a meal'; a contemporary who wrote on farming in Hertfordshire described a good milker as giving 3 gallons for the first 90 days, one gallon for the next 90, a quarter-gallon for the next 90 and dry for the last 90, making a yield of 384 gallons a year.⁴ Trow-Smith felt that this was describing a higher than average yield, and put the average for a dairy herd at 300 gallons. However in his study, which covered 1700 to 1900, Trow-Smith was concerned with examining the advances made in breeding dairy cattle in the 18th century and probably tended, however unconsciously, towards the lower figure to point up the achievements of the improvers; if Loder's belief in a best yield of 550 gallons had any foundation in fact it would make some of the improvements lessen considerably, as even at the beginning of the 20th century an average yield in the Somerset dairy country was only 500 gallons.⁵ Breeds did change in Somerset in the 18th century, from the Gloucestershire to the Longhorn, so it is difficult to say what allowance should be made for improvement in the 18th century, but there were certainly cows in the late 17th century producing 3 gallons a day on rich spring pasture in Cambridgeshire and also in Cheshire. The pastures in the Somerset lowlands were

4. Trow-Smith, Husbandry 1700-1900, pp. 31-2.

5. V.C.H. Som., II, p.539.

equally rich: Richard Locke described the best sort of pasture in the lowlands, the old rich grazing lands, as being 'so rich that no improvements can be made', an admission that must be taken seriously since he was an ardent improver.⁶ Bearing these points in mind, it seems reasonable to estimate a yield based on 3 gallons a day for the first 3 months of the lactation, one gallon a day for the next 6 months, and dry for 3 months, making a total yield of 450 gallons a year, but lest this seem over-optimistic an average of 300 gallons is also used, and figures calculated on both yields.

The ratio of milk to cheese is taken as one gallon to one pound of cheese, a ratio found in the Canterbury manor of Lyden in the 14th century and used as the average equivalent for the 18th century and early 20th century as well.⁷ Therefore, the gross income per cow if only cheese was made would be 450 lbs. on a yield of 450 gallons, and 300 lbs. on a yield of 300 gallons. The only local price found for cheese was recorded by John Westover, who bought four hundred weight of cheese at 22s. the hundred in 1697,⁸ making a price of just over 2½d. per pound, half the price in London that year.⁹

6. Locke, 'An historical account of the marsh-lands', p. 259.

7. Trow-Smith, Husbandry to 1700, p.121, Husbandry 1700-1900, pp.20, 185; V.C.H. Som., II, p.539.

8. S.R.O., DD/X/HKN, f.201.

9. J.E.T. Rogers, A History of Agriculture and Prices in England, V (Oxford 1887), p.378.

Westover was buying from a neighbour and probably got a preferential rate. Cheese taken to urban centres or Weyhill, as much local produce was, fetched the prices listed by Rogers so it is reasonable to use those rates, but as allowance might have to be made for profits of a factor if one was involved, a rate of three-quarters of the decennial average given by Rogers has been used here. In the decade 1653 to 1662, the average price per dozen pounds was 3s. 5d. A rate of three-quarters of this would result in a gross income per cow of £3 2s. 6d. using the lower yield figure.

Taking the lower yield a herd of 5 cows, whose produce would make a gross income of £15 12s. 6d. in the mid-17th century in addition to their calves, was a viable concern, particularly when taken as part of a mixed farm. The costs to set against this are harder to compute. Cows required around 2 acres of hay each for the winter, and 2 acres each of summer pasture; though these acreages could overlap to some extent, the greater the amount of grass per head the better the yield was likely to be. If the dairyman had to pay an economic rent for his meadow of 15s. an acre and 10s. an acre for his pasture then his profit per cow would be halved, but if he had customary land and common pasture in

the moors then he was much better placed, with only a few pennies for rent and a few shillings for hay-making labour to set against the income.

Even harder to estimate is the profit on fattening, which depends on the price of the animal and the length of time kept. An actual profit can be worked out for two oxen that John Westover bought in May 1695 for £13 12s, selling them nine months later for £22, a gross profit of £8 8s. The cost of grazing for the summer was 6d. a head a week,¹¹ making a total cost of 23s. for the two. About 2 cwt. of hay a week for four months would be required for winter; no figures are allowed for this, since there are no local figures that can be used, and Westover made his own hay. Interest on the capital cost of the stock for nine months would be £1 0 6d. making a total cost of £2 3s. 6d. leaving a net profit of £6 4s. 6d., or £3 2s. 3d. each. Marketing cost little or nothing: the deal was made at Axbridge, and the buyer, from Frome, was to fetch them himself. Unfortunately the price of £11 a head is exceptionally high and may indicate a special breed. Local fatstock and oxen were valued in various sources at £3 6s. 8d. to £4 5s. between

10. S.R.O., DD/X/HKN, f.182d.

11. From Bowden's figures in AHEW, pp.655, 672.

1685 and 1695, and Westover's other sales were £3 for a bull, £10 5s. for two cows, £23 for three steers and £9 for two three-year-old heifers.

Despite the attractive nature of the prices to be obtained for beef cattle, Billingsley still considered in 1795 that the profit per acre from dairying was nearly twice that from grazing, at 50s. and 28s. per acre respectively.¹² Prices for dairy produce though less spectacular were substantial when added up over the time it took to fatten a steer, and the area was possibly just too far from the nearest urban market, Bristol, to be really important for the final fattening of beef. However, where grazing was available for little or no rent, as was the case of customary tenants, a couple of beef animals sold each year would give a sizeable boost to the income of a small farmer, even though to concentrate on fattening alone would be impractical and risky for him.

Obviously, given the diverse combinations in mixed farming it is impossible to calculate an average income for a mixed farmer. Not only are the income figures for the individual types of husbandry too sparse and unreliable but there are too many other imponderables to make the exercise worthwhile. Even Westover's accounts are too erratic

12. Billingsley, Agriculture of Somerset, p.252. However, cheese prices at this time were very high: P.R.O., HO 67/2/141.

and incomplete to allow a balance sheet to be drawn up, though Table 12¹³ gives a list of entries concerning farm expenses and income for 1696, a year with a large number of transactions. This list does not include all his expenditure - he was purchasing building materials to enlarge his house - or his medical income. On the farm accounts he had a balance of £23 in his favour, and this does not include his own crops and home consumption, which were not mentioned.

It seems by this example, that even quite small and piecemeal farming activity could show a profit, but in assessing the profitability of farms generally in the area it is perhaps more worthwhile to examine the actual sizes of farms, especially their dairy herds.

Actual Farm Size

The hypothetical income and expenses of an arable farmer, calculated by Peter Bowden,¹⁴ allowed a conclusion to be drawn regarding farm sizes; given a certain crop yield, a minimum number of acres were necessary if the farmer was to show a profit, and this in turn has allowed historians to show where

13. See p. 486.

14. AHEW, p.653.

small arable farmers were in danger of disappearing because their farms were no longer viable in a period of rising prices. In animal husbandry with a large amount of common grazing, the number of acres in a husbandman's hands is no longer the crucial factor - though the more the better of course. The criterion for a farmer at risk in the Levels would be the minimum number of animals necessary to show a profit - three or four cows for example.

The actual level at which to fix this minimum is uncertain, since the figures arrived at in the previous section are rather rough and ready. The dairy figures given are gross income, and do not take into account the amount of milk consumed at home: in addition, unlike the arable farmer the dairy farmer still has to buy bread corn. Using Peter Bowden's calculations for a household of six, with an allowance of three bushels of wheat and three bushels of barley per person, the annual grain consumption would cost £ 4 16s. 0d. at 1645 prices in the Levels.¹⁵ The value of the produce of a cow in the decade 1643-52 would be £2 18s. 4d., therefore one cow would not support a family, though it might be adequate for a widow living alone. Three cows would produce a gross of £8 15s. 0d. plus £2 6s. 8d. for their calves,¹⁶ making a total of

15. P.R.O., SP 28/214, sequestrators' accounts, hundreds of Bempstone and Brent.

16. Three calves from S. Brent fetched £2 6s. 8d. in 1645: ibid.

£11 1s. 8d., which would be adequate for food as long as the farmer's land was held by customary tenure and not rack-rented.

Turning to the examples of known farm stock taken from inventories and the Huntspill tithe book, out of 43 inventories 17 list two dairy cows and heifers or less, or none at all, 16 list from three to five, seven from six to ten, and three from 11 to 16. In Huntspill in 1693, 17 farmers had two cows or less (14 had none at all), ten had three to five, 24 had six to ten, and seven had 11 to 16.¹⁷ Therefore 60% of inventoried farmers and 70% of the Huntspill farmers had three or more cows in milk. Though they are for only one parish, the Huntspill figures are probably a truer sample and show that well over half the farmers had enough cows to show a profit, the median herd size being six cows.

In order to support a stock of cows or any other animals, however, a farmer needed some land of his own in addition to common grazing, especially meadow land for hay. In this respect the size of farm was an important factor, since as discussed above a good milker would need two acres of meadow and two acres of pasture for support. The tenure of this land was also important, since a high rent could reduce a nice profit into an inadequate income.

17. S.R.O., D/P/hun. 3/2/1.

The actual sizes of holdings and the tenures and rents of the husbandmen are rather obscure, and the only concrete evidence lies in the Huntspill tithe book. Most farm sizes are usually calculated in two ways, from inventories and from surveys. For Leicestershire W.G. Hoskins established the sizes of farms from inventories: the 'normal' farm there in the 16th century had 30 to 35 acres of arable, which formed between two-thirds and three-quarters of the total holding,¹⁸ and the acreages of the different crops grown were usually given in the inventories.

For areas where arable was not so important or inventories not so detailed manorial surveys have been used, but it is doubtful whether they are of much value in judging farm sizes. Manorial surveys were drawn up for the convenience of the lord, to list his dues; they were solely legal and financial documents and unconcerned with anyone other than the manorial tenants. Where other evidence is available the drawbacks of surveys are made apparent. In Cannock Chase a field book giving the actual occupants of the strips in the fields as well as the manorial tenants showed just how different was the reality, with much of the land in subtenancies: a

18. W.G. Hoskins, Essays in Leicestershire History (Liverpool 1950), p. 145.

customary tenant with just a few acres in the survey, turned out to be one of the largest farmers, and in all some two-thirds of the land was sublet.¹⁹ Since copyhold is a tenurial unit and not necessarily an economic or husbandry unit, a holding's viability as a farm is not relevant to the problem of disappearing small farmers, unless it can be established that the copyholder was farming all his tenement himself and had no other land; in studying small farmers from this point of view the legal and economic factors become confused.

Though the possible drawbacks of surveys are acknowledged, they are still used to establish farm sizes and may therefore give a distorted view of the position of landholders and husbandmen. In a recent study Dr. Spufford used surveys to show sizes of holdings in Chippenham at different dates and the disappearance of small to middling holdings other than cottages; these small landholders were considered synonymous with small farmers.²⁰ It may well be that in a highly organised manorial framework controlled by the lord, as was the case in Chippenham, subtenancies were prevented and the landholders were also the farmers, but in Brent Marsh this is far from the case, and the landholder and the farmer can

19. C.J. Harrison, 'The Social and Political History of Cannock and Rugeley 1546-97', (unpublished Ph.D. thesis, University of Keele, 1974), pp.84-6.

20. Spufford, Communities, p.70.

never be assumed to be the same person because sub-letting was so widespread.

Though the actual extent of sub-letting cannot be measured and farm sizes established because of the lack of suitable evidence, the picture that emerges from various sources is one of extensive small-scale sub-letting that particularly benefited copyholders, who were thus able to derive an income other than from farming. In the Levels the small copyholder, far from being on the point of disappearing into the mass of wage-labourers, was near the top of the economic scale for the area, because of the value placed on customary tenure by inhabitants and outsiders alike,²¹ and much of the land was actually farmed by others who leased the land on a commercial basis.

Commercial Leasing

An important theme in early modern agrarian history is the emergence of substantial tenant farmers in the 16th and 17th centuries. They formed a tier between landowners on the one hand and landless labourers on the other, leasing large blocks of land, often engrossed and enclosed, from the landowners on fairly long leases for years at a commercial rent, and working the land with the help of

21. See pp. 100-103.

labourers. The high level of rent is thought to have forced them with their landlords' encouragement and often financial help to improve their land and increase production in order to pay their rent. This picture, though somewhat simplified, may undoubtedly be true for some areas of England, but in this part of the Somerset Levels the development was different and involved more a four-tier system. As far as large units were concerned, the nature of the land and the type of husbandry that resulted did not lend themselves to large-scale management in the way that arable and sheep farms did: the areas of England that saw the emergence of large tenant farms in this period seem to be those with one manorial lord in the parish and a straightforward three-field arable system allowing greater control. Equally important, the Levels had few demesne farms in the lord's hands, and where they existed the land was scattered, preventing the development of large consolidated tenant farms.

Demesne leases where they exist in this area were generally for 99 years determinable on (usually) three lives, which was not a commercial tenure.²² They had a high entry fine, the low ancient rent, and included covenants for suit of court, payment of a heriot and rights of common of pasture: in fact they were indistinguishable in these respects from the copies for three lives from

22. See pp. 97-9.

which many had evolved. While some farming improvement may have taken place to save for new entry fines at renewal, the same was true of the copies, and the lord did not have the control over the property that a commercial lease gave, nor the ability to tap the agricultural production that an annual rent allowed. These were not strictly chattle leases but conveyed a form of life estate and put the holders into a freehold category for rating and land tax.

Leases for a term of years from the lord of the manor were rare. In Cheddar only the lands forming the demesne woods were let in this way, with leases for 21 years.²³ In Blackford there were also a²⁴ handful of leases for 21 years, all for demesne land. The number of these leases remained constant over the period of this study, and no attempt was apparently being made to change from leases for lives to leases for years. In the manor of Cheddar, held by the Thynne family at the end of the 17th century, a rental of c. 1714 lists the holdings and their tenures, which were 35 leases for 99 years/lives taken between 1657 and 1712; 21 leases for lives

23. P.R.O., C 108/182, copy of survey of Lord Weymouth's manors, pp.1-38.

24. S.R.O., DD/SE 65 (box 18), Blackford surveys, 1657, 1663, 1679.

only taken between 1704 and 1713; four copies for 3 lives all taken in 1678; and 10 leases for 21 years taken between 1704 and 1711, these being for the demesne woods. A book of proposals for renewing leases shows that there was no policy of converting to commercial leases for years: four acres of land formerly held by a lease for 3 lives fell in hand and was let for one year at rack-rent, until the guardians of the children of the former lessee renewed the lease for the children's lives at 'the usual fine'; a tenant holding part of Upper Hyth wood at the will of the lord applied for a lease for 21 years, at the same rent.²⁵ The form of lease was not changed, nor was the rent raised to get a better return or to get rid of the tenant. What is not known is whether the lords of the manors could have changed to a different tenure if they wished to, or whether they simply preferred the existing arrangements with the possibility of increased entry fines. Leases for 99 years/lives were still used here in the 19th century. The development of the landowner and tenant farmer dichotomy occurred below the manorial level here with the customary or life leasehold tenants taking the 'landowner' role, and the local husbandmen becoming the tenant farmers.

25. P.R.O., C 108/182, survey book, pp.1-28;
Book of Proposals.

Leases other than those issuing from the lord of the manor, are much harder to find. Their survival is more fortuitous, and those that do exist lie scattered through collections of deeds. There are many references to lands being let for a term, but no evidence that these were actually engrossed in legal form, rather than being just a note on paper or even merely a verbal agreement; however they were arranged, they have left little trace in manuscript collections. Information about the terms and rents are even scarcer. The references made in wills and other sources to rented land rarely mention the term, the rent, or other conditions. Inventories are occasionally more specific but all the leases mentioned in inventories for this area were for one or more lives, and were probably manorial leases. Debts listed at the end of wills or inventories sometimes specify an amount owing for rent, but even when the period for which the rent was due is stated, the amount of land involved never is. Occasionally it is mentioned that a husbandman had rented a tenement for 10 years, or that another had rented 26 acres for 4 or 5 years, but in these cases the rent is not given.²⁶

26. P.R.O., E 134/20 Jas I/H.20.

The information about renting most usually obtained is that a person had held a piece of land for so many years: this may have been a term lease, but equally possibly may have been on a year to year basis. This tenure was not secure, in that the tenancy could be terminated by either party at the end of the year allowing the tenant to havest any crops; nevertheless, it is probably true to say that this was by far the most common tenure existing in England in terms of numbers of people involved, if not number of acres as well. Dr. Harrison concluded that though there was no protection for sub-tenants either in the manor court or anywhere else in theory, the large amount of sub-letting in Cannock Chase suggests there must have been some kind of security of tenure.²⁷ The only security that can be deduced is the influence of society and tradition. A sense of honour and responsibility towards neighbours and the pressure neighbours could put on dissenters were possibly enough to keep the majority from throwing out their sub-tenants at a whim. A more cynical interpretation might be

27. Harrison, thesis, p. 86. He thought that the large number of debt pleas entered but not prosecuted in the manor courts might have been a way of securing these subtenancies. Such pleas are not found in Brent Marsh courts which were courts baron only; possibly the hundred courts were used in this way, but the rolls are not readily available.

that men did not want to risk being without tenants. Though there was much demand for freehold and copyhold land, causing prices of these to rise, it does not necessarily follow that there was an equal demand for land to cultivate, since free-, copy-, and leasehold land fulfilled a different function in providing secure investment and a landed income. In the Levels there may well have been enough land to go round to form the small family farms. Engrossing of land to make large units of cultivation does not seem to have occurred here; men who had large acreages were content to let out part, and where manorial tenements were rack-rented for a short period, the holding was often parcelled out amongst several tenants.²⁸ Therefore the limitation that engrossing would put on the supply of land to the numerous small husbandmen does not occur. By and large there was no reason or advantage in terminating a yearly tenancy where there was no great demand for farming land or a building boom which would obtain for the owner a greater rent than he was getting from his present tenant.

Some yearly tenancies might only last a year, while others were renewed indefinitely. Their basic characteristic was that the land was let without an entry fine for an annual rent that equalled

28. See below.

its value. Some manorial examples occur of annual letting, as holdings that had just fallen in hand might be let annually at rack-rent until a new long-term tenant could be found. In 1601 two vacant holdings in Cheddar were let for one or two years at rates which obtained total rents of £8 6s. 8d. and £6 18s. Od. respectively, and similar arrangements were made in the early 18th century.²⁹ Two tenements in the manor of Edingworth were let by the bailiff in 1682 at a rack rent,³⁰ and in Lympsham the bailiff had been letting parcels of land to two or three men for several years by 1680, on what seem to have been annual tenancies: Nathaniel Deane held 26 acres of land at a rent of £26 a year for one or two years, Jeremiah Banwell held 22-23 acres at £22 a year for about five years, and John Toomer had rented an unspecified amount for £43 a year for 18 years until part had been let to another man and his rent reduced to £36.³¹ Generally, though, annual tenancies from manorial lords were rare here. The lords were mainly non-resident and had to administer the land and guard against waste and dishonesty from

29. S.R.O., DD/SE 17 (box 2), reeve's account; P.R.O., C 108/182, survey book.

30. S.R.O., DD/WY 70, lease Wyndham to Brookehouse, 4 May 1682. Possibly the lease was arranged by the previous lessee rather than the bailiff.

31. P.R.O., E 134/31 Car II/E.12.

a distance; they probably preferred to have in a tenant for a foreseeable period with a lease which gave them legally enforceable rights of re-entry if the terms were violated. Possibly they also preferred to receive a lump sum in the form of a fine rather than the rent spread out over years.

These manorial examples are useful because they form most of the existing examples of yearly tenancies as manorial estates kept better records. Examples occur of farmers whose land was obviously held by these sort of tenancies though such precise details are lacking. John Stirt (Stear), who was born in 1645, had lived in Tarnock since childhood and was a householder there from 1668 to 1693, during which time he had worked several farms valued at over £20 a year including for several years an estate of a Mr. Hasell of Chew Magna. In 1693 he was renting an estate worth £20 a year from Edward Strode of Downside in addition to land worth about £10 a year from others.³² The land from Strode consisted of Pease tenement with 9 acres, Seacroft containing 7 acres, and 1 acre 3 yards in an open field. Other men gave similar information about themselves: Robert Dean, of Lower Allerton in Weare, had rented $3\frac{1}{2}$ acres of meadow and pasture in Badgworth for 30 years, and 3 acres 1 yard more for 10 years. John Cutler of Biddisham rented several parcels over 11 years, with 21 acres of meadow

32. P.R.O., E 134/4 W & M/E.8.

and pasture the smallest amount at any one time, and for 4 or 5 years he also rented 1 acre of arable.

George Counsell of Badgworth, yeoman, had been a farmer or renter of lands there for 18 to 19 years.³³

Some of these men rented land in addition to land they held by secure tenure, while others had only the rented land, and though some holdings remained in the same hands for many years, other parcels might change several times, often at short intervals. In 1684 John Horwood farmed a tenement in Burnham for two years, and another man for the next two years; a Mr. Clutterbuck held 16 acres of it for several years, followed by John Cannington, John Hare for two years, Charles Baron for 10 years, and yet another man for two years.³⁴

Apart from the large enclosed pastures of the coastal belt, land was rarely let in large parcels, a considerable advantage to small farmers. The small parcels were probably a result of the piecemeal nature of most holdings with scattered strips of arable and small scattered closes of meadow or pasture. Presumably, though, it would have been more convenient for the lessor to let all the parcels of a holding to one tenant, and as the available examples suggest that this was not often done, possibly the demand was for small quantities only. Edward Strode, who held 113 acres in

33. Ibid.

34. P.R.O., E 134/5 W & M/E.10.

Badgworth, farmed some himself and let what he did not want. In 1690 the parcels he let, to eight tenants, consisted of 2 acres; $1\frac{1}{2}$ acres; a $4\frac{1}{2}$ -acre close or paddock; $11\frac{1}{2}$ acres pasture; the backside and orchard to the new house; 1 acre; $1\frac{1}{2}$ acres of pasture, a pasture called Millclose, 3 acres; and the 9 acres, 7 acres, 1 acre 3 yards mentioned above and let to Stirt.³⁵

A further reason for these small parcels going to different tenants is suggested by the circumstances surrounding the letting of the two tenements in Cheddar in 1601, mentioned above. These tenements were parcelled out for a short term at improved rents. Comer's tenement of 18 acres was let to 11 tenants in 14 parcels ranging from $\frac{1}{2}$ acre to 6 acres, with the house and backside let separately to a twelfth tenant. Bole's tenement of $27\frac{3}{4}$ acres was let to 10 tenants in 15 parcels, and the house and garden let separately for two years. A few rents were quite high, at 12s. or 16s. an acre, but most parcels fell in the range of 6s. to 8s. an acre. However, although the same tenant rarely took more than one parcel in each holding, several of the tenants rented parcels in both holdings and in three cases the parcels were in the same furlongs

35. P.R.O., E 134/4 W & M/E.8, 5 W & M/E.7.

or named place in the manor. A deed giving abutments in Cheddar in 1571 shows that several of these tenants may already have been holding land in the places named for these tenements,³⁶ and suggests that sub-letting may have been the easiest way for the husbandmen to overcome the difficulties of the piecemeal manorial holdings. In the Lincolnshire fens tenants consolidated their holdings in much the same way, by leasing strips to one another,³⁷ but this form of rationalisation is not often visible because so little information is available concerning sub-tenancies. The practice shows that small husbandmen were aware of the advantages of bringing their parcels of land together and sought to carry this out to a greater extent than they are often given credit for.

Convenience may also lie behind John Westover's land rentals, as he held customary parcels in Allerton which he let to others, while renting similar parcels in Wedmore where he lived, transactions which illustrate the piecemeal sub-letting on annual tenancies that was typical of the area. In 1686, he let his 5 yards of ground in Allerton to Thomas Whiting for 14s. for the year. The following year he let it to Andrew Hewishe at the same rent, and Hewishe rented it until the end of 1693, at which time Westover, having received three years back rent from Hewishe, let it to Isaac

36. S.R.O., DD/SE 17 (box 2), reeve's account; Somerset Enrolled Deeds, ed. S.W.B. Harbin (S.R.S. 51, 1936), pp. 95-100.

37. Thirsk, English Peasant Farming, p. 14.

Petherham in 1694 and 1695. In 1696 it was let to Edward Day who rented it for the next three years. He also let an acre of meadow in Wedmore for a year, nine acres of meadow and pasture in Brent from time to time, and one or two other small parcels in Wedmore and Allerton at various times, always on a year-to-year basis and usually to farmers near the parcels. At the same time, Westover himself rented 1 acre in Clemence furlong in most years at 14s. for a different crop each time. The period that the land was held was actually usually less than a year, the arable being held for the crop, and pasture and meadow entered in February or April until the following Christmas.³⁸

Houses were also let without land. John Tincknell let a house in Wedmore in 1664 to James Thetcher, husbandman, but still kept his cattle in the barton there,³⁹ and some dozen or so references occur in local sources to rented houses, occasionally with contents.

Demand for land seems to have been fairly constant, as no evidence suggests land lying idle for want of tenants, but equally there is no indication of a shortage of land to rent in the area. Non-resident copyholders and freeholders were one source of land. A

38. S.R.O., DD/X/HKN, passim.

39. P.R.O., PROB 28/65.

number of references to tenants living outside the tenements without licence, and grants of such licences, occur in the court rolls: in Biddisham, for example, seventeen tenants in the 20 holdings of the manor were mentioned in this connection between 1543 and 1610, and by the latter date copies were being granted regularly with licence to let for life included in the copy and fine. The amount of land available increased as more copies in the Chapter's manors were taken by clerical and legal families who were both non-resident and non-farming; for those copyholders whose background is unknown, the heriots taken at their death indicate whether they were farmers. Most heriots were stipulated as the best beast, and household goods were only taken if there was no livestock: for example a featherbed and coverlet were taken on the death of Agnes Griffen of Biddisham in 1639; a pair of virginals, a featherbed, and a brass vessel were claimed for 3 heriots on the death of Grace Hide in 1609.⁴⁰

Land held by the parish churches and chantries was another source. The church of Wedmore held 20 acres of meadow and 28 acres of pasture for 99 years from the manor of Mudgley in 1558, and sub-let it to local tenants. The meadow lay in 6 closes, five of them let individually to single tenants, and the sixth let jointly

40. S.R.O., DD/CC 110233, court 9 Aug. 1639; DD/CC 131925/7, court 10 July 7 Jas. I.

to four tenants. The pasture lay in three closes of 18, 5 and 5 acres respectively, each let to a different tenant.⁴¹

Besides non-farming and non-resident landholders, farmers living a few miles away found it more convenient to let their distant land at certain periods. Robert Pope, a gentleman of Wedmore, had held a pasture of 25 acres in Burnham called Isleport Great Leaze for 30 years by the 1690s, which he had let to tenants when he was not occupying it himself.⁴²

Availability of land did not necessarily include the pastures of the coastal parishes, which were in demand as rich grazing. They were also in large blocks which would make it difficult for a small family farmer to afford the rent or to make full use of the land. A large number of non-residents took land in the coastal parishes, and some specifically used it themselves for grazing, while others may have sub-let it.⁴³

Because the extent of sub-letting is unknown, it becomes impossible to give the size of any husbandman's farm, and this creates a severe obstacle to our understanding of agrarian history in this area and the viability of the small farmer. Ultimately one may have to fall back lamely on the supposition that they had enough to survive on because they did survive, as there

⁴¹. S.R.O., DD/SAS PR 462.

⁴². P.R.O., E 134/5 W & M/E.10.

⁴³. See pp.164-6.

is no sign that small farmers, particularly dairy farmers, 'disappeared' until as late as the 20th century, and in the early modern period the small parcels of land continued to be available to them.

Economic Position of Copyholders and Income from Rent

Though the sizes of holdings obtained from surveys are misleading when dealing with farming, they are indeed a measure of the economic position of the copyholder, a position best measured not in bushels of grain or number of animals but in the rental income the holdings could produce.

To examine whether copyholders in Brent Marsh could obtain an adequate income from rents, a minimum income has been calculated which would support a household in bread and other food with some surplus. As shown above, bread corn for a year would cost £4 16s. in the Levels for a household of six in 1645, and about the same amount again should be allowed for other food, totalling about £10, though this can only be a rough guide and the income necessary to support a family must remain conjectural. A local day labourer in the harvest in Charles I's reign received 10d. a day without provisions,⁴⁴ and his maximum income would be about £13 a year, though almost certainly few day labourers would work anything approaching a full year. 200 days is generally thought a more likely maximum, making an income of about £8-9 a year. It was said to cost

⁴⁴. S.R.O., QS/AW (date illegible).

£9-12 to board, lodge and clothe an adult male servant in a large household,⁴⁵ but the few figures for boarding found in local sources suggest that a family of two adults and one child could be fed on good husbandman's fare for about £11 a year in the 1620s.⁴⁶ Calculations on small tenant farmers whose gross income was £40-50 have concluded that they could hardly be better off than a labourer after their expenses, with a net income of £10-15, but this depends a great deal on the level of their expenses. If this was a tenant farmer paying a rack-rent and heavily dependent on one type of farming regardless of market or harvest conditions, then he undoubtedly might often have little beyond a subsistence income in some years, as the figures drawn up for a 30-acre arable farmer show.⁴⁷ The £10 for food must be an absolute minimum, and £15 to £20 would probably cover food and some other essentials.

If they were to live from the rent of their holdings rather than farming, a family would need slightly more than a bare minimum since in theory they would have to buy all their food, though in practice they would probably have a garden and possibly other land, since many would be letting a second or third tenement or land surplus to the farm they could manage. From the rents

⁴⁵. L.A. Clarkson, The Pre-Industrial Economy in England 1500-1750 (1971), p.225.

⁴⁶. S.R.O., D/D/Cd 76, dep. of Nic. Teeke, 18 Dec. 1633.

⁴⁷. AHEW, p. 658.

obtained in 1645 and other years an average rent has been calculated of about 7s. an acre for arable, 10s. an acre for pasture, and 15s. for the best meadow ground. From the customary holdings in Lymsham in 1516, a typical half-virgate tenement consisted of a messuage with curtilage, garden, half an acre of orchard, and 2 acres pasture in a croft, with 23 acres 1 rood of arable and $35\frac{1}{2}$ acres of meadow and pasture. At 1645 rates this would accrue a rental of £17 15s. for the pasture, £8 2s. 9d. for the arable, and £1 10s. for the croft and orchard, a total of £27 7s. 9d. The manorial rent for this holding was £1 7s. $4\frac{1}{2}$ d., leaving a rental profit of £26 0s. $4\frac{1}{2}$ d. The church and poor rates might be paid by either party; early 17th century church rates were about $\frac{1}{2}$ d. an acre in S. Brent and Badgworth.⁴⁸ A ferdel holding of $11\frac{1}{2}$ acres meadow and pasture, $9\frac{1}{2}$ acres arable, and a $3\frac{1}{2}$ -acre croft would net £10 6s. 2d.; another of 10 acres $\frac{1}{2}$ rood of meadow and pasture, 3 acres arable, and 2 acres in a croft would net £6 15s. $3\frac{1}{2}$ d.⁴⁹ Clearly, not all the customary holdings would provide an income adequate for the needs of a family for a year, and yet it can be seen that they did provide a good return, considering that it was unearned income and the recipient was still free to work another farm or earn a living some

48. B.L., Eg. MS. 3034, f.134; S.R.O., D/D/Cd 35, Moulton & Morse v. Morgan (after 1604); D/D/Cd 28, Ballett & Yeates v. Hyde (c. 1599).

49. B.L., Eg. MS. 3034, ff. 139d., 141.

other way. These rental incomes are on the conservative side, since the rates used were about four-fifths or less of the pre-Civil War rates.

Table 13 below shows some actual tenements let in S. Brent, Berrow, E. Brent, and Lympsham in 1645, with their values.

<u>Table 13</u>	<u>Tenements Let in 1645</u>		
	<u>Rental Value 1645</u>	<u>Rental Value pre-war</u>	<u>Rent Value per my average Calculations</u>
T 33 a. A, 4 a. M, 23 a. P	£28	£32	£28 7s.
T 2 a. A, 3 a. P	£ 2 10s.	£ 3	£ 2 10s.
T 6 a. A, 13 a. P, 3 a. M	£ 8	£10	£12 3s.
House, 4 a. A, 20 a. P	£15	£17	£13 8s.
T 5 a. A, 29 a. P	£14	£16	£19 3s.
T 2 a. A, 1 a. P	£ 2	£ 2 10s.	£ 1 6s.
T 60 a. P	£30	£40	£36
T 58 a. P	£35	£45	£34 16s.

T = tenement; A = arable; P = pasture; M = meadow.

[Source for 1st & 2nd columns: P.R.O., SP 28/214, sequestrators' accounts, hundred of Brent].

These figures show that the averages used in the calculations of the right-hand column are fairly accurate as in only two of the examples does the calculated rental exceed the pre-war rental value. It also shows the

differing combinations of land making up a tenement or customary holding. In this area as a whole, more land was going down to pasture than was being ploughed up, and overall, to take these examples, there was about four times as much meadow and pasture as there was arable. Taking an average holding with arable as one-third of the total at a generous estimate and omitting a figure for separate meadow, to reach a rental income of £15 a year would require a holding of 11 acres of arable and 22 acres of pasture. If arable was only a quarter of the meadow and pasture, the holding would required $6\frac{1}{2}$ acres of arable and 26 acres of pasture, totalling nearly the same overall. To reach an income of £10 a year would require $4\frac{1}{2}$ acres arable, and $15\frac{1}{2}$ acres pasture, or $3\frac{1}{2}$ acres of arable and 17 acres pasture. In the manor of S. Brent, 28 holdings were over 28 acres, and 28 were 18 to 27 acres; 14 other holdings consisted of messuages with less than 18 acres, cottages with little or no land, and two shares in the manor dairy.⁵⁰ Throughout the manors in the area, holdings varied a great deal in size: in Biddisham the standard holding seems to be based on 14 acres, probably the size of a half-virgate as 7 acres is associated here with a cotagium. Several tenants held more than one tenement, however, so that the actual acreages held ranged from half to 42 acres, with four over 28 acres,

50. Ibid., ff. 150d.-168d.

six between $17\frac{1}{2}$ and 27, and six of 14 acres out of the 19 copyhold tenancies.⁵¹ Thus many customary tenants in the area had holdings that would provide an adequate income from rents. The sums calculated are on the conservative side and were perhaps three-quarters of the amount a judicious lessor could achieve.

Whether it actually paid such tenants to let their land rather than to farm it themselves is another matter. Figures for Burnham in the 1650s give the value of growing wheat at between 48s. and 93s. 9d. an acre.⁵² Even when tithes are subtracted this still represents a far higher gross profit on the arable than its rental income, and even allowing for $\frac{1}{3}$ fallow and $\frac{1}{3}$ spring crops would give a gross profit of about £22 for the first holding in Lympsham described above.⁵³ Labour costs for arable were high though, if hired labour had to be employed. Allowing a minimum of 4 acres per cow,⁵⁴ the meadow and pasture would support 8 cows, a gross profit of £25. Since the rent to set against the income of £47 is only £1 7s. 4½d., and the dairying was carried out chiefly by the females in the family, expenses to set against the gross are not high, particularly taking into account the unlimited common of pasture

51. S.R.O., DD/CC 110002, ff.18-20.

52. P.R.O., E 134/1654-5/H.8.

53. B.L., Eg. MS. 3034, f.134.

54. P.R.O., E 134/5 W & M/E.7.

on the moors that went with the holding and would support oxen and other stock. Evidently, a great deal would depend on the level of prices and on personal circumstances in determining whether it would be attractive to let the holding or to work it directly, and also how much the holder wanted the social status of gentility that went with an income from rent rather than from labour.

Small Farmers and Agricultural Change

The lack of records concerning small family farms makes their role in the economy and in agricultural change a difficult problem. Inventories are almost the only record that contains economic information for most husbandmen, and as touched on above, they are not really adequate for judging the farming economics, let alone methods, of dairy and mixed farming: the case of the apple stocks, for example, shows that they do not reveal the range of interest and development carried on.

To throw light on the role of small farmers, two aspects have been examined, the outlook of the small farmer towards agricultural change, and his involvement in commercial farming. Though the conclusions are to some extent speculative because evidence on the activities of small farmers is always slight, some interesting points arise that are worth serious consideration.

The agriculture of this lowland area is interesting because it reflects a flexible attitude towards agriculture within a traditional framework of open fields, a flexibility made possible by the presence of large areas of pasture enriched by winter floods.

Much attention has been paid to the well-known agricultural improvers, and their literature, readily available and comprehensive, has naturally been used to describe the state of agriculture and the progress of change. However, too often their statements are taken at face value and the polemic and biased nature of their statements overlooked. They were producing propaganda to promote farming ideas among a certain class, the literate gentry, to whom farming hitherto had been an ungentle occupation. Many of the methods suggested were quite ridiculous, much was cribbed from Virgil, and books on animal husbandry were particularly backward, at best describing methods already widely used since the Middle Ages, and lagged behind popular practice.⁵⁵ There was evidently a popular bandwagon on which writers were quick to jump: many books went through several editions and made good profits for writer and printer.

The efforts of certain gentlemen, and later

55. Trow-Smith, Husbandry to 1700, p.234.

noblemen, are well known principally because they were given to self-advertisement. Their achievements, great or small, for which they demanded maximum credit do not mean that agricultural progress did not occur elsewhere, even though it may not be so readily apparent. For example, Trow-Smith points out that the 'appreciably larger' wool clips obtained by Best and Loder over medieval production meant a marked improvement in fleeces had been obtained over three centuries, but that it is an improvement unacknowledged today because it was carried out by men without the talent for self-advertisement of the 18th-century improvers.⁵⁶

The assumption is also made that agricultural change came first from gentry interested in maximising agricultural production. Here again, the availability of the evidence is largely responsible: large estates were more likely to leave detailed accounts because the day to day management was carried out by an employee - bailiff or steward - and not the owner, who therefore required accounts of income and expenditure to be kept. The small family farm was run by its owner who at most usually kept only the 'evidences' of his lands, and debts owing to him, and could carry in his head the good and the bad points of the year's output and the variations necessary for next year,

56. Ibid., p.247.

much as a dairyman today knows by heart the identity, yield, and ration of concentrates for any one of his 50 or more cows.⁵⁷

Because of the lack of evidence for small farmers, it is easy to dismiss their efforts, or regard them as an obstacle to progress, especially if the ideal of progress is taken to be large farms; there will never be heavy volumes of evidence to contradict this point of view. However, evidence and indications to the contrary though slight can be found which suggest that it is wrong to overlook the contribution that thousands of small farmers made to agricultural change, and to increased agricultural production, in England. Many of the standards by which the presence of an agricultural revolution has been deduced are crops and methods which are not appropriate everywhere, while other local advances are overlooked because they do not fit this standard.

The floating of water-meadows is one technique which is regarded as an important move in the improvement of grass for feeding stock in the early spring, and enriching land that got little water other than

57. The only farm accounts for this area, in West-over's journal, were probably only noted because these transactions were carried out by his nephew or others on his behalf; this accounts for the piecemeal nature and obvious gaps.

erratic rainfall; it was also a costly method to employ and way beyond the resources of the small farmer, who could not, therefore, improve his land in this way. All this is very true, and yet in areas such as the Somerset lowlands it is irrelevant, since the meadows there 'floated' naturally. Ley farming is an even more important method in improving the fertility and yields of arable land while supporting more stock, but again it is a method that is more vital in corn farming country with little natural pasture than in the lowlands. In addition, its presence or absence is enormously difficult to ascertain; it was hardly known to exist until Dr. Kerridge pointed it out,⁵⁸ and even then much of his evidence is controversial. Many surveys do not reflect actual land use, and even when they do, they are a static account and do not often describe husbandry, so that it is not possible to say whether pasture is permanent or in temporary leys if the survey does not specify this.

The 17th century saw the introduction of new crops, another important innovation. Small farmers in the lowlands were not slow to adopt such crops, judged by the evidence of George Cade. Cade was

58. E. Kerridge, The Agricultural Revolution (1967), Chapter III.

apparently a very small-scale farmer living with his wife and son in a small Mendip parish. He kept a small dairy herd, producing five or six calves a year of which he usually sold one. He had a litter of pigs born each year and two or three colts, and made between six and ten acres of hay. Yet he and some of his neighbours were growing turnips as a field crop in 1609 and a few years previously,⁵⁹ a good deal earlier than the dates quoted in agricultural histories. The only reason this example has come to light is because the tithe-owner challenged the commuted meadow tithe, and the evidence lies in the deposition books of the church court records, a class of evidence not widely used by agrarian historians.

