

## MANORIAL OFFICEHOLDING AND UNFREEDOM

Serfdom as an element of the relationship between lords and tenants has long played a crucial role in interpretations of late medieval economic and social history. It is generally estimated that serfs made up about half of tenants in pre-Black Death England, but this proportion was often higher on manors held by great landlords or institutions.<sup>1</sup> An approach inspired by Marxist theories of economic development has emphasised that the relationship between lords and tenants in the medieval period was fundamentally one of exploitation.<sup>2</sup> Lords engaged in a process of ‘surplus extraction’ before 1349, using the coercive powers they held through the institution of serfdom to draw an income from the productive class of peasants.<sup>3</sup> This income took the form of rents in cash but also in labour provided by serfs on the lord’s demesne. Serfs also made payments according to a range of feudal incidents, including tallages, a tax paid by tenants to their lord; entry fines and heriots in inheriting land; and fines and amercements applied to servile women for licence to marry and for sex and childbirth outside wedlock.<sup>4</sup> Particularly crucial in the work of economists on serfdom was the ability of lords to restrict the movement of serfs, as this prevented the unfree from seeking elsewhere better alternatives to the arrangements on their manor.<sup>5</sup>

<sup>1</sup> B.M.S. Campbell, ‘The agrarian problem in the early fourteenth century’, *P&P*, 188 (2005), 3–70, at 24–36; Bailey, *Decline of Serfdom*, 97–8.

<sup>2</sup> R.H. Hilton, ‘Introduction’ in T.H. Aston and C.H.E. Philpin (eds.), *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe* (Cambridge, 1985), 2–5; Hatcher and Bailey, *Modelling*, 66–120; Schofield, *Peasants and Historians*, 84–116.

<sup>3</sup> M. Dobb, ‘From feudalism to capitalism’ in R.H. Hilton (ed.), *The Transition from Feudalism to Capitalism* (London, 1976), 158–71, at 165; Hilton, ‘Peasant movements’, 118; R.H. Hilton, *Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381* (London, 1973), 42; R. Brenner, ‘Agrarian class structure and economic development in pre-industrial Europe’, *P&P*, 70 (1976), 30–75, at 31–2.

<sup>4</sup> Hilton, *Decline of Serfdom*, 24; Bailey, *Decline of Serfdom*, 37–59.

<sup>5</sup> E. Domar, ‘The causes of slavery or serfdom: a hypothesis’, *Journal of Economic History*, 30 (1970), 18–32, at 20–1.

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As serfdom was fundamentally about a political relationship, historians working in this perspective have argued that the level of extraction was dependent on the relative strength of peasants and lords.<sup>6</sup> This concept is fundamental to the traditional interpretation of the end of serfdom in England in the late fourteenth and fifteenth century. It is argued that after the Black Death, lords faced both a decline in prices and an increase in wages, leading to their demesne farms being less profitable. These challenges led to a 'seigniorial reaction' in which lords intensified serfdom both to draw greater revenues from servile incidents and to increase labour services to replace costly waged labour.<sup>7</sup> However, serfs resisted these impositions, most prominently in the 1381 Peasants' Revolt, and ultimately serfdom decayed in a drawn-out process in the fifteenth century.<sup>8</sup>

However, revisionist perspectives have challenged this narrative, by suggesting both that serfdom was not as significant a disability in reality as it has sometimes been presented and that the end of serfdom came relatively quickly after the Black Death. While the common law allowed lords significant powers over their serfs, these approaches argue that on the ground custom bounded the power of lords and routinised various forms of exaction.<sup>9</sup> Moreover, an abundant labour supply prior to 1349 led to lords commuting serfs' labour services in exchange for cash payments which could be used to pay cheap but more flexible waged labour.<sup>10</sup> By economic standards, although perhaps not from a more politico-cultural viewpoint, unfree tenants may even have been in an advantageous position in comparison with the free, as it is possible that land hunger due to demographic pressure increased market rents beyond those of villeins which were fixed by custom.<sup>11</sup>

<sup>6</sup> Hilton, 'Introduction', 5; Hilton, 'Peasant movements', 118–19; Hilton, *Bond Men Made Free*, 61–2.

<sup>7</sup> Larson, *Conflict and Compromise*, 14–17; Hargreaves, 'Seigniorial reaction', 53–5, 73–4; R. H. Britnell, 'Feudal reaction after the Black Death in the Palatinate of Durham', *P&P*, 128 (1990), 28–47, at 28–9, 46–7.

<sup>8</sup> Hilton, *Decline of Serfdom*, 25–6; Rigby, *English Society*, 113–17; Fryde, *Peasants and Landlords*, 32, 39–41; Bailey, *Decline of Serfdom*, 69–75; C. C. Dyer, 'Villeins, bondmen, neifs, and serfs: new serfdom in England, c.1200–1600' in M. Bourin and P. Freedman (eds.), *Forms of Servitude in Northern and Central Europe: Decline, Resistance and Expansion* (Turnhout, 2005), 419–35, at 426–34.

<sup>9</sup> J. Z. Titow, *English Rural Society, 1200–1350* (London, 1969), 58–60; J. Hatcher, 'English serfdom and villeinage: towards a reassessment', *P&P*, 90 (1981), 3–39, at 8–14; M. Bailey, 'Villeinage in England: a regional case study, c.1250–c.1349', *EcHR*, 42 (2009), 430–57, at 451–4; Bailey, 'Tallage-at-will', 57; Rigby, *English Society*, 29; Hatcher and Bailey, *Modelling*, 105.

<sup>10</sup> Britnell, *Britain and Ireland*, 235–6; Campbell, 'The land', 210–12; Campbell, 'Land and people', 17.

<sup>11</sup> Campbell, 'Agrarian problem', 63–70; J. Kanzaka, 'Villein rents in thirteenth-century England: an analysis of the Hundred Rolls of 1279–80', *EcHR*, 55 (2002), 593–618, at 617; Dyer, 'Villens, bondmen', 427–8.