It is unlikely, though, that Cade and his neighbours were the only small farmers in England growing turnips as a field crop at this time. Because of the small and erratic nature of the arable in Brent Marsh, they were probably not used to develop a four-course arable system nor grown on a very large scale, but were stall-fed to cattle by farmers whose meadow was limited, since hay was more nutritious and would

59. S.R.O., D/D/Cd 45, Hill v. Cade, dep. of John Butt, 27 Apr. 1613. Cade paid between 3d. and 6d. a year for his tithe of turnips for 1609-12. If this was the same as his hay tithe, commuted for 2d. an acre, then he grew between 6 and 12 acres; but it might be a tenth of the value of the crop.

certainly have been preferred if available.⁶⁰ Possibly turnips were not even included in inventories if the appraisers saw them as a form of pasture or hay. However, wide-scale adoption of turnips did not take place, not because of conservatism but as with water-meadows because of lack of necessity. In 1801 the vicar of East Brent wrote on his crop return against 'Turnips', of which the parish had none, 'We have natural grass enough for our stock without sowing artificial seeds'.⁶¹ Clearly there is no point in adopting a new crop if it is no improvement on the old one. Even John Billingsley, the late 18th century improver, made a plea for caution against the too ready adoption of new principles in place of the principles developed by practice. The dairy cattle preferred by Somerset dairymen in the 1790s were good milk producers, but poor in body and their carcasses were worth a lot less than those of other breeds; yet as Billingsley pointed out, they gave greater profit during their milking life than the loss of the value on the carcass. He goes on:

I do not mean by what I have said to detract from the merit of Mr. BAKEWELL, or other great breeders of the North. I only wish to recommend a discriminating principle, and to deter the credulous farmer from too hasty a dereliction of principles and practices founded in experience, and to which he has been long accustomed. (62)

This is quite a reversal from the usual complaint of improving literature that despite the profitable examples of a progressive neighbour, farmers persisted

60. Trow-Smith, Husbandry to 1700, p. 256.

61. P.R.O., HO 67/2/38. The Somerset Returns are analysed in M. Williams, 'The 1801 Crop Returns for Somerset', PSAS 113 (1969), pp. 69-85.

62. Billingsley, Agriculture of Somerset, pp. 112-113.

in turning their face against new crops and methods. In fact, of course, the words of propagandists are not reliable evidence for the spread of, or resistance to, new farming methods, and it is as true for the early 17th as for the late 18th century that farmers would be ill-advised to change proven methods just because a new method is said to work well elsewhere.

Surely it is no coincidence that it was a small farmer who is found growing turnips, since it is more logical to suppose that the man with little meadow or pasture and not much arable to grow stock-feed would need to improvise, to adopt new crops, in order to keep his essential dairy herd alive and well during the winter and start off the lactation as high as possible, rather than the large farmer with plenty of hay. It was the level of nutrition in the 17th century that kept livestock from achieving its true potential rather than great inferiority in stock,⁶³ and farmers, however small, would be aware of this since a change in diet one day is readily apparent in the yield the following day. In the same way, it is hard to believe that farmers who were growing turnips in their gardens needed a book to tell them they might try feeding their stock on them, when they could see the plants flourishing in the middle of winter, nor that such an idea did not occur spontaneously to many hundreds of farmers once the roots were established in England. In general, it is also logical to

63. Trow-Smith, Husbandry to 1700, p. 258.

suppose that it was the profits obtained by husbandmen after the price rises of the mid to late 16th century that suggested to gentlemen that farming was a profitable and worthwhile occupation for them also, and led to the spate of agricultural literature, just as the move towards small-scale enclosure came from the men who were actively engaged in farming.⁶⁴

The Economic Role of Small Farmers

W.G. Hoskins felt that his Leicestershire farmers of the 16th century were fundamentally engaged in 'peasant subsistence farming'.⁶⁵ His reasons for this assessment were that 'money played only a marginal part' with small sales of produce and purchases of land or goods; that bequests were usually of goods or stock not money (apart from dowries) indicating that most people 'still thought in terms of goods rather than money'; the 'traditional mixed farming' still went on more or less as it had always done; 'and the peasant economy remained unimpaired by the commercial ideas of the outer world'. His description, 'the unchanging traditional life of the peasant system flowed on uninterrupted like a deep, underground river', sums up the assumptions that underlie most modern ideas about rural life in the past, redolent with a seductive vision of the

64. See above.

65. W.G. Hoskins, The Midland Peasant (1965 edn.), pp.177-8.

Arcadia of Elizabethan England. No evidence is presented here to show that this view of an unchanging 16th-century Leicestershire is wrong, but it would be strange if Leicestershire were so different from other rural societies, and they were certainly both changing and commercial.

To describe rural society as though it existed in a vacuum untouched and unconnected with the world outside is surely false. The large amount of mobility, of visits to London, of dealing in a network of fairs and markets over the whole country - these factors alone make for wide horizons and exposure to all manner of ideas. Such horizons and ideas cannot be dealt with here, but the economic outlook of these derogatively-named 'peasants' can be examined, through their involvement in, and dependence on, the market.

In a recent study, Jan de Vries drew up models of the three types of agricultural households one might find in Europe in this period.⁶⁶ He sought to show that peasant demand should not be dismissed as an economic stimulus, that far from seeking self-sufficiency and the purchase of a few 'traditional goods', peasant specialisation in production was related to consumption and peasants were not afraid to

66. Jan de Vries, 'Peasant Demand Patterns and Economic Development: Friesland 1550-1750', in European Peasants and their Markets, ed. by W.N. Parker and E.L. Jones (Princeton 1975), pp.205-66.

be dependent on the market. His models were first a self-sufficient household (which is not relevant to this study), second a self-sufficient household with a marketed surplus, third a specialised, commercialised household.

In the self-sufficient household with a surplus the surplus was sold to pay rent and taxes; an equal amount of labour was expended in agricultural production from which the surplus was derived, and in non-agricultural production to provide crafts, clothes, transport, fuel and maintenance. In the specialised, commercialised household time spent on non-agricultural labour is reduced and used in the specialised agricultural production; the services and goods formerly produced by home labour are now purchased and the household is dependent on the market: for example bread formerly 'baked' at home is now purchased from a baker. In the self-sufficient household, even though it has a 'money' economy and may be involved in a regional specialisation, only a fraction of its output reaches the market and the consumer demand of the household is low or non-existent.⁶⁷

The presence or absence of money in the peasant's life is actually irrelevant, and is not, as Hoskins assumed, a criterion of the economic status of the household. It does not much matter in this context

67. Ibid., pp.207-8.

if the peasant barter his produce for goods and services; what matters to the economy is that a demand for goods is there, that a large number of households will not make their own basic goods but wish to buy them, a demand which formed the basis of industrial development.

De Vries' models clarify the problem and provide a framework for analysing farm economies in Brent Marsh, but evidence for these is not at all clear for either type of household. De Vries analysed a long series of very detailed inventories for Friesland, which showed a marked increase in the number and range of goods found in the majority of households, goods which could only have been produced outside the household by specialists, and lists of petty debts confirm the picture by the range of crafts- and trades-men who were owed money by the peasants.⁶⁸ A comparable analysis is not possible for Brent Marsh both because there are too few surviving inventories and because these inventories do not give the same detail. De Vries used inventories from the Orphan Books which listed carefully the goods of each child including personal ornaments and items of clothing. In England appraisers were very erratic in their listing, sometimes detailing the contents of rooms, but often lumping things together.

68. Ibid., p. 225.

Silver, brass and pewter are priced separately but generally as a total and the items made from the metal are not often specified. Lists of debts, where they exist, are less specific too. These factors as well as differences in the economies of Friesland and Somerset make a straight comparison impossible, and mean that slightly different criteria must be found to judge the degree of market involvement.

A major obstacle to an accurate appraisal of the Levels' economy lies in the presence of mixed farming. A wide range of agricultural production can look too much like an attempt to be self-sufficient; a farmer specialising in one product is looked on as far more market-orientated, and if he is not producing corn then he must be dependent on the market to that extent at least, making it easier to assess his economic standpoint.

An economy that is producing just about anything the community can want is viewed as self-sufficient. Hoskins saw Wigston, which produced everything it needed except iron, stone and salt, as a self-sufficient and self-contained society,⁶⁹ yet just because the parish produced a wide range of commodities, it cannot be argued that they were shared by everyone, or that the produce was all used

69. Hoskins, Midland Peasant, pp.191-4.

within the parish. In addition, this picture of a rural commonalty does not explain the great differences in wealth apparent by the late 17th century.⁷⁰

The presence of mixed farming - say, three or four different products - is not necessarily an indication of a self-sufficient economy: mixed farming remained the predominant system in many parts of England into the 20th century, by which time economic pressures would have taken their toll of any economically backward systems. Mixed farming was a specialisation in lowland Somerset. Beef — only farms were not a viable proposition: the length of time before return was made on investment, and the danger of losing the entire stock to disease were too great at this time. As described in the previous chapter, it was outsiders with other sources of income who grazed stock, or resident farmers who combined grazing with other production. A predominantly arable production was also impossible in the area, because of the type of land, and most inhabitants had too small an acreage to make arable farming a viable concern, when figures have shown how marginal was the existence of a 30-acre corn farmer.⁷¹

There is no a priori reason why a small farmer should be a subsistence farmer, if he has markets in the vicinity from which he can buy what he needs.

70. Ibid., p. 196.

71. AHEW, pp. 657-8.

Within the mixed farm economy, there are indications that the small farmers allowed themselves to be dependent on the market. Grain production is a litmus test of subsistence: it is reasonable to suppose that a farmer wishing to be self-sufficient would use what arable he had for grain for home consumption, and convert pasture to arable wherever possible. This was not what happened in the lowlands. Though the inhabitants, as shown above, maintained their arable fields, the crops they grew would have been unusual choices for farmers bent on self-sufficiency.

Teasels are one example of this. With teasels it is certain they were grown as a commercial crop: they were not edible, and none of the growers were fullers. Even though arable land was limited, farmers chose to grow teasels on land which could produce grain, rather than the corn which might have covered their home needs.

The same may well be true of small wheat producers, such as those in Huntspill in 1693.⁷² Since wheat is edible, and wheaten bread held to be a growing demand in the English diet at this time, one might conclude that producers would naturally provide for their own needs in food and seed-corn first. However, a more daring attitude can be

72. S.R.O., D/P/hun. 3/2/1.

postulated amongst producers, that they sought to maximise profits wherever possible. De Vries refers to a 16th-century Friesland farmer who sold⁷³ the wheat he grew and bought rye for household use. Possibly Brent Marsh farmers were doing the same for it is evident that the wheat they grew was intended as a cash crop. It was not necessary to grow wheat at all, especially with the flexible rotations they had; although it was the most important crop in some areas such the Lincolnshire marshlands and the vale of Taunton Deane, in most of the lowland areas of England barley was the principal crop with its multiple uses for bread, beer, and stock-feed.⁷⁴ It had a higher yield per acre than wheat: an average of early 17th-century yields puts wheat at three-quarters of the barley yield with 12 bushels and 16 bushels per acre respectively, while yields in Somerset in 1801, though obviously higher, showed wheat to be $\frac{2}{3}$ to $\frac{3}{4}$ of the barley yield, depending on the parish.⁷⁵ Therefore, a farmer seeking to fulfill his family's needs would logically have grown barley. However, commercially wheat was the more attractive: its average value per acre, in Burnham in the 1650s, was given as £4,

73. De Vries, 'Peasant Demand Patterns', p.227n, citing B.H. Slicher van Bath.

74. AHEW, pp.169-70.

75. Ibid., p.652; P.R.O., HO 67/2/29, 50.

while that of barley was £3 10s.⁷⁶ Farmers were more likely to grow wheat if the market was their objective, and buy their beer instead of brewing it themselves; it is the large yeomen and gentlemen farmers who show evidence of home brewing.

Another indication of their outlook is the lack of self-sufficiency even in providing for their stock. An important test of economic viability in dairy or stock farming is the ability to feed the animals through the winter. It was reckoned that two acres of hay on average was required to support a milk cow through the winter in the 1680s, though in the 1620s one individual provided 3 acres of hay to support two cows for the winter.⁷⁷ Taking the minimum figure of $1\frac{1}{2}$ acres per head, in Huntspill in 1693, 13 of the 44 dairy farmers had less than the minimum, and they ranged across the spectrum of herd sizes, five having herds under 5, and four in double figures.⁷⁸ Other stock also had to be fed over the winter, and the barley and beans grown would hardly be adequate for all needs. Clearly they were not trying to be self-sufficient even in stock-feed, and were dependent on buying food for themselves and their stock.

76. P.R.O., E 134/1654-5/H.8.

77. P.R.O., E 134/5 W & M/E.7; PROB 11/142, PCC 91 Swann (John Welche).

78. S.R.O., D/P/hun. 3/2/1.

A possible indication of whether households were providing services for themselves is the presence or absence of craftsmen in the area, particularly those who lived solely by their craft and had no farming interest. There were indeed many craftsmen living in the area,⁷⁹ spread amongst all the parishes, with concentrations in the larger centres such as Axbridge and Wedmore. Some craftsmen did have farming interests, while others did not, but there are so few inventories it is impossible to say which predominated.

The one local farmer for whom there is enough evidence to reveal his outlook was John Westover, who reflects the outlook of small farmers generally. He made no attempt to farm for his household uses first, if at all. He bought cheese and meat, for example, while renting out the cows he had, and reference has continually been made to his wide range of agricultural activities. His profession of barber-surgeon with an active medical practice may seem to detract from this evidence, but in fact it makes his case more extraordinary in the sense that, presuming he made a living out of his medical practice, he could have afforded to farm solely for home use, and did not need to strive after farming profits as he evidently did. He and his father, also a barber-surgeon, came from a long line of

79. See pp. 31-7.

farming copyholders and undoubtedly maintained the same attitudes which were shared by many of their neighbours.

A study of peasant/cottage labourers in the late 16th and early 17th centuries has shown a decline in their farm stock and a greater dependence on wage-labouring for their livelihood. However, their total wealth was not declining and they were 'investing' in more domestic goods; these small producers also depended on buying corn, as they could produce little or none themselves.⁸⁰ This means, in effect, that they had increasing demands as consumers, while being more and more dependent on the market in having to buy their goods. Though the diminishing supply of land is blamed for the decline in their farming activities, it is also true that the scale of farming they could undertake would no longer provide an income which would satisfy their demand for goods though it might have supported them in subsistence, and many turned to other activities for this reason. This can be extended to the middling landholders who 'disappeared' in this period: their landholdings did not provide the income that would satisfy their desire for a higher standard of living so they gave up farming.

Though Gregory King saw wage-labourers among those who diminished the nation's wealth,⁸¹ as far

80. AHEW, pp. 417 & n., 418.

81. Clarkson, Pre-Industrial Economy, p. 232.

as the development of England's economy is concerned even the cottage labourer was a stimulant to economic growth: not for him the holding that provided for all his needs, the large yeoman's farm brewing its own beer, or the gentleman's estate supplying all its own goods and services within its boundaries. Though the gentry did create a demand for goods, these were generally luxury items and usually imported at that, which stimulated only the international commercial trade. It was the smaller household dependent on purchasing its basic domestic goods that stimulated internal industrial production and trade. Though it was increased agricultural production that made it possible to support an industrial population, it was only the demand for goods that made it worthwhile for some men to give up agriculture and turn to industrial production instead, and in this respect small farmers and landholders play just as important a role as the larger yeomen and tenant farmers.

Chapter 5

The Transmission of Land and Goods in Brent Marsh

The ways in which property is transmitted from one generation to the next holds interest for both social and economic historians. The nature of the transfer and its timing can have a deep significance for the individual families and for the wider society which they make up, influencing demographic change, family relationships, the survival of the economic, and therefore the social, status of the individual family or of the class or occupational group, which in turn influences the economic development of the country as a whole. It is not too far-fetched to see inheritance in its broadest scope as the driving force behind much of our social, economic and political history. E.P. Thompson has pointed out that inheritance should be seen not just in terms of the physical property being inherited, but in its context or 'grid' with the rights and usages and networks of opportunity open to different groups in society.¹ The political activities of certain groups were largely concerned with preserving the grid of opportunities for their children: for example, the efforts of the aristocracy and gentry in the 18th century were directed 'to secure the Church and State as a kind of Trust for their own class' with regard to offices and financial organisation, by maintaining their influence with patrons.² The

1. E.P. Thompson, 'The grid of inheritance: a comment', in Family and Inheritance: Rural Society in Western Europe, 1200-1800, ed. J. Goody, J. Thirsk, E.P. Thompson (Cambridge, 1976), p. 337.

2. Ibid., p. 358.

desire to transmit their own standard of living to their children could also tax the resources of individuals and social groups to the limit, and may have contributed for instance, to the disappearance of the yeomen as a large and recognisable social class during the 18th century.³

Emphasis on the wider implications of inheritance is a necessary reminder that the subject includes more than just physical blocks of land, which has often been the predominant concern. Much of the discussion about agricultural development in England centres on the disappearance of the small landowner, the rise of large farms and the economic consequences; the nature of inheritance custom is important in this respect. If partible inheritance was the rule, the result might be holdings which were fragmented into small acreages that were not economically viable, as occurred in parts of France,⁴ which not only prevented the introduction of many new methods which would have increased production, but also kept a large part of the population tied to the land without giving them an adequate surplus from it. Impartible inheritance, with the whole

3. Ibid., p. 346.

4. E. Le Roy Ladurie, 'Family structures and inheritance customs in sixteenth century France', in Family and Inheritance, pp. 52-3, and p. 4.

holding, stock and equipment, going to one child, meant a better chance of economic survival, of improving resources, increasing profit and production, to the point where a labour force without connection with agriculture could be supported and made available for industry.

The polarity of partible-impartible is largely a theoretical one, however, since in practice it is rare to find absolute impartible inheritance. Even where all the land does go to one child, it would be quite exceptional if the other children were excluded from any share in their father's goods, cut off with the proverbial shilling, and left to fend for themselves, and such a father would be considered 'unnatural'. The literature of the 16th century, where younger sons of gentry complained at being left practically to beg a living, is largely polemic, and no actual cases have been cited in evidence, either then or since.⁵ Their ire was probably caused by the loss of social status they suffered when freehold land went to their elder brothers, since a cash portion or leasehold land did not in themselves have the cachet or power of a landed estate. After all, primogeniture was not new in the 16th century: it had been common law practice from

5. J. Thirsk, 'The European debate on customs of inheritance, 1500-1700', in Family and Inheritance, pp. 177-91, surveys the contemporary literature on this theme.

Henry II's reign. Changes limiting economic opportunities or the high standard of living expected by gentlemen and their sons may have been responsible for the urgency of their complaints at this time, as other opportunities for establishing themselves, such as a position in a noble household, were being curtailed during the 16th century.⁶

Where a father had more than one child, therefore, his property was almost always divided up in some way. This chapter examines the ways in which property, both real and personal, was transmitted in this area of Somerset, dealing mainly with those whose incomes came from agriculture. Property can be transferred from parent at any time in the parent's life, or at death, but there are four distinct points at which the transfer usually occurs:-

- 1) Child leaving home, especially on entering a trade;
- 2) Child's marriage;
- 3) Retirement of father as active head of household and full working life;
- 4) Death of parent.

Of the four the last is the most widely studied because the main source, wills, are relatively numerous compared with other records, and cover a wide range of social backgrounds, even though a large number of poorer people are excluded, whereas

6. J. Thirsk, 'Younger Sons in the Seventeenth Century', History, 54 (1969), p. 366.

the first three occasions of transfer leave only the rare deed describing the arrangements. In fact, wills also cast light on pre-mortem transfers, but they usually lack detail on amounts and timing, and the existence of earlier transfers can often only be gauged by inference, in the token bequests children are given in the will.

The wills of inhabitants of the Somerset Levels do have a pitfall for the study of the transfer of land. One of the most important tenures in the area was copyhold for lives, and holders disposed of this by taking copies in reversion for their children, at any time before their death. The next life came into possession on the death of the holder and no mention in wills was necessary. Similarly, wives either had widow's estate in a customary holding or were named in the copy, so there again no arrangements need be made for them in the will. Therefore customary land, often the most valuable holdings in the Levels, was rarely mentioned in the wills, and though leases for years or lives might be referred to, the full testamentary picture is obscure unless there is manorial information to accompany the will. This is in contrast to the wills of copyholders of inheritance such as those in Cambridgeshire, where a normal will of the 16th or 17th century may be expected 'to surrender any copyhold held by the testator into the hands of the lord, and to express a

wish as to its disposal'.⁷

Despite the many drawbacks, however, much information can be gathered regarding the transfer of property in this area, particularly for three aspects: pre-mortem transfer, the disposal of freehold and copyhold land, and the disposal and division of personal property by will.

Pre-Mortem Transfer

Together with the purchase of copies, the transfer of all or part of the children's portions during their father's lifetime provides the greatest obstacle to a comprehensive study of inheritance in the rural community, since far less information is available concerning these transfers. Probably the majority of children were provided for by the father during his lifetime in this area, where the good supply of small landholdings enabled sons to become economically independent before their father's death, and might account for the small proportion of wills made by inhabitants, discussed below.

The wills of men without dependent children, a fairly high proportion here compared with other areas studied,⁸ indicate that the area contained many men who had established their children during

7. M. Spufford, 'The Scribes of Villagers' Wills in the 16th and 17th Centuries and their Influence', Local Population Studies, no. 7 (Autumn 1971), p. 28.

8. See below p.304. Breakdown of wills used in Table 25, p.492.

their lifetime and still continued working for themselves: sojourners and early retirement, with transfer of the parental home and holding to the eldest son, were apparently not as common as in Cambridgeshire and Leicestershire,⁹ and though in Leicestershire the heir did frequently marry before he received the family holding, he still continued in the parental home, and his father remained head of the household.¹⁰ This contrasts with pastoral farming areas such as Essex and Brent Marsh. In Terling, Essex, nearly half the testators had married children, some with children of their own, so marriage was not dependent on inheritance there,¹¹ and in Brent Marsh references abound to married sons farming on their own account during their father's lifetime. John Masters of Wedmore bequeathed to his married eldest son a yoke of oxen already in the son's custody.¹² William Boulting of Theale left to his married son John half the grounds at Southams of which John already held the other half.¹³ Setting up sons during the father's lifetime was aided in this area by the availability of small leaseholds, tenements, and other parcels, and many husbandmen

9. Family and Inheritance, p. 6. No references to such arrangements occur in material for Brent Marsh; they might, however, be another reason for the small number of wills.

10. C. Howell, 'Peasant inheritance customs in the Midlands, 1280-1700', in Family and Inheritance, p. 145.

11. Wrightson and Levine, Terling, p. 96.

12. P.R.O., PROB 11/178, PCC 180 Lee.

13. P.R.O., PROB 11/253, PCC 60 Berkeley.

and yeomen had several such parcels on one form of tenure or another. Robert Crosman, a yeoman of East Brent, bequeathed to his son James all the furniture in the house where James lived, and Crosman had at least two other houses attached to various tenements.¹⁴ Thomas Looke of Wedmore, who had several leases of small acreages dotted over the area, left to his son Robert some land belonging to the house where Robert was living.¹⁵

Occasionally an eldest son pre-deceased his father and the son's independence is then apparent in his own will. John Reeve junior of Cheddar died in 1621, his will being proved within two months of being written, and he left a wife and two young daughters; his father John and brother William were appointed as overseers.¹⁶ He disposed of a lease for years in Weare, and listed a large number of debts owing to him totalling about £60, for stock and crops sold, on bonds, and for rents of land. He owed his father £40 and a widow of Cheddar £60 at the following Michaelmas, possibly for rent. He was, therefore, an active farmer, buying and selling stock and renting out land. His father died 10 years later and bequeathed a number of leases to his

14. P.R.O., PROB 11/296, PCC 527 Pell.

15. P.R.O., PROB 11/312, PCC 108 Juxon.

16. P.R.O., PROB 11/138, PCC 70 Dale.

grandchildren: both his other sons, William and Thomas, were married with children and he apparently had two married daughters with children as well.¹⁷ Despite the fact that the sons were already established to some degree, he gave Thomas his plough gear and some farm stock and William the residue, so John senior had evidently carried on farming after setting up his children.

That sons were sometimes handed a lump sum on their marriage is suggested by the £200 that John Marshall of Cheddar promised his son John on his marriage, though John only received it after his father's death, by which time he had three children of his own.¹⁸ Obviously, there were many other ways in which sons were set up during their father's lifetime, such as in apprenticeship and trade, which leave less trace than land and farming.

Some share in the father's holding could also be made over to a daughter and son-in-law on their marriage, usually where the father had no son. According to John Huchyns junior, William Hayne and Ellen his wife, the mother of Christian, promised to assure to Huchyns their three tenements in Cheddar and half of all their lands there during the lives of William and Ellen, and to buy the reversion of

17. P.R.O., PROB 11/160, PCC 129 St. John.

18. P.R.O., PROB 11/170, PCC 34 Pile.

the property for John and Christian, if Huchyns married Christian. He had occupied the premises for three years after this marriage, in common with William and Ellen, but was complaining that the latter had refused to make the necessary legal security. William and Ellen answered that Huchyns was a very poor man with only some stock to bring to the marriage and it had required the mediation of friends before they had agreed to it and made over to him a dwelling with the backside, half the barn and $6\frac{1}{2}$ acres with the fruit on it, and $5\frac{1}{2}$ acres of other land.¹⁹

For married daughters it was even more important that the portion was such that the woman and her husband could take and use it freely. A lump sum was obviously very suitable where the father could afford a large sum all at once, but in some ways cash was too flexible to fulfill the father's requirements, which were not just to promote his daughter's marriage but also to make sure she had adequate support for the future: parental feeling did not cease because parental responsibility did so. A lump sum in the hands of a son-in-law did not ensure the daughter's support should he die or mismanage his affairs, and no doubt prudent fathers only handed over the money when the husband had made some security for the daughter in a similar way to the security demanded for sums given

19. P.R.O., C 1/829/44-5.

in the father's will. Edward Urch alias Fry left £20 to his daughter Elizabeth provided her husband buy her a life estate and he left £200 to another daughter Jane provided her husband buy an estate for her life in the lands and tenements he had in Godney, or the equivalent value.²⁰ In 1619 John Griffen left £50 to Elizabeth, the wife of Thomas Burnell, to remain in a stock for her until her husband secured her in a living, either his own or one as good as his.²¹ Portions of land were easier to secure and some daughters were named in copies or given leases for their lifetime, to provide support for them independent of anything their husbands might provide, and while the husband lived he of course received the benefit of the property. This was a simpler alternative to a formal settlement of land made either by the father or by the husband.

In the early 16th century portions handed over on marriage included a range of goods, much as portions in wills did. When John Dene of Wedmore agreed to marry Joan, daughter of Thomas Tincknell of Wedmore, c. 1530, Tincknell promised to give 40s. in money, a bed with its accoutrements, certain pewter vessels, a cow, heifer, and two yearlings, 'to and for the marriage and preferment of the said Jone'.²²

20. P.R.O., PROB 11/366, PCC 64 North.

21. P.R.O., PROB 11/135, PCC 43 Soame.

22. P.R.O., C 1/1214/19.

Even when the bulk of the daughter's portion was cash or land, she usually took some goods to her marriage as well, such as bedding, crocks, pans and pewter, the type of items often mentioned by testators when they left to their wives the goods they had brought with them on marriage.

Pre-mortem transfers to children also make it difficult to assess the equality of inheritance between siblings when studying wills. This area is worse than many because of its forms of land tenure but surely cannot be unique, and whenever a will apparently dismisses a child with only a token, it can be assumed that the child has already been established. A few examples will illustrate the kind of difficulties encountered.

Thomas Wall senior, yeoman, of Compton Bishop mentioned his wife, six sons and three daughters in his will of 1639, which he used to ratify and confirm a conveyance of lands he had made earlier in trust for certain uses (not specified), and gave his eldest son Jasper all his lands in South Brent. Apart from that, his six sons including Jasper were to receive '20s. each and no more in respect they are otherwise provided for by me heretofore', and his daughter Joan, married to Anthony Isgar, was to receive '10s. and no more in respect she hath her marriage portion already given by me unto her'. The other daughters, Orian and Jane, were to receive £150 each when 21 or

married and were each given a bed and bedding, pewter and other goods. One of the younger sons, Thomas, was given all the wainscots, wooden furniture, locks and keys in Wall's dwelling house, which Martha, his wife and executrix, was to have while a widow, and the overseers were to see that the four youngest sons were 'bred at school' till 21 from the profits of the lands which Wall had already conveyed to them for their maintenance.²³

The only land mentioned in the will of Richard Boulting, yeoman, of Theale is a 99-year lease of some 20 acres of overland in the nearby manor of Wookey, which he left to his youngest child, a son. His second son was left the executorship of his will, but his wife, his eldest son and his three daughters received only 20s. each, and no mention is made in the will of his property in Theale.²⁴ Clearly these five had either already received their portions or would inherit land by custom. Similarly Thomas Hodges, gentleman, of Wedmore made detailed bequests of leases and goods, mainly to his grandchildren, but made no mention of the freehold land he held, which descended automatically by common law to the eldest son of his deceased son.²⁵

The will of Stephen Champeny, husbandman, of Blackford in Wedmore provides a similar situation relating to copyhold.²⁶ Champeny held by copies

23. P.R.O., PROB 11/182, PCC 10 Coventry.

24. P.R.O., PROB 11/242, PCC 467 Alchin.

25. P.R.O., PROB 11/97, PCC 14 Woodhall.

26. P.R.O., PROB 11/183, PCC 59 Coventry.

two tenements and 23 acres, and one tenement and 18 acres, all in the manor of Blackford, to which his brother Richard (who in the event died at the same time as himself) was next heir, with remainder to Stephen's son, also Stephen, as the third life in the copies.²⁷ In Champeny's will the son Stephen received only furniture, and the bulk of the personal estate went to the testator's other two children, John and Grace, his wife having predeceased him. John received a lease of seven acres of meadow in the neighbouring parish of Mark, which the testator had inherited from his mother's brother,²⁸ and Grace was given two leases totalling 3 acres 3 yards of arable and 3 acres of meadow, plus a further $1\frac{1}{2}$ acres held 'by bond' (presumably a mortgage) for the lives of the testator's three sisters, but Stephen was to have this if he paid Grace £12. John and Grace were also to receive £13 6s. 8d. a year 'out of Stephen's means' towards their upbringing until Stephen was 14,²⁹ and they also received the residue of the estate between them. Since the only other bequests were the clothes of the testator and his mother, this would consist of all his stock, implements, crops, household goods apart from the furniture left to Stephen, and debts due to the testator, after debts owing and funeral expenses had

27. S.R.O., DD/SE 65 (box 18), surveys 1657, 1663.

28. P.R.O., PROB 11/151, PCC 25 Skynner.

29. He was c. 6 years when the will was written.

been paid. Obviously there was considerable disparity between the land holdings that Stephen and the other two would have in adult life, but Champeny did attempt in his will to redress to some extent the inheritance of copyhold by one son, and ensure that all his children had some means of support.³⁰ Without information in addition to the will however, the true situation would be obscure. Examples similar to these are very common, and in many cases it is only an indirect reference in the will that shows that the testator had other lands, particularly where few surveys or supporting records survive.

In Brent Marsh then, the number of sons farming on their own account during their father's lifetime suggests that many men transferred part of their property before death to sons as well as to daughters on marriage. These pre-mortem transfers make studies of the division between siblings and the economic effects very unreliable for this area.

30. It seems a little hard that Stephen should inherit only a little furniture and would have to restock the holding if he was farming it himself. However, since no custom has been found whereby certain stock or implements went with a customary holding here, one must assume that the holding did just mean the land and buildings. Woods belonged to the holding, but crops to the executor. Possibly in cases like this the child inheriting the holding would buy the stock and equipment from his siblings.

They also show a more relaxed, less paternalistic family structure, where fathers were willing to relinquish some of their control over the next generation, compared to areas where the sons were dependants in their father's household until his death or retirement.

Disposal of Free and Copyhold Land

The rules governing the transmission of land from one generation to the next were always far stricter and better defined than those governing chattles. The term 'heir' in the strict legal sense referred only to the person who would succeed to land in cases of intestacy,³¹ and where chattles were concerned, there was generally no single heir in law and, in cases of intestacy, no clear rules as to who was entitled to succeed to movables. Supervision or control over the administrators of a personal estate was slacker and they could dispose of the goods as they wished, possibly to the detriment of rightful inheritors.³²

Land, on the other hand, was controlled and conveyed by set formulae, and the ever-increasing legal apparatus had grown up largely to take care of

31. F. Pollock and F.W. Maitland, The History of English Law (2nd edn., Cambridge 1911), II, 316.

32. W.S. Holdsworth, A History of English Law (3rd edn., 1923), III, pp. 556-7.

transfers of land. From the beginning of organised society, land was the basis of wealth, social position and taxation, and the prime function of the common law courts was to give security to the possession of freehold land, to be followed by protection for the holders of copy- and lease-hold land. The equity courts were also increasingly concerned with freehold land, and when copyhold became accepted as a freehold tenure, cases concerning copyhold also figured prominently in the equity courts. Because of the legal forms the ownership of land is better documented and easier to trace than other types of property. Different methods were used to transfer free and copyhold land to the next generation, but both methods in any case bypassed wills, so the transfer of land has to be examined separately from that of chattles.

A. Freehold Land

Though freehold land could be devised by will under the Statute of Wills of 1540,³³ the majority of holders in Brent Marsh followed the common law rules of descent which were established by the end of Henry III's reign:³⁴ under common law the eldest

33. 32 Henry VIII c.1. All land held by socage and two-thirds of land held by military tenures could be devised by will.

34. Pollock and Maitland, History of English Law, II, 260.

son of the holder, or his own son, would inherit: if the eldest son died without male heirs, then the land passed to the second son of the holder; if the holder had no sons or they died without children, then the daughters of the holder would inherit as co-heirs. Only if the land was entailed on male heirs would it pass on the failure of sons to the nearest male relative by the rules of primogeniture, to the exclusion of daughters.

Deviations from this descent were made by pre-mortem transfers or by will, the latter being as usual the easier to examine. Not many references to lands in fee, or 'lands of inheritance' in local usage, have been found in the wills examined for Brent Marsh. Only about 30 out of some 900 wills have such references despite the preponderance of wills proved in the P.C.C., where freeholders' wills are likely to be found if anywhere, and the conclusion must be that most freeholders, large and small, were content to follow common law where they had a son to inherit. It was usually when they had no sons that they devised their freehold land in wills, either to a daughter or to a kinsman where the heir was not obvious. John Hide of Biddisham left his freehold land in the manor of Tarnock to Florence, his only child, and her heirs, or in the event of her death

to her mother for life and then to Hide's sister's son.³⁵ Leonard Younge of Compton Bishop left his land in West Pennard to John, the son of Harry Younge (relationship not specified), 'in the same manner as I had them in dissention from my auncestor'.³⁶ William Prowse, gentleman, also of Compton had both a brother and sister with children but chose to leave his manors of Compton Magna and Badgworth and lands in 25 parishes to the eldest son of his cousin John Prowse of Hemyock in Devon, naming him 'my next heir at law'.³⁷ These lands were almost certainly purchased by Prowse, who came from Devonshire,³⁸ and not inherited from his parents so that he had no moral or legal obligations to consider his brother's claim.

Some men used their wills to mitigate the effects of common law inheritance. Thomas Kenn, gentleman, of Compton Bishop, a member of an armigerous family, was heir apparent to his uncle Christopher Kenn of Kenn in North Somerset. He referred in his will to his eldest son George as his heir, who would possibly inherit the uncle's

35. P.R.O., PROB 11/98, PCC 59 Woodhall.

36. P.R.O., PROB 11/77, PCC 12 Sainberbe. By 'dissention' he meant descent, but makes a superb pun considering the amount of litigation land attracted.

37. P.R.O., PROB 11/335, PCC 26 Duke.

38. Monument inscription in Axbridge parish church.

lands, but if he did so George was to pay his brother Thomas £100,³⁹ and this kind of arrangement for the younger sons is similar, if on a lesser scale, to arrangements made among peers and great landowners.⁴⁰ Thomas Kinge of South Brent left £300 to his unborn child, but if twins were born the heir was to receive £100 and the other child £200, in recognition of the greater benefits the heir would receive from his land holdings.⁴¹

Where some of the freehold was purchased rather than inherited, testators were likely to divide it up in their wills. Arthur Morgan did not leave all his land in fee to his son but gave some freehold in Kewstoke to his brother and his heirs, leaving that in Biddisham and Tarnock plus leases elsewhere to his own son.⁴² John Draper of Huntspill made his will in 1608 benefiting the children of his only son, who had just died leaving two sons, a daughter and an unborn child. Draper left 17½ acres freehold, 'which is my own purchased land', including a house, windmill and land in Shapwick and Huntspill, to his younger grandson and his heirs, and in default of heirs to the unborn child if it was a boy,

39. P.R.O., PROB 11/104, PCC 64 Harte.

40. J.P. Cooper, 'Patterns of inheritance and settlement by great landowners from the fifteenth to the eighteenth centuries', in Family and Inheritance, pp. 313-27.

41. P.R.O., PROB 11/97, PCC 35 Woodhall.

42. P.R.O., PROB 11/113, PCC 11 Dorset.

and if not to the elder grandson. The phrasing suggests that Draper had other, inherited, freehold that would descend to the elder boy, since in his will he left him only £10 and the reversion of a lease of 6 acres.⁴³

Occasionally daughters also received freeholds: William Counsell of Mark divided up his land in 1712 between all his children, and this included lands in fee to a son and a daughter.⁴⁴ Usually, however, the first choice to receive freehold was a son, and only in default of heirs was the land given to a daughter and her heirs. Daughters usually received leaseholds for life as their share: John Draper, mentioned above, while giving freehold to his grandsons, gave his two daughters leases and cash.⁴⁵

An alternative to dividing up land was to give a younger son an estate in the property for a term of years. John Lythyate of Mudgley in Wedmore left his tenements in Sand to his second son for 70 years, with a reserved rent to be paid to the heir, his eldest son John.⁴⁶ The tenement was most likely one of the copyholds purchased in fee by a John Lythyate of Mudgley c. 1609, and listed in the court of Wards survey in 1625 as a messuage and 16 acres in

43. P.R.O., PROB 11/114, PCC 89 Dorset.

44. S.R.O., DD/PLE box 40.

45. P.R.O., PROB 11/114, PCC 89 Dorset.

46. P.R.O., PROB 11/150, PCC 142 Hele.

Sand. His other free lands were a messuage and 23 acres and a four-acre close of pasture,⁴⁷ so his younger son had a fairly equal share in the land for his lifetime, even if it did not establish the younger line as freeholders. Such grants, particularly grants for the life of the beneficiary, were a fairly common method of providing for dependants such as a wife or daughter without destroying the patrimony of the heir.

B. Copyhold Land

Copyhold for lives was the most prevalent customary tenure in Brent Marsh, but copyholds were rarely mentioned in wills since they descended automatically through the manor court to the next life in the copy or in reversion and wills could not override the custom. The holders established their children in the succession to the land by taking new copies during their lifetime, and in order to examine the way copyhold land was transferred and used to provide for children, manorial documents such as court rolls and surveys must be used.

Though in many cases copyholds were inhabited and farmed by the holder, this was not always nor necessarily the case, and copyholds should always be regarded more in a legal and tenurial context than

47. Hervey, Wedmore Chronicle, II, 46-7; Sales of Wards (S.R.S.67), p.37.

in an agricultural one. Such land was used for the same purposes as freehold land, developing its own set of legal forms, and the increased sophistication in the use of copyhold, discussed in Chapter 2, may be the result of the demand to use such land to provide for dependants. While it often worked out that the customary land ended up in the hands of one, obvious, heir such as the eldest son, and was passed onto his children, this was not necessarily arranged from the start but usually devolved onto the single heir when other siblings had been provided for.

The copies taken do not show any particular discrimination against daughters: the extant court rolls for the manor of Biddisham between 1535 and 1676, for instance, record 89 copies taken for 20 holdings, 34 of the copies for the sons and daughters of the current holders in a roughly equal division between the sexes.⁴⁸ However, in no case is a daughter named in a copy ahead of her brother in these examples, and when this does occur in other manors, it is because the son already has some other copy in his name. Usually copies were taken as the children were born, or even before birth, in the order of birth regardless of sex, and then later as family

48. S.R.O., DD/CC, Biddisham court rolls, passim.

circumstances altered the father changed the names in the copy or surrendered it and took a new one, depending on the usage of the particular manor. Richard Wall took a new copy of his messuage and 14 acres for himself, his wife and their first child, then as yet unborn, and George Popham took one of his messuage and nine acres for his next child, who was a daughter.⁴⁹ John Boulting took a new copy in 1662 for his son William, then about 11 years old, and William's future wife, John's wife and other children all having died.⁵⁰

The process by which the customary holdings devolved on one heir over two or three generations can be illustrated by an example in the manor of Biddisham. John Hide I held three tenements there by copies dated 1499, the first a tenement and 14 acres of old auster with 11 acres of overland, and the other two each a tenement and 14 acres.⁵¹ In 1533 his son John II was named in a copy for the third holding; in 1546 he bought a reversion for the first holding for John II, John's first wife Agnes and their daughter Julian; and in 1551 he bought a new copy for the second holding for himself, John II and the latter's son Thomas. John I died in 1553, his widow Edith was admitted to the three holdings for her widowhood, and John II was admitted to overland.

49. S.R.O., DD/SE 65 (box 18), surveys 1657, 1663.

50. Ibid., survey 1663.

51. The Hide transactions are taken from: S.R.O., DD/CC 131922/1, 131923/4, /2, 131907/15, /6, 131924/4, 131925/7, 131909/15.

By 1562 Edith had also died, and John II was in possession of all the property. He surrendered his copy for the second holding and his son Thomas also surrendered his interest, so that John II could take a new copy for himself and his son John III; Thomas thereafter drops out of sight and is not mentioned in his father's will nor in his brother's. In 1565 John II bought a reversion of the third tenement for his children, John III, Joan and Julian. In 1573 he surrendered the copy of the first tenement in order to put in the name of John III after himself and his wife in place of Julian, probably because she married at this time and had been given some other part of her father's goods or land, since when he wrote his will six years later she was the widow of John Lurphen, a copyholder in the manor of East Brent, and the mother of four sons.⁵²

John II died in 1579, and John III was admitted at once to the overland and later to the three tenements when his father's second wife, Joan, remarried.⁵³ When John III made his will in 1601 he had only one child, Florence, and as he had not bought any further copies for his tenements, he left his daughter £100 in his will for the purchase of the reversion

52. P.R.O., PROB 11/61, PCC 46 Bakon.

53. See pp. 67-8 for account of Joan's remarriage.

of his living in Biddisham.⁵⁴ In fact a reversion of the three holdings had already been bought in 1589 by William Colston, a Bristol merchant, for his three sons, and Colston had paid John III's sister, Joan Deane, widow, £40 to surrender her right in the third tenement.⁵⁵ On the death of John III's widow Grace in 1609 the three tenements went to Colston's sons. However, John III had some freehold land in the manor of Tarnock which he left to his daughter.⁵⁶ He also had a house at Crosse in Compton Bishop and did not live on his tenements: he was resident at Crosse in 1579 when his father died, and bought a licence to live outside the Biddisham tenements for his life in 1592. His widow Grace was living in Bristol in 1609 when she died.⁵⁷

Although a sister's interest would generally be removed by the father or bought out later, occasionally her interest was maintained especially if the father died before he could make any further provision, and a subsequent holder would wait until she too died before he could change the copy. In 1657 John Cole held a messuage and 33 acres for his life, to be succeeded by his sister. In 1661 he took a

54. P.R.O., PROB 11/98, PCC 59 Woodhall.

55. S.R.O., DD/CC 131907/6.

56. P.R.O., LR 2/191, ff. 29-31; PROB 11/98, PCC 59 Woodhall. Judging by rents for other freeholds in the survey whose acreages are given, Hide's holding was c. 20 acres.

57. P.R.O., PROB 11/117, PCC 55 Wood.

new copy for himself, his second child, a son, and his third child, a daughter, as his sister Alice wife of William Counsell had died in January 1659/60.⁵⁸

Where a copyholder had more than one tenement and additional children, he would often take the copies for himself and a different child each time. Richard Wall held three copies: the first was taken for himself, his wife and his first child; the second for a messuage and 21 acres was taken for himself and his second and sixth surviving children (both sons); and the third for a messuage and 9 acres for himself and his fourth and third children (both sons).⁵⁹ Stephen Champion held two copies, one for a messuage and 18 acres he took for himself and his two elder children, a son and daughter, and the other for two messuages and 23 acres for himself, his second wife, and his third surviving child, a son.⁶⁰

Despite the fact that custom usually gave the relict of a copyholder the tenement after his death, wives are frequently named as the second life in the copy in some manors, partly because the custom could be challenged and widow's estate voided under certain

58. S.R.O., DD/SE 65 (box 18), surveys 1657, 1663.

59. Ibid. His 5th child, a daughter, and 7th, a son, were not mentioned in copies in this manor.

60. Ibid.

conditions,⁶¹ and partly because the relict could only hold while unmarried and chaste: if she held the land as one of those named in the copy, she had an estate regardless of any future marriage, an important aspect if the holding or the money to purchase it had come from her father. For this reason the naming in the copy of a wife was a form of marriage settlement, equivalent to settling a jointure out of freehold lands, and ensured the woman's support regardless of marital changes. As discussed above under pre-mortem transfers, arrangements were generally made at the time of the marriage, but occasionally had not been made by the time the woman's father made his will, giving him the opportunity to put pressure on his son-in-law with a bequest conditional on some settlement being made. John Hide II made a bequest of £20 towards the fine of the tenement of Thomas Deane, whose son John had married Hide's daughter Joan, if it was bought for Joan for her life - that is, if she was named in the copy - but if they died before the purchase was made, the £20 was to go to Deane's two daughters.⁶²

Naming children in copies did give them a stake in the holding or an estate of some kind even when fourth or fifth in reversion, and this interest could

61. See pp.67-9.

62. P.R.O., PROB 11/61, PCC 46 Bakon.

be redeemed later for cash, such as the £40 Colston paid Joan Deane (née Hide) for her right. The stake in the property could also form the basis of a reshuffle of property among family members, giving the second and third lives in a copy another holding in possession or cash in lieu of their interest. The Hayward family holdings in Biddisham illustrate the kind of arrangement that was made. In 1576 a reversion was bought by Richard Hayward for his daughters Joan, Dorothy and Anne, to hold successively in that order a tenement and 14 acres held by his mother with remainder to himself, and another reversion for himself, Anne and Joan, of a messuage and 20 acres also held by his mother to be followed by his wife.⁶³ Joan married Christopher Day and was holding the tenement and 14 acres by 1601 when her sisters surrendered their interests and Joan took a new copy for herself and her sons, George and Thomas Day. At the same time Joan surrendered her interest in the messuage and 20 acres to which Anne had been admitted in 1598, and Anne's husband John Neighbour, who held it in right of his wife took a new copy for himself and their sons, John and William. The second sister, Dorothy, had no further interest in these holdings of her father, but one may deduce that a quid pro quo, possibly in

63. Hayward and Taunton transactions based on following court rolls: S.R.O., DD/CC 131925a/7, 131907/19, 131924/1.

the form of cash, had been provided to make her share of her father's estate equal to that of her sisters'.

Her husband, Henry Taunton, held a messuage and 14 acres inherited from his father in 1585, and he bought a new copy at this time for himself and his son and daughter by Dorothy.

Usually therefore, the children of one generation only shared an interest in the holding until the next generation was born. If the child who held the tenement had no children of his own, his brother or sister would inherit and take a new copy to his or her own dependants. Shares by siblings, however, were only a retention of legal interest in the property to be realised at some distant date, and rarely took the form of profit-sharing. Only occasionally are copies bought for three jointly rather than successively, an arrangement which can be a form of partible inheritance,⁶⁴ and preferred to a physical division of the holding.

Copyhold for lives, therefore, gave the means by which children could be easily provided for, and supplemented provision by will. The general pattern was as follows: when the copies were bought

64. Thompson in Family and Inheritance, p. 342 & n.32. Among examples of land disposed of in these wills are a few of parcels of land, leases or other holdings being left jointly to children, and even these are often left to one child first and jointly to the remaining children if the first died without heirs. They were mainly intended to provide an income from rents rather than to divide the land or the profits from direct farming. See pp. 335-9.

the children were usually very young, but by the time the copyholder came to make his will, his eldest children at least would be grown up with children of their own, so that the customary land would pass to the eldest of the children and his or her own children. Therefore the copyholder would use his will to provide in some other way for the second or third lives in his children's copy. If, however, the copyholder died while his children were still young, at least they had some inheritance secured to them, which they could resettle among themselves when they reached adulthood.

In sum, freehold land was rarely mentioned in wills here and freeholders usually followed common law rules of inheritance when they had children and had inherited the land themselves, but made other disposals of purchased freeholds, and tried to equalise shares in their property to mitigate the effects of primogeniture with other types of land-holdings or portions in wills.

Copyhold land occurred in wills even more rarely because the form of copyhold, for lives, meant that it descended automatically through the manor court to the next heir. Daughters shared more often in copyholds than in freeholds, and copyhold for lives provided a flexible system of providing for a number of children, allowing changes to be made to suit altered circumstances.

Disposal of Personal Estates by Will

The previous sections have shown that the study of wills alone would not produce a thorough picture of inheritance and provision for children, yet because of the large number of wills, the amount and diversity of the information they contain, and the fact that they are often the only source of information for much of the population, it remains essential to examine of the transfer of property by will for Brent Marsh. In addition to the information on inheritance, wills throw interesting light both on the kind of property being disposed of, and on the changing uses to which wills were put.

Though inheritance is largely associated with the making of provision for dependants through a will, this was a comparatively recent development, and the will became important when it began to be used as a legal instrument to defeat both inheritance custom and common law, giving the testator greater freedom in disposing of his property.

In the early Middle Ages, the whole of England apparently followed the general custom that was still in force in the Province of York until 1692, in the City of London until 1725, and in Scotland today: a man leaving wife and children could dispose freely of only one-third of his chattles; his wife received

another third and his children shared the remaining third.⁶⁵ Glanvill recorded that where only the heir survived, a half was set aside for him and the other half could then be freely disposed of by the testator. Since the portions for wife and children were determined by custom, they were often omitted from medieval wills, and a testator might just make some small bequest to a child out of the testator's remaining third, the 'dead's part' as it was called. In general, however, this third was reserved in the Middle Ages for the soul of the deceased: that is, for masses or pious and community uses. Besides the general custom, there were local customs which could often override the usual division, and which might also reserve certain chattles for the heir, such as equipment for the house, plough gear, or tools of a trade. Finally, a man without dependants was free to dispose of all his goods.

These restrictions on testamentary powers were being disputed or had fallen out of use in the 14th and 15th centuries, and had disappeared altogether in Southern England before the reign of Elizabeth I though the reasons are not clear: the changed legal status of married women or the influence of the common law which avoided tying up property in this

65. Calendar of Wills Proved and Enrolled in the Court of Husting, London, AD 1258-AD 1688, ed. R.R. Sharpe, Part I (1889), pp. xxxiii-xxxiv. Remainder of paragraph based on Pollock and Maitland, History of English Law, II, 348, 350.

way have been suggested.⁶⁶ Whatever the reason, the custom was not being upheld in the ecclesiastical courts, but it may have influenced the way men divided their property between wife, children and other uses, even though little indication of this occurs after the mid 16th century.

Testators continued to give part of their goods to pious uses in the 16th and 17th centuries, with bequests to parish church, the poor and community uses, though even a rough assessment shows that these in no way totalled a third of the disposable estate: whereas in the 14th century bequests of 4d. each to the parish church and the cathedral at Wells represented a fair gift in terms of the testator's income and estate, by the late 16th century when these same amounts were still given it had become a rather arid token gesture. In wills for the 1540s, proven in the court of the Archdeacon of Wells,⁶⁷ some quite substantial sums were given to Our Lady's Service in the parish churches, for lights and for vestments: 3s. 4d., 6s. 8d., 10s., 13s. 4d., were not uncommon; 4d. was the usual amount given to the cathedral, and various small sums were given to the

66. Pollock and Maitland, History of English Law II, 351, 353n; A.G. Guest, 'Family Provision and the Legitima Portio', Law Quarterly Review, 73 (1957), p.81; Holdsworth, History of English Law, III, 554.

67. S.R.O., DD/SAS SE 30; Medieval Wills (S.R.S.40), passim.

High Cross or the High Altar in the parish churches. Bushels of grain or beans were also a common form of bequest. In the 1550s in the wills proven in the local courts, the parish church rarely now received more than 12d. in all, and where larger sums were given, they went to the poor of the parish who began to be mentioned in wills. By the 1580s the locally-proven wills confirm this pattern of a few pence to the parish church, the same to the cathedral if mentioned at all, and a few shillings to the poor, and there is of course no longer the concern to leave goods for the welfare of the soul that occurred in the 1540s.

Some wills show the influence of the old custom in making provisions for wife and children. John Day of Badgworth willed in June 1541 that 'my chylder shall have the third part of my god [sic] to be delivered to them when that my wife doth marry agayne', and his wife received the residue.⁶⁸ When bequests were made to several children it was common throughout the period for the testator to specify that if any child died under age, his or her portion was to be left to the survivors, treating children's portions as belonging to all the children rather than to the executor or to the residue of the estate.

68. S.R.O., DD/SAS SE 30.

The page nos. 291-299 inclusive were omitted in error:
the text is not affected.

A feeling of obligation to make a will also stemmed from medieval ideas, quite apart from any need to make provision for dependants. Intestacy was considered a great evil in the minds of ^{Many} people,

and the Church had always exhorted those who could (free men) to make a will, particularly since the Church was usually the principal beneficiary in the medieval period.⁶⁹ By the 17th century it is apparent that many men and women regarded the making of a will not so much as a moral obligation laid on them by others, but a responsibility that they wished to perform for their own peace of mind. One man who fell ill suddenly set out with his son to the house of a neighbour who could write the will, even though he was suffering from a headache, deafness and near blindness, so anxious was he to get it done; on meeting the neighbour in the lane, he sat down and waited in a close while the neighbour fetched pen, ink and paper, and the will was written sitting under a hedge.⁷⁰ Mary Churchouse of Wedmore sent for a busy neighbour three or four times to come to write her will for her, and when it was finished she gave thanks to God 'because she was troubled in her mind until it was done'.⁷¹ It brought criticism if a

69. M. Sheehan, The Will in Medieval England (Toronto 1963), p.232.

70. S.R.O., D/D/Cd 51, Thurston v. Vowles, dep. of William Pitt, 12 March 1617.

71. S.R.O., D/D/Cd 51, Llewellyn als. Morris v. Churchouse, dep. of William Martin, 22 Dec. 1623.

man died with his property unsettled, as when Thomas Wride of Burnham died in 1661 leaving his estate 'in an unsettled condition', having no obvious heirs such as a wife and children. The man with whom Wride shared a house told a neighbour that when he died, he would leave his estate 'in a better condition'.⁷² Unsettled property led to quarrels, bad feeling and litigation, so it was considered irresponsible not to make suitable provision and one's wishes known.

Despite these pressures to make a will, relatively few exist considering the number of deaths. The incidence of survival of documents is one problem, but even taking this into consideration, the making of wills seems to have been relatively uncommon amongst the population in general. For Essex, an average of barely two wills per household has been estimated for the three centuries between the 1520s and the 1820s, though this does conceal many changes in circumstances.⁷³ A better estimate might be that for Norwich where it is calculated that only 1 in 5 adult males buried in the city in the 1670s left a will.⁷⁴ Some estimation of the proportion

72. S.R.O., D/D/Cd 135, Wall v. Wride & others, dep. of John Lane, 6 Nov. 1661,

73. J.S.W. Gibson, Wills and Where to Find Them (Chichester, 1974), p.xv.

74. My thanks to Dr. P.J. Corfield for this information.

of wills to deaths can be obtained for Wedmore, for which burial figures are fairly full, and is shown in Table 14 below.

Table 14. Percentage of Wills to Adult Burials in Wedmore

<u>Decade</u>	<u>No. of Burials Adult Residents</u>	<u>No. of Surviving Wills</u>	<u>Percentage of Burials to Wills</u>
1570-79	123	2	1.63 %
1580-89	157	6	3.82
1590-99	303	8	2.64
1600-09	184	6	3.26
1610-19	247	7	2.83
1620-29	290	15	5.17
1630-39	241	21	8.71
1640-49	221	24	10.86
1650-59	261	32	12.26
1660-69	244	9	3.69

Even if half the burials are taken to be married women, very few of whom left a will, and even taking into account the non-survival of most locally-proven wills, it is still a very small percentage. In the 1650s, the decade most likely to include the widest social range as only one probate court was in operation, only 12% of adult burials (male and female) left wills.

For many people a will was unnecessary and an unwanted expense. Those without any title to their dwellings, such as lodgers and under-tenants; the 'impotent poor'; those with few goods to leave; and those who felt they could rely on their next of kin to carry out their wishes without a will would be

unlikely to write one. It is probable that as the influence of the parish priest over the making of wills declined, many would no longer bother to write a will just to mention a few small bequests to church, godchildren and friends, which is virtually all many of the early wills contain apart from appointing an executor.

It is likely, too, that a large number of wills were never proven where they were not required to convey title to land and no disputes arose. The provisions of the will could be carried out by the family without the expense of probate, and that this did occur comes to light occasionally, when a will had to be proven sometime after the death of the testator. The will of William Strowde of Stoke Gifford was written in 1593 but together with the will of his youngest son Thomas, written in 1629, was only proven in 1652 by John Gardiner the son of Thomas's sister, in order to establish Thomas's title to a tenement that he had in turn left to John Gardiner and others.⁷⁵

Enough wills do exist, however, to make a worthwhile study. Many men were still active heads of households with one or more dependent children when they died: not only did men frequently die in middle age, but their wives often died in childbirth to be replaced by younger women, which produced

75. P.R.O., PROB 11/222, PCC 116 Bowyer.

families with widely-spread age ranges. A recent introduction to probate records concluded that apart from men who died while they still had dependent families, the other two most common groups of testators were the wealthy with 'abnormally complex' affairs, and elderly widows or spinsters with a large number of bequests to make, and that none of these groups is typical of the population.⁷⁶

However, though the circumstances of a particular family obviously had some influence over whether a will was made or not, for Brent Marsh it was not always the obvious people who made wills. There were few of the very wealthy with complex arrangements to make, and it is only in the late 17th century when the number of wills proved in the P.C.C. falls dramatically that complex wills stand out; in the 1650s, for which many wills survive because the Court of Civil Commission was the only probate court, husbandmen formed the largest number of testators.⁷⁷ Though it is true that family men whose children were under 21 or unmarried do form the largest group of will-makers, accounting for some 30% of testators in the 1650s, men without dependants, men leaving only wives and men with children of age or married also account for 30%,⁷⁸ while widows and other females only account for 20%.

76. Gibson, Wills, p. xv.

77. See Table 15, p. 487.

78. See Table 16, p. 488.

It is unlikely that the group that mention children without any indication of their age were all providing for dependent children, so would not affect the proportion substantially.

Another place for which the incidence of will-making has been studied is Terling in Essex, where it was found linked to economic status as well as family circumstances. Those in the top two categories - gentry, yeomen, wealthy farmers and craftsmen - always made a will; those in the husbandman and craftsman group only made wills when they had unmarried children, while few of the labourers and poor ever made a will.⁷⁹ Similar economic information for the Brent Marsh testators is not available, though the contents of the wills and common sense suggest that those with property would be more likely to make a will. However, some leading landholders do not appear among the surviving wills nor in the calendars of destroyed wills, so not all the wealthiest inhabitants made wills, and the tradition of will-making in a particular family also seems to have influenced whether a will was made or not.

In conclusion, though relatively few wills survive considering the number of inhabitants they remain the single most common source for much of

79. Wrightson and Levine, Terling, pp. 96-7.

the population, and despite other arrangements for the disposal of property such as pre-mortem transfers, much information can be obtained from them for a wide social range of families.

The Use of Wills and the Dispositions Made

Though this chapter is mainly concerned with portions bequeathed to children in wills, the will was not only used to provide for dependants, but also to dispose of the assets held by the testator, and such wills often contained bequests to grandchildren not dependent on the testator, or legacies to friends where the testator had no spouse or children at all.⁸⁰

Wills made primarily to dispose of the goods, cash and land which the testator had in hand, where he had no dependants to provide for, reveal a wide range of aims and attitudes. Men and women whose children were married frequently gave the bulk of their estate to their grandchildren, often with preference to females over males. Richard Counsell, yeoman, of Mudgley left the bulk of his personal estate to his son's two daughters, including silver spoons, chests, and crocks, a half interest in a

80. Naturally it is sometimes difficult to ascertain to which category some wills, particularly those of poorer testators, belong, when all their goods down to the last cow and crock are carefully disposed of. The testator may just be disposing of all his assets, or may be making provision for his dependants as best he can.

tenement and £100 each.⁸¹ Richard Adams, husband-man, of Wedmore left only token bequests to his son and the latter's children, and to his youngest daughter and her children, but gave the two daughters of his eldest daughter a close of meadow and a lease for 82 years, while their brother received only £6 in cash. This suggests that the boy would receive land from his father, and the grandfather was therefore giving more to the daughters. Though testators may well have chosen those in greatest need, or the grandchildren who would receive the least from their parents, it is likely also that personal preference played a greater part in this type of bequest, and frequently it is impossible to go further than to suggest this possibility when trying to explain the dispositions made in wills. However, while need is sometimes mentioned in wills as a determinant of inheritance,⁸³ the personal likes or dislikes of a testator towards his children or grandchildren are never mentioned in these wills as a reason for a bequest:⁸⁴ equity and justice are the pervading attitudes that emerge regarding the testator's role,

81. P.R.O., PROB 11/104, PCC 52 Harte.

82. P.R.O., PROB 11/228, PCC 184 Brent.

83. e.g. 'the portions of children dying to go to those most in need': P.R.O., PROB 11/140, PCC 69 Savile (will of John Duckett).

84. The only personal reasons found were a few explaining bequests to non-relatives.

particularly where he is the head of a household and family.

Occasionally grandparents or other relatives were expected, or had promised, to provide something for certain children. When William Bradripp of Berrow lay dying, he told his wife's father Thomas Sayard that he wished his son Christopher to have his chattle lease of land and the tenement he held in Berrow, as his eldest son William would inherit his land, adding that he hoped Sayard would also provide for Christopher.⁸⁵

In the wills of testators who had dependants, the predominant theme was the provision of some kind of living to every child, or at least maintenance until he or she was of an age to provide for themselves. The earlier discussion has shown that if a child is not mentioned in the father's will, or only receives a small bequest, it is fairly safe to assume that this is because he or she had been provided for in another way, but it is not always possible to explain the discrepancies between portions. The will of John Duckett of Wedmore shows great disparity in the bequests, all of cash, which he left to his nine children, who are listed

85. P.R.O., PROB 11/136, PCC 111 Soame.

below in the order mentioned in the will:⁸⁶

	<u>Sex</u>	<u>Age</u>	<u>Legacy</u>	
1.	Male	?	£10	
2.	Female	?	£10	
3.	M	16		1s.
4.	F	14	£ 5	
5.	M	12	£ 3	
6.	F	9	£ 5	
7.	F	7		10s.
8.	F	4	£ 5	
9.	F	1	£ 5	

No consistent pattern emerges, such as the daughters or the youngest receiving the most. Those given less may have received or have been promised provision by other kin, though none has come to light, but if the testator was expressing a personal preference or dislike it was not a rigid one as he made the proviso that the portions of any dying under age should go to the remainder 'that have most need', regardless of any preference. The larger portions given to the two children assumed to be the eldest are rather unusual among wills of this area, since the youngest were generally assumed to be most in need of means of support, but in this case it may be that the testator's wife who received the residue and executorship was expected to maintain the younger children at home, while the two elder were already supporting themselves. The testator's source of income is uncertain, as no indication of agriculture or other occupation is given in the will.

86. P.R.O., PROB 11/140, PCC 69 Savile. The ages in this and other reconstituted family examples are calculated from the baptismal registers.

Provision for dependants in wills falls into two categories: to provide maintenance while the children were under age, or to provide a living in adult life. Some wills which make provision for a large number of children provide maintenance for some and a living for others. William Phippen, husbandman, of Wedmore had seven sons to provide for, ranging in age from 19 years to 1 year, his wife having died shortly before the will was written.⁸⁷ The eldest son (19 years old) was left a house and land in Sand with its lease, and the second son (17) was to have four acres of meadow and three yards of arable with the lease, plus the corn and implements at a house in Lympsham and the herbage of meadow and pasture of another tenement at Lympsham.⁸⁸ The next three sons, aged 14, 9 and 6 respectively, were to receive the profits of all the lands given to the two eldest, except an orchard, for six years, during which time they presumably would make some provision for their future, while the two youngest (3 and 1) received a lease of land and the residue of the estate.

The desire to ensure that all dependent children had adequate support is strongly implied in most wills, and is occasionally made explicit. Thomas Evans, yeoman, of Weare made some provision for his

87. P.R.O., PROB 11/144, PCC 115 Byrde.

88. Holder of these tenements after W.P.'s death is unknown.

son out of land but 'because this legacy is not
sufficient maintenance' gave him additional rents.⁸⁹

A study of children's portions as recorded in wills suffers from the limitations already discussed. Children may have received all or part of their portion during the testator's lifetime, or be in succession for copyhold land. In particular these arrangements may inflate the numbers of portions in kind, because cash or land may have already been handed over to the children, and the testator is using the will to divide up what goods he has, rather than giving his children their due. To some extent one can guard against this by eliminating cases of one piece of furniture or one or two animals, especially where one child receives a couple of cows while his siblings received £30 or £40. Despite these difficulties, however, some general points can be made on the portions and changes over the period in Brent Marsh, without placing too much emphasis on the actual figures and percentages. Portions for children in wills consisted of permutations of three main categories: goods, cash, and land. Table 17 shows the numbers and percentages of children's portions falling into six principal permutations.⁹⁰ Some change occurred over the 150 years studied here in the content

89. P.R.O., PROB 11/264, PCC 182 Ruthen.

90. Table 17, p. 489.

of children's portions and in the length and content of the wills themselves, as a study of two separate decades shows.

A. Wills of the 1540s

The earliest group of wills large enough for comparison were all proven in the years 1539 to 1546 in the local diocesan courts, probably that of the Archdeacon of Wells;⁹¹ no wills from this area were taken to the P.C.C. in this period, so a comparison between the content of the two groups of wills cannot be made. In a few cases occupations are given, and they included husbandman, widow, cheesemonger, and butcher, and they covered a wide range of inventory values, from 19s. to £55 0 8d.⁹²

The striking point about the wills is their simplicity and, in most cases, their brevity, compared with later wills. Practically all contained some bequests to the cathedral at Wells, as well as to the local parish church or its services, lights, or altars, and for about two-fifths of the wills this accounted for all the bequests, the only additions being the disposal of the residue and executorship. About the same proportion of wills

91. The wills survive in 3 registers and part of a 4th, and give no indication of the court, but the parishes represented fall within the jurisdiction of this archdeacon.

92. Medieval Wills (S.R.S. 40), p.163; S.R.O., DD/SAS SE 30. For most wills in the registers the inventory value was noted against each copy will.

also contained one or two additional bequests, usually to children. Typical examples of these two categories of wills are those of John Northdon of Huntspill, who left small bequests to the cathedral, the High Cross, the services of Our Lady and St. Nicholas, and the residue to his wife Christian and son William equally as executors, out of an estate valued at £14 17s. 2d.;⁹³ or that of William Popull (Pople) of Badgworth, who left two small bequests to the cathedral and his parish church, a yearling to his son William, a cow and crocks to his daughter Agnes, with the residue of his £7 1s. 6d. estate to his wife Isabel.⁹⁴

The wills for estates with the inventory value over £20 tended to have more bequests, though Andrew Adam of Lympsham, was an exception, with £4 to his son the only bequest other than to the church and of the residue out of his £26 8s. 2d. estate,⁹⁵ but although the number of bequests might be increased where a testator had more to dispose of, there was not much difference in the structure of the will. Walter Baule of Badgworth left pans, 6 pieces of pewter, 6 silver spoons and a featherbed to each of the three children of his son William, and to William, four kine and heifers in calf, making up the bulk of the

93. Medieval Wills (S.R.S. 40), p.202.

94. Ibid., p.10.

95. S.R.O., DD/SAS SE 30.

legacies out of his £36 2s. 4d. estate, with the residue to his wife.⁹⁶

Of wills which mention children, those including cash in the children's portions were not necessarily those with the highest inventory values. Twelve wills for which the inventory total is given, contained cash portions for children. The inventory values ranged from £13 2s. 3d. to £55 0 8d. (the highest of the decade), and the size of the cash portions range from £2 to £10, and not necessarily in correlation with inventory size: the cash portions in the estate worth £55 were £ 5 to each of an unspecified number of children, while a will with an inventory worth £14 10s. left a portion of £9.⁹⁷

The most important constituent of children's portions in this decade was stock.⁹⁸ For many children their only legacy by will was animals: Thomas Burrow of Berrowleft each of his five sons and daughters a cow and a ewe; John Kyng of South Brent left to his son and two daughters jointly, his four best beasts grazing in his mother's lease, and should one be taken for a heriot, one of his best plough oxen instead, and to each child also a cow, a calf, and 3 colts, while from one of the lower-value estates, valued at £2 19s. 10d., John Allen of

96. Medieval Wills (S.R.S. 40), pp.194-5.

97. S.R.O., DD/SAS SE 30.

98. See Table 17, p. 489.

Huntspill left to his son two bullocks of 4 years and two years, and to his two daughters, 6 sheep.⁹⁹

The division of stock between several children, which means that the capital assets of the farm are being divided up, can give the impression of sparse resources shared round as far as possible, but the wills in this period are notable for their lack of information about the testator's total assets. John Kyng, mentioned above, obviously held a customary tenement, since he mentions a heriot and^{had} enough arable land to warrant a plough team. Andrew Donett, husbandman, of Overweare, whose inventory was valued at only £3 6s. 8d., nevertheless had plough gear, wain wheels and other farm equipment to bequeath, indicating enough arable to justify the possession of valuable equipment; these items were only mentioned because he apparently had no children and wanted the gear to go to a particular person after the death of his wife.¹⁰⁰ Very few wills mention land of any kind, but the few that do, together with other sources, show that the testator's resources were probably far greater than their bequests suggest. The will of Richard Evans of Lympsham makes the usual religious bequests, and leaves four kine to the four children of his son John; John received the residue, because Richard's

99. Medieval Wills (S.R.S. 40), pp. 3, 5-6 (inventory value was £38 9s. 8d.), 39.

100. Ibid., p. 114.

wife, Joan, had agreed to surrender her widow's right in the tenement to John, in return for £4, a silver mazer, and Richard's chamber with its contents. Of these, she had received £2 and the mazer when the will was written and a clause to this effect was added so that it could be witnessed conveniently with the signing and witnessing of the will. Customary tenements were not valued in inventories as they were considered to be freeholds, so Evans' inventory total of £8 7s. 2d. is far from revealing the true state of his economic position.¹⁰¹

Another chance indication of land occurs in the will of John Burton of Burnham, who left £9 in money to his elder son John unless the testator's wife 'buys the bargain for him', when he was to have only 40s.¹⁰² In most cases, however, the holding would already have been settled and the copies purchased during the testator's lifetime: the widow held the tenement while single, and was generally left the residue and made executor, either alone or with her children, and those children with reversions had to wait to succeed. Many testators appear in surveys or court rolls for manors in the area, and most of those who cannot be identified with certainty to a particular holding

101. S.R.O., DD/SAS SE 30. In 1524 he was assessed on £6 in goods, a fairly high amount for the area: P.R.O., E 179/169/171.

102. S.R.O., DD/SAS SE 30.

had family names which constantly occur as customary tenants. Many of the testators or their widows appear in the subsidies of 1524 and 1545, and the Relief of 1548, assessed at several pounds worth of goods.¹⁰³

These wills present difficulties when used to examine provision for children. In this period they had not yet become the established medium for providing for children that they later became, which accounts for the greater simplicity in the bequests made. Many testators left the residue for the wealth of their soul: Phillip Deane of East Brent left the residue to his wife Agnes, the executrix, to dispose of for the 'welth of my sould', and similar instructions were left to the wife and son of William Donne of East Brent,¹⁰⁴ so clearly other provision had been made for the wife and children in these cases. However, where the provision of resources for a living were made in a will, they still appear very small in scope, probably because this period lay before the main increase in prices: not only were farm incomes on a lower scale making a father's resources smaller, but also a little would go a long way to support an individual.

103. See Chapter 1, pp. 21-6, and Table 2, p. 480.

104. Medieval Wills (S.R.S. 40), p. 3; S.R.O., DD/SAS SE 30.

Bequests of land or of cash which could be used for buying a living, either in land or in trade, can easily be seen to provide a living, but bequests of goods are more complicated and divide into those of limited use and those which would provide an income. Bequests of goods in this first group included household goods, plate, and clothes. The most common examples of goods found in these wills include silver spoons in about 11 wills, crocks in about 12 wills, pans in 11, pewter in 4, and other items frequently found include articles of furniture, such as cupboards, coffers, and bedding, and the testator's clothes.

Some of these items were valuable - silver spoons for example - but almost certainly they were not intended for sale but as useful or valuable keepsakes or heirlooms. Daughters frequently received large crocks or pans, a foundation for a 'bottom drawer', valuable items they could take with them to their marriage. However, though such goods were sometimes pawned, they did not provide an income or a capital sum.

The other group of goods were intended to provide some degree of income, or capital assets, and a few wills make this clear, using expressions commonplace by the early 17th century, that goods should be put out to increase for the profit of the legatee.

In 1540, William Kyng of East Brent left to his daughter, Joan, four kine, a heifer and a calf. Her brother was to have the first year's profit but after that the profit was to remain to her. Two overseers were appointed in trust to see that the kine were used for her profit, and to deliver them to her when she was of lawful age.¹⁰⁵ She also received a crock, pan, bedding and a coffer, but these goods were listed after the clauses concerning the kine, so presumably were not expected to be put out for profit. Since the renting out of stock was common in this period, it is easy to see how the bequest of one or two animals, though perhaps not enough to stock a holding, could be used to obtain an income. In many cases, too, the animals would be kept by a member of the family, perhaps the one who took over the holding, usually the executor. In a will made in a later decade, for example, John Keene left to his brother 5 nobles for the cow that had died, and to his sister, her cow and 2 sheep, obviously their own stock that he was keeping for them and probably bequests.¹⁰⁶ Hence the appointment of overseers to make sure the individual received the profits of their legacies. It has been suggested that bequests of beasts or implements

105. S.R.O., DD/SAS SE 30.

106. P.R.O., PROB 11/68, PCC 12 Brudenell.

without any land indicate that the children 'expected access to land somehow, such as unacknowledged but practised grazing rights'.¹⁰⁷ It may be true that such illegal grazing (grazing rights were only attached to a holding here) existed, and were later suppressed, but one cannot assume from such bequests that such grazing was expected, since there were other ways that these legacies could be used.

In the context of the rural economy and society of this period, for legatees without other resources bequests of animals were of more use than bequests of cash, unless the latter was enough to buy a customary holding or set up in a trade. There were few opportunities for secure cash investment that would get a certain return, and the extent of rural borrowing is unknown for this period but may well have been less extensive than later on. Animals were therefore easier to make use of, though they did have the disadvantage of being mortal.

The expressions concerning the investment of the children's portions are also found in wills with cash bequests, such as the £3 that John Lyan left to each of his four younger children: when each child was 14 years the overseers were to see their goods were put out to increase, and presumably until then the executrix, Lyan's wife, had the use of the legacies and would bring up the children.¹⁰⁸

107. Thompson in Family and Inheritance, p. 342.

108. Medieval Wills (S.R.S. 40), pp. 4-5.

Though there are one or two other wills with similar clauses, such exact dispositions are rare at this time: in many cases the beneficiaries would be of age in any case and no instructions to protect their legacies and invest them were necessary.

In view of the importance of the effect of bequests on the holding that remained, it would be worthwhile to assess the economic effect of the form of legacies made in this period. However, as the inventories for these wills have not survived it is not possible to discover what proportion of the farm stock the bequests of cows and other beasts represented. However, when comparing Brent Marsh with other parts of England it is possible to examine cases where equipment was bequeathed, to see whether the working capacity of the holding was seriously affected in this way, as it would be if such important capital equipment was bequeathed away from the land. In the Midlands, for example, it was quite common for the land to be left to one son, while the stock and equipment went to the other children,¹⁰⁹ and if this inheritance was physically removed from the holding, it would seriously reduce the holding economically.

In the Somerset lowlands this kind of division has not been found. Farm equipment is mentioned in nine wills in this decade, and six of these included

109. Howell in Family and Inheritance, p. 146.

plough gear. One is a passing reference that shows that the plough was remaining to the executor, and in another the testator specified that all his plough harness was to remain at his house.¹¹⁰ The others show that plough gear was only mentioned when it did not go to the executor, or was to remain to someone else after the executor's death. Andrew Donett specified to whom the plough and wain wheels were to go after the death of his wife, as they had no children.¹¹¹ Richard More of Lympsham specifically left his plough to a son, probably the eldest, who apparently inherited the holding, as Richard's other children were the executors.¹¹² Walter Baule left his plough gear to his son's son, if he had one, and if not, to Walter's youngest daughter, but since his wife was the executrix and other bequests were only to be received after her death, she would most likely keep the plough for her life, particularly as it would be some time before the outcome of the legacy could be determined.¹¹³ William Sowter of Badgworth, a copyholder in the manor of Tarnock,¹¹⁴ also left his plough gear to his eldest son who was also executor, but probably specified this because his wife was still alive and by prior arrangement was to receive a particular room rather than the holding, so that Sowter wanted

110. Medieval Wills (S.R.S. 40), pp.5-6, 115.

111. Ibid., p. 114.

112. Ibid., pp. 138-9.

113. Ibid., pp. 194-5.

114. S.R.O., T/PH/VCH no. 38.

to make certain that his son would receive the gear.¹¹⁵ In the other cases the gear bequeathed was unspecified implements, or wains and wheels, or in one case two yokes which the wife (executor) was to keep until the recipient was of age.¹¹⁶ All these references to plough gear were only made because of unusual circumstances or because only a part of the equipment was bequeathed. In the vast majority of cases where the testator had such gear, it was obviously part of the residue and went to the executor, who was usually the next holder of the testator's tenement.

The effect of bequests of stock can be roughly judged by taking the average prices for cows, sheep, oxen, in this period and pricing the bequests. At best this is an extremely rough guide, and inventory pricing is almost bound to be lower than the market prices quoted in the Agrarian History of England and Wales, but using this as a guide the value of bequests generally amounts to no more than half or two-thirds of the inventory total given. It is reasonable to assume that since the testator's aim was in some measure to provide means for all his dependants, he would be unlikely to leave the executor, who was usually his widow, with less stock than a viable farm unit required.

115. S.R.O., DD/SAS SE 30.

116. Medieval Wills (S.R.S. 40), pp.148-9.

B. Wills of the 1630s

A hundred years later the complexity, content and purpose of wills had greatly altered. As Table 17 shows, portions including goods are now a very small part, while those including some land form nearly a quarter.¹¹⁷ Bequests of cash-only formed by far the greatest proportion at nearly two-thirds of all the portions.

Most of the wills examined for the 1630s were proven in the P.C.C., and only eight diocesan wills have survived. These also reflect the picture given by the P.C.C. wills: three do not contain children's portions so must be discounted, and one has only a cash legacy to a grandson. Another has only token legacies of 5s. and clothes to children and grandchildren. Of the others, one left one portion in cash; another left cash and land (leases) to one child, and cash and goods, including furniture, crops and horses to two others.¹¹⁸

The complexity of these wills is linked to their purpose. Wills now employed far more legal phrasing and the purpose seems to be to ensure that the correct property is secured to the appropriate beneficiary. For example, most land is now specified as a lease or chattle and bequeathed with

117. Table 17, p.489. Section based on 1630-39 wills, since the 1640s present a disturbed picture.

118. S.R.O., D/D/Ct vol. L, will of William Langcastell: no date on will or probate, but inventory dated 9 Mar. 1634; DD/BD 99, will of Geo. Davie of Berrow, 10 June 1633.

'all my estate and term of years', or as freehold:
 'I bequeath and devise all my messuage or tenement
 called Fishers House and two acres of ground belong-
 ing, to him and his heirs and assigns in fee farne
 for ever'.¹¹⁹ Wills had increased fivefold or more
 in length to incorporate the legal verbiage, and short
 wills with only one or two bequests are rare.¹²⁰

Goods were still bequeathed in most wills, but
 their place as part of a child's portion had dimin-
 ished or disappeared. Household goods were mentioned
 in most wills of the decade but rarely formed the
 only legacy a child received, and where a child,
 usually a daughter, did receive only house goods such
 as pans or furniture, this was because she had
 already received her portion. House goods were
 very often left as bequests to other relatives,
 grandchildren, servants or friends, rather than
 forming part of a child's inheritance. Beds and
 bedding were commonly left to children though, and
 silver was often shared around as heirlooms, with
 crocks or pans bequeathed as keepsakes, especially
 to married daughters. A wife who did not receive

119. P.R.O., PROB 11/165, PCC 22 Seager (will of Michael Poole); PROB 11/167, PCC 32 Sadler (will of John Reeve).

120. The absence of wills proved in local courts has probably eliminated many very short wills, but content and the intention of testators is similar in both groups, as far as surviving examples show. The 1650s, with its single probate court, also has few short wills.

the residue was often given specified goods that she had brought with her on her marriage,¹²¹ or goods suitable for her comfort.

Farm stock and equipment was still a useful means of increasing a child's income but on a far lesser scale than a hundred years previously. In the intervening decades the standard of living of countrymen had risen steadily and a single cow or ewe hardly reflected the status most copyholders, for example, aspired to, nor that which their children hoped to enjoy. Animals are mentioned in detail in only one or two of the wills, and in general they were bequeathed individually as a token to kin such as brothers, sisters, or their children. Plough gear is mentioned only twice, in the will of John Reeve of Cheddar, which is also one of the few that makes substantial bequests of stock to his children, and in the will of John Rogers of Mark, where the reference is obscure, because a line has apparently been omitted from the register transcript, and seems to refer to a debt or credit not a legacy.¹²² In another will, wains and wheels are left to two sons, one of whom was married and the other of whom also received £5, and are more in the nature of token bequests than portions.¹²³

121. P.R.O., PROB 11/164, PCC 73 Russell.

122. P.R.O., PROB 11/160, PCC 129 St. John; PROB 11/170, PCC 18 Pile.

123. P.R.O., PROB 11/165, PCC 37 Seager (will of William Spencer).

The will of John Reeve, yeoman, of Cheddar, which gives both stock and gear, is perhaps typical of wills where the testator is disposing of all the goods still in his possession, rather than making provision for his children with goods. All his children were married and the goods, stock, produce and chattle leases in Cheddar and Oldmixon were divided amongst his surviving children and their offspring.¹²⁴

Much variation is found in the size of bequests, even in the same will, and this can usually be ascribed to pre-mortem provision, which is sometimes mentioned in the will, as when John Marshall left his son John the £200 which was promised to him at his marriage, while his two daughters, also both married, received only £20 each; presumably¹²⁵ they had already received their portions at marriage.