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Recent work by Bailey has also demonstrated that serfdom declined far earlier on many manors than previously suggested, disappearing in the second half of the fourteenth century.<sup>12</sup> This rapidity was because many lords did not engage in a process of seigniorial reaction but instead quickly dropped aspects of serfdom in order to retain tenants in a period of population scarcity.<sup>13</sup> While lords in theory could restrict servile movement, in reality manor courts had no obvious way of compelling individuals living beyond a manor's bounds to return.<sup>14</sup> Some aspects of serfdom did linger on into the fifteenth and sixteenth centuries, especially as seigniorial administrations increasingly distinguished between villein tenure, which mutated into different forms of copyhold, and personal unfreedom, where the unfree were identified 'by blood'.<sup>15</sup> Some conservative landlords did try to keep track of serf families and occasionally this was used later to generate one-off fees for freedom, but such cases were rare and even then were hardly an attempt to reimpose serfdom.<sup>16</sup>

Thus the literature on serfdom has shifted from seeing unfreedom as a significant element in a conflictual relationship between lords and tenants which led to unrest in the post-Black Death period, to a picture of routine payments from tenants to lords with unfreedom disappearing relatively quickly under the pressure of changed socio-economic conditions after 1349. However, the role of manorial officeholding remains underexplored in this debate. Officers were key to the imposition of unfreedom. They presented those liable for servile incidents in court, organised labour services on the demesne, and collected rents and community-wide payments owed to lords. When officials have been considered, it is normally in their role as intermediaries between lords and tenants. On the one hand, they were pressured by lords to raise revenues by providing information to enforce aspects of unfreedom, but on the other, the community of tenants could lobby them to ignore and conceal servile obligations.<sup>17</sup> Studies have also highlighted that officials played

<sup>12</sup> Bailey, *Decline of Serfdom*, 306.

<sup>13</sup> M. Bailey, 'The myth of "seigniorial reaction" in England after the Black Death' in M. Kowaleski, J. Langdon and P.R. Schofield (eds.), *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce Campbell* (Turnhout, 2015), 147–72, at 164–7; Bailey, *Decline of Serfdom*, 326–9.

<sup>14</sup> Britnell, 'Feudal reaction', 48–9; Bailey, 'Myth of "seigniorial reaction"', 160–3; Bailey, *After the Black Death*, 106–7.

<sup>15</sup> Bailey, *Decline of Serfdom*, 56–7, 293, 316–26; Bailey, 'Transformation of customary tenures', 228–30; Dyer, 'Villeins, bondmen', 424.

<sup>16</sup> Bailey, *Decline of Serfdom*, 5, 7–9, 306; D. MacCulloch, 'Bondmen under the Tudors' in C. Cross, D. Loades and J.J. Scarisbrick (eds.), *Law and Government under the Tudors: Essays Presented to Sir Geoffrey Elton on His Retirement* (Cambridge, 1988), 91–110, at 100–8; Dyer, 'Villeins, bondmen', 434.

<sup>17</sup> Müller, 'Divided class', 117–18; Schofield, *Peasant and Community*, 42–4, 168; Larson, *Conflict and Compromise*, 22–7; Dyer, 'Villeins, bondmen', 427, 432.

a crucial role as rebels in the Peasants' Revolt of 1381, and likely the 1549 revolt, which both had the removal of aspects of unfreedom as part of their broad sets of aims.<sup>18</sup>

Yet the routine operation of officials, particularly in the period of the decline of serfdom, has attracted relatively little comment. Understanding this is vital to exploring how governance via office-holding fitted with the aims of the lords for whose courts these positions were ultimately created and which gave them at least part of their authority. This chapter looks at the identity of officials to see how far office was associated with unfreedom and examines how far officials upheld serfdom through their presentments. It finds that serving as an official was not generally an onerous obligation which had to be imposed on villein and serf tenants. Officers were drawn from among both customary and free tenants, changes in tenurial practices eroded the connection between status and holding office, and there is little evidence of resisting service in office both at an individual and at a collective level. Furthermore, while officials at some manors did have a role in maintaining elements of serfdom, this had little concrete effect in terms of restricting their own activities or those of their fellow villagers. These findings further support the argument made in Chapter 1 that governance through manorial structures was achieved through collaboration between the lord and members of the community of tenants rather than through pressure by seigniorial authorities. The local elites identified in Chapter 2 chose to serve in office and recognised that manorial institutions served their purposes to a significant extent as well as those of their lords.

The first part of this chapter examines how far serving in office was directly associated with servility by comparing lists of customary and free tenants with lists of officeholders to examine which types of tenants served. The next section examines examples of resistance to selections of officials to consider how far serving was a form of obligation. The final section interrogates the presentments around serfdom made by officials to explore what aspects of unfreedom they helped enforce and how this changed with the decline of serfdom.

<sup>18</sup> C.C. Dyer, 'The social and economic background to the rural revolt of 1381' in Dyer, *Everyday Life*, 191–221, at 197; Dyer, 'The rising of 1381 in Suffolk: its origins and participants' in Dyer, *Everyday Life*, 221–39, at 225; H. Eiden, 'Joint action against "bad" lordship: the Peasants' Revolt in Essex and Norfolk', *History*, 83 (1998), 5–30, at 26–9; J. Whittle, 'Lords and tenants in Kett's Rebellion, 1549', *PE&P*, 207 (2010), 3–52, at 24; Wood, *1549 Rebellions*, 181–2. For more recent scepticism on the importance of resistance to unfreedom as a motivation for the Peasants' Revolt, see M. Xu, 'Analysing the actions of the rebels in the English Revolt of 1381: the case of Cambridgeshire', *EcHR*, 75 (2022), 881–902, at 899–900.

## The Status of Officials

### THE STATUS OF OFFICIALS

The existing literature on serfdom and officialdom is surprisingly reticent on the legal status of manorial officials. Some accounts see serving in manorial office as fundamentally an obligation placed on unfree tenants. For instance, Beckerman argues that manorial jury service was largely an imposition on the unfree, highlighting the example of the resistance of tenants at Barnet (Herts.) who claimed (unsuccessfully) that their free status prevented them serving in office.<sup>19</sup> He thus claims that double presentment procedures were introduced to allow free tenants to separately confirm the business brought by unfree juries.<sup>20</sup> David Stone, while acknowledging that freemen did serve as reeves in the fourteenth century, argues that this 'was an office intimately associated with unfreedom'.<sup>21</sup> Evidence supporting this connection can also be seen in court rolls detailing the selection of officials. At Wakefield, Henry de Coppeley refused to serve as a grave for villein land he held, stating he was a free man. He thus surrendered his villein land and one of the lord's *nativi* was chosen in his place.<sup>22</sup> Sometimes, choosing freemen for manorial offices seems to have acted as a form of protest for tenants, as free candidates were deemed unacceptable by lords. For example, in 1335 at Haddeston in Bunwell (Norf.), the whole homage was amerced for not electing the messor as they had instead 'chosen a certain freeman in privation of the lord'.<sup>23</sup> Similarly, conflict between lord and tenants at Alrewas (Staffs.) in the 1330s led to the tenants choosing ineligible freemen as candidates for office.<sup>24</sup> That officials were often rewarded through being excused from customary works must partly explain why villeins were the key pool for these roles, and Grace Owen argues that this was one of the most valuable forms of remuneration for supervisory officials at the estate of Glastonbury Abbey.<sup>25</sup>

However, work on the post-Black Death period provides a less clear picture. Faced with a confused tenurial situation, lords after 1349 attempted to make the distinction between free and customary tenants clearer and to identify families of blood serfs (*nativi de sanguine*).<sup>26</sup> Yet, several authors have noted that officials were nonetheless drawn from the ranks of both the free and unfree. Larson finds that jurors at manors held by the Bishopric of Durham were both free and unfree in status.<sup>27</sup> Frances

<sup>19</sup> Beckerman, 'Procedural innovation', 232–4.   <sup>20</sup> *Ibid.*, 229.   <sup>21</sup> Stone, 'The reeve', 401–2.

<sup>22</sup> *Wakefield: 1313 to 1316, and 1286*, ed. J. Lister, 9.

<sup>23</sup> CUL, Buxton Papers, 68/7, m.4, 8 Dec. 1335.

<sup>24</sup> 'Alrewas Rental', eds. Birrell and Hutchinson, 64.

<sup>25</sup> E. Miller, *The Abbey and Bishopric of Ely: the Social History of an Ecclesiastical Estate* (Cambridge, 1951), 254; Owen, 'Rural and urban manorial officialdom', 155.

<sup>26</sup> Bailey, *After the Black Death*, 106–10.   <sup>27</sup> Larson, *Conflict and Compromise*, 61.

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Page, examining the estates of Crowland Abbey (Cambs.), demonstrates that for the practical purpose of choosing officials the distinction was entirely ignored, with John Pepiz of Cottenham serving as a reeve, free juror and villein juror as he held both free and customary land.<sup>28</sup> Thus, the actual relationship between serfdom and officeholding may have been different after the Black Death and varied between different types of official positions.

To explore the status of those serving in manorial offices, this section largely moves away from the case-study manors to utilise a new sample which allows for the comparison of lists of tenants with those serving in office. It focuses on rentals and surveys, which record the land held by tenants and sometimes divide this into free land, villein/customary land, and leasehold.<sup>29</sup> By exploring the land held by various officials, it is possible to see whether they were drawn from freeholders or customary tenants. This analysis is performed on a set of manors from two sample regions in the period 1330 to 1553. Table 3.1 focuses on four manors held by Winchester College in southern England (Durrington (Wilts.), Vernams Dean (Hants.), Ash (Surr.) and Andwell (Hants.)), while Table 3.2 looks at five manors in East Anglia (Birdbrook (Essex), Ufford (Suff.), Branfield (Suff.), Earls Colne (Essex) and Braisworth (Suff.)).<sup>30</sup> While these samples are not fully representative, they are sufficient to explore the status of officials on manors held by large landlords in two regions which roughly correspond with the case-study manors in this book. In each table, officials are divided between those who held at least some customary land (either solely or in combination with freehold and leasehold land) and those who held no customary land (holding either freehold or leasehold land or a combination of both).<sup>31</sup> It thus divides tenants between those who held at least some land on what historically had been non-contractual terms and those who held land only on contractual terms.<sup>32</sup>

The tables reveal that in both regions individuals who held at least some customary land made up the majority of officials at nearly all

<sup>28</sup> Page, *Crowland Abbey*, 70–1.

<sup>29</sup> For definitions of the differences between these types of tenure, see Bailey, 'Transformation of customary tenures', 213–16.

<sup>30</sup> The data for Birdbrook utilises Schofield's study which relies on a full reconstitution of landholding and thus is more comprehensive than for the other case-study manors. See Schofield, 'Late medieval view', 428–9.

<sup>31</sup> Defining leasehold as either free or customary is not straightforward as leases could include customary requirements. However, as these tenures were generally created to be more attractive to customary tenants, here they have been classified in the non-customary section. See Bailey, *Decline of Serfdom*, 319–20.

<sup>32</sup> Bailey, *After the Black Death*, 301–17.