Cash now played the largest part in the legacies given to children, and as might be expected showed a sizeable increase in the amount compared to wills of the 1540s. In the 1630s, 78 cash bequests over £3 were made to children both married and single for their own use, 49 of them between £10 and £30.

124. P.R.O., PROB 11/160, PCC 129 St. John.

125. P.R.O., PROB 11/170, PCC 34 Pile.

While some cash portions were made in addition to goods or land, in many cases cash was plainly given instead of a holding. As in the 1540s, one testator left £20 to his son towards the fine for the tenement where the testator dwelt, and a similar legacy of £20 to one of his daughters for a further life in a lease the testator held.¹²⁶

To sum up, wills, the most easily studied form of transfer of property, had two purposes: to dispose of the testator's assets, and to provide for his dependants. Wills purely disposing of assets were more likely to include a number of goods and leases to be shared amongst many, and grandchildren, servants and friends were more likely to be mentioned. In wills providing for dependants, the number of legatees was generally limited to the wife and children of the testator: this appears as a narrowing of the circle of kin and friends, but may simply be a result of the change in the use of wills in this period.

A change also occurred between the mid 16th and early 17th centuries in the content of the portions left to children. In the 1540s the most important element in children's portions was farm-stock, which could be used by the recipient or

126. P.R.O., PROB 11/181, PCC 178 Harvey.

rented out if the legatee had no land. However, wills were not used as much in the period as they were later for providing for children, who generally were only mentioned as residuary legatees after small bequests to the Church.

In the 1630s, on the other hand, wills present a striking contrast. Far longer on average than a hundred years previously, they incorporated legal forms to secure the legacies to the recipients. Land, in the form of leases, is mentioned more frequently, while cash bequests have now become the most common, forming more than two-thirds of children's portions in that decade.

The increase in cash portions from about the late 16th century probably occurred throughout England, but for another area studied in detail the changes show a different pattern. In a Leicestershire parish 70% of portions in the period 1520-60 were in kind against 30% in cash, but in the period 1601-40 the proportion in cash increased to about 48%, though portions in kind still exceeded this at 52%, and only in 1681-1700 did the percentage of cash portions exceed those in kind; this is seen in Leicestershire as an indicator of farming prosperity and general economic conditions: prosperity meant more cash surpluses available, while unsettled

conditions had the opposite effect.¹²⁷ The Brent Marsh figures are not strictly comparable as the wills are mainly from the P.C.C. and likely to exclude the poorer husbandmen who more often left portions in kind in Leicestershire. However, even in the 1650s there is no sign of any return to portions in kind such as that found in Leicestershire, where about 65% of the portions between 1641 and 1680 were in kind, and the contents of children's portions may reflect more the readiness with which they could be used in the local economic community than the testator's prosperity. In Brent Marsh, where cash could be invested in a number of ways, where there was a demand for loans, and where small parcels of land could be readily bought for a term, cash would appear the best form of legacy apart from land. Payments in cash for younger children, leaving the stock with the farm for the heir, is seen in Leicestershire as leading to the growth of large, commercial farms;¹²⁸ in Brent Marsh where the farming economy was more flexible, the concentration for one heir was not so necessary for economic growth and indeed earlier wills rarely diminished the stock too far or left the farm gear away from the tenement. In any case, all the portions had to come out of the farm one way or another.

127. Howell in Family and Inheritance, pp. 150, 152.

128. Ibid., p. 153.

Payment of Legacies and the Economic Effects

The tendency of fathers to divide up their land and goods to provide for all their children is regarded in economic terms as rather culpable, though from a human point of view nothing could be natural. Indeed, it is doubtful whether many fathers sacrificed the younger children for the benefit of the eldest son, and both common law and local customs suggest that among most families below gentry rank all the children received some provision from their father's property, even though its content may have changed from period to period and place to place. In the case of landholders, therefore, a 'burden' of some kind was always put on the father's holding after his death.

The legacies were paid by the executor of the will, and in almost all the wills examined for this area the executor also received the residue of the estate, out of which he had to pay for probate, bury the testator and pay all debts. The executor, rather than the heir, was regarded in law as the successor of the testator, even though the heir was successor to freehold land, and by this time the executor had come to assume a greater importance than the heir.¹²⁹ Among married men with children,

129. R.J.R. Goffin, The Testamentary Executor in England and Elsewhere (1901), pp. 56-7.

the wife was appointed executor in the great majority of cases, mostly on her own, but quite often jointly with a son, as Table 18 shows.¹³⁰ However, the practice of appointing overseers also allowed some testators, particularly widowers, to give the residue and executorship to the youngest child, even if an infant, for his portion, relying on the overseers to discharge the duties of the executor.

The content of the legacies made a difference to the way and the ease with which the executor could pay them. Bequests of goods, animals or leases were not so burdensome to the executor in the sense that such bequests were generally of goods in the possession of the testator, whereas cash usually was not. As long as bequests of goods did not represent a major part of the productive capacity of the holding, or were chattle leases held in addition to a viable farm, their absence from the holding would not be a serious blow to its economic strength. The effect on the holding is difficult to evaluate, however, unless an inventory survives, and even then the acreage and value of the main holding would probably not be included. In cases where inventories and wills both survive the legacies do not appear to reduce the residue of the estate to a level that

130. Table 18, p.490. The reasons for choice of executor and implications for the status of women are discussed more fully in Chapter 6.

would no longer support a household, even though in some cases the testator's goods were divided in half. In most cases no more than a quarter of the stock is bequeathed away from the executor, and where cash bequests were made the produce left and money owing to the testator either covers the cash required or comes close to doing so.

The switch from goods to cash as legacies during the 16th and 17th centuries coincides with the rise in prices for agricultural produce, a greater cash flow and a consequent rise in the prosperity of testators. Loans to pay legacies were easier to raise as a mortgage or on bond at a time when surplus cash was available in the community. However, large sums of money were still hard to find for most executors. Money did not lie idly around the house, secreted under mattresses. Cash surpluses were ploughed back into the farm or business in some form, spent on building, plate or furnishings, or lent out on bond, and many men also spent part of their working years buying copies or leases for their children. Few inventories reveal large sums in the house, and few men were in the position of William Boulting, who left to his two daughters and two daughters-in-law, 'all my gold which I have now sealed up in a box'.¹³¹

131. P.R.O., PROB 11/253, PCC 60 Berkeley.

In some areas of England the custom was for legacies to be paid from the future profits of the tenement, rather than the testator's savings.¹³² In Brent Marsh the evidence does not reveal any particular custom regarding payment, and there is no way of knowing whether some men did put money aside to pay the legacies, for instance by lending it out on bond. Indications are that some testators at least expected the legacies to be paid from the future profits of their tenements and made arrangements to lessen the strain of these payments. Many wills specify payment in instalments spread over several years, or one child's legacy to be paid in the first year after the testator's death, the second child's in the second year and so on. In one will the wife was left the testator's tenement for eight years to enable her to find the £100 for two daughters.¹³³

The level of the cash portions must reflect the economic prosperity of the area, but very few studies have material that can be readily compared to produce worthwhile results. A comparison with a study of a higher social group, portions given to the younger sons and daughters of peers and great landowners,¹³⁴ produces the result that would be expected: the portions given by Somerset yeomen

132. Spufford, Contrasting Communities, p. 106; Howell in Family and Inheritance, p. 146.

133. P.R.O., PROB 11/268, PCC 403 Ruthen.

134. Cooper in Family and Inheritance, pp. 313-27.

would hardly pay the lawyers' fees of the great landowners. Most settlements were annuities from lands for several hundred pounds a year, and outright cash sums were in the thousands. One local study of a similar social group to Brent Marsh covers a contrasting agricultural area in south-east Leicestershire and figures showing the movement of cash legacies for one parish have been compared in Table 19 below.

Table 19. Value of Cash Legacies in Leics. and Brent Marsh

Size of Legacy	Kibworth, Leics. ⁽¹³⁵⁾		Brent Marsh	
	1561-1600	1601-40	1561-1600	1601-40
£1 - 4	31%	28%	35%	32%
£5 - 8	32	22½	25	19½
£10-15	13	19	15	17
£20	13	12	12	11
£25-100	6	10½	10	13½
£200-500	1	(8)	1	1

Though the figures for the two areas are computed on a slightly different basis, the correlation between the two sets is strong, and they show little difference in the value of cash legacies in the two areas.

Annuities and rent-charges from land were another way of providing for dependants without reducing the capital of the estate, and first occur in the surviving wills for this area in 1590 when Thomas Davies

135. Howell in Family and Inheritance, p. 150.

of Axbridge provided £7 a year for his wife from lands he had purchased in East Brent, to be paid quarterly by his son. His wife and son also shared the residue of the estate after other bequests.¹³⁶

In 1612, Edward Letheatt of Wedmore willed that his married sister should receive 5s. a year for 20 years from the rent of his windmill, and in 1630, Edward Parker of Huntspill bequeathed five marks a year to his stepmother for life out of his ground of five acres near Edithmead, to be paid by his executor twice a year.¹³⁷

By the 1650s, this device was being used by some men to provide portions for several children, often in combination with outright payments of legacies. In 1651 John Warman of Mark bequeathed to his son John a ground called Great Lease on condition he allowed his mother to have the first five years' profits, paid £10 to a legatee in the sixth year, and thereafter paid £10 a year to his sister Joan.¹³⁸

A more complicated arrangement was made by a widower, Thomas Evans, yeoman, of Weare in 1652 to provide for his six sons, of whom Valentine was the

136. P.R.O., PROB 11/77, PCC 4 Sainberbe.

137. P.R.O., PROB 11/121, PCC 45 Capell; S.R.O., D/D/Ct vol. P, will of Edw. Parker.

138. P.R.O., PROB 11/217, PCC 134 Grey.

eldest.¹³⁹ A house and messuage in Overweare in possession of Evans' sister for her life was left to Thomas and William after her death, and they were to pay a quitrent of 5s. every half year to Valentine, and an annual rent of £5 to Richard. If unpaid, Richard had right of entry to one-third of the profits. Since this was not enough for Richard's maintenance, his father also gave him an annual rent of £5 from 20 acres of freehold purchased by Evans which he left to Robert and his heirs male. This second charge was to continue until either William or Thomas died, whereupon Richard was to have the portion of the first one to die. Since Thomas and William had to wait for their legacy until Evans's sister was dead, Thomas was given an annuity of 40s. for his maintenance in the meantime, to be paid by Valentine out of the chattle lease of the testator's dwelling house, and William was to have 40s. from Robert out of the 20 acres. Nicholas was also to receive a rent of £10 a year from the dwelling and tenement in Weare, plus 8 acres of ground and $1\frac{1}{2}$ acres of pasture in Weare after the end of the term of lives then in being, paying the reserved rent to Valentine. Robert,

139. P.R.O., PROB 11/264, PCC 182 Brent. No inventory survives, and the will contains no other bequests, of stock or equipment for example, so the source of Evans' income is unknown.

in addition to the 20 acres, was given a chattle lease of 18 acres for the remainder of the term. Valentine received all the freehold land lying in Overweare except the 20 acres, with remainder to his male heirs, plus the lease of the dwelling house for the remainder of its term.

Other wills provided for legacies to be paid out of specified lands in much the same way as annuities. Anne Allen, widow, of Mark left her tenement and 16 acres of land in Burnham, which she held on a lease for 99 years or the lives of her sons, to one of the sons, Henry, on condition he paid her daughter £5 in the first year, her son-in-law £5 in the second year, and £5 during the third year and 40s. during the fourth year to the use of the children of another son-in-law. After the four years he was to pay her son Thomas Allen 40s. a year for Thomas's life.¹⁴⁰

William Boulting the elder, of Theale in Wedmore, one of the substantial yeomen of the area, also made similar arrangements for his children and grandchildren out of lands and leases still in his possession at his death.¹⁴¹ Some legacies were annuities, such as £5 a year to a grandson out of ground in Wedmore, and £4 a year to another

140. P.R.O., PROB 11/268, PCC 403 Ruthen.

141. P.R.O., PROB 11/253, PCC 60 Berkeley.

grandson from ground in Weare. A granddaughter was to receive £40 to be paid at £5 a year from rents of a parcel of land, and her sister a similar amount out of another parcel. Other sums of £40, £60 and £60 were to be paid out of specified lands, but no method of payment was given.

Annuities for life were not very common, but several wills made short-term charges on the lands bequeathed in order to pay portions, sometimes as in the complex examples given above, or in more simple wills such as that of Gabriel Wall of Wedmore, who left cash legacies of £40 each to his eldest daughters, £30 and 2 acres of arable to a third daughter, while a fourth received the first three years' profits of a tenement in the neighbouring manor of Moore, with the following two years' profits going to the fifth daughter.¹⁴² His son received only a colt in the will, and his wife received the residue: the son, aged 11 when the will was written, was probably the next life in the tenement in Moore, as the daughters who inherited the profits there were to allow him his maintenance until he was 16 if the wife died.

In effect, these arrangements merely set down in specific detail the way that most cash legacies

¹⁴². S.R.O., D/D/Pd box 1, will of Gabriel Wall.

would be found from the testators' estates for the general run of bequests.

While the payment of legacies might be a strain for many families, the growing sophistication in provision for minors benefited the community by making available the cash legacies for investment. From the beginning of the period studied some testators expressed the desire that the goods they bequeathed should be employed for the use and profit of the legatee. Among the earlier wills admittedly only a small number make these provisions: between 1539 and 1589 only seven wills out of 271 give instructions for the investment of portions, with another five specifying investment in land. Only two of the seven include cash, with £12, and £160, the portions usually being of stock, though 40 bushels of wheat,⁴ silver spoons, and 4 leases are also mentioned.¹⁴³

From the 1590s the proportion of wills specifying investment grows steadily higher. Not all the legacies for investment are on behalf of minors (whether the testator's children or not), but also include bequests for the poor, community uses, the maintenance of schoolmasters, and for the widows

143. Medieval Wills (S.R.S. 40), pp. 138-9; P.R.O., PROB 11/63, PCC 3 Darcy; PROB 11/67, PCC 22 Watson.

and parents of testators. From the 1590s also, these legacies are generally cash: only about half a dozen are of stock, two are of the residue of the estate, and another is of a house.

The result of this trend was to make available quite substantial sums of money. Where legacies were left to minors, testators were generally careful to appoint overseers, usually at least two, and often different men for each child, to whom the legacy was to be paid on bond and who were to put it to use for the child. In many cases the legacy was used by the overseer himself, who then had to pay the principal and interest to the child at the age stipulated, generally 21 years. Those connected with the Axbridge Corporation sometimes gave money to the Borough in trust for their legatees, as did William Keene, who gave £200 to the Magistrates of Axbridge, who were to pay the interest of £16 a year to Keene's wife for her life, and then hand over the £200 to his brother's son.¹⁴⁴ As usual there is little evidence for the cases where these duties were performed satisfactorily, but only when overseers or guardians failed in their trust does information about the arrangements come to light. Occasionally wills give additional insights into the

144. P.R.O., PROB 11/104, PCC 85 Harte.

attitudes that lay behind the investments. One testator gave his daughters £25 each 'to be put forth to use according to the Statute',¹⁴⁵ that is, the statutes of the 16th century which permitted a rate of interest of up to 10% on loans.¹⁴⁶ Rates mentioned in the instructions varied from 1s. to 2s. in the £, that is 5% to 10%.¹⁴⁷

Between 1580 and 1700, about £7,430 was bequeathed for investment for the use of minors and other uses, a considerable sum in this small rural area, most of it concentrated between 1610 and 1660.¹⁴⁸ The bulk of these cash investments were to be made on behalf of minors and would therefore be fairly short-term depending on the age of the child, since in most cases the loan would come to an end and the money be returned to the child when of age.

The figures given for cash available for investment represent a minimum of the cash available from this source, since one can assume that many other legacies were invested even if this was not specified in the will. Even if this occurred in a

145. P.R.O., PROB 11/114, PCC 75 Dorset.

146. P. Ramsey, Tudor Economic Problems (1968), pp. 152-3.

147. Rates mentioned are 2s. in £, and 8%.

148. See Table 20, p. 491.

handful of cases, lump sums of £10, £30 and £50 were useful injections of capital in this economy.

Conclusion

A comprehensive study of inheritance for Brent Marsh, where free and copyhold land was rarely mentioned in wills, is difficult to achieve, and as in other areas many children received their share of the parental estate during their father's lifetime, transactions which leave little record. Supplementary information such as that concerning the disposition of copyhold land is only available for a few manors, and identification of copyholders with willmakers is not always certain, as many of the surnames are very common within the area. However, much useful information regarding the transfer of property can be gathered, especially from wills.

In general, the division of land and other property amongst children was governed less by custom than by the father's natural desire to ensure a living to each child. This seems to be true also for other areas studied, whatever their farming economy or social structure, though some economies made equal portions easier to provide than others, particularly where land was concerned.

The inheritance of land in Brent Marsh was impartible in the sense that customary and other holdings were not divided up; only rarely were profits shared and then usually for a limited term to provide cash or maintenance. However, testators did share out land amongst their children where they held more than one customary holding or parcels of land on different leases: there was no attempt to keep all the land in one pair of hands. This was done in other areas too: Chippenham, Willingham and Orwell in Cambridgeshire, Terling in Essex, and Kibworth in Leicestershire,¹⁴⁹ but it damaged the total estate less in pastoral areas like Terling, Willingham and Brent Marsh. Leaseholds for lives or years appear with increasing frequency in the wills of the 17th century, particularly small acreages of pasture, and the husbandry and landholding pattern in Brent Marsh lent itself to the provision by a father of small leaseholds to all his children, male and female. Daughters were not discriminated against in this respect and received land as their portion equally with their brothers where their father's resources permitted, but the land was generally in the form of leaseholds, and if the supply was limited the sons received the land and the daughters some other provision, generally cash, thus making sure that the children actually inherited a fairly equal share of the father's wealth.

149. Spufford, Communities, pp. 85-7, 104-11, 159-61; Wrightson and Levine, Terling, p. 98; Howell in Family and Inheritance, pp. 146, 154.

The content of portions given to children through wills changed between the early 16th and early 17th centuries, as cash became the most common form of provision, leading to fairly heavy cash demands on testators' estates, and the availability of quite large sums of money for investment for the benefit of minors. The change to cash portions was probably not so much to allow greater mobility for their children - goods could just as easily be sold after all - or even due to the greater prosperity among farmers, but more likely because cash became a more useful bequest with wider opportunities to use it; it also became easier to raise cash to pay the legacies, which was necessary since few men would keep savings lying idly around for the purpose.

Though it seems unlikely that testators gave legacies that their executors would be unable to pay, the levelling off of prices and the higher taxation of the middle and late 17th century may have made some cash legacies unrealistic by the time they came to be paid and strained resources too far, reducing many families to a lower social status. On the other hand, some families were moving up the social scale into a professional, rural middle-class, families such as the Westovers who were farmers and barber-surgeons, or the Boultings, copyholders and yeoman, who bo

arms by the late 17th century and whose 18th-century descendents went into professions such as the army.

There is no reason to suppose that the 'burden' on testators' estates was a new development of the 16th and 17th centuries, but the 16th century did see a marked change in the transfer of property, and the nature and content of the wills reflect this change.

In the medieval period, the property of a married man with a family was divided up by custom, so that even if his land went to one child the stock, crops, and equipment were divided up. By the 16th century the custom was no longer being enforced in Southern England, but fathers still tried to share out their property amongst all their children. However, this period saw the beginnings of the patriarchal family, where children no longer could rely on the force of custom for their share of their father's estate, but had to rely on his good will to some degree. The patriarchal family was by no means fully developed in this period, particularly in local rural society, for the wives of yeomen and husbandmen still took precedence over the eldest sons as the father's successor to the holding, as executor of his will and as guardian of minor children. The widow's custom, however, was also being phased out in this period, and though the wife might be the next name in the copy, this was the choice of the holder and

not the result of force of custom: it could be changed if his or society's attitudes made it seem necessary or reasonable.

Wills developed to match this change, growing longer and more complex as testator's instructions grew more involved. Testators had almost complete testamentary freedom over their chattles and freehold land, and by the second half of the 16th century even the influence of the Church over bequests had died. Wills reflect the desire for greater personal control, and show an inclination to make use of various legal and financial devices to ensure their children's future. Local society had developed a more sophisticated and legalistic outlook and a desire for greater legal security: wills were frequently drawn up by attorneys to incorporate the correct legal wording, and were used for securing legacies, regular incomes from land, and for ratifying conveyances and settlements.

Concomitant with this is the greater use of the P.C.C. for proving wills. In the 1540s no wills from these parishes were proved in the P.C.C., but by the 1580s more and more of the leading landholders, especially copyholders, as well as many who made no mention of land, were taking their wills to P.C.C. in preference to the local diocesan courts.

No reason is apparent for this: technically there was no reason (i.e. property in more than one diocese) why they should do this, and the most likely explanation seems to be mistrust of the diocesan authorities at Wells, or, possibly a corollary of this, a desire for greater legal security on the part of executors. Whatever the reason, this phenomenon comes to an abrupt end in the 1660s, and the numbers proved in London drop off dramatically.

The transmission of property in Brent Marsh did not follow definable inheritance custom but differed according to family circumstance. However, the ways in which property was secured to the next generation by a more sophisticated use of wills is one of the indications of a change in the local society, the emergence of a rural middle-class, far removed from the dependent villein and subsistence farmer.

Chapter 6

The Position of Women in Rural Society

The topics treated in the previous chapters - economic and manorial structures and transmission of property - all had their effects on rural society. Two aspects in particular stand out as being of special importance in Brent Marsh: the position of women in rural society and reactions to politics and religion, and these are discussed in this chapter and the next.

Besides their effects on inheritance discussed in the previous chapter, manorial customs in Brent Marsh also affected the position that women held in the family and in the economy, a position which differed considerably both from that of the governing classes, and from that of many other rural communities in England. For want of detailed studies the role of women in the household and in society is often generalised from legal theory and literary evidence such as contemporary discourses and sermons on the duties of family members.¹ There were, however, other dimensions to women's existence besides those of common law, which mainly concerned property, and contemporary literature, which often represented an

1. P. Laslett, The World We Have Lost (2nd edn., 1971) p. 258, gives a list of such sources.

ideal rather than reality. A recent study of sexual activity and attitudes in 17th-century Somerset, for example, sets the material in a context of the 'peasant world' taken from general studies based on legal, literary and religious statements, which do not illuminate the local material and are in places completely misleading.² This chapter therefore seeks to describe the legal, economic and social position that women had in this area with its particular variations and influences.

The Legal Position of Women

The position of women in law in regard to real and personal property was two-fold. If they were single adults or widowed they could inherit, hold and administer land and goods in the same way as men, where no trust or settlement such as an entail on male heirs arranged otherwise. Though the rules of inheritance in common law put sons before daughters in succession to their father's land, daughters always inherited before any other male kin, and in respect of chattles the law favoured equal shares amongst kin of the same degree, rather than primogeniture.

2. G.R. Quaife, Wanton Wenches and Wayward Wives (1979), pp. 14-15.

Once married, however, a woman became a femme couverte and virtually a non-person in law, 'nil valet quia nupta est' as witnesses in the ecclesiastical courts were described,³ without irony since it was literally true. A married woman could not own any personal property; goods she owned before marriage became her husband's unless a pre-nuptial settlement arranged otherwise, and this legal position also meant that a husband could not give his wife any goods during the marriage.⁴ Nor could a wife buy or sell on her own account, because without property she could not make contracts on her own behalf, only as her husband's agent.⁵

The real property of a married woman went the way of chattles, though with a limitation. A husband had complete control over his wife's freehold property during their marriage, or for his life if the wife's heir was his child, but he could not

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3. S.R.O., D/D/Cd, passim, depts. of married women in the church courts; 'worth nothing because married'.
 4. The passages on the legal position of women are based on Holdsworth, History of English Law, III, 526-7.
 5. Clearly, though, married women did buy and sell and it was tacitly assumed that their husbands were aware and agreed to the bargain. Fitzherbert thought that farmers' wives should do the marketing and handle their husbands' financial matters: A. Clark, Working Life of Women in the Seventeenth Century (1919), pp. 46-7.

alienate any part of it unless the conveyance was made by a fine to which the wife agreed on being examined separately; without this agreement the wife could recover the property after her husband's death. Property termed real chattles, which covered leases for years or wardships, fell between land and goods: they were similar to goods in that they became the property of the husband who could dispose of them as he wished, but if he had not alienated them they remained to his wife on his death as did her land, and did not pass under his will with other chattles.

The body of common law concerning women had evolved early on from a few fixed principles regarding property, and the law rejected all idea of a community of property between husband and wife, leaving women at a great disadvantage. From the 16th century dislike of these rigid rules can be seen to develop, particularly amongst the wealthy, whose daughters took with them considerable property that it was felt should not pass out of their control. Pre-nuptial contracts and trusts were increasingly used to circumvent common law rules. The rival system of equity, in direct conflict with common law, was used to limit the husband's control by giving effect to such settlements; the equity courts became the place where all manner of family arrangements were challenged or upheld.

Common law also affected the wife's position after her husband's death. The only concession it made to a married woman was to recognise her right to dower, so that the widow could hold one-third of her husband's land for her life. The dower was inalienable and could not be seized for her husband's debts, but could only be forfeited by voluntary surrender by the widow, or her desertion or adultery during the marriage.

Women's Position under Customary Law

The legal position of many rural inhabitants was governed by a different set of rules from that of common law, those of custom, often peculiar to a certain area and administered by manorial courts. Some of these customs have already been discussed in reference to land tenure and to inheritance, but custom also affected women in regard to land holdings.

The position of a married woman was not altered by custom: her customary land was enjoyed by her husband in her right in the same way as freehold. However, custom did give a woman a greater share in her husband's estate when he died. The ancient custom amongst many unfree peasants had allowed the widow to hold all her husband's land as long as she did the service due to the lord, and she was assured of a 'place by the fireside' in her late husband's

house while she was single.⁶ The position of widows in some Midlands manors in the 14th and 15th centuries shows the influence of these customs, with slight variations from manor to manor. A high percentage of tenants were women: some were not yet married, but a large number were widows. While in common law a widow received only one-third of her husband's land, under customary tenure she might have anything from a half to the whole of the property for her life, taking precedence over any male heirs.⁷

In many Somerset manors of the 16th and 17th centuries these customs still held sway, and in the manors under study the custom was for the widow to hold the whole of her husband's customary land as long as she was single and chaste,⁸ and this fact greatly influenced the position of women in their society. Though not all husbands held customary land for their wives to take over, the presence in the community of such a custom must also have influenced the way men disposed of other tenures, and the way in which they regarded their wives.

6. D.M. Stenton, The English Woman in History (1957), p. 76.

7. R. Hilton, English Peasantry in the Later Middle Ages (Oxford 1975), pp. 98-9.

8. S.R.O., DD/SG 22.

Responsibility given to Women

Since the wife often inherited the holding, it was common for the husband to make her his executor and therefore head of the household after his death, rather than handing over to the eldest son as would be the case with freehold property. The eldest son seems to have been less important here than in other parts of the country, or among other social groups; similarly the wives of the men whose wills have been examined seem to have held a rather more important position than elsewhere.

As Table 18 shows, men who left a wife and sons appointed the wife alone as executor in a half or more of the wills examined, especially in the decades with most examples.⁹ In the sample of reconstituted families, there were 44 wills for testators who left a wife and sons: of these, the wife was sole executor in 28, and a joint executor in five more. This was not solely because the children were under age either: of the 28 testators who appointed their wife alone, 11 had sons over 21, or married where their age is unknown, and six more had sons over 16. Of the 11 cases where the wife had nothing to do with the executorship, only in three was the eldest (or only) son appointed, and in one case the testator's brother. In the other cases the executorship was given to one of the younger children or

9. Table 18, p. 490.

grandchildren as a portion. Of these 11 cases, the wife was the mother of the testator's children in five, and was not the mother in four, the remainder being unknown. It was common for a wife who survived her husband to be his second or third wife and stepmother to his children, often with children of her own from a previous marriage, hence the safeguards for minors' portions through the appointment of overseers. Despite the exceptions, however, it is unusual to find the executorship and residue left away from the wife, whatever the family circumstance, as Table 21 below shows, though there is some indication that the position was slowly changing towards the end of the period.

Table 21 Number of Wives not Appointed Executors

	Wills mentioning Wives	No. not appointed Executor	Column 2 as % of Column 1
1539-46	71	3	4.2%
1550-9	19	1	5.3
1560-9	11	1	9.1
1570-9	25	4	16.0
1580-9	42	6	14.3
1590-9	36	10	27.8
1600-9	25	4	16.0
1610-9	39	14	35.9
1620-9	54	10	18.5
1630-9	54	9	16.7
1640-9	40	12	30.0
1650-9	81	20	24.7
1660-6	12	6	50.0
1670-9	7	2	28.6
1680-9	7	4	57.1
1690-9	5	2	40.0

This pattern of leaving the residue and executorship to the wife was markedly different from Leicestershire, where land was mentioned in the wills and was left with the residue.¹⁰ Table 22 below compares the way married men left the land and/or residue, in the context of their family circumstances.

Table 22 Disposition of Residue in Leics. and Sc

	To Wife only	Wife and a Kinsman (usually son)	Son only
Leics. (11)			
Children all minors (33 wills)	42%	39%	18%
Some/all over 21 (51 wills)	29	29	41
Somerset:			
Sons all minors (20 wills)	75%	10%	10%
Some/all over 21 (24 wills)	54	8	17

(Residue in Leics. includes the tenement).

Although in Leicestershire the wife was generally sole or joint executor when the children were minors, the proportion fell when some or all were over 21, while in Somerset the percentage remained at a higher level for both groups.

Two reasons stand out for the choice of the wife as executor. She can be seen as the obvious choice to head the family and carry on the source of

10. Howell in Family and Inheritance, pp. 141-2.

11. Ibid., pp. 142-3.

livelihood, having been a partner with her husband. Additionally, in many cases the force of customary tenure made this sensible: by custom the wife would inherit the tenement for her widowhood, so might as well receive the bulk of goods and settle the children's inheritances; even if she did not receive the holding by custom, she was very often the next life in the copy or lease. Many children of will-makers might still be minors who would in most cases remain with their mother or stepmother; overseers were appointed to look after the children's interests, especially if the widow married again, and to invest the children's portions. However, though the appointment of women as executors may not be surprising in view of the tenurial custom, it still indicates that men saw their wives as partners who were perfectly capable of administering their property and business, since other arrangements could have been made, including a lease of the holding to a son, if the testator wanted a male successor.

The provisions made for wives here, and the responsibility given to such a large proportion of them, differs a good deal from that found elsewhere. In Leicestershire if there was a son over 21 he

usually inherited the holding and was responsible for maintaining the widow.¹² In Cambridgeshire three different parishes reveal three different forms of provision. In Orwell a widow was normally left the holding if her children were under age, but only until the eldest son was 21; then she received specified house room and maintenance, or if possible a small acreage for support, which her son would till for her, so that she had rights of bed and board in her son's house for life, but which ceased if she remarried.¹³ In Chippenham three quarters of the testators left the widow a life interest in the house and land, a pattern followed even by the less wealthy. Wives were given considerable rights in customary holdings through admission in the manorial court after marriage.¹⁴ In Willingham the norm was for the widow of a man who left land and young children to receive the copy- or free-hold for a specific term of years, until the eldest son came of age. Frequently no further provision was specified, but when it was, it was often in the form of a separate dwelling, and overall there was a greater variety of types of provision for widows.¹⁵

12. Ibid., p. 142.

13. Spufford, Contrasting Communities, pp. 113-14.

14. Ibid., pp. 88-9.

15. Ibid., pp. 162-4.

In these three parishes then, Chippenham widows were given a better economic position than those in Brent Marsh, while widows in Orwell and Willingham received a lesser one, for although remarriage is not mentioned in the study on Chippenham, the impression is given that widows kept their land even if they did remarry. Taking the Somerset manors and the Cambridgeshire examples together, the reason for the differing forms of provision does not seem to be tied in with the type of agriculture as such. Willingham, on the edge of the fens, is closest in many respects to the Somerset Levels in geography and agriculture, yet gives its widows a much weaker tenurial and economic position. Chippenham, on the other hand, lies on a chalk down, with a sheep-corn economy, yet gives a similar if not stronger position to its widows. The link seems to be in the land-holding pattern, in which Chippenham shows more similarities to the Somerset manors than Willingham does, since there is less subdivision of holdings and small holdings in the Levels, and more stable customary tenants building up their holdings, as in Chippenham. The provisions probably stem from arrangements found suitable in the Middle Ages and enshrined in manorial custom, but even so, they reflected a society where a widow had little alternative to staying on

in the marital home and holding in Chippenham because new holdings could not be easily created, whereas in Willingham there was opportunity to build a new cottage and make a living on the waste and fen.¹⁶

In Brent Marsh, when wives were not given the executorship and residue of the estate, the kind of provision made for them still seems to indicate they would have a land holding or house even though this was not mentioned in the will. Twelve of the married testators whose families have been reconstituted did not leave their wives the residue and executorship, but bequeathed them specific goods, which often included the best bed, produce, and farm stock. No house room is ever mentioned, and land only peripherally: for instance, John Rowley confirmed to his wife the ground left to her by the will of her former husband.¹⁷ The widow was often left corn to maintain her for a very limited period, which suggests that she did hold or would inherit a tenement. In six cases, the widow was also left one or more cows. Not much is known about the land held by most of these testators, but two cases make it clear that the wife would hold a tenement not specified in the will.

16. In Brent Marsh the waste and moors could only be used by holders of customary tenements.

17. P.R.O., PROB 11/213, PCC 97 Aylett.

Richard Alger, husbandman, of Stoughton, a copyholder in the manor of Blackford, left his wife 2s. and a portion of his goods, indoors and out.¹⁸ From other sources, one learns that he held a tenement in right of his wife, who was also the next life in another holding which she inherited four years after his death.¹⁹

Robert Marten, husbandman, of Cocklake may have had a holding of his own, but also held his wife's tenements at Clewer in Wedmore. In his will, he left her all the goods and household stuff that had been hers when they married, all the corn and grass on her tenement, and hay to winter the two cows that he also left her. The table and cupboard at Clewer were only hers for life, and would presumably remain in the house for the next heir, who is not mentioned.²⁰

Since provisions for housing the widows are rarely made in the wills examined, presumably as in these two examples the widows had tenements coming to them from their husbands or in their own right.

18. S.R.O., D/D/Ct vol. A, will of Ric. Alger.

19. S.R.O., DD/SE 63 (box 18) Blackford court roll 15 Oct. 20 Car.I; presentments, 17 Oct. 1656.

20. P.R.O., PROB 11/251, PCC 455 Aylett.

The return to the wife of goods that were hers before marriage seems to reflect the same attitude that lay behind the development of family law in equity and a community of property in marriage. This attitude can also be seen in bills where next of kin are claiming a share in a dead man's property with his widow: they are careful to make it clear that they were not claiming a share in property that the wife had brought to the marriage. John Horsington of Compton Bishop died without leaving any children, and the six children of his sister, Anne Baylie, claimed through their father that Horsington had intended to settle his estate on his widow with remainder to his sister's children. Horsington's widow, Joan, had since remarried and obviously the Baylies feared they would lose their share. Before detailing the estate and the dead man's riches, the plaintiffs took care to mention Horsington's marriage, about 10 years previously, to Joan Needes, who they claimed had brought only £80 to the marriage. Horsington had intended to leave his leases and mortgages to his eldest nephew and £50 among the rest and he had died before arranging this, but had left a 'fair' house and lands worth £20 a year and goods worth £300, in addition to several chattle leases. The meaning is plain: that Joan had contributed but little to Horsington's wealth and his kin were therefore entitled to claim a share in practically all his estate. Joan's

answer to the bill was to emphasise how little Horsington had had before he married her, and that the fair house and lands were not all that the bill had implied.²¹

The indications are that the provision made for widows was changing in the 17th century, though the time span of this study is not long enough to gauge this thoroughly. Widows' rights were being affected by the switch from copyhold for three lives to leases for three lives: though the latter included many manorial incidents such as suit of court, common of pasture and heriots, the change did remove the automatic inheritance by the widow. Since it is hard to see what advantage the tenant obtained by the change from copy to long lease, which the lords could not legally force on their tenants, it is possible that the change was made in fact to remove the widow's succession and allow the landholder freedom to dispose of his land as he chose. Leases for lives continued to be taken for the life of the lessee, his wife, and his eldest child, to cite a common example, much as copies had been, but the property did not automatically pass to the next name in the lease, as the wording of copies could direct.²² The inference is that the landholder might prefer to pass his land direct to a son, for example, rather than to his wife. Reasons of status may be involved,

21. P.R.O., C 2/Jas.B31/71.

22. See Chapter 2.

a feeling that his wife should not have to be involved in business of any kind. Another reason may be the greater alternatives available to provide for widows by the late 17th century, such as an annuity from invested funds or rents. At the moment, though, these reasons must remain largely conjectural.

Certainly, in wills of the late 17th century, of which there are only a few in this study, the wife is less likely to be appointed alone.²³ The sample is admittedly very small, and mainly concerns a higher social group than the earlier period, nearly all merchants or local gentlemen, from whom a greater interest in primogeniture and a male successor might anyway be expected. However, comparing them with a similar group of merchants and gentlemen in the period 1600 to 1640 there does seem to be a change even within this social group: in the period 1600-40 three merchants and four gentlemen appointed their wife alone, two appointed a male kinsman, and only four, one a canon of Wells, appointed a son, nephew, or other male executor.

If this change in the provision for widows really took place and is not a product of limited evidence, a possible explanation may lie in the

23. See Table 18, p. 490.

changing economic position of landholders. In Chapter 2 the emergence of the copyholders as a landed class of minor country gentlemen has been discussed. As many copyholders ceased to be working farmers, the position of their wives in the family economy changed also. Lady Stenton has suggested that 'the nearer the household was to the land, the stronger the tie between man and wife, the more nearly they were on equal terms',²⁴ whereas among the landed classes, and those whose education took them away from the land into professions, a deep division was created between husbands and wives by different education for men, different activities, participation in local administration and politics, and commercial activities away from home,²⁵ which the vast majority of women in these social groups could not share, but which could be shared by their sons as they reached adulthood.

The divide was not so great amongst agricultural families, but was beginning to emerge. In the medieval Midlands, women can be found sharing most agricultural tasks with men, such as ploughing and harrowing, and not just being confined to the dairy and poultry.²⁶ This kind of heavy farm work was not done by women by the 17th century, or if

24. Stenton, English Woman, p. 98.

25. W. Notestein, 'The English Woman, 1580 to 1625', in Studies in Social History, presented to G.M. Trevelyan, ed. J.H. Plumb (1955), pp. 81-3; Clark, Working Life of Women, passim.

26. Hilton, English Peasantry, pp. 101-2.

it was, was limited to the wives of very poor husbandmen and labourers.²⁷ The wives of wealthier husbandmen and yeomen moved into a more supervisory and managerial role in their households, and it was clearly reasons of status as well as of lack of financial necessity that moved women more and more into household roles that were not directly productive, these being, of course, an indication of financial well-being and higher status. That status was an important consideration is underlined by the number of wills both in Somerset and in other counties, which make provision for the widow 'appropriate to her degree'. William Maundrell, a local gentleman of Huntspill, left his widow £10 and diet, washing and chamber 'fit for her degree', or if she did not agree to that, then £20 a quarter.²⁸

Most married women in village society here, though, were still involved in a range of economic activities, particularly in the place of their husbands when the latter were away, keeping accounts, marketing and running farms.²⁹ Women were obviously expected to farm for themselves, and men

27. Clark, Working Life of Women, Chapter III, passim.

28. P.R.O., PROB 11/195, PCC 2 Twisse.

29. Clark, Working Life of Women, pp. 44-6.

who did not leave the executorship and residue to their wives still frequently left them goods for active farming. In 1649, John Taylor alias Griffen, husbandman, of Wedmore left his wife enough wheat and beans to sow her grounds so she obviously would have a farm after his death. She also received the two oldest cows and enough beans to fatten the pigs.³⁰ In 1640 Thomas Wall husbandman, of Weare left his wife the plough harness, the house that was hers before their marriage, the lease he held and goods to the value of £50.³¹ Richard Trubb, husbandman, of Mark left his wife the plough harness for life, two cows, and corn to sow her ground for six months after his death.³²

One of the most comprehensive bequests of this kind was made by Richard Latcham senior of Wedmore in 1677, who though he gave her no land was obviously stocking a house and farm for his widow. She received the best bed and bedding, the pewter and brass, timber vessels, all the provisions in the house, a chest, box, coffer, and all the linen. For the farm she received the best wheat in the yard and two hayricks, three milch cows, a yoke of red oxen, a yearling, a red heifer calf, two pigs, and growing

30. P.R.O., PROB 11/211, PCC 32 Pembroke.

31. P.R.O., PROB 11/186, PCC 59 Evelyn.

32. P.R.O., PROB 11/199, PCC 51 Fines.

crops of $2\frac{1}{2}$ acres of beans, 1 acre of wheat and some barley,³³ a list which describes a well-balanced basic pastoral farm unit, a microcosm of the economy of the Levels.

Though many widows were given standing crops or produce, these were not capital stock and on their own were probably for support or sale. Bequests of cows and other livestock may also have been for sale, but more likely were intended to be kept for long-term support, while a bequest of land alone was probably for the widow to lease out rather than to work herself. However, bequests of the plough harness surely indicate that the widow would work her own farm (though not necessarily, of course, to guide the team herself), and out of the ten or so wills in each decade which made a specific provision for the widow, there were usually one or two which bequeathed to her the plough.