Table 3.1 *Officers by tenurial status in sample of southern manors (date of rental/survey in brackets)*

	Durrington, Wiltshire (1441)		Vernhams Dean, Hampshire (1450)		Ash, Surrey (1492)		Durrington, Wiltshire (1552)		Andwell, Hampshire (1553)	
<b>Types of official</b>	Free jurors, tasters, tithingmen		Free jurors, tasters, tithingmen		Jurors, tasters, affeors, beadles, constables, tithingmen		Jurors, affeors, tithingmen		Jurors, affeors	
<b>Type of landholding</b>	No.	%	No.	%	No.	%	No.	%	No.	%
Single – customary	9	100	2	33	5	56	20	100	3	50
Mixed – customary/free	–	0	2	33	1	11	–	0	–	0
Mixed – customary/lease	–	0	–	0	–	0	–	0	–	0
Mixed – customary/free/lease	–	0	–	0	–	0	–	0	–	0
Total held some customary land	9	100	4	66	6	67	20	100	3	50
Single – lease	–	0	–	0	–	0	–	0	–	0
Single – free	–	0	2	33	–	0	–	0	3	50
Mixed – lease/free	–	0	–	0	–	0	–	0	–	0
Total held no customary land	–	0	2	33	–	0	–	0	3	50
Unclassified	–	0	–	0	3	33	–	0	–	0
Full total	9	100	6	100	9	100	20	100	6	100

*Notes:* For each manor, every individual named as serving in any office in all surviving court rolls within five years of the relevant survey or rental was recorded. These were then compared with the lists of individuals included in the relevant rental and survey. There are also a few individuals whose landholdings could not be classified. Officials who could not be matched to a particular recorded tenant are absent from the table.

*Sources:* WCM, 3239, 3331, 5603, 5603A, 5655, 5666, 2919, 9147, 9156.

Table 3.2 Officers by tenurial status in sample of East Anglian manors (date of rental/survey in brackets)

Types of official	Birdbrook, Essex (1330)		Birdbrook, Essex (1340)		Birdbrook, Essex (1361)		Birdbrook, Essex (1377–1412)		Ufford, Suffolk (1441/2)		Bramfield, Suffolk (1448)		Earls Colne, Essex (1455)		Earls Colne, Essex (1468)		Braise-worth, Suffolk (1526)		Earls Colne, Essex (1533/4)	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Single – customary	16	73	14	93	14	88	14	28	9	41	1	4	20	61	23	68	6	38	23	68
Mixed – customary/free	–	0	–	0	–	0	0	0	2	9	2	8	3	9	8	24	–	0	9	26
Mixed – customary/lease	–	0	–	0	–	0	0	0	3	14	2	8	4	12	–	0	7	44	–	0
Mixed – customary/free/lease	–	0	–	0	–	0	0	0	1	5	1	4	1	3	–	0	2	13	–	0
Total held some customary land	16	73	14	93	14	88	14	28	15	69	6	24	28	85	31	92	15	95	32	94
Single – lease	–	0	–	0	2	13	36	36	2	9	14	56	–	0	–	0	1	6	–	0
Single – free	3	14	–	0	–	0	13	13	1	5	1	4	5	15	3	9	–	0	2	6
Mixed – lease/free	–	0	–	0	–	0	0	0	4	18	4	16	–	0	–	0	–	0	–	0
Total held no customary land	3	14	–	0	2	13	49	49	7	32	19	76	5	15	3	9	1	6	2	6
Unclassified	3	14	1	7	–	0	22	22	–	0	–	0	–	0	–	0	–	0	–	0
Full total	22	100	15	100	16	100	100	100	22	100	25	100	33	100	34	100	16	100	34	100

Notes: See Table 3.1. For Birdbrook, for 1377–1412 an average of the percentage of individuals in each tenurial category per year has been used meaning the column denoting 'Number' is blank.

Sources: Schofield, 'Late medieval view', 431, table 12.3; SAI, HA96/5/1, HD1538/395/1; SAI, HB26:371/72, HB26:371/43; SAI, HA411/2/1/22/3/1, HA411/2/1/22/1/1, HA119/1/4/1/1; ERO, D/DPr 105–7, D/DPr 68–9, D/DPr 71.

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manors, suggesting that it was those who held by villein tenure, and its later mutations, who were required to serve in manorial office. This is particularly clear for the southern manors, with all officials at Durrington in 1441 and 1553 being drawn from the customary tenants and potentially all those at Ash (if one assumes the unclassified tenants held villein land). However, in both regions at least a small minority of officials appear not to have held any unfree land, with this varying between 6% and 76% on the East Anglian manors and 0% and 50% on the southern manors. This suggests that while customary tenure was clearly linked to holding office, it was not a prerequisite, and those who held free tenure could, and did, serve as officials. Schofield's findings for Birdbrook even suggest this was the case before the Black Death, implying that the demise of villein tenure cannot fully explain this change.<sup>33</sup> At most manors, these patterns extended across different types of official, with freemen being found serving as afferors, tasters and jurors baron alongside capital pledges and jurors leet.

The tables also reveal significant differences between the two regions which were driven by different evolutions in tenurial practices. At the southern manors, officials typically held either free or unfree land, with only officials at Vernhamsdean and Ash holding a combination of types of tenure. However, at the East Anglian manors tenurial arrangements, typically of this region, were more complex and many tenants held combinations of customary, freehold and leasehold land.<sup>34</sup> This further reveals the weakness of the connection between unfree landholding and officeholding in the post-Black Death period; even if tenants mainly served for their customary land, acting as an officer was clearly also thought to be compatible with holding free land. This is undoubtedly due to the increasingly blurred distinction between these two types of tenure, as lords reduced the burdens of customary land in a bid to attract tenants.<sup>35</sup> Late fourteenth-century Birdbrook and mid-fifteenth-century Bramfield show further how a switch from customary tenure to leasehold could affect the status of officeholders, with a substantial proportion of officers now drawn from among leaseholders rather than customary tenants. Thus the evidence illustrates how changing tenurial forms, including greater flexibility to combine customary and free land, as well as the shift to leasehold, helped further separate serving in manorial office from unfreedom.