Remarriage

Though widows could be expected to manage their own farms, when they were left with substantial property in land or goods, there was a strong chance that they would marry again, especially where the property was theirs for life rather than for widowhood only. The number of female heads of households among the better-off landholders was not large

33. S.R.O., DD/FS 12.

at any one time, and constantly fluctuated. Figures derived from taxation records can give a rough estimate for most of the tithings of the area, and are tabulated below.

Table 23 Number of Male and Female Taxpayers

	Men	Women	Women as % of total
1523-5 Subsidy ^(a)	603	30	4.7%
1548 Relief ^(b)	211	25	10.6
1597 Subsidy ^(c)	419	67	13.8
1646 Parl. Assessment ^(d)	249	36	12.6
1660 Poll Tax (Wedmore only) ^(e)	232	83	26.4
1670 Hearth Tax exemptions ^(f)	228	56	19.7

NB. Not all tithings are complete for each tax, so no comparison should be made between the taxes in numerical terms.

- (a) Included everyone with income of £1 or more from land or wages, or with £2 or more in goods.
- (b) Tax on goods over £10, and on sheep and wool; only 11-14% of Brent Marsh population in this group included.
- (c) Not a reliable estimate of wealth, but most landholders appear in these tax lists.
- (d) Only a few names in each parish of the richer inhabitants.
- (e) Includes everyone over 16 including servants, but women and servants often included in householder's payment.
- (f) Poorest inhabitants and those receiving alms. Included to show lower end of economic scale.

As Table 23 shows, among the richer inhabitants women only headed about 10-12% of the households, but this rises to about 25% when the poorer households are included. When a woman married, her husband paid the subsidy in respect of her land, making it difficult to

trace particular households through the various tax lists. In 1597, Edward Wride paid the subsidy assessed on two tenements and 28 acres in Biddisham held by him in right of his wife, Agnes Milles alias Talbot; in 1628 Agnes, now the widow of Jacob Griffen, paid the subsidy herself.³⁴

It was not necessary for widows to remarry to get their farms worked, however. With farm incomes rising in the 16th century, holders of customary tenements could afford to hire labour, and examples of hired men working for single women appear regularly in various records. The poorer widows had to try to remarry if they could, because they would find it difficult to survive financially on their own, especially if they had a young family.

Table 24 below gives figures for remarriage in Wedmore, but because the status of the bride was not always given in the register, the percentages given are minimum figures only, and it is more likely that about 15% of the brides had already been married at least once.

34. P.R.O., E 179/171/324, 172/385.

Decade	Table 24		Remarriage of Widows		
	No. of marrs. in par. ch.	No. of widows remarr.	No. of ^(a) widows not desig.	Total no. of widows	Widc % of marr
1561-70	118	1	6	7	5.
1571-80	143	0	4	4	2.
1581-90	126	1	7	8	6.
1591-1600	141	21	4	25	17.
1601-10	171	16	1	17	9.
1611-20	161	19	1	20	12.
1621-30	177	20	2	22	11.
1631-40	155	15	4	19	12.
1641-50	111	9	3	12	10.
1651-60	153	9	6	15	9.
1661-70	94	2	1	3	3.
1671-80	95	2	1	3	3.
1681-90	95	0	2	2	2.

(NB. No marriages entered Nov. 1656 to Apr. 1659).

(a) The fact that these women were widows was only discovered in the course of some family reconstitution, and not all families were treated.

The majority of the widows are known to have had two husbands but may have had more; five of them had at least three husbands. The percentage remarrying varied considerably between the period 1590-1660 and the decades before and after, and it is unlikely the difference is entirely a result of the vagaries of recording. The period with most widows remarrying coincides with the period of greatest prosperity for farming families, and for some decades with the period of greatest mortality.

Value of Marriage

Among the various reasons why people married lie the material benefits to both men and women. The material,

businesslike quality of marriage in the early modern period, when parental arrangements were still common, can be overemphasized though many of the examples given below will tend to substantiate this view. Plenty of examples can also be found in this period of marriages contracted for emotional or sexual reasons, but in general 16th-century society had a rational and realistic approach to marriage, when poverty and starvation could be the result of an unwise choice. Whatever the basis for the choice of partner, a judicious marriage had important economic results for the individual.

It was desirable for men as well as women to marry well financially. Apart from inheritance, marriage was about the only honest way of substantially and quickly increasing a person's capital stock as opposed to building up capital out of profits, while for a woman it was in a sense an investment, where she placed herself and her goods in the hands of a man whom she hoped would be honest and thrifty, and who would husband her stock and leave her well-provided for if she survived him. The economic resources left to widows made marriage with them attractive, and even led to suits for breach of promise being brought by men against well-to-do women.

In 1612 Richard Moore brought a suit against Agnes Dawkes, widow of Berrow, a 'young woman'. Agnes and Richard, who had been a servant to Agnes and her husband for 20 years, had been seen in bed together, and it was stated that Richard had wasted most of his substance on her only to find that she refused to have anything to do with him. Other witnesses stated, however, that Agnes had refused to accept gifts from Richard, that there had been no talk of marriage between them, and denied that Richard had behaved in a familiar fashion which Agnes had accepted.³⁵ Another such case was brought by Thomas Abbai against Joan Harvard in 1570. The only evidence is that given by Abbai's relatives: they claimed that Joan had admitted to being Thomas's wife, but wanted to keep it quiet for fear of losing her copyhold tenement. She held about 30 acres in or near South Brent, while Thomas had only four acres of ground.³⁶

A judicious marriage could bring a man a large acreage by the standards of this part of Somerset. When John Gilling married Julian, the daughter of Nicholas Bibble c. 1557, he acquired some 42½ acres: 10 acres of pasture in Northgrove, for which he took

35. S.R.O., D/D/Cd 45, Moore v. Dawkes, depts. of Sam. Moore and others, 16 ?June 1612.

36. S.R.O., D/D/Cd 12, Abbai v. Harvard, depts. of Roger Hardwich and others, 24 May 1570.

a new copy for himself, Julian and their son when Bibble died in 1561; a copyhold tenement and 23 acres in South Brent Huish, and $6\frac{1}{2}$ acres of arable and 3 acres of meadow also in South Brent Huish which was held by lease for 92 years or the lives of Julian and John.³⁷ As the previous chapter has shown, daughters frequently received copies or leases for their 'preferment', in order to make a good marriage, and even though these were not freeholds, the difference is really very slight in economic terms: John Gilling acquired $42\frac{1}{2}$ acres in secure tenure to add to his property and augment his income. Just what his property was before marriage is harder to ascertain: the Gilling family were long-established landholders with many branches in the area, and a good half of the members of each generation were named John.

Women also benefited from marriage. Their husbands were expected to endow them in some way, to provide for them in the event of the husband's death. Maurice Llewellyn, husbandman, of Mark agreed to the marriage of John Batt to Marian Llewellyn if Batt could obtain her consent and provide some living to bring her to. When Marian was asked if she could find it in her heart to love John,

37. C.C.C. Oxford, Fn 14, rental 1568; Straton, Survey, II.

she replied she could if he was able to provide some living for her. Llewellyn promised Batt £10 if he would buy her a living, meaning some lifehold property such as a copyhold tenement.³⁸ At the other extreme in legal involvement, a land settlement was made when Richard Blake married Elizabeth Bale. Blake conveyed to trustees his lease of the rectory of Overstowey in West Somerset to his use and to that of his wife after his death, and his freehold messuages and 80 acres in Burnham to himself and his heirs by Elizabeth, while the bride's father Peter Bale was to give his daughter £100, and to convey his tenement and 40 acres of freehold land in Stogumber (W. Somerset) to the use of Elizabeth and her heirs after himself and his wife.³⁹

If a woman did not receive an adequate endowment when her husband died, she felt entitled to complain. Margaret Aldridge, widow, of Burnham claimed she had held a tenement in Street valued at £20 a year and goods valued at £300 when she married Richard Aldridge, yeoman, about 22 years previously. He had persuaded her to agree to the sale of her tenement and promised instead to leave her a good estate in land and goods when he died. However, his will gave her only £45, a featherbed, some corn

38. S.R.O., D/D/Cd 28, (Batt and Llewellyn), dep. of Maurice Llewellyn, 1598.

39. P.R.O., C 2/Eliz.B24/36.

and other small legacies, 'being but slender recompense for so good an estate as he had received by marrying her', and she sought a fairer share from Aldridge's executor who, she claimed, had embezzled her husband's goods.⁴⁰

Even on a lesser scale, marriages brought valuable stock to the new household or to the man's family farm, to judge by the number that leave their wives all the household stuff and goods that were hers before marriage; many more leave her a few items suggesting they were part of a larger stock. Jeremy Browning left his wife her father's silver,⁴¹ while William Fry of Berrow left his wife all the household goods at East Brent and the rother cattle that were hers before their marriage.⁴²

Most of the evidence concerning marriage arrangements occurs when the bargain is not fulfilled, and the equity courts were constantly used by rural inhabitants seeking to enforce agreements. Generally the husband, with his wife, was trying to force his wife's father or family to hand over the agreed portion. For example, c. 1550 John Dean of Wedmore brought a bill in Chancery against his wife's father, Thomas Tincknell, of Theale, Wedmore, claiming that

40. P.R.O., REQ 2/391/37.

41. P.R.O., PROB 11/190, PCC 91 Campbell.

42. P.R.O., PROB 11/153, PCC 11 Barrington.

when the marriage was being considered some 11 years before, Tincknell had agreed to give with his daughter 40s. in money, a bed and bedding, some pewter vessels, a cow, a heifer and two yearling steers. The cow, heifer, coverlet and pair of blankets had been delivered but not the remainder, despite several requests.⁴³ These goods seem quite a slight matter to bring to Chancery, but are by no means unusual. More commonly, however, cases concerned land. A common occurrence was where occupation of certain land was given to the man and woman, but without secure tenure, and cases were brought to try to persuade the court that secure tenure had been part of the agreement. This was the basis of the case in the 1530s mentioned in the previous chapter, when John Huchyns and his wife, Christian, complained that William Hayne and his wife, Ellen, had refused to secure three tenements to them as agreed.⁴⁴ In another case the groom, Richard Hodges, claimed that the bride's father, Robert Comer, had agreed to pay him £13 6s. 8d. within a year of his marriage to Jane Comer, and to assure to him his tenement in Compton Bishop for his life. After the marriage Comer had refused to do this and had since died. His sons John and Henry Comer answered the bill, saying that the final agreement had been that Hodges should enjoy the tenement for payment of 10s. a year, and had been

⁴³. P.R.O., C 1/1214/19.

⁴⁴. P.R.O., C 1/829/44-5.

in possession of the property ever since his marriage, 20 years before, on these terms.⁴⁵

Some marriages brought both large endowments and great legal tussles. Thomas Sayard married Edith the daughter of John Lying of Tarnock, who had promised to leave them the remainder of his 99-year lease of a mill in Lympsham as part of the marriage agreement. Edith also inherited two tenements and 40 acres of copyhold in Tarnock, and was left £20 by her father in his will. Her brother John died shortly after their father and Edith was therefore heir to her father's freehold land as well, which was, the Sayards later claimed, a fourth part of the manor of Tarnock with its 12 messuages, 6 cottages and 450 acres of land, the rest being held by Edward Seymour, Earl of Hertford. John, senior, had also purchased some other freehold land in Tarnock from John Castle in 1558. For two or three years after their marriage (c. 1565) Thomas and Edith were involved in six chancery suits, three as plaintiffs against Edith's stepmother and a cousin trying to get possession of parts of Edith's inheritance, and three as defendants, including a case brought by Edward Seymour who disputed their right to a fourth part of Tarnock.⁴⁶

45. P.R.O., C 1/1360/36-8.

46. P.R.O., C 3/25/8, 39/59, 159/27, 161/30, 174/91.

By the same token, lack of a suitable portion damaged a woman's chances of marrying within her own economic group and gave grounds for complaint. When two brothers and their sister were claiming rights in an estate, the sister Julian 'being now of years lawful to take some honest and convenient husband according to her estate and degree', was likely to remain unmarried because she had not received her legacy.⁴⁷

Women in Economic Life

The economic role of women in the community is often obscure, but was not simply that of pensioner or annuitant. Nor were married women simply dependants of their husbands, and to sum up their position as 'The woman's place was primarily in the home'⁴⁸ is misleading, not only because both men and women worked at home in the majority of rural and many urban households, but also because the 'domestic farm activity'⁴⁹ such as dairying which is seen as the woman's province was the mainstay of the income of the small farm households for much of Somerset, and activities which provide a large proportion of the family income cannot be equated with the modern 'housewife role' suggested by

47. P.R.O., C 3/39/59.

48. Quaife, Wanton Wenches, p. 14.

49. Ibid., p. 15.

the first quotation above. A married woman was not cut off from economic life, but could and did participate in a fairly independent way.

An interesting example of this occurred in Huntspill in 1632.⁵⁰ Robert Browne, a husbandman/labourer, was suspected of having stolen some fleece wool from a barn where he had been threshing, and he and his wife Welthian had to account for wool found in their house by the constable, some of which was afterwards sold before further action had been taken in the matter. Welthian Browne had made all the purchases of the fleece wool and lambtoe found in their house from four Huntspill residents and at Bridgwater market, in quantities from 1 to 17 lbs. Though the constable had warned her not to sell any of it until the case was cleared up, she said she had been forced to do so because she needed some money, and had sent word to that effect; when nobody came to see the wool again, she had sold 6 lbs. at Bridgwater and a little more that she had spun. Her husband, she said, knew nothing about the buying of the wool.

Robert Browne confirmed that he had little to do with his wife's wool activities. When she had told him that a farmer had offered her 20 lbs., to be paid for at Michaelmas, he had advised her not to buy so much, as it would be hard for him to spare so much money

50. S.R.O., QSR 64(1)/10-11.

at one time. Otherwise, he had no idea where his wife had bought the wool 'because he never used to meddle nor question her dealing but doth usually deliver her all the money which he earns to be employed and bestowed by her as she thinks fit'.⁵¹ It is reasonable to suppose that in many dual occupation households, the wife managed one source of income on her own, while her husband was engaged in another, rather than that the man had himself two occupations. The tucker's wife and the blacksmith's wife who milked their cows on the moor⁵² may well have been running a small dairying concern on their own, rather than just tending the cow for the house, while their husbands followed their respective crafts. Because only men's occupations are usually given, and because married women could not trade in their own right, the wife's role in the general and household economy is overlooked. Other wives are, of course, found assisting in their husband's business: the wife of a farmer was one of those selling wool to Welthian Browne, while the wife of a linendraper sold cloth in her husband's shop in Axbridge.⁵³

51. Lack of knowledge of where his wife bought the wool was stressed because when the constable had first approached Browne he had given the impression she had bought wool from the farmer mentioned, whose brother denied any dealings; that naturally made the Brownes' position look suspicious.

52. S.R.O., D/D/Cd 51, 'detection' v. Henry Lange, depositions of Elizabeth Petheram and Katharine Napper, 3 Apr. 1

53. S.R.O., QSR 33/10.

Women at the lower end of the economic scale were more likely to pursue their own economic activities than those higher up, out of necessity. They were forced to work to bring the family's income to a viable level, or to keep going if their husband died or deserted them. As elsewhere in England, female alehousekeepers both licensed and unlicensed were fairly common, but other examples can also be found of women who were engaged in supporting themselves. One was a sievier's widow, Edith Smith of South Brent; she had been born and married in Wiltshire, and after 10 years of marriage there she and her husband had come to live in East Brent, where they had hired a house for three years, living there for one and travelling the country making sieves for the rest of the time. After her husband had died leaving her with three children, she and the children had worked at the harvest at Burnham, staying with Widow Board who lodged poor people, and after the harvest she and her 14-year-old son had walked about the county making sieves.⁵⁴

Another example was a tailor's wife from Dorset. Arthur Snowe of Sharpesbury (?Shaftesbury), Dorset, was arrested for having sold a piece of flannel believed stolen. He said he had been at Edithmead fair, on this way to Exeter, and had by chance met

⁵⁴. S.R.O., QSR 35/84.

up with his wife, Jane Snowe, whom he had not seen for a week as she was travelling up and down the country with a pack of 'small wares' on her back, and he had got the flannel from her. Because of the circumstances his explanation may be suspect, but his wife's employment must have been at least credible to the magistrates or he would scarcely have proffered it as an explanation.⁵⁵

Higher up the economic scale, evidence of independent economic activity is hard to find. Widows could and did live from rents, interest, or farming for themselves, but the economic role of a yeoman's or gentleman's wife seems to be confined to the traditional country housekeeping. Eleanor Hodges, the wife of George Hodges, an armigerous gentleman of Wedmore, and daughter of another gentleman, John Rosse,⁵⁶ did indeed keep a close eye on her ducks, geese and turkeys, to the extent of warning a neighbour to keep away from them,⁵⁷ but she may have kept the birds just to supply the house, rather than being engaged in a poultry business.

Widows' participation in economic life was much wider, and evidence of their activities can be gleaned from their wills. Of the wills for reconstituted families 11 were for women, all widows except one who

55. S.R.O., QSR 51/17.

56. Visitation 1623 (Harl. Soc. xi), pp.53, 95.

57. S.R.O., D/D/Cd 51, Hodges v. Barker, 23 June 1625.

was unmarried. Four of the wills show that the women were active farmers, the remainder having little to show what they did for a living. These latter include Eleanor Hodges, mentioned above, who made the conventional sort of will for a lady of her social position, with bequests of clothes, linen and money, giving the residue to her five daughters rather than to either of her sons,⁵⁸ and most of these widows' wills are of this kind. The wills of the farming widows are similar to those made by male farmers. Isabel Popham of Wedmore, the widow of John Popham who died in 1591, left four children aged 22, 21, 19 and 7, when she died in 1593, the second child, a daughter, being married. At her death, Isabel possessed crops growing on land at Clewer, Crickham and elsewhere in Wedmore, and wheat, peas, a cow and 4 lbs. of wool were among the bequests she made, which otherwise consisted of house goods, pewter, brass, and furniture. The residue was left to her eldest son, who had to bring up the youngest.⁵⁹

Alice Blake was another Wedmore farmer who had been widowed twice. Her first husband was Alexander Tutton who died in 1587, and some six months later she had married Thomas Blake of Blackford. He died in 1613, but Alice lived on until 1632 and was described as 'senex' in the burial register.⁶⁰ In his

58. P.R.O., PROB 11/210, PCC 177 Fairfax.

59. P.R.O., PROB 11/81, PCC 43 Nevell.

60. Wedmore Parish Registers, Burials.

will, Tutton had left all his goods, apart from a few small token and charitable bequests, to Alice and their two sons, John and Edward, equally between the three.⁶¹ By the time she wrote her will, her son Edward had married and had five children, and her two daughters by Blake were also married with children. The other son is not mentioned. Alice had a house for her life and left some furniture to remain in it for the next possessor, and she had parcels of land in Wedmore, out of which annuities totalling £32 were to be paid. She had a wain and wheels, a putt, several colts and cows, among the goods she disposed of, and had several covenant servants assisting her.⁶²

Since Tutton's sons were 9 and 4 when he died, it is not surprising that Alice was left in charge of the family. Agnes Tutton, however, is an example of a widow made head of a household that included adult sons. Agnes was the widow of John Tutton of Theale who died in 1647. He left £50 to each of his four sons, John aged 23, William age unknown, Joseph aged 12, and Robert aged 7.⁶³ John also received his father's lease for years of 6 acres of arable, and Robert the leases for years of a tenement and 11 acres of meadow or pasture, all in Burnham parish.⁶⁴ The residue was

61. P.R.O., PROB 11/70, PCC 26 Spencer.

62. P.R.O., PROB 11/163, PCC 8 Russell.

63. Ages calculated from date of baptism. The known children were baptized in 1624, 1630, 1632, 1633, 1635, 1640, 1642. If John listed his surviving children in age order, William was baptized between 1624 and 1635, probably before 1630. John and Agnes were married in 1622 in Wedmore, but lived in E. Brent for several years.

64. P.R.O., PROB 11/204, PCC 91 Essex.

left to Agnes, who was the sole executrix and was responsible for finding and paying the £50 legacies. In 1652 Agnes made her will and disposed of a quantity of farm-stock: a yoke of oxen called Browne and Pretty, a yoke of steers, plough harness, a mare, five yearlings, corn growing on another's ground,⁶⁵ and the crop of apples in the orchard. She left the bed that her son John lodged on to William, and the bed that William and Joseph shared to Robert. The legacies left by her husband to the three elder sons had evidently been paid, but Robert's had not, because he was left additional bequests, including £18 due in rent from a tenant and £20 borrowed by John, specifically in full satisfaction of his father's legacy. John was left the residue and appointed executor and William was the overseer. The references to John are the most interesting aspect of the will. The bed mentioned above suggests that he may have lived in the house, but possibly he only used it when he stayed there: his mother's control of the bulk of his father's property had not prevented him from marrying, which he did in 1649, and by 1652 had a son. His relationship with his mother as far as finance went was on a business footing, since the £20 he borrowed was secured by a bond.⁶⁶

65. Probably a short-term rented acreage.

66. P.R.O., PROB 11/221, PCC 93 Bowyer.

Social Participation

It is a gross exaggeration to say, as one historian has done, that 'the only public appearance of women and children, almost their only expedition outside the circle of the family, was at service in church. Wives and maidservants might take and sell their poultry... to market, but otherwise they stayed at home'.⁶⁷ Evidence for the Somerset Levels contradicts this view in several ways, and reveals much more social activity than the quotation above, which suggests something akin to purdah. Married women and single often differed in their activities, but all women went out and about a good deal, and interacted with both men and women in the community, quite apart from the economic activities described above.

A most surprising degree of interaction and independence compared with the stereotyped position of women is revealed in the case concerning Mrs. Eleanor Hodges and her poultry, mentioned above. Mrs. Hodges sent a warning by Marie Warman to a neighbour, Nicholas Barker, that he was not to come on her grounds nor meddle with her turkeys, ducks, and geese again,⁶⁸ a message that led to three defamation cases in the ecclesiastical courts, and the examination by the justices of Barker and others for theft. While it would

67. Laslett, World We Have Lost, p. 77.

68. S.R.O., D/D/Cd 51, Hodges v. Barker, 23 Mar. 1625.

not be surprising perhaps to find a married woman complaining to another woman, it is unusual to find the wife of a gentleman delivering a complaint to a man, and one not so far below her in social eminence. Certainly in terms of 19th or even 20th century mores, it would be more likely that she would let her husband handle the matter.

Furthermore, the woman Mrs. Hodges sent with her message was not a household servant, but the wife of a Wedmore tailor, and was either a friend or a neighbour who was glad to oblige Mrs. Hodges. She seems to have had no qualms about getting involved in this local row, though she did ask Cicilia Fraunces alias Kempe to accompany her, probably for moral support.

Cicilia is the third woman in this case who does not fit a conventional role. She was a 30-year-old spinster who had lived in Wedmore for 15 years, and she had been at the house of Robert Hole, brother-in-law to Nicholas Barker, that day, a Sunday, before morning prayer, 'to do some churing woorke about the said Mr. Hole's house'.⁶⁹ She was not a living-in servant, but lived elsewhere and was returning to her own home when she met Marie Warman on her errand for Mrs. Hodges and returned to Hole's house with her. Cicilia had had two illegitimate children, one still living aged 7, but witnesses to her character testified that she had mended her way of life after being

69. 'Churing' could mean churning or charing.

whipped for the second child, and by all reports had since behaved herself honestly. Clearly not all servants, even female ones, lived as covenant servants in the house of their employers and Cicilia may have been doing casual work for many households.

Women of respectable character also visited local inns and drank there. Ann Roynon, a connection of an armigerous family in and around Compton Bishop, visited an inn called the Roebuckat Crosse, in Compton Bishop. As she was a neighbour, the innholder, Samuel Andrews, called to her to come into the kitchen where he was playing at 'tables' with Joseph Tripp. Ann Roynon and Tripp, a member of another landholding family of the district, seem to have had a long-standing quarrel: Ann said Tripp would begrudge buying her a drink, and Tripp replied he was as well able to afford a drink as she was; the two engaged in a series of acrimonious comparisons, until Andrews told them to be quiet. Tripp and Andrews finished their game, and Andrews brought a jug of beer, 'to make them friends', to Ann in the hall where Tripp had now joined her. Unfortunately the quarrel flared up again: Tripp made some offensive remarks and Ann left, but when she slipped in the doorway Tripp had said '[it is] Mrs. Royn⁷⁰ who is drunk now'. The outcome was a defamation case from which this evidence is taken, and it illustrates that a neighbourly drink was not impossible for women; presumably not all such activities ended in the courts.

70. S.R.O., D/D/Cd 81, Roynon v. Tripp, dep. of Sam. Andrews, 10. Nov. 1635.

Women also felt themselves free to criticise their husbands in sworn statements. Edith Crase of Badgworth gave evidence confirming an agreement whereby her husband Thomas Crase had promised to delivered her tenement and land to her son, John Harse, when he was 21. Crase had refused to do this when the time came, and Edith deposed that she thought John was 'wronged by her said husband in keeping the tenements and lands'.⁷¹

These are only a few of the incidental examples illustrating the range of activities of women, in addition to the more frequent ones of visiting neighbours both male and female, attending weekly markets and visiting fairs, and counters the stereotype presented in the quotation above.

Women's role in public life, as opposed to social life in the community, was more circumscribed. No evidence has been found for parliamentary elections in the area, but in any case a general study of elections has concluded that even where women were legally entitled to vote, the social attitudes of the day were against it, and candidates, sheriffs and recorders of votes can be found refusing to admit the votes of women.⁷² No reference has been found to parish offices and how they were filled either; in general where the offices went by property, women holders would pay a substitute

71. P.R.O., C 2/Jas. I H10/17.

72. D. Hirst, Representative of the People? Voters and Voting in England under the Early Stuarts (Cambridge 1975), pp. 18-19.

to carry out their duties. Women were not sworn as members of the homage at manorial courts in Brent Marsh, but occasionally court papers record their presence: at Blackford in 1644 four widows were present in court in addition to the homage of 11 men,⁷³ so it is not always true that only men attended the manorial courts.⁷⁴

As in a great many other activities, the evidence for women's activities is sparse, but the fact that documentary evidence overlooked their roles in community life does not mean that the roles were negligible.

Conclusion: the Economic Effects of Widow's Right

The tendency to leave the bulk of the estate to the widow was, perhaps, less damaging to the financial stability of the estate than giving her an annuity or other provision. In the former case the whole unit, be it farm(s) or business interests, passed to the widow. If there were minor children, she would bring them up and provide for them, and in due course pay them their portions, which were usually bequeathed to them by their father at his death. Those who were given stock, land or tenements would take them out of the estate when they could or wished to do so. In

73. S.R.O., DD/SE 63 (box 18), Blackford court roll, 17 Apr. 20 Car. I (1644).

74. Laslett, World We Have Lost, p. 77.

the majority of cases it is probable that the next heir to the tenement or principal farm of the estate would remain with the widow, or at least help her work the farm. Robert Oakley of Panborough, Wedmore, managed his mother's tenement for 25 years since he was 20.⁷⁵ The next heir very often was the youngest son, his elder brothers having been provided for as they reached maturity, so the effect was very similar to land governed by Borough English custom, where the youngest inherited, and often the widow would be very elderly by the time he reached maturity.

Even if this was not the case, the fact that the son was still waiting to inherit did not necessarily stop him marrying before the widow died. Robert Oakley, in the case cited above, was married;⁷⁶ in another case John Paen of Weare, with a wife, 5 children and a sixth expected, was in financial straits, while his mother still held a living of 30 acres valued at £16 a year.⁷⁷ However, it made it difficult for children to marry as they chose if they were economically dependent and their parents objected to a match. Richard Fry, who worked on his father's farm, was asked by John Wilsheire, father of the girl he was courting and a friend of his, whether he intended to

75. S.R.O., D/D/Cd 51, Godd v. Gorway, dep. of Robert Oakley, 29 Mar. 1617.

76. S.R.O., D/D/Cd 51, Oakley v. Gorway, 24 Oct. 1616.

77. S.R.O., QSR 16/61.

marry Elizabeth, and he said he certainly did. Wilsheire said he would do his utmost for her (financially) and went with a friend to negotiate the marriage, but found that though Fry's father seemed pleased, his mother seemed 'much discontented'. A year or so later, Elizabeth had to ask the son of her employer to ask Fry why he had not yet kept his word regarding her, and Fry replied that 'she was his wife, but that she must stay his leisure, for he could not do as he would'.⁷⁸ Either he was unable to go through with the marriage for financial reasons, or his mother's dislike of the match had made difficulties.

The effects of widow's right on the next generation do not appear to have been extreme, but the effect on the position of women was quite marked. In a society where the possession of land meant political and social power at national levels, it will come as no surprise to find that the possession of land, even just for widowhood, gave women a pre-eminent position in their family. It was as true then as it is now, that financial independence gave an influence and authority only otherwise given by a rare amount of personality, and it was women's economic position rather than any social attitude towards them that carried most weight.

78. S.R.O., D/D/Cd 70, Wilsheire v. Fry, depts. of William Cullock and John Storie, 8 Mar. 1630.

Chapter 7

The Political Outlook of Village Society

While manorial custom and inheritance had an important effect on the position of women in village society here, discussed in the previous chapter, the manorial structure itself together with a type of husbandry that benefited farmers in this period provided conditions which allowed a great degree of political involvement in the events of the mid-17th century, the development of radical ideas in politics and religion among a few committed adherents, and the permanent politicisation of local society which was revealed again in the 1680s. Though the limits of this study do not allow a connection to be made between allegiance in the civil war and the type of manors and husbandry,¹ nevertheless, the evidence for this area does suggest a link between manorial and economic conditions and the political outlook of the inhabitants.

The strength of manorial custom had left the landowners without any really effective tenurial weapons to use against their tenants for the purpose of social control. Moreover, the lack of resident lords, or even of substantial gentlemen tenants, meant

1. Professor David Underdown has explored this theme in a study of 3 counties, to be published by the Royal Historical Society, and is preparing a book on the subject. I am indebted to him for his comments on an earlier draft of this chapter.

that most parishes of Brent Marsh had no clear social leaders, and this left a gap in the social and political organisation of the village where a link with the governing class should have been: not only were justices and other county governors absent from the area, but there were no local residents who would propagate and maintain their view of the social hierarchy.²

A few gentlemen of lesser status than the county gentry did live in the area: some were small freeholders who had emerged from the ranks of the copyholders and differed little from them,³ often moving out of the area on achieving gentle status; others were recent arrivals of the late 16th century. Though the latter held quite substantial freehold estates, they apparently wielded little power in their parish of residence, partly because their property was widely scattered and they were not long established. The local inhabitants may also have had a strong 'non-deferential' attitude, as they showed resentment of any assumption of status, discussed below.

Recent arrivals included the Bower family and Tristram Towse,⁴ who were connected with the clerical

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2. The only gentry family resident was Rodney, of Rodney Stoke, and the last of that line, Sir Edward Rodney (d.1657) was a J.P. 1616-40: Barnes, Somerset 1625-1640, p.315. Axbridge also had its own justices and its own social hierarchy and is not included in the general theme of this chapter.
 3. Some were disclaimed at the visitation, 1623: John Good of Burnham, John Whiting, Mark, William Deane, Mark, - Pitt of Wollmer/Willmore (?Wedmore), William Welch, Allerton: Visitation 1623 (Harl. Soc. xi), pp.137-8.
 4. See Chapter 2, pp. 102-105.

and legal communities in Wells and who retained these links in succeeding generations, supporting King and Church in the Civil War which isolated them from the majority of their neighbours. The Stone family, on the other hand, had been established in the parish before the 16th century; Thomas Stone then bought 130 acres of the manor of Wedmore from Sir Thomas Gresham, which he left to his brother Edward one of Queen Elizabeth's footmen. Edward's son Edward, who bore arms at the Visitation of 1623, apparently lived in Westminster and let the property, eventually selling it to an almshouse charity in Wells in 1630.⁵

The most interesting of the local gentry families was Hodges of Wedmore, which was perhaps the most socially pre-eminent family after the Rodneys, having built up a large estate and made connections with county families through judicious marriages. The first member to live in Wedmore, Thomas Hodges (d.1601), married the heiress of a Wedmore freeholder.⁶ He also bought the freehold of the manor house and 64 acres of the manor of Wedmore from Sir Thomas Gresham in 1575 and took a lease in 1580 for 21 years or three

5. Visitation 1623 (Harl. Soc. xi), p.105; S.R.O., D/P/w.st.c. 17/1/1 & 2.

6. P.R.O., PROB 11/52, PCC 10 Lyon (John Cooke).

lives of the parsonage of Wedmore, which was still held by his heirs in the late 17th century.⁷ His son Captain Thomas Hodges, who had married a Rodney, died at the siege of Antwerp c. 1585,⁸ and their eldest son George succeeded to the family property. George had married Eleanor, daughter of John Rosse esquire, J.P., of Shepton Beauchamp in South Somerset, and by a settlement made in 1597 received lands in Elm and Buckland Dinham (both near Frome in East Somerset),⁹ which contributed about half the value of his lands at his death in 1634, at which time he also possessed the manor of Overweare and other land in Weare and South Brent.¹⁰

George held a manor court for his lands and therefore had the status accruing to a manorial lord, but he had only about a dozen tenants in the neighbourhood of Wedmore, so wielded little tenurial power there. Moreover, though he was one of the wealthiest inhabitants of Brent Marsh, the amount of the subsidy he paid being exceeded only by the Rodneys and being half as much again as the next highest in Wedmore,¹¹ he and his family were linked with their neighbours and had to

7. S.R.O., DD/SH 18, bundle 'old Wedmore papers'.
8. Memorial in Wedmore parish church; Visitation 1623 (Harl. Soc. xi), p.53.
9. S.R.O., DD/SH 19, Inq.p.m. George Hodges, 10 Charles
10. Ibid. The Inq. gives the marriage incorrectly as Thomas and Eleanor.
11. P.R.O., E 179/171/324.

take care to avoid offending them. This is made evident by the series of defamation cases that arose between Eleanor Hodges and Robert Hole, his wife Temperance, and the latter's brother Nicholas Barker.¹²

The chronology of events is not altogether clear but the contributions of each party in the disputes can be presented. Eleanor Hodges had heard that Barker had stolen some poultry from her and sent word to him to stop meddling with them, adding, obviously in response to a jibe, that even 'so base a gentlewoman' as herself did not interfere with poultry that did not belong to her. Barker called Mrs. Hodges by various insulting names and said she was unworthy to be Mr. Hodges' fellow and when he had married her he had spoiled a kitchen maid. Temperance Hole had made defamatory remarks about Mrs. Hodges when the constables came to serve a warrant for good behaviour on Barker, calling the warrant a 'Mr. John Justice and Mrs. Gill Justice warrant' - that it was Mrs. Hodges doing and she was a base jade to wrong Barker so, as 'he was as good a gentleman as she (Eleanor) was a gentlewoman'. When asked why she and her brother abused Eleanor Hodges so, she said it was because Mrs. Hodges had not come to see her while she was sick,

12. S.R.O., D/D/Cd 51, 23 Mar. 1625/6, Elinor Hodges v. Nicholas Barker, Agnes Russe v. Robert Hole, 29 Mar. 1626, Elinor Hodges v. Temperance Hole. Also QSR 57(1)/76, examination of Robert Hole, 17 Apr. 1626.

and she obviously felt slighted by this neglect, though a neighbour said Mrs. Hodges did not come as often as before because her cousin Ann had left Mrs. Hole's house. At the same time, Robert Hole was brought to the ecclesiastical court for defaming Agnes, the wife of David Russe, who may be the cousin Ann referred to: David Russe or Rosse was not a local man but he was married at Wedmore church and may been a cousin of Eleanor Hodges.¹³

The various comments made show considerable resentments and the social position of the Hodges was evidently not enough to gain outward respect from the Holes and Barker. At the same time as these cases came to court Hole was withholding tithes for the previous year, 1624, from Hodges as lessee of the parsonage, but whether this was the cause of the conflict or another symptom is not clear.¹⁴

The Hodges, like many other minor gentry families, took advantage of opportunities presented by the Civil War and parliamentary government to become politically active. George's eldest son Thomas (d.1649) ran for election with William Strode, a moderate Presbyterian, against the radical candidates supported by the county committee and the Army for the parliamentary seats of the borough of Ilchester in 1646, a bitterly

13. He was not her brother according to the Visitation 1623, and other lines are not given for the pedigree Visitation 1623 (Harl. Soc. xi), p. 95.

14. P.R.O., SP 16/165, no. 56, 16/169, no. 76.

contested election which Strode and Hodges were eventually held to have won.¹⁵ The family also had several links through its daughters with parliamentary gentry active in Somerset affairs during the Interregnum. Presumably the family shared Strode's moderate and anti-Army views but they achieved no further distinctions and the name in fact died out with the death of Thomas's younger brother George in 1654. Any influence they had over Wedmore inhabitants before the civil war was personal rather than institutional: for example they had no control over the pulpit, as the dean of Wells held the advowson.¹⁶

The lack of gentry leaders with power to influence local society coupled with an independent attitude produced by tenurial and economic freedom may well have contributed to the development of the deep religious and political commitments that emerged in the area in the mid 17th century. Such links have been found for dissenters in the late 17th century. In a study of dissenters in Cambridgeshire Dr. Spufford found a definite correlation between the existence and strength of the dissenting community in 1676 and the manorial structure of the parish: parishes

15. D. Underdown, "The Ilchester Election, February 1646", PSAS 110 (1966), pp.40-51.

16. Weaver, Somerset Incumbents, p.206.

where dissent was strong were also those with more than one manor or a manor without a resident lord, and vice-versa. In particular, some resident lords were instrumental in keeping dissent at bay.¹⁷ Her findings bore out Professor Everitt's thesis regarding the relationship of dissent to social control, though here dissent appeared to be related more to the size of the parish rather than its economy, so that a large parish whether forest or open-field arable was more likely to be split among several manors.¹⁸ If social control from above was important in the late 17th century in warding off disruptive ideas, it is likely to have been equally important in an earlier period.

The political opinions of ordinary villagers are usually near impossible to discover, because except in unusual circumstances only the outlook of the prominent minority is recorded. However, the upheavals of the mid 17th century and the more local turmoil in the 1680s did result in records of villagers' opinions and reactions, which not only show that events of this period produced bitter divisions in rural society, but also that the political involvement of villagers was far from passive and that their political awareness did not

17. Spufford, Communities, pp. 307-13.

18. Ibid., p.314.

end with the Restoration.

The number of countrymen from the area who took an active part in the civil war cannot be assessed accurately, any more than their reasons for joining, though it is probably safe to assume that the active were in the minority. However, a rough estimate of the amount of support for either side, obtained from general information concerning the reactions of the rural population before and during the wars, on the whole seems to indicate sympathy for Parliament. In July and August 1642, when the marquis of Hertford came to Wells to raise troops for the King, few local men apparently joined him, while a very large number from the area gathered in support of Parliament.¹⁹ A parliamentary army also assembled at Chewton Mendip, north of Wells, and included a large number of countrymen, some armed and mounted, others armed only with pitchforks, an indication that the agricultural population was more responsive to the objectives of Parliament than those of the King.²⁰ They may also have been influenced by the fact that the parliamentary gentry were less remote figures to them than Hertford, who had large estates in Somerset but lived elsewhere, and this was certainly a consideration with them in 1644,

19. D. Underdown, Somerset in the Civil War and Interregnum (Newton Abbot 1973), pp.34-5.

20. Ibid. p. 37.

when the earl of Essex was trying to raise troops.²¹

In 1644 the royalists also tried to raise an army for which 9,000 men were to be obtained in Somerset, but had to resort to impressment, which led to many charges after the war that parish constables and others had aided royalist troops, but surprisingly few accusations that individuals had actually fought for the king, which would be an obvious slander to utter. The return of suspected persons made by Major-General Disbrowe in 1655 - those from whom bonds for good behaviour had been taken as they had once fought for the king - lists only 88 men in these 16 parishes.²² Three men held commissions as captains in the royalist army and had their lands sequestered after the war; there were also four other gentlemen, one the son of one of the captains, and the rest included a surgeon, two yeomen, 55 husbandmen, three innholders and 20 trades and crafts-men. Incidental evidence from other sources shows that at least two of these men had been pressed into the king's service and had tried to escape.²³

While some allowance should be made for those who fought and did not return, or who died before the list was made, the number listed is still very small:

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- 21. Ibid. p. 74: volunteers flocked to Chard where Essex was raising a Roundhead army, but they wanted to serve under their own countrymen, not in his army, probably because they felt there would be less chance of fighting elsewhere in England.
 - 22. B.L., Add.MS. 34012. Actually 88 men from 13 parishes; 3 of the parishes are not represented.
 - 23. P.R.O., SP 23/166, pp. 402, 404, 405.

for four of the parishes, which supplied between 6 and 17 people each, the number who fought represents only 5 to 6% of the taxable households listed in each parish in the 1660 poll tax.²⁴ Several of the largest parishes in terms of size and probably population are not represented or have only one or two names, which suggests that the comprehensiveness of the list depended a great deal on the zeal of local officials who presumably were called on to supply the names of former royalists.²⁵ In addition, the figure for royalist soldiers is fairly meaningless by itself, since there is no similar list of roundhead soldiers with which to compare it.

In general, the impression is that parliament received more support than the king, and that the royalists received little assistance even while they controlled the area from June 1643 until July 1645. Though most inhabitants probably did not fight at all, resistance to the war or neutralism only emerged here in South Brent as a result of the extortions and violence of cavaliers from outside the county who were part of Goring's troops, when the resisters were led by a local gentleman, John Somerset, formerly

24. P.R.O., E 179/172/416.

25. They omitted John Somerset, a former royalist captain, perhaps because of his local defence work: see below.

a captain in the royalist army, and Thomas Gilling, yeoman, the constable of South Brent.²⁶

It is unfortunate that the number serving in the parliamentary army is not known, nor details of the regiments, because service in the army exposed villagers to new and radical religious ideas, or at least directed and vitalised dimly-held beliefs, and this is particularly important for Brent Marsh where prior to the Commonwealth there is little trace of an evangelical tradition. While there is evidence, in wills, of strong protestant feeling among a few inhabitants in the late 16th century, particularly Axbridge burgesses, these parishes had on the whole had little exposure to early puritanism within the Established Church. Professor Barnes summarised the religious outlook of Somerset in general as predominantly puritan, but only to the extent of a loathing of Roman Catholicism and an acceptance of the tenets of Calvinism; the clergy he described as 'the undistinguished residue of the Erastian pressures of the Elizabethan settlement'; good preachers were rare, and there was generally a 'healthy disrespect for the clergy'.²⁷

The parishes of Brent Marsh fit this description

26. H. Symonds, "A By-Path of the Civil War", PSAS, 65 (1919), pp.48-75. Also Underdown, Somerset, pp. 90-1.

27. T.G. Barnes, "County Politics and a Puritan Cause Célebre: Somerset Churchales, 1633", Transactions of the Royal Historical Society, 5th series, 9 (1959), pp. 105-6.

very well. The only minister noted for puritan preaching was William Sclater, who was presented to the rectory of Lympsham in 1619 by his patrons John, Lord Poulett, and his wife Elizabeth. Sclater remained there until 1627 when his health had deteriorated so much from living in the marsh that he returned to his former parish near Taunton where he died soon afterwards. By the time he came to Lympsham he was conforming to the practices of the Established Church, and the only work of his to be published during this period was entitled The question of tithes revised: arguments for the morality of tithing (1623),²⁸ so he was unlikely to have won an enthusiastic following in an area where non-payment of tithes was a fairly common occurrence. Most of the livings here were in the gift of various diocesan bodies: only three were in private patronage so the opportunities for puritan influence from this source, such as that exercised by the earl of Huntingdon and his brother Francis in some South Somerset parishes,²⁹ were limited.

At the same time the Established Church made equally little impression on the neighbourhood with ardent arminian vicars or by the enforcement of church and royal policies that would provoke strong resistance, as happened in the parishes involved in the dispute over churchales. Consequently both the

28. D.N.B.

29. C. Cross, The Puritan Earl (1966), pp.42-3.

spiritual force and leadership and the attack on Calvinism, that might have produced a zealous puritan élite, were lacking.

This contrasts strongly with a parish such as Terling in Essex where by the 1620s a distinct group of leading villagers had emerged as a pious élite who sought to enforce piety and morality among their neighbours,³⁰ and such a group was necessary if enforcement was to be carried out as very little could be done from above but required the co-operation of village notables to present offenders to the courts.³¹

The situation in Terling eventually led the vicar and leading members of the congregation into serious open conflict with the diocesan authorities. In some Cambridgeshire parishes too there is evidence of early separatist ideas,³² but for Brent Marsh no evidence has come to light of earlier radical religious ideas from which a continuity with the 1640s might be traced, as has been done in other areas:³³ no 15th and 16th-century lollardy,

30. Wrightson and Levine, Terling, pp.156-9.

31. Ibid., p. 116.

32. Spufford, Communities, pp.255-7.

33. C. Hill, "Lollards to Levellers", Rebels and their causes: essays in honour of A.L.Morton, ed. M. Cornforth (1978), pp. 49-67; P. Collinson, "Cranbrook and the Fletchers: Popular and Unpopular Religion in the Kentish Weald", Reformation Principle and Practice, Essays in Honour of A.G.D. ed. P.N. Brooks (1980), pp. 173-202.

early separatism or other radical opinions, though the quiet existence of such opinions under the noses of somnolent church officials cannot be ruled out.³⁴ Occasional expressions of anti-clerical feeling do emerge in support of Professor Barnes' description, and a quiet disrespect for the clergy was probably widespread.

In the 1640s changes in the official church in the area were slight: presumably just as no eager arminian vicar can be found at work in the 1630s, so there was little need or desire for sweeping ejections. Matthew Law, a pluralist, was ejected from Wedmore but retained Allerton; another pluralist had both his livings, one of them East Brent, sequestered.³⁵ The majority of incumbents remained where they were, reflecting the situation in England as a whole since it has been calculated that only about 30% at most, and possibly only 25%, of livings were affected by sequestrations.³⁶ Three

34. Unfortunately only a few of the relevant ecclesiastical records were fit for production when this research was carried out, so this important source for religious activity has not been examined comprehensively. However see Spufford, Communities, pp. 255, 257-8, for the lack of information in this source for religious dissent.

35. Weaver, Somerset Incumbents: the lists of incumbent are not complete, especially for the Interregnum; A.G. Matthews, Calamy Revised (Oxford 1934), Walker Revised (Oxford 1948).

36. C. Cross, 'The Church in England, 1646-1660' in The Interregnum, ed. G.E. Aylmer (1974 edn.), pp. 110, 225 n.16. In Somerset as a whole only 1/5 of the parishes were affected by ejections: Underdown, Somerset, p. 145. In Sussex a similar proportion of 1/4 of the incumbents remained in their parishes: A. Fletcher, A County Community in Peace and War: Sussex 1600-1660 (1975), p.110.

or four of the local ministers were cited by the Somerset Quakers as examples of those who became 'ardent presbyters' only to turn coat again at the Restoration and become equally ardent Anglicans.³⁷

The lack in Brent Marsh of puritan zeal within the Church and the absence of puritan parish élites left this area with little means to carry out the moral and spiritual regeneration under the Commonwealth, even with presbyterian reorganisation. When the county committee divided Somerset into classes for presbyterial government in 1647, they felt that nine classes were necessary but had to settle for four owing to the shortage of suitable ministers and elders.³⁸ The parishes in Brent Marsh showed signs of this shortage. Axbridge, Compton Bishop and Cheddar came within the Bath classis and the nearest suitable ministers³⁹ were on the northern side of the Mendips. Three of the elders lived in these parishes though, James Wrentmore of Axbridge, Hercules Comer of Cheddar, and Henry Gorges of Batcombe in Cheddar. The remaining

37. S.R.O., DD/SFR 8/1.

38. The certificate of division is undated but was published in March 1647/8, and is printed in W.A.Shaw, The History of the English Church 1640-60 (1900), vol. II, pp. 413-21. Shaw suggested that the certificate had been drawn up in 1645 or 46: ibid. p.8, but Underdown thought 1647 more likely, based on a diary entry of John Harington: Underdown Somerset, pp. 143, 209 n.9.

39. That is suitable Presbyterian ministers; Cheddar's pre-war vicar, Thomas Wickham, still lived in the parish and presumably officiated at services.

13 parishes had no elders within their bounds and only one suitable minister, Thomas Walrond at Huntspill, described by Calamy as a man of eminent piety and learning, 'of great use in recommending Religion among the Gentry',⁴⁰ a faculty which was not really relevant to a local society with few gentry within it.⁴¹

Outside the Church, secular authority also had few representatives in these parishes. The list of elders includes most of the parliamentary gentry and lesser gentry in the county, and apart from these the only residents of the area that can be identified as playing any significant part in politics or county government were Thomas Hodges, the member of Parliament for Ilchester, and John and Thomas Gorges, the sons of Henry of Batcombe, who were justices and leading figures in county politics during the Interregnum. The situation in fact resembled the pre-war arrangements when almost all the diocesan authorities and justices lived outside the area, and in this respect presbyterian government was very similar to its predecessor and put down only shallow roots in the area. This, and the fact that ultimately they moved into alliance politically with the royalists,

40. Matthews, Calamy Revised, p. 508.

41. Wedmore also had a Presbyterian minister from sometime in 1647, followed by an Independent from 1650: W.M. Acres, A Brief History of Wedmore (Wedmore 1954), p. 38.

may account for the small impact presbyterians made here, and the disappearance of presbyterian religion in this area in the period immediately after the Restoration, while other forms of nonconformity flourished.

This lack of direction from religious and secular authorities left a vacuum into which unofficial groups were happy to step to promote their own views. After the wars radical sectarian ideas flourished among certain villagers who though possibly small in numbers were extremely vociferous and ardent in their support of the Commonwealth. The development of these radical ideas and their influence both in national politics and in the formation of new sects within the parishes brought with them fear and bitterness, to which was added resentment at the burdens of subsidies and excise placed on the villagers which had not ended with the wars.

To illustrate how the events of the Commonwealth affected local society, one particular example can show how a quarrel between two men, which may have been founded simply on mutual dislike, was deepened by their opposing political views, and can also show how pervasive was the impact of political events on village society.

The quarrel concerned John Rogers, a husbandman of Cheddar aged 35 and a sub-collector of the excise

in 1652, and Henry Bankes, a 53-year-old yeoman who was a constable of Cheddar that year, and it seems to date from about 1645 when Rogers came home from the West from the parliamentary army. He and Bankes were having a drink together and discussing the 'taking away of Common prayer' - the abolition of the prayer book - and Bankes had said that none but rogues would put down common prayer.⁴² About a week later as Rogers was returning home after a Rendezvous of the parliamentary party in Priddy,⁴³ he met Bankes who set upon him with his sword, cutting Rogers' arm and disabling him, according to Rogers' wife, so that he could no longer put his clothes on or off. Bankes did not give his version of this incident, so the provocation, if any, offered by Rogers is not revealed, but it seems feasible that Bankes' animosity was due to the antagonism he felt for the political and religious ideals of which Rogers was a representative.

Seven years later this animosity had not died down, and Bankes was given an opportunity to vent

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42. P.R.O., SP 23/66, p.87. The ordinance against the Book of Common Prayer was passed in Jan. 1644/5, but the ordinance for removal of copies from churches, within a month, was passed in Aug. 1645: Shaw, History of the Church, I, 352-3, 356-7. Rogers probably left the army after the battle of Langport in July 1645, but possibly earlier.
43. This meeting may have been the great meeting of parliamentary supporters summoned by Horner in Sept. 1645, which met in the hills near Chewton Mendip: Underdown, Somerset, p. 113.

his feelings again on Rogers. In April 1652 Rogers, by now employed to collect the excise in Axbridge, Cheddar and the surrounding area, went with an assistant Francis Morse⁴⁴ to the inn of Elizabeth Edghill, widow, in Cheddar to see what beer she had as she had not yet paid the duty. When Rogers demanded to know how many hogsheads she had, she answered, 'Only one', to which Rogers replied that he must go into the buttery to see, and added, with an unendearing officiousness, that if she had more she would suffer for it. Five men, all of Cheddar, were drinking in the house, and Rogers after leaving the buttery went over to John Tibbotts a carrier to demand 50s.⁴⁵ due to him on bond for a horse he had sold to Tibbotts. While they were talking, William Williams called Rogers a peeping rogue and an Excise rogue, and told him he had brewed six bushels of malt to sell the beer, and Rogers had better come and question him about it, to which piece of sarcasm Rogers replied that he would. Williams was clearly doing his best to provoke a fight, and when Tibbotts and Rogers having ended their business were going to have a drink together, Williams came up and suddenly struck

44. P.R.O., SP 23/66, pp. 49-61. Account of events at the inn is taken from Morse's deposition, which is corroborated by the other witnesses; additional material is footnoted.

45. Ibid., p. 105.

Rogers to the ground with a stone jug, and then hit him with his fist. The others parted them and Rogers went into the buttery and out of the inn, apparently to get the constable, but failed to find him. He came back to the front door of the inn, where Morse stopped him and suggested he went home, telling him 'they should be worse beaten by and by', but at that point Thomas Denmead came out, said something to Rogers that Morse did not hear and they started fighting. According to Morse Rogers had a knife, described as a pen-knife by Denmead, in his hand because it had cut through the sheath into his thigh when he had been knocked down in the inn, and Denmead was accidentally struck with it as Rogers fell. Denmead went back into the inn saying he thought he was dying, and Tibbotts and the others then came out and struck Rogers down because, they said later, they thought he was trying to run away. Morse was standing nearby with a cudgell which Williams took from him, and Morse then, in his own words, 'shifted away', desiring them not to kill Rogers.

This account of events at the inn was borne out by the four eye-witnesses called on behalf of Bankes when the quarrel between Bankes and Rogers was brought before the Navy Committee in London. Both Tibbotts and Edghill agreed that the business

between Tibbotts and Rogers had ended in a friendly way, and Tibbotts confirmed that Williams had struck Rogers without any provocation. The company in the inn had been friendly and peaceful: Tibbotts had had a child in his arms when Denmead had returned wounded. There seems to be no reason why Rogers should attack Denmead unless he was simply trying to get past him into the inn again. Rogers was not drunk however, as was later maintained; Elizabeth Edghill, no doubt with an element of self-interest, stated that neither Rogers nor Denmead were drunk, since they had drunk little beer in her house, and none of those present suggested that Rogers was drunk.

When Denmead was stabbed Bankes, as a constable, was summoned and he seems to have taken full advantage of the situation to treat Rogers as roughly as possible. He and an assistant manhandled Rogers down to the stocks, striking him as they went and abusing the Excise. He locked Rogers in the stocks for two hours, although Rogers had offered to pay the legal penalty if he was drunk or had sworn any oaths, and despite the requests of Thomas Harris the other constable of Cheddar, and others to release him. Rogers was so weak with his injuries that he fainted, and would have broken the leg in the stocks if someone had not held him up. Following the

pleadings of Rogers' wife, Bankes at last released him and he was taken to join Morse who had been placed under guard, and they remained there overnight. The next day Rogers' sister, Elizabeth Bayly, obtained permission to take him to her house, and she nursed him while he was sick in bed for a week.

Rogers' problems did not end there. A fortnight later, when Bankes with George Hardwich assisting him came to serve the warrant to take Rogers before the justice in Wells for wounding Denmead, Rogers refused to go with him because Bankes had injured him and he feared for his life. Bankes then collected two other men to help him and tried to pull Rogers from his seat so that he fell on the ground where Bankes landed on him with his elbow in his stomach. Hardwich and Thomas Durban, a former constable of the hundred, then told Bankes he had done more than he could justify, and Hardwich said that 'because they were both his friends and rather than there should be such a stirre', he would engage to produce Rogers at Wells. No prosecution against Rogers has been found, and by October 1652 he was employed by the commissioners for sequestration to collect sequestered rents.⁴⁶ The matter between Denmead and Rogers was settled

46. Ibid., p. 47.

by an intermediary sent by Denmead and Rogers' wife, who together agreed that Rogers would pay 13s. to Denmead and cancel a debt of 3s. that Denmead owed Rogers.⁴⁷

This fracas involved several inhabitants of Cheddar, many of whom were called on to give evidence on behalf of one party or the other when Rogers and the Excise Commissioners brought Bankes before the Navy Committee for obstructing Rogers in the course of his official duties. The two sets of deponents were not necessarily friends or supporters of the two principals and therefore bound to answer in their favour. Rogers' deponents included the men who guarded him after the alehouse incident, men with official positions or of similar standing such as Harris the other constable, or Durban former constable of the hundred, George Hardwich a friend of both parties, and Arthur Harris the intermediary sent by Denmead to settle damages. Others were older men who had known Rogers since he was a child, such as Hercules Comer the presbyterian elder. Bankes' deponents included four eye-witnesses at the inn and Hardwich again, who added nothing to his deposition on behalf of Rogers. There is no appreciable difference in the type of person on either side. Setting aside those who were

47. Ibid., p. 95. Martha, Rogers' wife, stated that they gave 17s. to Denmead and paid Elizabeth Bayly 1s. for treating Denmead's head: ibid., p. 89.

called on because they had been at the inn, there was a wide age range on both sides. Rogers' deponents included four yeomen, five husbandmen, and five trades- and crafts-men; Bankes' included three husbandmen and two chandlers. Although Rogers' deponents included some of slightly higher status and position and seem to indicate that the weight of upright opinion was on his side, the men in both groups came from similar backgrounds in leading or long-established families in the parish. The people in this case cannot be divided into two camps by economic or social categories, nor is there any suggestion that Rogers or anyone else supported 'levelling' ideas or were making similar attacks on property. All were rather part of the same class in local society in which political and religious events produced divided opinions.

Bankes, aided by one of his deponents, John Gardner a local Chandler, had done his best to whip up criticism of Rogers and bring him before the justices. About a week or so before the brawl at the inn, Bankes had tried to get Hercules Comer to sign a certificate against Rogers (on unstated grounds) by taunting Comer with being afraid of Rogers; Comer however had refused to sign saying he feared neither Rogers nor Bankes.⁴⁸ While Bankes was in the custody of the excise commissioners in

48. Ibid., p. 91.

London, Gardner collected signatures on a certificate against Rogers on the grounds that he sold beer without a licence. Thomas Harris, the constable refused to sign at first because he did not know whether it was true, but was persuaded when Gardner told him he would suffer for it if Rogers was not brought to book and the charge turned out to be true.⁴⁹

Bankes and Gardner probably found supporters because of the resentment felt by some against the excise, resentment apparent in the incidents at the inn and after, and provoked not just by the financial imposition but by the intrusions of the excise officials into people's homes to check on the beer. The arrest and detention overnight of Morse, whom everyone agreed was a complete bystander at the inn, was probably a product of this feeling. The attack on Rogers in the inn by Williams was obviously provoked by his office, and when Rogers was dragged off to the stocks after the stabbing, Bankes harangued him on the way, saying that as he had means amounting to £30 a year of his own he 'need not follow this Roguesh exercise', called him a peeping rogue, caterpillar rogue, and wished he would not follow

49. Ibid., p. 77. In fact Rogers was granted one licence on 19 Apr. 1653: Quarter Sessions Records, vol. iii, Commonwealth 1646-1660 (S.R.S. 28, 1912) p.207.

that exercise for 'none but rogues would follow it'.⁵⁰ Bankes' opinion of the excise is fairly clear, and even the local justice and county committee member Colonel John Gorges, while professing support for the excise, called Rogers an excise rogue.⁵¹

Bankes also attempted to obstruct the excise a couple of months after the fight when Rogers had brought a warrant from the excise commissioners summoning all alehouse and inn-keepers to appear at their office in Axbridge. Bankes returned the warrant later with only Rogers' and Elizabeth Edghill's names on it, though Rogers stated he knew there were about 20 selling beer within Bankes' jurisdiction.⁵²

To judge the significance and implications of the Rogers/Bankes case, the evidence on the characters of the two antagonists is of great importance. As discussed earlier, there was not much difference between the two sets of deponents, and some men can be considered neutral. Bankes' deponents were not asked for character references for himself or Rogers, possibly a point against Bankes. The 17 deponents

50. P.R.O., SP 23/66, p.65.

51. Ibid., p. 69.

52. Ibid., p. 67.

called on behalf of Rogers and the Excise did give evidence regarding the characters of Bankes and Rogers. Bankes was uniformly described as incontinent, having done penance some years before for adultery and having fathered a base child, a sabbath-breaker, and also a very quarrelsome man given to drinking and swearing, this being the mildest description.⁵³ Rogers was said to be not much given to drinking, a civil quiet man in his conversation, and diligent in Parliament's service.

Further evidence on Rogers' character was given the following year when the Somerset county committee brought a case against John Gorges and his elder brother Thomas, who were accused of threatening witnesses in a delinquency case against Richard Cheesman of Cheddar because he had paid them £500 to get him off;⁵⁴ Rogers had been called to give evidence against John Gorges, who in his exceptions to Rogers as a witness accused Rogers of being a drunkard,

53. Some support for this opinion of Bankes is given by the presentments of 1666 when he was accused of having lived suspiciously for many years with a local woman, and marrying her clandestinely in another parish: S.R.O., DD/SAS PR 150.

54. The case is referred to in Underdown, Somerset, p. 173, who puts it in the context of county politics. The case led to the depositions in the Rogers v. Bankes case being brought up and lodged with the papers of the Committee for Compounding; they are calendared in Cal(endar of the) Com(mitte) for) : Comp(ounding), pt.1, pp. 629, 631, 639 642, 651-2, 654, 659, 661-64.

an unlicensed alehousekeeper, and one who 'stabbs individuals when drunk', generalised references to the alehouse incident and Gardner's certificate. He also specified that Rogers had wilfully brought a case against Bankes just because the latter had tried to arrest Rogers after Denmead was wounded.⁵⁵ Five local residents including Bankes gave evidence on behalf of Gorges concerning Rogers' character but could only make the usual general slanders that he was of evil repute, bore grudges against Gorges, had been friendly with royalist soldiers, or was just troublesome and contentious.⁵⁶ Bankes, however, also stated that Rogers was abusive to his neighbours in his tongue and language, and this seems to be the crux of Rogers' unpopularity with Bankes and others. On balance he appears to have been maligned when Gorges described him as a drunkard and quarrelsome, but the evidence does suggest he held definite religious and political views which he was not reluctant to express. By coincidence, evidence also survives of Rogers' involvement in another argument, in Axbridge. On the day of Axbridge fair, 25 March 1645, Anthony Isgar an Axbridge yeoman was drinking with others at the King's Head inn when they saw John Rogers and Abraham Williams, a royalist soldier in Lord Hawley's

55. P.R.O., SP 23/88, p. 781.

56. Ibid., SP 23/171, pp. 329, 337, 369, 385.

regiment begin to quarrel, continuing their argument in the street. Williams, seated on his horse, drew his sword against Rogers who defended himself with his staff, striking Williams and breaking the sword. Williams then dismounted and cut Rogers over the head with a piece of the sword, but remounted and rode away when bystanders intervened.⁵⁷

Several of Rogers' deponents testified that they had never heard him swear but on the contrary had heard him reprove others for swearing, and he had prosecuted Richard Cheesman before the mayor of Axbridge for swearing.⁵⁸ This was unlikely to make him popular with men like Bankes described as given to swearing. Rogers' strong moral views were not taken to extremes, however, since he was willing to drink with his neighbours and even kept an alehouse himself.⁵⁹ However, Bankes was not just angered because a man 18 years his junior had ticked him off for swearing. Rogers was a vocal representative of radical political views that Bankes abhorred. Soon after the battle of Worcester in 1651 he asked James Martin, a Cheddar weaver who was an enlisted soldier in the Somerset militia,

57. Symonds, PSAS, 65 (1919), p. 61. Abraham had no known relationship to William Williams.

58. P.R.O., SP 23/66, pp. 47, 59-61, 71, 85.

59. Quarter Sessions Records, iii (S.R.S. 28), p. 207.

whether he had been disbanded as the Hampshire militia was, and when Martin replied that he they might be shortly Bankes said, 'these Taxes will undoe the Country, and if every one were of his mind they would soon remedy it for if the Country would rise they might easily order the soldiers, and so it must be, before it will be mended'.⁶⁰

While Bankes certainly objected to the Army because he believed, not unjustly, that it was the reason for the heavy taxation, he also objected to it because of its religious aspect. James Spencer, a Cheddar yeoman on the jury at the leet court held in April 1652, had objected to the election of Bankes as constable because he considered him an enemy to honest men, Bankes having said to him about six months before - again at about the time of the battle of Worcester - that he hoped to see such rogues as Spencer and one Mr. Collier⁶¹ were hung soon, because they were 'Independents and would not go to church'.⁶² On other occasions he had referred to the militiamen as 'Independent Redcoat rogues'.⁶³ There is no evidence to suggest that

60. P.R.O., SP 23/66, p. 69.

61. See below.

62. P.R.O., SP 23/66, pp. 73, 91.

63. Ibid., p. 61. It would be interesting to know if this was said after the Scots had invaded, but before the outcome of the battle was known; Bankes may well have pinned hopes on the outcome, accounting for an upsurge in bitterness on his part after Cromwell's victory.

Bankes was, or had ever been, a royalist,⁶⁴ but he seems to be an example of the way conservatives and Presbyterians were being pushed towards a Royalist standpoint by the triumph, however temporary, of more radical views, a movement which ultimately gave support to the restoration of Charles II.

The suspicion felt by Bankes for the new religious sects was not without foundation since Rogers and a few others, such as Thomas Hawkins of Cheddar,⁶⁵ belonged to, or were influenced by, one of two new sects that gained many adherents in the area around Cheddar, the Baptists and the Quakers.

The Baptists were closely linked with the Army: they believed in war to further their aims, and a large number were found in the ranks of the New Model. The most popular drill books for both cavalry and infantry were written by Baptists, and Baptist officers were also preachers to their troops.⁶⁶ Although Bankes accused Rogers and others of being 'Independents', they were more likely to have been members of a growing sect of Baptists in the area,

64. He does not appear on Disbrowe's list of former royalists in 1655; only one Cheddar man is listed, John Hannam, gent.: B.L., Add. MS. 34012, f.24.

65. See below.

66. W.T. Whitley, A History of British Baptists (2nd. edn. 1932), p. 74.

converted either in the Army or by the preaching of Thomas Collier. The Mr. Collier whom Bankes wanted to see hung was probably the Mr. Thomas Collier whom Thomas Hawkins offered as a surety when he was brought before John Gorges.⁶⁷ Thomas Collier, then living and preaching at Westbury-sub-Mendip just east of Cheddar, was one of the most influential Baptist preachers in the West Country. Very little is known about his origins, though his detractors described him as an illiterate carter or husbandman⁶⁸ and a 'base mechanical fellow', which was interpreted by an historian of the Baptist movement as indicating that Collier was 'one of the great band of lay-preachers which was typical of Baptist energy and practice'.⁶⁹ Collier clearly had some basic education to judge by the works he wrote, and a sophisticated intelligence capable of intricate theological arguments.⁷⁰ He was reported in many areas in the south and west of England,

67. See below.

68. D.N.B. The entry for Collier repeats almost exactly the note about him in Notes and Queries, 3 ser., vi, 322, and neither is completely accurate.

69. Whitley, op. cit., p. 71.

70. He has been identified as holding land in Surrey in 1634 when he refused to pay the subsidy; if this correct then he was not entirely without means.

where he preached, and several works of his were published between 1645 and 1691.⁷¹ In March 1650/1, by which time he was living at Westbury, he held a public debate in Axbridge with John Smith, minister of Badgworth, and Charles Carlile, presumably minister of Biddisham, after he had been accused by them of blasphemy following a private discussion.⁷²

Possibly Baptists were meeting in the area by the time Collier held his debate; by 1653 the Western Association of Baptist Churches had been formed, largely through the efforts of Collier who later became its superintendent. Eighteen Churches attended the association's meeting in Wells in November 1653, including the Church from Wedmore,⁷³ and about 18 months later the 'Church of Christ assembled in Wedmore' sent a petition to the Lord Protector asking him to allow them to use the church house in Wedmore, the only convenient place they could meet for their 'more publect worship and service of God'. It was signed by 23 men, most of

71. D.N.B. His dates of birth and death are not known.

72. T. Collier, The heads and substance of a discourse held in Axbridge, in co. of Somerset, about the sixth of March 1650 ... (London 1651).

73. D. Jackman, Baptists in the West Country (Western Baptist Assoc. [1953]), p. 2; G.F. Nuttall, 'The Western Baptist Association 1653-1655' Journal of Ecclesiastical History, xi (1960), pp. 214-5.

them residents of Wedmore parish, and from their names this Church can be identified as the fore-runner of the Baptist Church which met after the Restoration, at which Collier was a teacher.⁷⁴

Ten of the signatories were among those who refused to pay tithes to the vicar of Wedmore for the years 1650 to 1653,⁷⁵ and representatives of the Church also signed the Confession drawn up by Collier in 1656 to show the doctrinal standpoint of the Western Association.⁷⁶

The early history of the Quakers is closely linked with that of the Baptists from whose ranks many came. Cheddar and Axbridge had several Quaker families by 1670, most of whom attended a meeting on Mendip, but their early history is not well documented. About five of the families were connected at first with the meeting at Burnham, which included members from nine parishes in the Brent Marsh area and others beyond. This meeting came into existence in 1656 through the efforts of Henry Moore a Burnham yeoman who was one of the 'first receivers of the gosple' in the county.⁷⁷ His house at

74. P.R.O., SP 18/95, no. 1. Not dated, but included with state papers for March 1654/5. Identified as Baptist from the names associated with Collier' on licences in 1669, and from the names of those who signed the Confession below.

75. P.R.O., E 112/330/34.

76. Whitley, History of Baptists, pp. 72, 95; T. Collier, A Confession of the Faith of Several Churches (1656).

77. S.R.O., DD/SFR 8/1.

Watchven in outer Burnham was used for meetings and from 1659 he kept the register in which he also wrote a history of the Christian Church down to 1672; he was also one of the correspondents with London for the Somerset Friends from 1668.⁷⁸ He endeavoured to get his neighbours 'to come and hear the truth' with some success, the meeting having at least 20 members by the early 1660s. About 12 of these including Moore had been among the group of 46 farmers who refused to pay tithes in the 1650s, some from as early as 1648.⁷⁹

The toleration of the Interregnum allowed this flowering of religious opinions to take permanent root. Even the Quakers, whose radical tactics made them greatly disliked, were not without friends in authority: the Somerset Friends regarded John Pyne as sympathetic, whereas John Gorges was known as a persecutor.⁸⁰

The two elements, heavy taxation and radical religious opinions, were significant causes of conflict between neighbours, and of diminution in

78. The Watchven register is kept at the Friends' Meeting House, Street, and a copy is deposited in the Friends' Library, Euston Rd., London; S.R.O., DD/SFR 1/1, 18 Mar. 1668.

79. P.R.O., E 134/1654-5/Hil. 8.

80. Calendar of State Papers Domestic, 1658-9, 354; Extracts from State Papers Relating to Friends, ed. N. Penney (1913) p. 106.

support for the Commonwealth. To these can be added a third with which religious opinions were closely involved, the attack on the old political and social hierarchy, a matter which also affected the attitudes of the gentry authorities with whom the villagers came into contact.

Henry Bankes' dislike of a religious toleration which allowed men to stop attending their parish church was obviously not rooted in deep religious beliefs - he was hardly a model church-goer himself - and would be inexplicable but for the implications such a withdrawal had for the structure of society. Religion had for long been a support of social order, and until the Commonwealth uniformity of religion within the state was an accepted tenet of government. Now, not only did the growth of new churches, often with an emphasis on lay preaching, weaken control from the pulpit and undermine the position of the official clergy, but these churches themselves fostered social and political ideas that challenged and threatened the existing social hierarchy, and the inability or unwillingness of the Commonwealth, and later the Protectorate, to prevent their growth, lost the republic a great deal of gentry support.⁸¹

81. J.S.Morrill, Cheshire 1630-1660, (Oxford 1974), pp. 266, 268, 275; Fletcher, County Community, p.121. The Quakers were the more extreme example, flouting even conventional respect.

A challenge to the social hierarchy also affected men like Bankes, who as parish constable derived his authority from the gentry justices of the peace, and in addition to his feelings about Rogers' opinions, Bankes' actions also show his resentment against the new forms of authority such as the commission of excise, which clashed with the traditional enforcement of the law by constable-justice-judge. These new commissions had also created their own minor officials like John Rogers, who free from the control of the justices bypassed the traditional line of command in local government.⁸² Furthermore, their authority could be used to overrule the actions of the parish officials, as Rogers had attempted to do by bringing Bankes before the Navy Committee.

When he was arrested by the messenger from the Excise, Bankes immediately sent a letter to John Gorges a justice of the peace, to ask him that he should do, and the latter told him to go to London and he would bring the matter up with the assize judges.⁸³ John Gorges, who appears repeatedly in this story, was not a remote governing figure involved in parish squabbles by chance. He also came from Cheddar, being the second son of Henry Gorges esquire of Batcombe, member of a junior

82. Morrill, Cheshire, pp. 225-6.

83. P.R.O., SP 23/66, p. 81.

branch of the Gorges of Wraxall, a leading gentry family in the county, though his own branch was of lesser standing.⁸⁴ John, born between 1618 and 1623, went to school with John Rogers who was about the same age, and though Henry bore arms in 1623 not all John's Cheddar neighbours regarded him as above them in status.⁸⁵ He had become important in county government, owing his position as a sequestration commissioner to John Pyne, but was 'distrusted as a selfish careerist' and a 'trimmer'. When the Protectorate came into existence Gorges was prepared to serve it where Pyne, dedicated to the Commonwealth, would not, and was prepared to accept anyone who accepted the Protectorate rather than holding out for the ideals of the Commonwealth.⁸⁶ Gorges' career nearly came to an end over the Cheesman case mentioned above: he and his brother were removed from the commission of the peace in 1653 while the case was being considered,⁸⁷ and John remained suspended from the commission for sequestrations even though later he was freed from the bribery and corruption charges.⁸⁸ Only the fall

84. Visitation 1623 (Harl. Soc. xi), p.41.

85. See below.

86. Underdown, Somerset, pp. 167-8, 176.

87. Ibid., p. 173.

88. Cal. Com. Comp. pt. 1, p. 664.

of the Barebones parliament apparently saved him from political eclipse, and in 1654 he was again appointed as a sequestration commissioner for Somerset.⁸⁹

Even with a standing army county politicians needed to take local opinion into account, and as the divisions in central government became marked and the role and standpoint of the Army became more unacceptable to conservative opinion, it became more important than ever to summon up support from conservative elements in the countryside. Gorges may have shared Bankes' dislike of the new rival authorities: he was certainly willing to use this dislike, and seems in some way to have encouraged more moderate opinion to turn to him for support. Certainly Bankes thought it worthwhile to consult him rather than another justice at Wells, though Gorges was not encouraging disaffection, at least openly. In his reply to Bankes he said he would do all he could for him, but if it turned out that Bankes had abused Rogers in the execution of his office, he would be the first man to see him severely punished, as he had 'submitted to the Act of Excise and should be against anyone who affronted it'.⁹⁰ However, when Rogers came before Gorges,

89. Ibid., p. 673; Underdown, Somerset, p. 176.

90. P.R.O., SP 23/66, p. 85.

probably in connection with the Cheesman case, he had abused Rogers as an excise rogue saying 'now see what your masters will do for you'.⁹¹

Gorges also clearly found the political and social opinions of some of his fellow-parishioners unacceptable, particularly when they did not accord him the respect he felt they should. When he called John Rogers a rogue Rogers, his contemporary, answered that he had not been a rogue 'when he lived with him in London, nor when he came with him out of the West [from the Parliamentary army] nor when they were schoolefellowes together',⁹² a retort that lacked any element of social deference.

Thomas Hawkins was another who did not stand in awe of Gorges nor thought it necessary to be deferential towards him, refusing to be brow-beaten when Gorges treated him in a high-handed manner in the Cheesman case. Hawkins was a tailor from Cheddar aged 30 in 1653, and had been a soldier for the Commonwealth, imprisoned at Bristol for 25 weeks while it was a Royalist garrison.⁹³ In January 1652 he was summoned to give evidence before Gorges⁹⁴ and the other sequestration commissioners at Taunton but fell ill on the way and had to return home.

91. Ibid., p. 69: the occasion is specified in the interrogatories but these are not extant.

92. Ibid.

93. P.R.O., SP 23/171, p.447.

94. Depositions on behalf of Cheesman were taken on 21 Jan. 1651/2.

Gorges sent a summons to Thomas Harris to apprehend Hawkins for 'notorious crimes', and Hawkins appeared at Wells before Gorges in his capacity as justice without the other commissioners. Gorges then railed against him about his evidence against Cheesman, who was actually present, calling Hawkins a rogue and 'a base and dangerous fellow'. He threatened him with gaol but said he would release him on the sureties of two subsidy-men. Hawkins offered Mr. Thomas Collier and Hugh Coomer of Cheddar, both 'substantial' men, but these were refused by Gorges, and Hawkins was held overnight. The next day Gorges accepted Coomer and another man, though he was reluctant to administer an oath to Hawkins, saying he was unfit and he had heard from his neighbours he was a troublesome fellow. He told Hawkins he was bound over because he had failed to appear at Taunton, though Hawkins believed it was because of his evidence against Cheesman.⁹⁵

Hawkins no doubt aggravated Gorges by his attitude. When the constable arrested him and his neighbours asked where he was going, 'he replied he was taken up by a pack of cavaliers and said "I know not whether they will have me"'.⁹⁶ In front of

95. P.R.O., SP 23/171, pp.449, 451.

96. Ibid., p.361.

Gorges Hawkins 'carried himself uncivilly in not giving him such respect as was suitable to ... Mr. Gorges' quality, using to him sleighting expressions to this effect, good neighbour Gorges'.⁹⁷

Hawkins was described by several deponents in the same terms as those used for Rogers, that he was abusive in his tongue and language, though one elderly man summed him up in his own words rather than the interrogatory's, dismissing him as 'a busy and idle fellow meddling with other folks business that concerns him not'.⁹⁸

Gorges was clearly in a difficult position trying to obtain deference from neighbours who did not see his position as all that different from theirs and who were quick to resent an assumption of superiority on his side, particularly when they had strong religious beliefs to support them. His position was perhaps typical of Somerset gentry active in local government in the Interregnum, who were in general of a lesser social standing than the pre-war justices.⁹⁹ His difficulties were compounded by the challenge to local authority of commissions controlled increasingly from London, of which the excise was in general the most disliked.¹⁰⁰

97. Ibid.

98. Ibid., p.345.

99. Underdown, Somerset, pp. 124-5, 133.

100. Morrill, Cheshire, p.226.

To men like John Rogers, as well as those more important in county government such as John Pyne, the Commonwealth was not just part of the aberration that interrupted proper monarchical government; it was an ideal, an organisation of human society that inspired devotion of time and money, and was considered worth fighting and dying for. By the same token it aroused great bitterness and hatred in those such as Henry Bankes, whose manners and morals were attacked by men who were not only their juniors, but often in their eyes their social inferiors. The personal attack was intensified by the attack on the institutions and social structure of the parish by the sectarians, in their refusal to attend the parish church and conform to the traditional pattern of authority in parish and county. The anger they aroused did a great deal to reconcile moderate opinion to the Restoration of the monarchy, with the promise it held of protection for traditional values.

However, these divided opinions are put into perspective when the effects of the Restoration are considered. Though the bitterness and divisions ran deep, the toleration shown by the Independents and the Army towards most forms of protestant religion -
 101
 and, indeed, a tacit acceptance of Roman Catholicism -

101. Cross, 'The Church in England 1640-1660', pp.103, 112-15.

did at least prevent any one group being driven outside society and the law, and ensured that the conflicts of the period took place within the same community.

The Restoration of the monarchy with the Anglican church and hierarchy created lasting barriers in local society as the Church and governing class tried to eradicate the experience of the Interregnum with the selfconscious doctrinal beliefs and political involvement at all levels of society. The Restoration succeeded only in a superficial sense; in reality the past could not be restored nor the Interregnum wiped out. Even though radical ideas in politics and religion amongst countrymen may have existed before the civil wars, the Commonwealth had not only allowed far greater expression of these ideas than ever before, but left one important legacy that ideas alone could not: for the first time a radical and idealistic form of government was actually put into practice and could be seen as an alternative to previous forms, and this had offered the promise, and the threat as far as conservative and moderate opinion was concerned, of further development along the lines advocated by the Independents, Levellers and others.

In seeking to wipe out the Interregnum and prevent its recurrence, the Restoration governments failed to accommodate or assuage either the deep

religious beliefs fostered during the Interregnum or the political awareness and involvement, and events in the West Country during the 30 years that followed the Restoration revealed both the depth to which these ideas had taken root and the Restoration's failure to obtain at least the outward acceptance of the whole nation. Discontent in the West Country culminated in open rebellion in 1685, but though the rebels were mainly drawn from only three counties, many others were prevented from joining them by the government's measures, and other uprisings were probably only avoided by the absence of leaders and organisation; it was felt that it only needed a victory by Monmouth for London to rise up in his support. The rebellion took place after years of plots and counterplots, such as the 'Rye House plot' in 1683, and such was the atmosphere of disaffection that though the government ordered that all likely rebels be arrested, and the London Livery Companies' halls used as additional prisons, one commentator thought that the whole country would have to be turned into one huge prison to carry out the order to the full.¹⁰²

The religious settlement of 1660-62 has been seen as the most difficult part of the Restoration and the least successful; as a recent summary of the

102. P. Earle, Monmouth's Rebels: The Road to Sedgemoor 1685 (1977), pp. 61-2, 64.

period put it, 'the religious settlement turned the formerly comprehensive English Church into a persecuting one and divided the nation in two'.¹⁰³ While it would be an exaggeration to imply that the English Church had never before persecuted deviation or tried to enforce conformity, after 1660 the doctrine and policies of the Church were more rigid and limited than even under Whitgift or Laud and far more protestants were left outside the Established Church than in the earlier period, when most of the nonconformists did at least continue to worship within the one Church. Moreover, before the civil war the rebels against church policies included influential nobles and a large proportion of the county gentry. After 1660 these men, whatever their private beliefs, supported the Church that bolstered up their social position and the religious settlement therefore reinforced class divisions, since those protestants left outside the Established Church were largely from the middling and lower ranks of society.¹⁰⁴

In Brent Marsh the settlement created a division between the governing, centralised culture and institutions and a large minority of countrymen, who refused to abandon their radical religious convictions and readopt the restored institutions; their

103. J. Thirsk (ed.), The Restoration (1976), p.xvi.

104. Ibid.

refusal was important politically because of the Church's role in social control and in reinforcing the social hierarchy. The division also brought to an end the centuries-old role of the parish church as the one respectable focal point of parish life and village society for both sexes; now it was splintered between a number of churches and several alehouses. It left a local society in which divisions between neighbours and even relatives became rigid and uncompromising. While the importance of such divisions in the local society is rather a matter of opinion - the study of nonconformity in Terling concluded that the divisions were not deep, though recognisably separate groups did emerge¹⁰⁵ - the division between churches and their members diluted the effectiveness of the Church in society, as even down to the twentieth century they spent more effort hampering each other than in attacking sin and social ills. Possibly in Somerset the effects of the division were more serious and far-reaching than in other areas studied, serious enough to produce the last armed rebellion on English soil, in 1685.