Thus far, the focus has been on the relationship between serving in office and holding land through villein tenure. However, serfdom should

<sup>33</sup> Schofield, 'Late medieval view', 427.

<sup>34</sup> Whittle and Yates, 'Pays réel', 17–18.

<sup>35</sup> Bailey, *After the Black Death*, 302–5.

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be conceived in terms of both customary tenure and personal unfreedom as these were frequently distinct by the late Middle Ages.<sup>36</sup> Unfortunately, identifying the personal status of officials is more difficult than identifying the terms on which they held their land, but occasionally fealty lists in which tenants made homage to their lord directly state whether tenants were free, villeins or blood serfs, as some estate administrations became increasingly concerned about this distinction in the post-Black Death period.<sup>37</sup>

Two such lists survive for Cratfield, dating from 1405 and 1438, which divide tenants into freeholders and holders of customary land, on the one hand, and blood serfs, on the other. Both of these lists reveal that the majority of blood serfs held manorial office, with six of the eight recorded in 1405 holding office and all six of those recorded in 1438. However, many officials were also drawn from among tenants not designated as personally unfree. In 1405, thirteen of the seventeen individuals and, in 1438, thirty-five of the forty-three individuals recorded as free and customary tenants can be identified as holding office.<sup>38</sup> Again, there is no clear distinction in the types of offices each group held, with free and customary tenants holding the office of reeve alongside blood serfs. Therefore, officeholding was not connected to personal servility by the fifteenth century, a fact not surprising as many offices had to be filled in an era when numbers of blood serfs were rapidly diminishing.

The evidence supports the notion that manorial officeholders were largely drawn from among a lord's customary tenants in the post-Black Death period. However, to see office as exclusively performed by unfree landholders as part of their tenurial obligations ignores the fact that freemen can be found serving at several of the manors examined. The relationship is even weaker for personal status; while at Cratfield the majority of blood serfs held office, they were too few in number to fill the positions required and therefore most offices were held by free or customary tenants, including roles focused on the demesne such as reeve. These patterns were also the result of the changing nature of tenure in late medieval England, as individual tenants increasingly held both customary and free land and the rise of leasehold obscured divisions between the free and unfree.

### RESISTANCE TO SERVICE

This section returns to the case-study manors to explore the extent to which serving in office should be seen as an obligation, much like other aspects of servility, or whether tenants generally seem to have served

<sup>36</sup> Bailey, *Decline of Serfdom*, 16. <sup>37</sup> *Ibid.*, 56–60. <sup>38</sup> CUL, Vanneck Box/3.

willingly in office. The most straightforward way to assess whether tenants saw officeholding as burdensome is to look for attempts to resist service. Officers were generally selected by a manor's tenants, or at least a subset of them, allowing this group to disrupt the officeholding system by refusing to put a candidate forward. Similarly, individuals could refuse to serve or to be sworn into office when chosen or simply not appear at a session where they were meant to present. Bailey demonstrates that lords at several post-Black Death manors required tenants to continue serving in manorial offices such as reeve and messor or pay fines to be forgiven, and that this could lead to tension when individuals failed to serve or the wider community refused to select officials. However, he suggests that such incidents were relatively unusual and often short lived.<sup>39</sup>

At the case-study manors there are similarly few examples of resistance against officeholding, with only a handful of cases of refusing to select officials or individuals refusing to serve or even attend court sessions. Holding office was seemingly not resisted as an unpopular servile obligation. Three types of potential resistance are recorded. Firstly, all the manors saw a few occasions when officials simply did not appear at a certain session.<sup>40</sup> These, however, seem typically to have been isolated incidents which were not aimed at disrupting the officeholding system. For instance, at Fordington, tithingmen did not appear on a few occasions. However, each incident seems to have been brief, with tithingmen never failing to appear for more than three consecutive sessions.<sup>41</sup> Moreover, non-attendance by officials occurred throughout the period under study, with, for instance, non-appearance by capital pledges at Cratfield being concentrated in the 1640s, and thus long after the decay of serfdom.<sup>42</sup>

A potentially more serious form of resistance occurred when individuals refused to be sworn in office. Such incidents are significantly rarer than simply not appearing in court and in most cases seem again to have been single cases. The only recorded case of refusal to be sworn at Worfield occurred in 1353, when Roger of Kingslowe and John of

<sup>39</sup> Bailey, *Dedine of Serfdom*, 156, 191, 205, 212, 224–5, 230–1, 234.

<sup>40</sup> CUL, EDR, C11/2/4, m.24, 5 Mar. 1410, m.27, 15 Jul. 1411; C11/2/6, m.50, 20 Jun. 1455; KCAR/6/2/87/1/1/HOR/29, 4 Apr. 1402; KCAR/6/2/87/1/1/HOR/37, 4 Sep. 1424, 11 Jun. 1437; KCAR/6/2/87/1/1/HOR/53, m.7, 30 Mar. 1590; SA, P314/W/1/1/23, 18 Sep. 1340; P314/W/1/1/229, 30 Jun. 1404; P314/W/1/1/241, 25 Oct. 1412; P314/W/1/1/630, 3 Dec. 1528.

<sup>41</sup> TNA, SC 2/169/26–37, SC 2/169/44, SC 2/169/46–7, SC 2/170/1–2, SC 2/170/14–16.

<sup>42</sup> CUL, Vanneck Box/3, Henry IV roll, m.6, 12 Sep. 1403; Henry V roll, m.12, 28 May 1420; Edward IV roll, m.2, 5 Nov. 1462; Charles I roll, m.16, 4 May 1643, m.21, 20 May 1646, m.27, 24 May 1648, m.35, 16 May 1649.