The impact of the religious settlement was immediate and obvious. In Wedmore, where a new vicar was presented by the dean of Wells in 1660,¹⁰⁶

105. Wrighton and Levine, Terling, pp.168-171.

106. Weaver, Somerset Incumbents, p. 206.

involvement with official church life fell dramatically. On average the number of baptisms dropped by 20% after 1660, compared with the births registered in the 1650s, and was nearly half the average of the 1630s. The number of marriages was nearly half that under civil registration, and the figures continued at these lower levels to the end of the century, though there is no reason to suppose that the population of Wedmore was falling at this time.¹⁰⁷ Though some similar withdrawal was fairly common wherever there were strong nonconformist communities, in other parishes where the effect of nonconformity has been studied, such as Terling, the baptismal registers show evidence of a return to the Established Church from the 1670s, with mass baptisms of entire families;¹⁰⁸ the Wedmore registers show no signs of such a return. In Cheddar too, though only a few transcripts of the registers survive for the period, the number of baptisms fell to about half that of the 1630s,¹⁰⁹ and in 1666 some 19 men were presented, 14 for not attending church and 12 for not baptising their children, including four known Quakers and James Spencer the 'Independent'. In 1683 four men were presented for not baptising their children included two of Hercules Comer's family.¹¹⁰

107. Table 26, p. 493.

108. Wrighton and Levine, Terling, p. 165.

109. Dwelly's Parish Records, vol. I, ed. E. Dwelly (Herne Bay 1913), pp. 237-56.

110. S.R.O., DD/SAS PR 150.

The unrealistic policies of the Settlement did nothing to check or accommodate dissenting beliefs, which became institutionalised in the face of persecution. The Baptists continued to meet in the area, though they left no records and little can therefore be said about their later membership. Meetings were held in 1669 at Mark and Axbridge, where Thomas Collier was a teacher to congregations estimated at 40 and 20 respectively, and at three houses in Wedmore with a congregation of 50.¹¹¹ In 1672 John Collier of Cheddar received a licence to hold Baptist meetings at his house.¹¹² The Baptist Church in Wedmore still flourished in 1689, when the Church sent George Stant their minister to attend the London Assembly, and it may have continued to use the church house, which was registered as a place of worship by dissenters in 1689.¹¹³

111. G. Lyon Turner, Original Records of Early Nonconformity, vol. I (1911), p.11. Most of the licensees are given as "Presbyterian" but must be Baptist: see note 74 above.

112. Ibid., p.546.

113. Narrative of the Proceedings of the General Assembly (1689) p.24; P.R.O., RG 31/7, no. 12. A meeting house was still in existence in 1709 when William Sprake was trustee, but this may have been a Quaker one: Hervey, Wedmore Chronicle, II, p.335.

The Burnham Friends, for whom detailed records do survive, continued to meet into the 18th century. The congregation at Henry Moore's house was estimated at 100 in 1669,¹¹⁴ though the Quaker records suggest a more accurate figure would be about 50 adults in the 1670s; there is a steady appearance of new names in their records to the end of the century.¹¹⁵

Nonconformity was important for local society because it involved not just the poor, the politically and socially insignificant, but a wide social range including landholders and prospective parish officers. For some parishes or counties the social background of dissenters has been analysed through the hearth tax returns. In Terling (Essex) over a third of the dissenters came from the husbandmen and craftsmen group with two hearths, while a quarter came from the yeomen and wealthy craftsmen with three to five hearths, and a quarter from the labourers and poor with one hearth or exempt. The latter however accounted for about half of all the households in the village, so that proportionally a greater number of dissenters came from the husbandmen group which contained only 17% of the village's households.¹¹⁶ In Warwickshire nearly half of the rural Quakers came from this husbandman class, and just over a quarter were rural artisans.¹¹⁷

114. Turner, Original Records, I, p.11.

115. Calculated from the Watchven Register and M.M. Minutes.

116. Wrightson and Levine, Terling, tables on pp. 167 and 35.

117. J.J. Hurwich, 'Social Origins of the Early Quakers', Past and Present, 48 (1970), pp.158-9.

In Cambridgeshire, parishes with different types of husbandry and tenure showed slightly different patterns in membership of dissenting groups, but in Willingham, the parish most similar in structure and husbandry to Brent Marsh, again most of the Congregationalists as well as Quakers and others came neither from the very poor nor the very prosperous, but from the middling husbandmen and small yeomen-graziers with two to three hearths.¹¹⁸

The hearth tax returns for Brent Marsh are mostly missing and therefore do not allow an analysis of the area's dissenters in this way, but all the available evidence suggests that the nonconformists came from similar husbandmen and yeomen groups, with a few craftsmen and poorer husbandmen. Of those who were Baptists in the 1650s, nine appeared in the Wedmore poll tax list of 1660: four paid at the minimum rate, for bachelors or married men with an income of £5 or less; the others paid on incomes of £7 10s. (1), £10 (2), and £20 (2).¹¹⁹ As the breakdown of the tax for the whole parish shows,¹²⁰ the four highest incomes were in the top 14% of the parish but were not among the very highest, and the four lowest incomes were among the bottom two-thirds of the parish.

118. Spufford, Communities, pp.303-4.

119. P.R.O., E 179/172/416.

120. See Table 4, p.482.

Several of the Quakers living in Burnham were landholders and four of the earliest Friends had secure tenures: Henry Moore was a copyholder who bought the freehold of 57 acres in the manor of Burnham in 1650; John Wride held 20 acres by copy, John Hilbert 10 acres by copy or life lease, and Thomas Wride $5\frac{1}{2}$ acres by life lease.¹²¹ Five Burnham men who later became Friends, including two of those mentioned above, were farmers prosecuted for non-payment of the tithes of $8\frac{1}{4}$, $6\frac{1}{2}$, 4, 3, and $2\frac{3}{4}$ acres of crops respectively.¹²² Several later Quakers were also landholders. John Blake purchased the freehold of $69\frac{1}{2}$ acres; William Rogers held 20 acres by copy with a reversion of another 20 acres; Robert Tutton had a life lease of 4 acres and Thomas Gould a copy or lease of a cottage and 6 acres.¹²³ In all, out of 14 first-generation Friends resident in Burnham eight held land by secure tenures. In 1692, 12 Quakers appeared among the landowners rated in Burnham: seven were rated on acreages of 5 to 20 acres, three on 22 to 50 acres, one on $62\frac{1}{2}$ acres and one on 104 acres, the last, Henry Clothier, being the second largest landowner in the parish.¹²⁴ These Burnham Quakers show

121. P.R.O., C 107/114, pt. 1.

122. P.R.O., E 134/1654-5/Hil.8.

123. P.R.O., C 107/114, pt.1.

124. S.R.O., D/P/b.on.s. 23/4. Clothier had moved into Burnham on marrying one of Henry Moore's daughters, and may have inherited some/all of Moore's property, Moore having died in 1685.

a range of social positions, with the majority in the solid middling range of farmers.

At the other end of the scale, only four men mentioned in the Quaker minutes and sufferings books over a 40-year period were directly or implicitly described as poor. John Brice, a tailor of Burnham, one of only two Friends specified as craftsmen, carried on some farming as well. In 1670 his cow, for which he still owed the purchase price, was confiscated and he was imprisoned for tithes, remaining there for ten years and dying in prison in 1685. In 1670 he was said to support himself, his wife, two children and two apprentices from his trade alone and payments were made by the Friends while he was in prison, though in 1692 his widow was rated on 14½ acres in Burnham.¹²⁵ William Petherham also required support from the Friends when he was sick, and after his death his family was supported and his children apprenticed by Quaker funds.¹²⁶ Two other men, William Harris and Thomas Smith alias Martin, both from Mark, who had cheese and pewter taken from them for fines in 1670, were noted as well known to be 'very poor men dwelling in little cottages erected upon the common'.¹²⁷

125. S.R.O., DD/SFR 8/1, f.61; 8/2, p.228; D/P/b.on.s. 23/4.

126. S.R.O., DD/SFR 1/1, 20 Mar. 1673 et seq.

127. S.R.O., DD/SFR 8/1, f.61.

Rich or poor, persecution for their beliefs only strengthened the resolve of the faithful. Besides paying fines for attending conventicles, some suffered long years in prison for not paying tithes. The longest term in prison by a Burnham Friend was 13 years by John Wride senior of Burnham, who died in Ilchester gaol in 1688.¹²⁸ Many others of course sooner or later compromised with authority and paid outward allegiance to Church and State, but though the Friends sadly recorded members who compounded for tithes, took oaths as parish officials, or were married in the Anglican church, as lost to the truth, it is likely that the backsliders still retained a deep sympathy for their former Faith as well as a rather puritan outlook, and resented all the more a regime which made them choose between adhering to their Faith or avoiding financial ruin, legal penalties and social disadvantages. Thus, though religious affiliation and political outlook were still linked, political disaffection produced by persecution went farther than just the members of dissenting sects, and was deep enough to create a willing army that a political adventurer such as the duke of Monmouth could use.¹²⁹ The Somerset Quakers,

128. S.R.O., DD/SFR 8/2, p.270.

129. Dr. Earle, after his exhaustive study of the rebels, concluded they fought for Monmouth because he was available as a leader, rather than for himself, and would have fought for anyone who would lead them: Monmouth's Rebels, p.xi. Comments by Burnham inhabitants in 1686, that they could raise an army immediately if they had a leader also bear this out: B.L., Add.MS. 41804, ff.154, 156.

while mainly adopting a pacific stand during the rebellion in 1685, believed that popular support for Monmouth was due to the religious persecution they were suffering in the county,¹³⁰ and this persecution of dissenters appears harsher and more divisive in the West Country than in other parts of England, stemming possibly from the bitterness of conflicts during the civil wars.¹³¹

The legacy of the Interregnum went beyond a commitment to the religious and moral principles practised by dissenting sects. If the ideals carried by dissenters since the 1650s had been purely religious they would just have prayed for deliverance from an evil regime and for God's work on Earth. However, the legacy of the Interregnum was a politicisation of ordinary villagers, so that now when they wanted a more moral society and religious toleration they did not just pray for it, they sought a change in government and to get this set out to re-fight the civil wars.

The men who fought under Monmouth were chiefly aged between the late 20s and early 40s, ^{though} nearly a third of the rebels from one Devon village were over 40 - married men with families, leaving farms or businesses to fight.¹³² Many had been officers or

130. J. Whiting, Persecution Expos'd (1696), p.140.

131. Earle, Monmouth's Rebels, pp.11-12, 14-15.

132. Ibid., pp.4, 18 and Appendix.

soldiers under Cromwell, and the wearing of the buff coats of the Ironside troopers, or the red coats of the New Model infantry,¹³³ testified to the strength of Commonwealth ideals that 25 years of Restoration rule had only strengthened: sectarian differences were set aside as Presbyterian and Baptist, with Republican and Leveller, fought together for their common goal.¹³⁴

The seriousness and danger of their challenge to James II's government can be measured by the savage treatment that followed Sedgemoor, both of the rebels and of the West Country areas from which they came, just because the rebels were not the young and heedless, or the poor with nothing to lose. Drawn from the ranks of the Dissenters they shared the type of background discussed above,¹³⁵ and the fact that a large proportion of the solid middling classes in West Country society were prepared to risk their lives and their families' livelihoods to get rid of the King and government illustrates the depth of their commitment.

133. Ibid., p.22.

134. Ibid., pp.10-11.

135. Ibid., Appendix, pp.196-212, analyses the ages and occupations of rebels for several towns and parishes.

Many men came from Brent Marsh to join the rebellion, but only a few of these appear in the official sources.¹³⁶ Only three of the 16 Brent Marsh parishes appear in the Monmouth Roll, the lists of those absent from home or in arms for Monmouth: East Brent with six men away from home; the tithing of Alston Maris in Huntspill with seven men in arms; and Wedmore with 19 men away from home.¹³⁷ From all official and other sources there were ten convicted rebels from the area, including a surgeon who treated a rebel who came to his house, and another 41 men who were suspected or said to have taken part; since some of these came from parishes not on the Monmouth Roll, this is presumably only a bare minimum.¹³⁸

136. i.e. the Monmouth Roll, Treasury Books, Exchequer inquisitions and lists of transportees. Other names occur in incidental local sources, and in only one case does one of these names also occur in an official source. The judges lists and most lists of transportees do not give the parish of origin and so are of little use.

137. B.L., Add.MS. 30077.

138. Ibid.; Cal(endar of) Treas(ury Books), vol. 8, passim; P.R.O., E 178/6676; ASSI 23/3; S.R.O., DD/SFR w.1, 12 Apr. 1686; QSR 169/1-12; Original Lists of Persons of Quality; Emigrants; ... who went from Great Britain to the American Plantations 1600-1700, ed. J.C.Hotten (N.Y.1931), pp.332-3; C.C.C.Oxford, Fn 000, Northgrove MSS, letters from Steward, 15 Sep., 14 Nov. 1685; Cal. S.P.D., James II, vol.2, p.279.

Three of the convicted rebels, Francis Came, John Leaker and John Harris, all from Huntspill,¹³⁹ do not appear in the Treasury Books nor in the inquisition on the rebels' estates, so presumably had little property worth listing. The remaining seven show a range of backgrounds and financial standing, but were all either freeholders, copyholders or life leaseholders. At the bottom of the scale was Edward Councell, a husbandman of Stone Allerton in Weare who was sentenced to transportation and died at sea en route for Barbados. He held a messuage and dwelling house for two lives, valued at 13s.4d., possibly the ancient manorial valuation.¹⁴⁰ Robert Thatcher, a Wedmore surgeon executed for treating Colonel John Bovett, held a tenement and 3½ acres of arable valued at 17s.6d. a year on long leases.¹⁴¹

Two men from Burnham were among the convicted rebels, both with quite substantial estates. Joseph Wickham, butcher, was sentenced to transportation, died on board the 'John Friggot' outside Bristol, and was buried ashore. His estate at attainder consisted of a messuage and dwelling with several parcels of land in Burnham totalling 9 acres and valued at £3 10s. a year, an 18½-acre close held on a lease for 99 years or three lives and valued at £10 a year,

139. Original Lists, ed. Hotten, pp. 332-3.

140. Ibid., pp.332, 335; Cal. Treas., vol. 8, pp.419, 2004; P.R.O., E 178/6676.

141. Cal. Treas., vol. 8, p.421; P.R.O., E 178/6676.

and 5½ acres freehold valued at 25s. a year. His goods were valued at £20 16s. and included seven cows and four sheep.¹⁴²

Hugh Roper, husbandman, was the most fortunate of the ten convicted. He was sentenced to death but £80 was paid by Thomas Tucker for a pardon,¹⁴³ and he was reprieved 'under the gallows' to live out his remaining 30 years in Burnham where he owned 'a considerable estate'.¹⁴⁴ This consisted in 1686 of 25½ acres in Burnham and 6 acres in South Brent all freehold and valued at £10 5s. 6d. a year, with goods valued at £38 including five cows, four steers, six loads of hay and four acres of standing crops.¹⁴⁵ The land listed was all granted out by royal warrant but Roper may have purchased it from the grantees, because in 1692 he was rated in Burnham on 25½ acres and a mill.¹⁴⁶ Though he does not appear in the Quaker records, he was connected by marriage with the Burnham Friends and was one of the local farmers who had refused to pay tithes in the 1650s.

142. Cal. Treas., vol. 8, p.419; Original Lists, ed. Hotten, p.335; P.R.O., E 178/6676.

143. P.R.O., E 178/6676.

144. R. Locke, The Western Rebellion (1912), pp.7-8.

145. P.R.O., E 178/6676; Cal. Treas., vol. 8, pp.418, 425.

146. S.R.O., D/P/b.on.s. 23/4.

Though the religious affiliations of these local men involved in the rebellion are not known, in other respects they fit well the analysis by Dr. Earle of larger groups of rebels:¹⁴⁷ nearly all were married and the majority had real property which they were willing to risk for their cause.

Like its progenitors the civil wars and the New Model Army, the rebellion under Monmouth shows that ordinary villagers were involved in political events, had a political outlook, and nursed deep commitments, aspects for which evidence is usually lacking but which the act of rebellion supplies. However, just as the political ideals of the Commonwealth were not extinguished in men's minds by the Restoration, so even the defeat of Monmouth's army did not destroy the political awareness of villagers, even though they never again dared to take up arms for their beliefs. This politicisation of countrymen was reflected in smaller local disturbances which had a political colour not to say cause, rather than a concern with corn shortages or enclosures as were so many

147. However, being drawn from a rural area they do not reflect the heavy preponderance of craftsmen found in the army overall, drawn as it was from Taunton and other towns.

local riots before 1640.

The only recorded disturbance to take place in Brent Marsh after 1660 was concerned with political issues, a bitter aftermath of Monmouth's rebellion. Here again, it was not a riot of the poor and landless, but involved leading parish officials, educated dissenters and substantial middling landholders from Burnham and Huntspill.¹⁴⁸

The disturbance began at Burnham Revel held on 23 May 1687, among a large group of men playing at cudgels as part of the Revel. One Burnham inhabitant, William Wride, declared himself for Monmouth and drew around him a group of other Burnham men; they then threatened some men from Huntspill who had apparently helped to capture rebels from Burnham after Sedgemoor, denouncing them as 'papist rogues'. The threats were fulfilled at Huntspill fair on 29 June, when some Huntspill inhabitants were beaten up by men from Burnham and elsewhere said to number about 40, and William Wride threatened 'to serve them with the same sauce' if they came to Edymead fair (at Edithmead in outer Burnham) to be held soon afterwards. The leading participants were presented at the quarter sessions and bound over,¹⁴⁹ and apparently no further action was taken, but copies of the depositions made by those attacked were sent to Lord Middleton's secretary in

148. The following account is taken from S.R.O., QSR 169/1-12.

149. S.R.O., QOB 2/3(2), Mich. term 1687 no. 51.

London since the government was understandably touchy about any disturbances involving Monmouth's name.¹⁵⁰

There was justification for the belief that the Huntspill men were attacked for their part in capturing rebels: the rioters were heard to inquire for some leading Huntspill residents including two King's officers, Thomas Keball and Thomas Hurman, referred to as 'the men catchers' who had captured several of the rebels. Keball was also one of the constables in 1685 who presented the names of those in Huntspill who had taken arms for Monmouth, one of only three parishes to make returns. Furthermore, the six men listed were all from one tithing, Alston Maris, on the boundary with Burnham, and one of these men, Ralph Hoyle, took part in the attack on the Huntspill residents.¹⁵¹ The absence of so many parishes from the Monmouth Roll may be because the constables were sympathetic to the rebels, which made men like Keball stand out in the neighbourhood by contrast.

However, animosity against loyalists alone was not likely to have been the prime spur to action after an interval of two years. In the absence of any other evidence of provocation by the Huntspill inhabitants at the fair,¹⁵² antagonism may possibly

150. Now in B.L., Add.MS. 41804, ff.295-310.

151. B.L., Add. MS. 30077.

152. The only depositions are from those who were attacked.

have been aroused by James II's dispensations to Catholics which enabled them to hold commissions in the Army and other offices; this and the Catholic missionary work in England from 1686 aroused public fears and invoked the 'papist menace' once again. Though some measure of toleration for protestant dissenters was given by James's Declaration in April 1686, they were still unable to hold offices as the Catholics could.¹⁵³ The papist threat may have been on the minds of the Burnham rioters when they called the Huntspill men 'papist rogues that were for the King',¹⁵⁴ and William Wride stopped one man and asked him why he was wearing a 'lawd hat' and was riding around at such a great rate,¹⁵⁵ comments which had both religious and social overtones. The political awareness of the Burnham men also extended beyond domestic issues and showed that religious affiliations and foreign affairs were still intermixed in the minds of villagers. After beating up the Huntspill men, a blood-stained handkerchief was tied to a stick as 'Monmouth's colours' and one William Hurford declared that now Holland (the Burnham men) had beaten France.¹⁵⁶

The instigators of the fight were not simply a bunch of rowdies from among the poor and landless beating up people for fun. Some 15 men were named,

153. J.R. Jones, Country and Court (1978), pp.231, 236-7, 240.

154. B.L., Add. MS. 41804, f.307.

155. S.R.O., QSR 169/3.

156. S.R.O., QSR 169/2.

nine of them Burnham residents, the rest from adjoining parishes. They were led by William Wride of Burnham, a former Quaker and middle-aged, who had fought for Monmouth and received the King's Pardon. Stephen Wride of Burnham, aged 24, was the son of another Quaker, and was said to have been a rebel; five others were also said to have fought for Monmouth. Thomas Wall of Burnham was the constable of the hundred of Bempstone, probably in his late twenties, and was a cousin or nephew of William Wride, and brother-in-law of Hugh Roper, the reprieved rebel. Wall's father had held quite a substantial freehold estate in Burnham which had descended to Thomas in 1676.¹⁵⁷ Of the nine Burnham residents, six were rated on land in 1692, Thomas Wall as joint owner of $47\frac{3}{4}$ acres, William Wride for 9 acres, and the others for 38, 12, $9\frac{1}{2}$ and 4 acres respectively.¹⁵⁸

The rioters threatened the Huntspill men that the duke of Monmouth was expected daily among them and there would shortly be 'an alteration of times'.¹⁵⁹ No doubt these statements were mainly said as part of their effort to intimidate their opponents, but there is also an element of wishful thinking: in 1686 inhabitants of Burnham were heard to say that 'they could raise the marshes upon a drum beating if they had but a leader',¹⁶⁰ an echo of the rumour that

157. P.R.O., PROB 11/350, PCC 44 Bence (Thomas Wall).

158. S.R.O., D/P/b.on.s. 23/4.

159. B.L., Add. MS. 41804, f.307,

160. B.L., Add. MS. 41804, ff.154, 156.

reached Monmouth of a great Club-army 1,000-strong in the marshes around Axbridge,¹⁶¹ and a reflection of a deep anger and unrest that could be given an active expression if the men were properly led.

The leader never came. Monmouth's rebels were 'the last rebels of their kind in English history', the last army of Dissenters, radicals and republicans, who sought to regain the liberties of the 1650s and came close to doing so.¹⁶² The legacy of bitterness against James II and Judge Jeffreys which is still felt in West Country families¹⁶³ is surely a measure of the conviction of right and the commitment to their ideals felt by those who suffered for their beliefs.

Changing political and economic conditions led to political realignments among countrymen, and the middling classes in rural society were not tempted into armed rebellion again. However, the events of the 17th century in this small area of Somerset illustrate important points about village society. Responses to the Commonwealth show that countrymen were capable of thinking for themselves, of responding to political events; that such events influenced village society and relationships; and that without gentry control radical ideals in religion and politics would flourish. The reaction to the Restoration shows that commitment to religious ideals ran deep, while the rebellion

161. B.L., Harl. MS. 6845, f.280d.

162. Earle, Monmouth's Rebels, pp.191, 195.

163. Ibid., p.187; personal communications to author.

under Monmouth is evidence that political thought and activity among countrymen did not disappear with the end of the Interregnum. In sum, these events show that the tranquil beauty of the English countryside and the slow, steady rhythms of rural life should not be taken to indicate a placid acceptance of their political environment by the inhabitants.

Chapter 8

Conclusion

The last 70 years have seen a growing mass of writing on the social and economic history of rural England, but much of this writing has consisted either of broad generalisations covering the whole country, or assumptions about rural societies based on the close study of only one aspect such as land-holding. More recently the need has been felt to test these assumptions by detailed local studies, which have revealed the diversity of experience in English rural society.

In this thesis one such local study, that of Brent Marsh, has been examined in detail for the 16th and 17th centuries. The 16 parishes that make up the area are unified through their geographical features, the great expanse of moors interspersed with slightly higher areas and surrounded by high ranges of hills and the sea. Similar husbandry, interlinking manors, and intercommoning of the moors also give unity to the area. Brent Marsh lay on the fringe of one of the largest and most important towns in Somerset, Wells, and within easy reach of Bristol; good communications by road and water gave the area ready markets for its products.

From this study several significant points have emerged. Geographical features influenced many aspects

of Brent Marsh, the crops and animals farmed and the flexibility of the farming systems. The moors, open, well-watered pasture with some turbary and wet moor, provided plentiful grazing and freed farmers from maintaining communal rotations and grazing rights over open arable fields. These features also allowed quite small farms of 10 to 15 acres to provide a living for the farmer from dairying and other additional husbandry. However, unlike many other fenland and wood-pasture regions, Brent Marsh did not have a large population of cottagers or squatters seeking a living from the moors, because their use was limited to customary tenants. For this reason, though the area supported a wide range of craftsmen, it had no labour force for rural industry, and no large poor population living from subsistence farming. Farmers did not seem to need industrial by-employment to supplement their income, and even craftsmen sometimes sought additional income from agricultural work.

The local husbandry was mixed farming based on dairying and including some arable, which suited small farms and made the best use of the piecemeal nature of holdings with their variety of land types: open-field arable, small closes of arable, meadow and pasture, large enclosed pastures, common meadow and the open moors. Except in the large coastal pastures, land let on annual and other short-term tenancies usually consisted of small strips or closes of less than five

acres, putting them within the means of the small dairy farmers. The largest and wealthiest farmers also maintained mixed farming of dairying, arable and fattening, rather than specialising in one type of husbandry. Mixed farming allowed a flexible response to changing market demands and to the caprices of weather and disease. These small mixed farms were therefore more viable than their equivalent in sheep-corn economies and more able to weather economic misfortunes. Specialisation in one product, such as the fattening of sheep and cattle, was only carried on by men with other sources of income, such as local butchers, or men who lived outside the area.

Evidence for Brent Marsh shows that small-scale mixed farmers were not necessarily backward in farming methods or economic ideas: they employed new crops; they were market-orientated, producing for sale rather than self-sufficiency, and they contributed to England's economic development both by producing surplus food for market and by creating demand for goods to purchase. Even small farms could generate a profit on the incomes calculated for them, although the actual sizes of most farms are not known as neither inventories nor manorial surveys can be used for this purpose. There was much sub-letting of small parcels by manorial tenants and others, and this gave an adequate supply of land in acreages that small farmers could afford to rent. There is no evidence that small-scale farmers, whatever their tenure, were being pushed off the land, whether by

human or economic agencies.

The position of farmers was helped by the manorial structure in the area, which also gave copyholders, sometimes but not always the same people as the farmers, a strong position vis-à-vis the manorial lords and land-owners. Most of the manors of Brent Marsh were still in existence in the 16th century, but in this period the manor changed from a mainly economic institution to a legal one, and the manorial courts were primarily used to register title. The formation of sub-manors had created a multiplicity of manors, so that almost all parishes contained the land of more than one manor, rarely did one manor lie within a single parish, and the lands of different manors lay intermingled in the fields and closes. The demesnes, especially of large manors such as those at Brent, had been divided among the customary tenants in the previous century, and even where demesnes were still intact they were not large and were scattered throughout the manor with the customary land. These characteristics meant there was little scope for the engrossing of large compact farms by the manorial lords, and that the lords had little control over farming or the parish, both important factors in agrarian history elsewhere.

These may have been the reasons why hardly any lords were resident on their manors here in this period, and why manors and other freehold estates tended to change hands frequently. In this period also,

no families dominated the area economically or socially. The possession of taxable wealth among residents was quite widely spread, with a large middle range and few of the outstandingly wealthy. No local resident had enough tenants to exercise control or influence through tenurial power.

While individual customary tenants also did not have the status or power to dominate local society, collectively they became increasingly wealthy and usually formed the richest group of residents in each parish. Customary tenure here was widespread and secure. The tenure was copyhold for lives, and despite the need to pay a fine for every new copy or additional life, the inheritance by the next generation was secured, and the tenure had the advantage of giving an interest in the holding to several children by one copy or reversion. This tenure also gave copyholders economic opportunity and flexibility. They could let such property, for which they paid a very low annual rent, to others at rack-rent, and the majority of holdings were large enough to support the tenant's family from rents alone; they could also use it as security for loans, as well as farm it directly. Copyholders became set apart from less fortunate husbandmen because the entry fines for copyholds or other life tenures were too great for husbandmen who did not already have a secure tenure and had to save the fine out of a small farm income: generally these men could only obtain a copyhold by inheritance or marriage.

However, non-farmers and non-residents with the means increasingly bought copies as investments or for their children's portions. Whereas in the Middle Ages copyholds had been farms worked by and supporting the tenants who held them, by the 17th century they had become interests in pieces of landed property and had little to do with farming. Though some copyholders did still farm their holdings themselves, many ceased farming and lived off the rents, some also entering professions, and becoming a local landed society.

Inheritance tended to reinforce this development of a separate economic group within the farming community because copyholds were not divided up but passed intact to the father's chosen heir. Freehold land, too, tended to pass to one heir following common law rules of primogeniture. On the whole though, inheritance in Brent Marsh did not emphasize primogeniture or a patriarchal concept of society. Fathers relinquished family control by setting up their elder sons to farm independently and form their own families during the father's working lifetime; in some cases the father's own farm might be passed on to a younger son. Though land held by one copy or lease was not divided up, land was not given to one child if there was more than one holding, but spread around as many as possible. Sons were preferred over daughters to receive free and copyhold land, but daughters were frequently given life leases as their portion, and chattles were divided equally amongst all children or used to redress the

balance if the land went to one child.

Most important of all, the father's successor to his main holding and his family responsibilities was usually his wife rather than a son, perhaps following the custom whereby the widow received her husband's customary holdings while single. Women therefore had greater responsibilities than in some other parts of England and more economic power; even married women can be found running small businesses on their own in farming or spinning. Some indications that this might be changing appear among the upper strata of local society in the late 17th century, when women were less likely to be made executrices and received instead some provision under the supervision of the eldest son. Such provision for widows could be arranged more easily by then with the development of trusts for annuities, rent-charges and other investments which were fairly secure and did not just depend on the goodwill and honesty of the executor to be carried out.

The legal developments of the 16th and 17th centuries are apparent in the wills, deeds and bonds of the local inhabitants, who show an increased awareness of the need for legal security, particularly in their wills which changed from simple lists of bequests to involved statements using legal terminology to establish trusts and entails.

It is in the political and religious sphere that this local study demonstrates that though some economic

and social features may be peculiar to Brent Marsh, the local society was not an inward-looking community isolated from the outside world, but was affected by political and religious forces current in England as a whole and could play a part in national affairs. This is nowhere more apparent than in the period of the Civil Wars and Interregnum. Until the 1640s Brent Marsh was relatively peaceful; it was not distinguished by the presence of radical puritans or Laudians, and no sharp divisions of political opinion are apparent among the inhabitants. This all changed with the Civil Wars. While other studies have concentrated on the physical and economic damage of the war, this thesis has shown the greater and more lasting damage that took place to the social fabric with the creation of political and social divisions through exposure to radical ideas, and has illustrated the way local society shared the political ideas present at national level and responded to changes in policy.

These divisions in local society and the politicisation of the inhabitants could not be reversed at the Restoration and remained apparent for two generations; religious uniformity was permanently destroyed. Countrymen had seen the necessity of political means for making religious and social changes, and this led to armed rebellion when the opportunity arose in 1685 and inhabitants with deep commitments then sought to fulfill their ideals.

The features of Brent Marsh that have been described in this study show how unfortunate is the tendency to use a 'peasant' model to describe rural society in England. Most historians see medieval and early modern English rural society as including peasants, who were being replaced by tenant farmers. The use of 'peasant' by many agrarian historians is vague and general, meaning small pre-industrial owner-occupiers who were rarely more than subsistence farmers,¹ and it follows the definition given by the Oxford English Dictionary of 'peasant' as any country-dweller from farmer to labourer. Since most peasants were supposed to have disappeared in England in the face of agrarian development in the 17th century,² it follows that peasants are also considered economically backward and an obstacle to progress.

With the increase in sociological and anthropological studies of more modern European and Asian societies, 'peasant' has acquired a series of additional characteristics, though nowhere is there a comprehensive definition that will apply to all such societies, even in the encyclopaedias of the social sciences.³ In a recent

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1. A. Macfarlane, The Origins of English Individualism: The Family, Property and Social Transition (Oxford 1978), p. 10, gives examples of this use.
 2. J. de Vries, Economy of Europe in an Age of Crisis: 1600-1750 (Cambridge 1976), pp. 82-3.
 3. Encyclopaedia of the Social Sciences, ed. E.R.A. Seligman, vol. 12 (1934), pp. 48-52; International Encyclopaedia of the Social Sciences, ed. D.L. Sills, vol. 11 (U.S.A. 1968), pp. 503-10.

study Alan Macfarlane thought that peasant societies had the following economic features: property owned by the household or family and not individuals, with the head of the household acting as 'manager' for the family; farm labour supplied primarily by family members, with wage labour rare; the family producing almost all its needs, both goods and services; specialist craftsmen and rural industries correspondingly limited; the absence of cash, local exchange and markets, and in particular no land market, as the family tried to hold on to their piece of land; relatively little geographical mobility.⁴ He challenged the use of this peasant model for English rural society, finding that even in the 13th century the English were 'highly mobile, both geographically and socially, economically 'rational', market-orientated and acquisitive'.⁵

This thesis has shown that this peasant model is also inappropriate for Brent Marsh in the period studied, as is the general and imprecise use of 'peasant', with its connotations of economic backwardness, self-sufficiency, subsistence farming, and lack of personal freedom, particularly of movement, since in many of its meanings 'peasant' denotes a bondsman or serf.⁶ If it is only the presence of small farms that leads historians to use 'peasant', it is probably best not to

4. Macfarlane, Origins, pp. 18-25.

5. Ibid., p. 163.

6. O.E.D.

use the word at all. It has not been used in this study except in quotation, both because it is imprecise and derogatory in economic terms, but more seriously because it obscures the very 'modern' attitudes that have been found among husbandmen and land-holders here: in the use of secure tenures as investments; in the use of wills in securing property; in production for the market rather than for the household; in political and religious self-consciousness. Even if their farms were small it did not mean that the inhabitants of Brent Marsh were not commercial in outlook, seeking the best profits, following good husbandry practices with an interest in improved methods.

Rather than being peasants, these countrymen fit the model of the English yeoman drawn up by Mildred Campbell many years ago,⁷ but whereas she saw the yeomen as a separate class in rural society with these commercial or even capitalist characteristics, the distinction between yeoman, a status term, and husbandman, an occupational description, is very uncertain, and in Brent Marsh there does not appear to be any substantial difference between the two groups, except possibly in the average degree of resources they had:⁸

7. M. Campbell, The English Yeoman: under Elizabeth and the Early Stuarts (1967 edn.), especially pp. 23-69, 103-4, 134-6, 170-8, 194-5, 220.

8. 'Yeoman' may have been applied as a matter of respect, partly based on wealth, land-holding, etc., but also partly on personal characteristics not apparent to the historian.

the characteristics of yeomen also applied to men calling themselves husbandmen, and included their active interest in religious matters, a tendency towards puritanism, which led many to form nonconformist sects, and their important role in carrying out local government in the hundred and parish.⁹

Within this broad similarity between the inhabitants of Brent Marsh and farmers and land-holders elsewhere in England, there are local differences which are shown up by a detailed study such as this. England had a rich variety of types of farming and the sheep-corn economy that forms the basis for many generalisations about agrarian history was not typical of the country as a whole, nor even of Southern England. Brent Marsh supported an economy that was quite different to most other areas that have been studied in detail, and differences also emerge when the area is compared with similar fen/marsh regions in Lincolnshire and Cambridgeshire.

Population and immigration are a particular aspect in which Brent Marsh differs from otherwise similar regions. Most pastoral areas such as the Lincolnshire fens or the woodlands of the West Midlands drew large numbers of immigrants to seek a living from the wastes and woods or from rural industries there, but in Brent Marsh, because the use of the moors was limited to the customary tenants and there was little rural industry,

9. Campbell, English Yeoman, pp. 290, 292-3, 315.

there was no influx of the poor seeking a living. This difference extended to taxable wealth as well: Brent Marsh had the lowest proportion of population assessed on wages compared to areas in Lincolnshire, Leicestershire, Cambridgeshire and Devon, though its wealthiest inhabitants had far less than the very wealthiest in similar areas of Lincolnshire, partly because most manorial lords and large freeholders did not live in the marsh.

The manors of Brent Marsh also differed from the manors of many pastoral areas, and were in fact an amalgam of both nucleated open-field manors, with common arable fields near the main settlements and waste on the periphery, and manors commonly found in pastoral areas such as the northern border counties, the West Midlands, Devon and Cornwall, where nearly all parishes contained more than one manor, and a number of subsidiary settlements grew up within the parish. Manorial tenures, however, were similar to pastoral areas where common-field land had originally predominated, such as the Forest of Arden in the West Midlands: there were few freeholders, and the majority of manorial tenants were copyholders, holding for lives, a very common tenure in the western half of England, and like customary land in the West Midlands, such copyhold in Brent Marsh was often converted into leasehold for lives.

Though land in Brent Marsh was very similar to the fen and marsh of Lincolnshire, there were differences in the proportion used as arable. Among the inland

manors of Brent Marsh a much higher proportion was used for arable than in the fenland manors of Lincolnshire and was nearer the proportion found in Leicestershire manors; arable was still in open fields, whereas in the Lincolnshire fens arable was enclosed. In the coastal manors of Brent Marsh the arable and pasture was intermingled as in the Lincolnshire saltmarsh, but in the latter it was all enclosed and used in severalty and had a higher proportion of arable to pasture than in Brent Marsh, where there was both open and enclosed arable. The coastal belt in Lincolnshire did have open-field arable but only in a regular two-field system, and it had a slightly lower proportion of arable than in the coastal belt of Brent Marsh.

In general, the economy of Brent Marsh had less in common with the fenland of Eastern England than with the marshland areas of Lincolnshire. There was less emphasis on traditional fenland pursuits such as fishing and fowling than is found in Lincolnshire and Cambridgeshire fen areas. The husbandry was similar in range, however, to both the fen and marsh of these counties, with slight differences of emphasis on certain stock or crops.

In inheritance and family relationships, too, Brent Marsh shows differences compared with other areas that have been studied in depth, often tied in with economic conditions. In Brent Marsh and in a pastoral parish in Essex, Terling, sons were frequently set up in an

independent living during their father's working lifetime, probably because the resources of these areas allowed this, while in parts of Leicestershire and Cambridgeshire sons remained at home and often did not marry until after their father's death or retirement. Different economic circumstances probably account for other differences in the timing and type of inheritance received by children: in Brent Marsh the equipment and most of the stock went with the holding, whereas in the Midlands land and stock often went to different children, diminishing the capital of the main farm.

As elsewhere, portions in Brent Marsh changed from kind to cash, but though the size of cash portions was about the same in Brent Marsh and in Leicestershire, the latter still had more portions in kind than in cash until the late 17th century, whereas in Brent Marsh cash had become the more important in the early 17th century and remained so: there was no return to portions in kind in periods of economic difficulty as occurred in Leicestershire. Either Brent Marsh did not share these difficulties, or the use of cash in portions was tied in rather with the ability to use cash in a particular economy than with economic prosperity.

As in other areas studied in detail - Cambridgeshire, Essex, Leicestershire - testators with several holdings or different leases divided them among their children instead of leaving them to one child, though individual tenements were not divided up. However, unlike Cambridgeshire and other areas with copyholds

of inheritance, copyhold in Brent Marsh was not mentioned in wills and was handed on by taking copies in reversion.

Much of the land in Brent Marsh was also governed by widow's right, whereby the wife of a customary tenant held her husband's holdings while single, and possibly because of this the wife was usually made executrix of her husband's will and received the residue of his property as well as the main holding. In parts of Leicestershire, Essex and Cambridgeshire this generally only occurred where the children were minors and then the widow only kept the property until the eldest son was of age. In only one parish that has been studied, in Cambridgeshire, was there a similar arrangement to Brent Marsh of giving the widow the main property for life.

The manorial structure and topography of Brent Marsh seem to have been the reason for a lack of resident gentry, and as has been found for Cambridgeshire, in parishes without resident lords of the manor the inhabitants were able to follow their own inclinations in expressions of religious and political thought, and in the late 17th century these usually took the form of wide support for nonconformity.

The discovery of the economic, social and political characteristics of countrymen relies very much on whether they are searched for, because the evidence for such relatively obscure men and women is fragmented and buried in long series of local and central records.

However, such evidence is important for our understanding of rural society, which, as has been shown, is too complex to be described by simple economic or political models. Detailed local studies are essential to clarify the way changes took place in the countryside, and this study of Brent Marsh is a contribution to a closer understanding of rural society in England as a whole.