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Rowley withdrew when selected as taxers (another term for affeerors), leading to an order to amerce them but no recorded fine.<sup>43</sup> This was clearly an isolated case, with taxers selected in the preceding and following sessions, and Roger can be seen serving as taxer over the next six years.<sup>44</sup> Isolated cases can also be seen at Fordington in the years following the Black Death. In April 1357, Alexander Atte Well, who had been elected west tithingman, sent another unsworn man to present in his place and was thus amerced 3d.<sup>45</sup> However, this appears to have been an isolated incident, with presentments being made by the west tithingman, whether Atte Well or not, in other court sessions that year.<sup>46</sup>

The case of Robert Rote of Downham, briefly discussed previously, provides an interesting exception where an individual continued to refuse to be sworn. This shows the relative weakness of lords to compel recalcitrant tenants to serve.<sup>47</sup> When Rote refused to serve as messor in January 1434, it was ordered that 'all the lands and tenements in [his] tenure' be seized into the lord's hand.<sup>48</sup> However, Rote continued to refuse to serve, leading the order to be repeated in the following session, in which a different individual was chosen, and one further session.<sup>49</sup> Despite continued refusal, the land seizure does not appear to have been carried out, and a Robert Rote who seems likely to be the same individual continued to appear in officeholding positions as capital pledge, affeorer and juror baron down to 1472, suggesting he continued to hold land within the manor and that his refusal had not damaged his officeholding career.<sup>50</sup> This suggests that either the punishment was unsuccessful, or that the lord and Rote reached some form of compromise, perhaps an option made possible by the replacement of elected officials with a bailiff from 1440 onwards. This possibility suggests that despite significant pressure being brought to bear on a tenant who refused to serve, it was possible to avoid serving in office and maintain one's tenancy.

The final and most serious form of resistance was collective refusal, which could potentially provide evidence of a deeper common dislike of the actual act of serving in office, rather than the unwillingness of

<sup>43</sup> SA, P 314/w/1/1/34, 7 May 1353.

<sup>44</sup> SA, P 314/w/1/1/34, 4 Mar. 1353, 21 May 1353; P 314/w/1/1/37, 8 Dec. 1354; P 314/w/1/1/43, 6 Aug. 1358; P 314/w/1/1/45, 6 May 1359.

<sup>45</sup> TNA, SC 2/169/30, m.3, 1 Apr. 1357.

<sup>46</sup> TNA, SC 2/169/30, m.4, 3 May 1357, 31 May 1357, m.5, 20 Jul. 1357, m.6, 27 Oct. 1357. Unfortunately, tithingmen are not routinely named at Fordington in this period.

<sup>47</sup> See p. 80. <sup>48</sup> CUL, EDR, C 11/2/6, m.25, 14 Jan. 1434.

<sup>49</sup> CUL, EDR, C 11/2/6, m.25, 7 Apr. 1434, m.26, 30 Sep. 1434, m.27, 13 Jan. 1435. The order to seize Rote's land despite the fact that another individual was now serving in office presumably reflects that the lord still desired to punish Rote for his refusal.

<sup>50</sup> CUL, EDR, C 11/2/6, C 11/3/7.

particular individuals to serve. Most examples of collective refusal are again isolated incidents. At Fordington, in December 1366, the whole west tithing was amerced 12d for refusing to elect a tithingman as they had been ordered.<sup>51</sup> However, that a west tithingman was making presentments in the subsequent court of February 1367 demonstrates that this resistance was short lived.<sup>52</sup> There were also some collective refusals at Downham. In 1380, the jury refused to give their verdict, although after being put under pain they relented, suggesting an unsuccessful protest.<sup>53</sup> As already noted, in 1410 the homage was collectively amerced 40s for failing to choose all three candidates for the reeveship and messorship, instead only choosing two candidates and one candidate for each office respectively.<sup>54</sup> Both of these appear to have been isolated incidents.

Horstead provides two exceptional sustained collective refusals to select and serve as officials. This allows for a greater understanding of the attitudes to officeholding of the tenants as a group, or at least their elites. In 1428, all seven men selected to be jurors for Coltishall, along with 'other divers men of the same vill', refused to be sworn or to present in their office. This led to a swift reaction by the lord, who ordered the bailiff to seize their lands.<sup>55</sup> In the following session, a Coltishall jury was successfully formed. This included three men who had not been mentioned in the original list of strikers, but also three individuals, Nicholas Downing, John Drayton and John Wacy, who had refused to serve in the preceding session, suggesting they had now abandoned their strike.<sup>56</sup> Evidence that the strike was breaking is seen in the next session, where three strikers, including John Wacy, paid fines for the return of their land. However, orders concerning the other four rebels, including Downing and Drayton, called for the lord to retain their lands.<sup>57</sup> The next court saw the three strikers who had paid their fines serving in the jury. Downing and another rebel, Philip Atte Wode, also paid fines to recover their land.<sup>58</sup> Drayton remained without his land for a further session, before paying a fine of 7s for recovery in August 1429.<sup>59</sup> In fact, the only rebel who is not recorded as paying a fine, Thomas Radbode, seems to have been deceased by July 1429, with the seized land passing to his wife, although remaining in the lord's hands.<sup>60</sup> Thus, all the surviving rebels

<sup>51</sup> TNA, SC 2/169/31, m.11, 21 Dec. 1366.    <sup>52</sup> TNA, SC 2/169/31, m.12, 9 Feb. 1367.

<sup>53</sup> CUL, EDR, C111/1/3, m.6, 3 Aug. 1380.

<sup>54</sup> CUL, EDR, C111/2/4, m.25, 22 Sep. 1410. See p. 77.

<sup>55</sup> KCAR/6/2/87/1/1/HOR/37, 21 Sep. 1428.    <sup>56</sup> KCAR/6/2/87/1/1/HOR/37, 2 Dec. 1428.

<sup>57</sup> KCAR/6/2/87/1/1/HOR/37, 7 Apr. 1429.    <sup>58</sup> KCAR/6/2/87/1/1/HOR/37, 11 Jun. 1429.

<sup>59</sup> KCAR/6/2/87/1/1/HOR/37, 27 Jul. 1429, 25 Oct. 1429.

<sup>60</sup> KCAR/6/2/87/1/1/HOR/37, 27 Jul. 1429.

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eventually paid a fine to recover their lands, and all but one of these served as a Coltishall juror in a later session.<sup>61</sup>

Clearly seigniorial pressure looks to have played a role in forcing tenants to serve as officers in this case, suggesting that these individuals may have been holding office against their will. On the other hand, this picture is complicated by the fact that three rebels served as jurors despite not yet having their lands regranted, indicating that they were not serving purely because they wanted their lands returned. Of course, the chronology must be treated with care: plausibly, these three rebels had already given up the strike and bowed to seigniorial pressure, but could not yet afford to pay the fines necessary to regain their lands. Certainly, the fines could be substantial, ranging from 14d to 32s.<sup>62</sup>

Detail from the initial description of the refusal to be sworn reveals that service in the jury in and of itself was seemingly not the impetus behind the strike, explaining why many of these rebels returned to frequent jury service. The description states that the rebels denied that they held their bondage holdings 'from the King through his manor of Horstead', and instead said they were beneficiaries of the 'divers privileges and franchises from these divers Kings of England and other divers men conceded to the men of Coltshall'.<sup>63</sup> This dispute apparently centred on the jurisdictional abnormalities of the manor's separate Coltishall portion. Henry III, by letters patent of 1231, had granted the tenants of Coltishall vill considerable privileges, including freedom from villeinage, market tolls and access to the directly held royal leet. This charter was later confirmed by Henry IV in 1407.<sup>64</sup> It seems likely that in 1428 the tenants refusing to serve as jurors were attempting to claim these privileges and rejected their tenure via Horstead manor in order to do so. Not only did serving as jurors confirm that they held their land through Horstead, but the charter also guaranteed the Coltishall villagers that 'they should not be forced to serve in any offices for anyone', and therefore by refusing to be sworn, the strikers were perhaps trying to assert their entitlement to this right. It seems that while officeholding may have been a grievance for the strike, it was part of a larger claim to a wider set of privileges, perhaps explaining why those involved later reappear in service as Coltishall jurors.

A more successful campaign, this time against a pseudo-office, occurred between 1473 and 1481. This was directed at the 'nominal' reeveship. This system saw the jury baron choose the tenants of three portions of land to be candidates as reeve. Originally it is likely that one of

<sup>61</sup> KCAR/6/2/87/1/1/HOR/36, 11 Jun. 1432, 11 Jun. 1433; KCAR/6/2/87/1/1/HOR/37, 2 Dec. 1428, 11 Jun. 1429, 17 Dec. 1432.

<sup>62</sup> KCAR/6/2/87/1/1/HOR/37. <sup>63</sup> KCAR/6/2/87/1/1/HOR/37, 21 Sep. 1428.

<sup>64</sup> Blomefield, *Topographical History*, 303–10.

these men actually served, while the other two paid to be forgiven, as is seen at nearby Hevingham Bishops.<sup>65</sup> However, by the late fourteenth century this had mutated into a system simply to extract revenue for the lord, with the tenants of all three portions chosen paying 2s 8d each not to serve, making a total profit of 8s for the lord, while in reality the office was in abeyance. Thus a system had developed where a form of 'officeholding' was entirely disadvantageous to the tenants, effectively acting as a targeted tallage. The first refusal to select the reeve candidates is noted in June 1474, when it is stated that a group of eighteen servile tenants and frequent jurors had been directed by the steward in a session of October 1473 to choose the candidates in the following court of March 1474. They had, however, refused to do so and similarly refused in June, leading to small amercements of 3–6d each but also a pain of 3s 9d each to choose by the following session.<sup>66</sup> In this session the rebels again refused to choose, forfeiting their pains, and being placed under a fresh pain of 6s 8d each.<sup>67</sup> This led to a series of amercements and pains, which also included individuals who served as jurors beyond the original eighteen, with the last recorded incident occurring in 1481, when the jury members were each amerced 3d for failing to select the candidates, and placed under pain of 6s each.<sup>68</sup> The following sessions after 1481 do not mention the reeveship, meaning it is impossible to know whether any sort of agreement was reached. However, it is clear that no further reeve candidates were chosen, suggesting the tenants were successful in their long-term goal.

This example reveals that tenants liable for officeholding, or at least a fine derived from officeholding, could collectively resist and ultimately remove the obligation. This may have been achieved in part thanks to the less drastic punishment applied, with the rebellious tenants' land at no point being seized. Yet, the listings of those amerced reveal significant coordination, with twenty-four different individuals refusing to select the reeve, which was a substantial part of the fifty total tenants recorded at the manor in 1461.<sup>69</sup> This unity may have been achieved partly because the obligation to pay the reeve fine was dispersed among a significant number of persons, creating a shared interest in removing this obligation. The impact of subdivision of the holdings providing the reeve, presumably occasioned by the land market and the morcellation of holdings in the pre-Black Death period, often made multiple persons responsible for the

<sup>65</sup> Whittle, *Agrarian Capitalism*, 51; Forrest, 'Women manorial officeholders', 1–2.

<sup>66</sup> KCAR/6/2/87/1/1/HOR/39, m.27, 11 Jun. 1474.

<sup>67</sup> KCAR/6/2/87/1/1/HOR/39, m.31, 29 Oct. 1474.

<sup>68</sup> KCAR/6/2/87/1/1/HOR/39, m.33, 11 Jun. 1476, m.36, 29 Oct. 1477, m.41, 27 Oct. 1481.

<sup>69</sup> KCAR/6/2/87/1/1/HOR/39, m.1, 19 Mar. 1461.