Table 1Population Figures

Parish (& Acreage)	(1) Tax- payers 1524-5	(2) Commun- icants 1548	(3) House- holds 1563	(4) Taxable Households 1660
Allerton (1,169 a.)	17		24	
Axbridge (528 a.)	62			205
Badgworth (1,815 a.)	21			
Berrow (2,221 a.)	51			157
Biddisham (572 a.)	33 (a)		14	
East Brent (3,037 a.)	109			203
South Brent (3,426 a.)	82			203
Burnham (3,907 a.)	68			(59) (b)
Cheddar (6,998 a.)	102	70		
Compton Bishop (2,536 a.)	29			119
Huntspill (5,944 a.)	105	506		(81) (b)
Lympsham (2,082 a.)	52			117
Mark (4,354 a.)	88	450	103	(79) (b)
Rodney Stoke (2,345 a.)	28			
Weare (2,146 a.)	20			
Wedmore (9,986 a.)	162	1000	206	304

Notes

(a) Tithing of Biddisham included Tarnock, which was in Badgworth parish.

(b) Returns extant for only part of these parishes.

Sources:

(1) P.R.O., E 179/169/171, 169/182, 169/169, 169/175.

(2) Somerset Chantries (S.R.S. 2), pp. 61, 71, 73, 77.

(3) B.L., Harl. MS. 594, f.51.

(4) P.R.O., E 179/256/7, 172/416.

Table 2 Distribution of Taxable Wealth 1524

Parish		No. and % of Inhabitants Assessed on:-										Other Tax- payer	Total
		WAGES 20s.		£2-5		GOODS £6-10		£11-20		£21-40			
I Coastal	No.	%		%		%		%		%			
Berrow	7	13.7	30	58.8	10	19.6	4	7.8	-	-		51	
E. Brent	19	17.4	56	51.4	22	20.2	11	10.1	1	0.9	Gds.	109	
S. Brent	7	8.5	43	52.4	16	19.5	11	13.4	4	4.9	1@£50	82	
Burnham	18	26.5	35	51.5	13	19.1	2	2.9				68	
Huntspill	22	21.0	57	54.3	23	21.9	3	2.9				105	
Lympsham	5	9.6	22	42.3	11	21.2	12	23.1	1	1.9	1@£60	52	
Total:	78	16.7	243	52.0	95	20.3	43	9.2	6	1.3	2 0.4%	467	
II Inland													
Allerton	-	-	8	47.1	8	47.1	-	-	1	5.9		17	
Badgworth	3	14.3	9	42.9	8	38.1	1	4.8				21	
Biddisham	9	27.3	12	36.4	6	18.2	3	9.1	3	9.1		33	
Mark	17	19.3	39	44.3	17	19.3	14	15.9	1	1.1		88	
Weare	1	5.0	12	60.0	4	20.0	3	15.0	-	-		20	
Wedmore	52	32.1	64	39.5	22	13.6	21	13.0	1	0.6	Land: £4, £1.	162	
Total:	82	24.1	144	42.2	65	19.1	42	12.3	6	1.8	2 0.6%	341	
III Mendips													
(a)													
Axbridge	11	17.7	30	48.4	10	16.1	5	8.1	2	3.2	Land: £4,3,2,1.	62	
Cheddar	13	12.8	52	51.0	27	26.5	8	7.8	1	1.0	Gds:£50	102	
Compton Bp	-	-	19	65.5	4	13.8	2	6.9	1	3.5	Land: £40,20,1.	29	
Stoke G.	7	25.0	13	46.4	5	17.9	2	7.1	-	-	Land: £140	28	
Total:	31 ^a	14.0	114	51.6	46	20.8	17	7.7	4	1.8	9 4.1	221	
Grand													
Total:	191	18.6	501	48.8	206	20.0	102	9.9	16	1.6	13 1.3		
Total Taxpayers: 1,029													

Total Assessed on: Wages Goods Land
 191 18.6 828 80.5 10 1.0

(a) These include 11 assessed on wages of 23s. 4d. to 33s. 4d.

Source: P.R.O., E 179/169/171, 169/182, 169/169, 169/175.

Table 3 Comparison of Wealth in Different
Counties, taken from the 1524 Subsidy

<u>County and Area</u>	<u>% of Taxpayers assessed on:</u>		<u>Highest Assessment:</u>	
	<u>Wages:</u> 30s. or less	<u>Goods/ Land:</u> £20 +	<u>in</u> Land	<u>in</u> Goods
Somerset: Brent Marsh	18.6% (191)	4.7% (46)	£140	£60
Leics. (1)	22 %	4.2%	£160	£110
Cambs. (2) Whole County	53 %	3.5%	£120	£200
Lincs. (3) Fenland:				
Kirton Wapentake	22.5%	7.3%	-	} £120
Elloe "	32 %	4.1%	-	
Lindsey & Kesteven	35-46 %	1.4-3.5%	£500	£333.6.8

% Assessed on:

	<u>Land</u>	<u>Goods</u>	<u>Wages</u>
Somerset (1029 taxpayers)	1.0 %	80.5 %	18.6 %
Leicestershire (2500 ")	1 %	77 %	22 %

Sources:

- (1) Hoskins, Essays in Leics. History, pp. 129-30.
- (2) Spufford, Contrasting Communities, p. 30.
- (3) Thirsk, English Peasant Farming, pp. 46-7.

Table 4Breakdown of Poll Tax Payers, 1660

<u>Amount of Tax Paid:</u>							
Tithing ⁽¹⁾	1s. no. of single payers	1s. no. of married couples	2-3s. (income £5-7 10s p.a.)	4-10s. (income £10-25 p.a.)	11-19s. (income £27 10s -£47 10)	20-25s. (income £50-70 p.a.)	Total
Berrow	No. 64 % 43.8	33 22.6	15 10.3	28 19.2	5 3.4	1 0.7	146
S. Brent	55 26.8	45 22.0	40 19.5	54 26.3	9 4.4	2 1.0	205
E. Brent	78 38.4	36 17.7	12 5.9	59 29.1	17 8.4	1 ^(a) 0.5	203
Lympsham	52 44.1	18 15.3	10 8.5	28 23.7	8 6.8	2 ^(b) 1.7	118
Burnham (part) (2)	10 17.0	13 22.0	16 27.1	16 27.1	2 3.4	2 3.4	59
Alston & Worston(3)	24 29.3	25 30.5	14 17.1	15 18.3	4 4.9		82
E. Mark (part)(2)	16 19.8	13 16.1	26 32.1	22 27.2	3 3.7	1 1.2	81
Huish (4)	11 30.6	7 19.4	8 22.2	10 27.8			36
Wedmore	146 48.0	70 23.0	44 14.5	35 11.5	3 1.0	6 2.0	304

(a) 1 income of £175.

(b) 1 income of £87 10s.

Source: P.R.O., E 179/172/416.Notes:

- 1) Tithings with same name as parish (e.g. Wedmore) almost certainly the whole of that parish.
- 2) 5 membranes of Bempstone hundred torn from roll; only half Burnham's total tax is accounted for by the existing names, and an unknown amount of E. Mark tithing.
- 3) Alston & Worston covered part of Huntspill and Burnham but was included in Bempstone, so was collected separately from Huntspill parish.
- 4) A small sub-manor near Highbridge in Burnham, part of the prebend of Compton Bishop.

Table 7

Summary of Court Business

Manor (Lord)	(a) Dates	No. of Entries in Rolls:			No. of Courts Held
		(b) (1) Land	(2) Oblig- ations	(3 & 4) Other	
Burnham Rectory (D & C)	Apr.1510-Jul.1543	1	13	4	7
	Apr.1558-Jul.1599	25	8	4	19
	Jul.1600-Aug.1638	19	4	0	16
		<u>45</u>	<u>25</u>	<u>8</u>	<u>42</u>
Allerton (D & C)	May 1507-Nov.1539	13	47	35	17
	May 1552-Jul.1599	71	34	84	35
	Jul.1600-Aug.1639	37	1	13	18
	Jul.1671-Jun.1694	40	17	10	21
		<u>161</u>	<u>99</u>	<u>142</u>	<u>91</u>
Biddisham (D & C)	Oct.1499-May 1543	24	58	49	21
	Oct.1551-Jul.1599	94	47	41	40
	May 1600-Aug.1644	73	3	2	24
	Jul.1661-Sep.1664	14	6	3	3
		<u>205</u>	<u>114</u>	<u>95</u>	<u>88</u>
Tarnock (Seymour)	Apr.1600-Apr.1609	<u>24</u>	<u>22</u>	<u>8</u>	<u>13</u>
Lympsham Parva (Seymour)	Aug.1583-Mar.1594	14	7	5	11
	Apr.1600-Mar.1609	19	6	1	10
		<u>33</u>	<u>13</u>	<u>6</u>	<u>21</u>
Huntspill Rectory (rector)	Oct.1507-Apr.1517	18	51	23	16
	Mar.1597-Dec.1601	17	21	3	11
		<u>35</u>	<u>72</u>	<u>26</u>	<u>27</u>
Blackford (Sexey's Hosp.)	Oct.1635-May 1653	73	116	20	20
	Apr.1661-May 1688	30	33	10	9
		<u>103</u>	<u>149</u>	<u>30</u>	<u>29</u>
Northgrove (C.C.C. Oxford)	Aug.1555-Aug.1599	161	39	29	22
	Aug.1600-Sep.1654	227	29	24	29
		<u>388</u>	<u>68</u>	<u>53</u>	<u>51</u>
Edingworth (gentry)	Jul.1555- 1607	41	42	11	16
	Apr.1650-Mar.1664	4	8	0	6
		<u>45</u>	<u>50</u>	<u>11</u>	<u>22</u>

Notes:

- (a) Dates divided at gaps in series, except between 1599 and 1600, which is point in fullest series (Allerton) where total land entries exceed total of all other business.
- (b) Details of business in each group will be found in Chapter 2, p. 91.

Table 9Breakdown of Chancery Cases

P.R.O. Class and dates	Land, Rents, Deeds	<u>Subject of Cases:</u>		Total
		Goods, Debts, Marr. Setts. Advowsons, etc.	Manors etc. between 2 non- residents	
C 1. 1529-58	22	35	8	65
C 2. Eliz.	19	3	2	24
C 2. James I	30	4	0	34
C 3. 1558-96	46	12	5	63
1596-1625	13	0	4	17
1626-1660	20	0	5	25
C 5. 1613-1700	35	11	8	
1613-1660				31
1661-1700				23
C 6. 1633-1700	30	17	3	
1633-1660				37
1661-1700				13
C 7. 1622-1700	61	12	5	
1622-1660				23
1661-1700				55
C 8. 1592-1700	78	19	7	
1592-1660				30
1661-1700				74
C 10. 1647-1700	19	1	0	
1647-1660				14
1661-1700				6

Total Number of cases:

1529-1596	154
1596-1660	211
1661-1700	171

Approximate annual frequency:

1529-1558	2½ cases a year
temp. Elizabeth	2½ " " "
1600-1660	3½ " " "
1661-1700	4½ " " "

Table 11Land Quality in Brent Marsh Manors

Manor and date of Survey	Total Acreage of :					Arable as % of whole
	Arable	Meadow and Past.	Mead- ow	Past- ure	Total	
<u>Inland</u>						
Mudgley 1558	563		219	225	1007	60%
Tarnock 1540	116		84	116	316	37%
Tarnock t. Eliz.	118		81	231	430	27%
Churchland c. 1610	561		201	135	897	62%
<u>Coast</u>						
Lympsham 1516	497	835	11	210	1553	32%
Lympsham Parva c. 1540	78		47	96	221	35%
Lympsham Parva t. Eliz.	40		40	71	151	26%
Berrow 1516	593	678	23	270	1564	38%
East Brent 1516	766	1144	16	341	2267	34%
East Brent 1607	707	66	402	972	2147	33%
South Brent 1516	499	537	106		1142	44%
S. Brent Huish 1567	132		106	174	412	32%
Edingworth 1624	68	223			291	23%
Northgrove 1572	101		42	358	501	20%
<u>Mendip</u>						
Cheddar Hanhams c. 1540	122		139	228	489	25%

Table 12John Westover's Farm Income, 1695/96IncomeSales

April.	2 cows	£10	5s.
	Bull	£ 3	
	3 steers	£23	
May.	2 3-year heifers	£ 9	
	Red cow and calf	£ 5	5s.
Feb.	2 oxen	£22	
Received 7 bushels of beans		£ 1	6s. 10d.
Rents received		£ 1	9s.
		<hr/>	
		£75	5s. 10d.
		<hr/>	

ExpenditurePurchases

April.	2 oxen	£12	
	2 2-year heifers	£ 4	11s.
	1 heifer	£ 2	10s.
May.	2 oxen	£13	12s. 6d.
	2 3-year steers	£11	7s. 6d.
Feb.	colt	£ 3	
Labour, commission, expenses			10s.
Rhinework			10s.
Haulage of turf			5s.
Haulage of crops			10s.
Plough-team work		£ 2	13s.
Rents paid			17s. 6d.
Tithes		(approx.)	5s. 6d.
		<hr/>	
		£52	12s. 0d.
		<hr/>	

Table 15Occupations of Testators

			(1)	(2)	(3)					(4)	
	Esq. Kt. Gent.	Clk.	Mer cha nt	Tra des men	Cra fts men	Yeo men	Husb and men	Wid ows	Sp i nst er	Not Given M / F	Total
1503-28	1	1	-	-	-	-	-	-	-	4/-	6
1540-9	-	1	-	2	-	-	9	7	-	86/11	116
1550-9	-	2	1	-	-	1	2	3	-	31/5	45
1560-9	-	-	-	-	-	-	2	2	-	9/-	13
1570-9	-	-	-	-	1	3	13	1	1	14/2	35
1580-9	2	-	-	1	5	5	16	5	-	25/3	62
1590-9	-	2	-	-	2	7	11	7	-	24/1	54
1600-9	6	1	1	-	1	9	8	1	-	6/1	34
1610-9	2	-	2	-	5	10	17	6	1	12/-	55
1620-9	3	1	1	3	3	16	20	6	1	21/-	75
1630-9	1	-	2	2	2	22	25	15	1	23/1	94
1640-9	3	-	1	4	3	15	22	7	1	8/1	65
1650-9	-	3	4	4	13	23	51	31	3	29/2	163
1660-9	3	1	1	2	-	11	6	4	-	1/-	29
1670-9	1	-	3	2	1	6	2	1	-	3/3	22
1680-9	4	1	2	1	-	4	1	4	1	1/-	19
1690-9	3	-	-	-	-	2	3	-	1	-	9
	29	13	18	21	36	134	208	100	10	297/30	896

(1) Includes woollendrapery, mercer, linendrapery, barber-surgeon.

(2) Includes innholder, baker, victualler, cheesemonger, butcher, chandler, carrier.

(3) Includes weaver, fuller, carpenter, blacksmith, cloth-worker, cordwainer, cooper, tanner, tailor, groom.

(4) Other evidence shows most of these were farmers. One possibly a blacksmith. About a dozen Axbridge men probably merchants or tradesmen. 2 'bachelors', 1 'singleman', 2 'widowers'. 3 women were married.

N.B. Since most wills are from the P.C.C., the status of testators is weighted towards the higher social groups.

Table 16Family Circumstances of Testators

Decade	MALE						FEMALE				Total Wills
	No Dep end ants	Wife only	Chil dren age not known (a)	Chil dren under 21 or not marr'd	Adult Child -ren and Wife	Adult Child -ren no Wife	Wid ows with Chil dren	Wid ows with dep end. Chldn.	Wid ows	Oth er F	
1503-28	2	1	2	1	-	-	-	-	-	-	6
1540-9	11	18	45	16	5	3	16	-	2	-	116
1550-9	12	8	9	8	-	-	7	1	-	-	45
1560-9	-	3	3	3	1	1	1	-	1	-	13
1570-9	3	5	16	6	-	1	3	-	-	1	35
1580-9	7	10	9	24	2	3	5	1	-	1	62
1590-9	5	12	15	9	6	1	2	1	3	-	54
1600-9	5	6	5	13	3	-	-	1	-	1	34
1610-9	7	10	10	17	5	-	2	1	2	1	55
1620-9	7	13	7	36	1	4	2	-	4	1	75
1630-9	9	12	15	26	11	6	7	2	4	2	94
1640-9	3	8	13	25	5	2	6	1	-	2	65
1650-9	18	16	31	50	8	7	19	4	7	3	163
1660-9	8	2	4	8	1	2	2	2	-	-	29
1670-9	3	2	1	9	2	-	2	-	1	2	22
1680-9	5	1	5	2	-	1	3	-	1	1	19
1690-9	2	-	-	5	1	-	-	-	-	1	9

(a) Up to about 1570 very little indication is given in the wills that the children are under age, so many in this column for the early decades will be under 21. Later on minors were usually specified as such so most of this column will probably be adult children from the late 16th century.

Table 17

Number and Percentage of Portions in Cash,
Goods and Land

(from wills of Men with Children)

Decade	Goods only		Cash and Goods		Cash only		Land only		Land and Cash		Land and Goods	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1503-28	1	10.0	1	10.0	8	80.0	-		-		-	
1540-9	95	78.5	6	5.0	17	14.1	-		-		3	2.5
1550-9	16	57.1	8	28.6	1	3.6	2	7.1	-		1	3.6
1560-9	-		4	44.4	4	44.4	1	11.1	-		-	
1570-9	6	19.4	9	29.0	16	51.6	-		-		-	
1580-9	18	23.7	8	10.5	37	48.7	3	4.0	6	7.9	4	5.3
1590-9	16	23.2	4	5.8	41	59.4	5	7.3	3	4.4	-	
1600-9	10	23.8	-		22	52.4	4	9.5	6	14.3	-	
1610-9	4	5.3	3	4.0	48	63.2	11	14.5	7	9.2	3	4.0
1620-9	5	3.9	3	2.3	75	58.1	26	20.2	15	11.6	5	3.9
1630-9	8	7.3	7	6.4	69	63.3	9	8.3	10	9.2	6	5.5
1640-9	5	5.4	2	2.2	64	69.6	6	6.5	12	13.0	3	3.3
1650-9	12	6.4	10	5.3	111	59.0	32	17.0	12	6.4	11	5.9
1660-9	10	19.2	2	3.9	16	30.8	13	25.0	7	13.5	4	7.7
1670-9	2	12.5	2	12.5	2	12.5	3	18.8	7	43.8	-	
1680-9	-		-		2	20.0	3	30.0	2	20.0	3	30.0
1690-9	1	3.2	-		20	64.5	10	32.3	-		-	

Note

The numbers given are for individual portions, not the number of wills. The portions exclude the residue given as a portion, and tokens under £1 and small bequests to married children are also excluded.

Table 18 Disposition of Residue and Executorship
(by Men with Wives and Children)

Decade	To Wife only		To Son(s) only		To Wife & Son(s)		Total ^(a) Wills
	No.	%	No.	%	No.	%	
1540-49	30	63.8	2	4.3	9	19.2	47
1550-59	5	38.5	1	7.7	7	53.9	13
1560-69	-		-		4	66.7	6
1570-79	5	33.3	2	13.3	2	13.3	15
1580-89	16	55.2	6	20.7	4	13.8	29
1590-99	11	55.0	6	30.0	2	10.0	20
1600-09	5	45.5	2	18.2	3	27.3	11
1610-19	11	45.8	6	25.0	1	4.2	24
1620-29	23	74.2	7	22.6	1	3.2	31
1630-39	25	75.8	5	15.2	-		33
1640-49	12	52.2	5	21.7	1	4.4	23
1650-59	33	62.3	11	20.8	3	5.7	53
1660-69	2	33.3	3	50.0	-		6
1670-79	3	75.0	1	25.0	-		4
1680-89	-		3	50.0	-		6
1690-99	-		2	40.0	3	60.0	5
	181	55.5	62	19.0	40	12.3	326

(a) 'Total Wills' includes wills where the executorship was left to others than wives and sons.

Table 20 Legacies Specified for Investment

Decade	Total Number of Wills	Number of Wills Specifying Investment (except in Land)		Number of Wills Specifying Investment in Land		Total Sums for Investment	
		No.	%	No.	%	General	Land
1540-49	116	3	2.6%	-	-	£ 12	-
1550-59	45	1	2.2	-	-	(a)	-
1560-69	13	1	7.7	1	7.7	(a)	£ 10
1570-79	35	-	-	2	5.7	-	(b)
1580-89	62	2	3.2	2	3.2	£ 160	(b)
1590-99	54	8	14.8	-	-	£ 96	-
1600-09	34	8	23.5	3	8.8	£ 217	£320
1610-19	55	16	29.1	-	-	£1,575	-
1620-29	75	14	18.7	1	1.3	£ 465	£ 14
1630-39	94	24	25.5	-	-	£ 967	-
1640-49	65	16	24.6	2	3.1	£1,699	£ 82(b)
1650-59	163	26	15.9	4	2.5	£ 953	£ 60(c)
1660-69	29	8	28.6	-	-	£ 272	-
1670-79	22	3	15.0	1	5.0	£ 807	£100
1680-89	19	2	10.5	-	-	£ 175	-
1690-99	9	2	22.2	1	11.1	£ 45	£600
						£7,443	£1,186

Notes:

- (a) Legacy for investment consisted of animals.
 (b) Amount to be invested not given in one or two cases.
 (c) Amount to be invested not given in three cases.

Table 25 Number of Wills Used

<u>Decade Written</u>	<u>From P.C.C.</u>	<u>Diocesan^(a) & Others</u>	<u>Total</u>
Early 16th Cent.)	6	-	6
1539-49	-	116	116
1550-59	7	38	45
1560-69	13	-	13
1570-79	23	12	35
1580-89	38	24	62
1590-99	49	5	54
1600-09	33	1	34
1610-19	48	7	55
1620-29	66	9	75
1630-39	86	8	94
1640-49	59	6	65
1650-59 ^(b)	162	1	163
1660-69	26	3	29
1670-79	19	3	22
1680-89	14	5	19
1690-99	8	1	9
	<hr/>	<hr/>	<hr/>
<u>Total</u>	<u>657</u>	<u>239</u>	<u>896</u>
	73.3%	26.7%	

Notes

- (a) Majority of these were proven in the diocesan courts, but a few are taken from solicitors' collections and other private deposits; it is not always known whether they received probate. Where probate took place in the P.C.C. they are included under P.C.C. only.
- (b) In this decade the only probate court was the Court of Civil Commission, whose records are deposited with the P.C.C. registers.

Table 26Wedmore: Baptisms, Marriages, Burials

	<u>Baptisms</u>		<u>Marriages</u>		<u>Burials</u>	
	<u>Total for Decade</u>	<u>Ann- ual Ave.</u>	<u>Total for Decade</u>	<u>Ann- ual Ave.</u>	<u>Total for Decade</u>	<u>Ann- ual Ave.</u>
1600-09	512	51.2	166	16.6	409	40.9
1610-19	518	51.8	170	17.0	478	47.8
1620-29	465	46.5	170	17.0	527	52.7
1630-39	609	60.9	150	15.0(a)	493	49.3
1640-49	551	55.1	122	12.2(b)	495	49.5
1650-59	478	47.8	145	18.1(c)	484	48.5
1660-69	387	38.7	104	10.4	434	43.4
1670-79	416	41.6	93	9.3	604	60.4
1680-89	386	38.6	103	10.3	531	53.1
1690-99	390	39.0	97	10.8(d)	449	44.9

(Year begins 25 March)

(a) 6 months missing.

(b) 9 months missing.

(c) 29-month gap; average over 8 years.

(d) 12-month gap; average over 9 years.

Appendix: Note on Probate Sources

Wills and inventories are a major source for any study of rural society, but owing to war-time bombing in which the bulk of probate records for the diocese of Bath and Wells were destroyed, only a few locally-proved wills and even fewer inventories survive for Brent Marsh.¹

This small sample has been supplemented by wills proved in the Prerogative Court of Canterbury. In all about 900 wills were examined for this study and nearly three-quarters of them were proved in the P.C.C., and were used to obtain a reasonably large sample.² P.C.C. wills have not been widely used in local studies, apart from those for specific individuals, partly because until 1970 access to them was rather difficult, and partly because of the widespread belief, derived from legal theory, that they generally concerned only gentry or testators with property in more than one diocese, or others with notions of grandeur. However, now they are easily accessible in the P.R.O., and include a large number, possibly unusually large, for Brent Marsh, particularly for the period 1580 to 1660. In addition to wills of gentlemen, Axbridge merchants, and many yeomen and widows, there are also many small craftsmen such as weavers, blacksmiths and joiners, and a large number of husbandmen. Copyholders, identified

-
1. Sources of wills and inventories used are given in the Bibliography.
 2. See Table 25, p. 492. Only one inventory for the area has been found among those indexed in the P.C.C.

from manorial records, are well represented, but many of the testators do not appear to be very well-to-do, and for most wills there is no apparent reason why they were taken to the P.C.C.

That so many were may be an indication of a desire to give the weight of the highest probate court to complicated trusts in a few cases; occasionally, complications such as the death of the named executor may be the reason; or even a long-standing mistrust of the diocesan clergy and their registrars, since many testators were tenants of the Church, but none of these possibilities can be proved for certain. It is likely though that the use of the P.C.C. is an indication, not of a desire for status as is often assumed, but rather for security of 'title' to both land and goods at a time when the proprietorship of land, chattles and even offices was under the constant pressure of litigation and was challenged in the courts.

Some change in this pressure for security may lie behind the equally surprising change in the number proved in the P.C.C. after 1660, when there is a sudden drop to an average of 1.7 wills a year, while the average for the period 1580 to 1639 was 5.3 a year,³ though economic changes making the business too expensive may be a more likely reason. Occasionally a will is proved in both a diocesan court and the P.C.C., which may also be evidence of this desire for greater

3. Under the Commonwealth, when the Court of Civil Commission was the only probate court, the average was 16 a year.

security, though it does not occur very often.

Obviously, the predominance of P.C.C. wills affects the nature of the information obtained, but though this probably means that the poorest section of will-makers is excluded, the bulk of wills do not differ significantly in content from the diocesan survivals; the P.C.C. wills may contain more leases in the bequests than those proved locally and slightly distort the testamentary picture by more emphasis on land in children's portions, but this was not felt to be serious enough to preclude the use of the P.C.C. wills.

SOURCES AND BIBLIOGRAPHYInventories

Because they are so few in number and have been obtained from various sources, the inventories are listed separately below, before the main list of sources.

<u>Date</u>	<u>Name and Parish</u>	<u>Total Value</u>	<u>Source</u>
8.3.1556	Thos. Wycheffield, Allerton	£45.11.8	PRO PROB 2/291
20.4.1569	Ric. Gorways, Wedmore	£42.7.6	SRO D/D/Ct
8.10.1581	John Symons, E.Brent	£21.13.0	"
31.10.1585	John Tyke, E.Brent	£14.3.4	"
7.1.1588	Wm. Fuller, Cheddar	£80.15.0	"
6.3.1588	Wm. Dytun, Cheddar	£24.0.0	"
17.8.1589	Margery Garliford, wid. Cheddar	£10.3.0	"
26.9.1589	John Croker, Cheddar	£54.8.2	"
-.4.1590	John Chisman, Cheddar	£47.17.4	"
24.4.1590	Ric. Chisman, Cheddar	£14.6.8	"
20.5.1590	John Tegge, Cheddar	£23.17.8	"
17.8.1590	Thos. Broke, Cheddar	£124.12.0	"
4.10.(1590)	Thos. Blackwood, Ched.	£41.18.8	"
9.2.1595	Joan Howlet, Meare	£73.1.8	"
1.7.1601	Geo. Rodney, Kt., Rodney Stoke	£1516.14.8	PRO E 178/ 1992
24.9.1604	Jas. Welsh, Clk., Compton Bishop	£305.7.4	SRO D/D/Ct
25.2.1604	Hercules Isgar, husb. E. Brent	£18.13.0	"
29.3.1605	Thos. Crypes, Berrow	£114.5.0	"
2.2.1608	John King, Badgworth	£49.12.10	"
11.10.1611	John Browning, Wedmore	£62.3.4	"
5.1.1619	John Sym, husb., Mark	£28.2.6	"
1.4.1629	Wm. Chalcroft, Meare	£3.13.4	"
16.4.1629	Edw. Staple, S.Brent	£91.17.0	"
?11.5.1629	Steven Alexander, Shapwick	£59.9.2	"
14.5.1629	Alice Champion, spin., Meare	£5.10.0	"
11.6.1629	Anth. Barber, S.Brent	£49.10.0	"

15.7.1629	Rob. Davis, Meare	£29.15.6	SRO D/D/Ct
31.1.1633	Agnes Stole, wid., Berrow	£29.10.0	"
9.3.1634	Wm. Langcastell, husb., Wedmore	£41.16.0	"
24.3.1638	Blazie Lambert, husb., Pawlett	£13.11.6	"
21.12.1640	Ric. Thomas, tanner, Wedmore	£51.3.4	"
3.10.1645	Edm. Bower, gent., Allerton	£117.8.4	PRO SP 28/ 214
4.10.1647	Thos. Least, S.Brent	£189.16.4	SRO D/D/Ct
30.4.1661	Honor Thomas, wid., Westbury	£8.14.0	SRO DD/SAS FA 161/21
3.7.1661	Thos. Tanner, husb., Wedmore	£93.4.0	" 161/16
24.10.1661	Wm. Spencer, Cheddar	£21.16.6	" 161/1
17.6.(1662)	Wm. Tutton, husb., Wookey	(stock nos. only)	" 161/33
14.11.1662	Jane Hawkins, wid., Cheddar	£32.9.0	" 161/4
10.2.1662	Wm. Popham, Wedmore	£422.6.4	" 161/18
- 1673	Abel Jessop, Clk., Mark	£91.9.10	PRO PROB 28/463
17.10.1678	Wm. Champion, Meare	£209.12.6	SRO D/D/Ct
8.2.1678	John Westover, yeo/barber surgeon, Wedmore	£772.10.0	<u>Wed. Chron.</u> , II, p. 158
9.5.1679	Ric. Westover, yeo. Allerton	£195.18.0	<u>Ibid.</u> p.156
23.11.1680	Dan. Hill, husb. Weare	£31.1.6	SRO D/D/Ct
5.2.1680	Nic. Kelson, gent., Huntspill	£233.18.4	SRO DD/ALN box 1/1
28.1.1682	Wm. Andrews, Bleadon	£12.6.6	SRO D/D/Ct
22.10.1685	Adrian Bower, Allerton	£244.17.6	<u>SDNQ</u> 26
10.12.1689	Geo. Carde, husb., Ched.	£494.1.0	SRO DD/BRC
2.1.1689	John Spencer, gent., Huntspill	£59.7.10	SRO DD/ALN box 1/1
25.4.1692	Joan Westover, wid., Wedmore	£160.3.6	<u>Wed. Chron.</u> II, p.159
4.11.1693	John Bussell, husb., Wedmore	£36.12.0	SRO DD/OB 90
25.6.1709	Hen. Westover, yeoman, Wedmore	£332.12.0	<u>Wed. Chron.</u> II, p.162
15.4.1710	John Hippisley, yeoman, Wedmore	£283.18.6	SRO D/D/Pd box 1
15.9.1712	Ric. Allen, covenant servant, Wedmore	£7.1.6	" "

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 C 2 " Series I t.Eliz. and James I
 C 3 " Series II 1558-1660
 C 5-8, 10 " Six Clerks series, 1613-1714

 C 107 Chancery Masters Exhibits
 C 108 " " "
 C 110 " " "

 C 142 Inquisitions post mortem

Exchequer

E 13 Exchequer pleas (tithe suits)
 E 112 " bills and answers (tithe suits)
 E 123 " decree and order books
 E 126 " entry books of decrees
 E 135 Ecclesiastical documents
 E 136 Escheator's accounts

 E 134 Depositions taken by Commission
 E 178 Special Commissions of Inquiry

 E 179 Subsidies, etc.
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 171/324, 322 1597 Subsidy
 172/385, 390 1628 Subsidy
 169/175, 182, 171, 169 1523-5 Subsidy
 172/416, 417; 256/7 1660 Poll Tax
 172/434, 441 1670 Hearth Tax
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 170/199 1540-41 Subsidy
 170/203, 210, 220 1543, 1545 Subsidies

 E 310/23 Particulars for Leases
 E 310/40 Leases in Reversion

 E 315/385 Rental, possessions of Cecily, Marchioness
 of Dorset, 15-17 Hen VIII
 E 317/Som.No.10 Parl. Survey, hundred of Puriton and
 Huntspill, 1652

ASSI 23/3 Gaol Book, Western Circuit, 1685

LR 2 Land Revenue, Miscellaneous Books
 /191 Surveys of Compton, Tarnock, t. Eliz.
 /202 Survey of Moors and Low Grounds in
 Somerset, 13 Charles I
 /225 Survey of E. Brent manor, 4 James I
 /246 Survey of Deaneries of Bath & Wells, t.
 Edward VI

PROB 2	P.C.C., Inventories
PROB 11	P.C.C., Register copy wills
PROB 28	P.C.C., Cause papers, Early Series (1642-1722)

REQ 2	Court of Requests, proceedings, Henry VII to James I
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SC 6	Minister's accounts
	/Hen.VIII/3073 Seymour Lands
	" " /3075 Lands of Bishop of Bath & Wells
	" " /3163 Glastonbury Abbey manors

SC 12	Rentals and Surveys
19/42	General View of Crown Lands, 5 & 6 Phil. and Mary
25/12	Rental of Newton's Lands, 3 & 17 Hen.VII
29/23	Chantry Lands in Som. (t.Eliz)
30/33	Surveys of Manors (t.Eliz)

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SP 1	Henry VIII, General Series
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SP 18	Domestic, Interregnum
SP 23	Committee for Compounding with Delinquents
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HO 67/2	Agricultural Returns, Somerset, 1801
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Q/AW	Wage Assessments 1601-40
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D/D/Ct	Wills and Inventories
D/D/Pd	Records of Peculiar of Dean of Wells

D/D/Rg Glebe Terriers
 D/D/Cd Deposition books of ecclesiastical courts
 (Bishop's Consistory court unless stated)
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Vols. examined: 1-7, 12, 14, 15, 18, 25-6, 28 (?Dean, 1596-1614), 35 (Archdeacon of Wells), 36, 44-5, 51 (Dean, 1616-39), 54-5, 68-72, 75-7, 81, 90, 92, 95 and 99 (Archdeacon, testamentary cases 1677-90), 126 (Dean), 129-31 (Dean and others, 1544-1675), 135 (Archdeacon 1661-70).

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 D/P/w.st.c. Wells, St. Cuthbert's

DD/CC Records deposited by Church Commissioners

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131908/12)		
131909/15, 23)		Court Rolls,
131910a/1, 2, 5)		
131911a/1, 2, 7)		Manors of
131913/2)		Allerton,
131917)		Biddisham,
131920/10, 12)		Burnham Rectory,
131921/2-4, 12, 13)		
131922/ 1, 2)		1506/7 to
131923/1-7)		1638/9
131924/1, 3-7)		
131925/2, 4-10)		
131925a/1-5, 7, 9, 10, 12, 13)		
131926/7)		
131907/3, 7, 11	1619, 1566/7, 1636/7)	Compti,
131909/14, 18	1605/6, 1661/2)	Manors of
131910a/3	1616/17)	Allerton,
131911a/3	1581/2)	Biddisham,
131925/3	1617/18)	Burnham Rectory
110001	Parliamentary Surveys, 1649-50	
110002	Terriers of manors, 1570-1.	
110004	Proposal Book (c. 1640)	

111739	Reeve's Accounts 1545-47; Survey, late 17th century
114066-71	Books of Warrants, t. Eliz. to Charles II
110574	Allerton, Court papers 1641-1763
110565	" Court rolls 1660-1690
10860	" Map 1787
110563	" Reference book for map
110225	Biddisham, Court rolls 1660-1690
110233	" Presentments, 1639-1700
110237	" Accounts, Bills, etc. 1661-1700
131913a/2	" Cancelled Admissions
110300	" Lease 1683
110222	" Survey of manor, 1787
10854	" Map for 1787 Survey
110232	" Rent rolls 1701
110241	" Lease 1658
110358-60	" Leases 1617, 1661, 1691
110480-1	Burnham Rectory (Parsonage) Manor
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11488	" Court papers, 1660-1700
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110539	" Lease of Parsonage 1633
110541	" " " 1660
110478	" Map, 1819
131909/17	Cheddar Parsonage Manor, Estreat 1539/40
176212 (C/1824)	" Court roll 1629-1820
176214 (")	" Copy custom of manor 1699
116013	" Parliamentary survey 1649/50
115039	" Deeds, 1590-1731
115065	" Deeds, 1601-1701

Dean of Wells Estates

30928	Mark, Survey 1650
30900	" , Survey, Deanery estate 1574
275470a(C/1576)	" Lease of tithes, 1671

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121812	S. Brent Parsonage and Berrow, Survey 1632
121651	" " Parliamentary survey, 1650
11465	S. Brent, Map of parish, 1811 (no key)
121652	" Rent rolls 1637-1690

Other Diocesan Estates

116008	Bounds of estate in Draycott, R.S. (?18th cent.
39493 a.	Parl. Survey of Sub-chantry estates, 1650 (Wedmore, Mark, Cheddar, Wellington)
167286	Copies of surveys, 16-18th centuries
15874	Map of Compton Bishop, 1779
114099	Parl. Survey of Compton Bishop, 1650
13324	Fine Book of Bishop's manors, 1634

Deposited Deeds

MSS from the following collections have been used:

DD/AB	MSS from Marquess of Ailesbury
DD/AH	Acland Hood family of Fairfax
DD/ALN	Alletson & Partners (Solicitors)
DD/AN	Arney of Batcombe
DD/ARN	Everard Family MSS
DD/BD	Baker & Duke (Solicitors)
DD/BRC	Bristol City Corporation's deposit
DD/BT	Bennett(Land Agents) of Bruton
DD/CH	Channer & Channer (Solicitors)
DD/DN	Dickinson Family of Kingweston
DD/FD	Rev. H.E. Field's deposit
DD/FS	Foster (Solicitors) of Wells
DD/GB	Gibbs MSS
DD/GC	Graham-Clarke (Hestercombe) MSS
DD/GS	Glastonbury Antiquarian Society
DD/HW	Kesworth of Stoke-sub-Hamdon
DD/LC	Messrs. Clarke, Louch, Willmott & Clarke
DD/OB	Messrs. Osborne, Ward, Vassall, Abbot & Co.
DD/PH	Phelips MSS
DD/PLE	Poole of S. Petherton Collection
DD/PO	Popham MSS
DD/Pot	" " (Additional)
DD/PT	Poulett MSS
DD/SA	Samborne of Timsbury
DD/SAS	Somerset Archaeological Society
DD/SAS SE	" " " Serel Collection
DD/SE	MSS of Hugh Sexey's Hospital, Bruton
DD/SFR	Society of Friends, Bristol & Som. Q.M.
DD/SFRw	" " " Som. M.M., Western Division
DD/SG	Strangways MSS
DD/SH	Strachey of Sutton Court
DD/TD	Tudway of Wells
DD/TP	Tripp MSS
DD/WBS	Records of the Blue School, Wells
DD/WM	Wells Museum MSS
DD/WO	Trevelyan MSS
DD/WY	Wyndham MSS
DD/S/ST	Stradling MSS
DD/S/WH	Wharton (Kemys-Tynte) of Halswell

Miscellaneous Deposits

DD/BR/SX 2 C/433	Deed, 1600/1
DD/S/GEO	Map of Lympsham, 1803
DD/X/BDL	Copy of court roll, Northgrove
DD/X/BDN	Misc. deeds
DD/X/DST 24	Misc. recs. of Wedmore, Draycott, etc.
DD/X/HKN	Journal of Dr. John Westover, 1685- c. 1706
DD/X/HMD	Blackford Court book, 1661-63
DD/X/MM C/976a	Deed 1677
DD/X/MRD	Plan of Wedmore 1805
DD/X/NL 57	Deeds of Burnham and Mark, 1611
DD/X/PC	Burnham Rectory, deed 1633

DD/X/SR	Transcripts of Somerset Wills
DD/X/WN	Deed of S. Brent, 1595
DD/X/WW	Deeds 1459-1877

T/PH/VCH	Photocopies deposited by <u>V.C.H. Som.</u>
11	Survey of Mudgley, Stoton, Theale, 1609
38	Rent Roll of Edward Seymour, c. 1540

British Library

Add. Rolls	36436-37 16336 26507	Deeds of Axbridge, Cheddar, 1658-9 Compoti, Sir Thos. Gresham's manors, 1566-9 Court rolls, Badgworth, Weare Burgus, 1602-4
Add. MSS	30077 34012 41804	Presentments of Rebels, 1685 Lists from Maj.-Gen. Disbrowe 1655 Middleton Papers, vol. II
Eg. MS.	3034	Terrier of manors of Glastonbury Abbey, 1515-19
Harl. MSS	594 6845	Bishops' Returns, 1563 no. 65, Papers re: Monmouth

Bodleian Library, Oxford

Rawlinson MSS	B416C	Proprietors of estates in Somerset (16th Cent.)
"	D859	Fairs in Somerset 1643
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Ashmolean MSS	1154	Court book, Dean and Chapter of Wells, 1508-33

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Fn	MSS of manor of Northgrove, Somerset
Fn 1 - 4	Court rolls and books, 11 Hen.VII to 1729

Fn 12 - 14 Surveys, rentals
 Fn 16 Notes and lists 16-18th cents., and early
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 Fn 18 Correspondence, 17th cent.
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