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fines.<sup>70</sup> Frequently, the lord also held part of the land selected, meaning that no fine was levied for this portion of the land. For instance, in 1416, Thomas Joseph was chosen for the toft of Merlyng and Randolph, William Spark for the toft of Yongelle, and Walter Swanton, John Moles, John Styward and Walter Swanton were all chosen for holding 1a each of the tenement of Osses. The fine this year totalled 6s rather than 8s as the rest of Osses was in the lord's hands, suggesting that each of the four tenants of Osses only paid 2d each as they only held an acre.<sup>71</sup>

On the other hand, explaining the timing of the revolt is more difficult. One might expect protest to match an increase in the burden of the fine. However, in reality the opposite trend occurred, with the average value of the fines received by the lord actually decreasing over the fifteenth century, from a mean of 8s per year in the 1390s to 2s 8d for the 1460s–1470s.<sup>72</sup> Thus, by the period of the protest, the lord was only receiving a third of the total potential fine, a fact presumably linked to his difficulties in finding tenants for liable lands, meaning much of the land selected was in his hands. Moreover, the wide dispersal of lands on which the fines were levied means that only 22% of those fined across the period 1392–1473 paid more than twice in their lifetimes.<sup>73</sup> Even more startlingly, of the twenty-four individuals who refused to select the reeve candidates, seventeen are never recorded as paying a fine for their lands, although, of course, they could have been concerned about a later fine.<sup>74</sup> Therefore, it is hard to understand what in 1473 triggered this reaction to a nominal reeveship which the tenants had dutifully administered from at least 1392.

Overall, an examination of resistance to selecting officials reveals little evidence that being chosen for office, or having to choose individuals for office, was considered particularly burdensome. Few examples could be found of outright refusal to serve as or select officials. This was presumably also partly due to the ability to pay to avoid office or, in later periods, to have a deputy sworn in a tenant's place, meaning that service could be avoided if desired.<sup>75</sup> As Owen has argued, exemption fines provided a mechanism by which individuals could choose not to serve, but also not challenge the wider system of officeholding.<sup>76</sup> When the selection of officers was resisted, as at Horstead in 1428, it seems that this was due to other background issues, with officeholding simply providing a way to frustrate the seigniorial administration. The case of the nominal reeveship

<sup>70</sup> Campbell, 'Agrarian problem', 51, 66–7.

<sup>71</sup> KCAR/6/2/87/1/1/HOR/34, 30 Dec. 1416. For similar examples, see KCAR/6/2/87/1/1/HOR/37, 14 Dec. 1433; KCAR/6/2/87/1/1/HOR/39, m.4, 17 Feb. 1463, m.13, 24 Oct. 1466.

<sup>72</sup> KCAR/6/2/87/1/1/HOR/26–39. <sup>73</sup> *Ibid.* <sup>74</sup> *Ibid.* <sup>75</sup> See p. 101 for deputation.

<sup>76</sup> Owen, 'Rural and urban manorial officialdom', 181–2.

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cautions against an argument that would suggest an inability by tenants to resist seigniorially imposed officeholding structures. In this case, a vestige of officeholding, which clearly only benefited the lord, was successfully removed by a coordinated set of tenants. Of course, it is imperative to be careful in making an argument from absence, but the evidence of resistance to selection suggests that a not-impotent tenantry were at least willing to acquiesce to officeholding structures. Interestingly, studies of other manors have found that reduction and eventual disappearance of fines not to serve in office often occurred before selections to offices themselves were abandoned.<sup>77</sup> This suggests it may have been associated cash liabilities, rather than actual service, which was generally the more resisted aspect of selection processes. Thus, even to the limited extent to which officeholding was linked with villein, or at least customary landholding status, it was not seemingly a particularly burdensome aspect of tenure. Its survival, despite the disappearance of other dues and obligations linked to servility, suggests tenants did not resent serving in office as they did other aspects of unfreedom.

### OFFICIALS AND THE ENFORCEMENT OF SERVILE INCIDENTS

This final section shifts to considering the role of officials in maintaining lords' powers over serfs. By tracking the number and types of servile presentments made by officers, it is possible to judge how far they played an important role in policing aspects of personal servility, and thus to what extent manorial officers were therefore the lord's servants and acted against the interests of the community and even themselves. Each manor must be treated carefully, as customs of servility were highly localised.<sup>78</sup> Unfortunately, much of the evidence available to build up a picture of servility on a given manor is based on presentments, leading to a certain circularity to arguments, as it is often impossible to gain an independent assessment of the total obligations imposed on tenants at a given manor.

These concerns aside, the broad picture seen in the servile presentments is of some enforcement in the fifteenth century, followed by disappearance by the middle of the sixteenth century at all manors except Downham. Thus, manorial officials cannot be seen as routinely acting for the lord in a way that was prejudicial to the community of tenants in the long run. Some aspects of serfdom disappeared almost immediately after

<sup>77</sup> Bailey, *Decline of Serfdom*, 205–8, 225; Whittle, *Agrarian Capitalism*, 51–2.

<sup>78</sup> Hatcher, 'Serfdom and villeinage', 8–9; E. Miller and J. Hatcher, *Medieval England: Rural Society and Economic Change, 1086–1348* (London, 1978), 122–4.

the Black Death. For example, leyrwite, which was presented eight times at Downham in 1310–35, was not presented in the surviving rolls from 1362 onwards, despite the fact that in a 1380 inquiry into marriage fines using a terrier, it was presented as customary for bond tenants to pay leyrwite for their daughters.<sup>79</sup> Leyrwite was not presented after c.1400 at Horstead or Cratfield, fitting the national picture of this servile incident.<sup>80</sup> At Worfield, leyrwite was only reported once, in 1327, suggesting it was not even effectively monitored before the Plague, while no presentments were recorded at Fordington even prior to the Black Death.<sup>81</sup> In a similar vein, restrictions of sales of livestock by customary tenants at Downham were enforced three times in 1363–4 and then completely disappeared, excepting one presentment in 1412.<sup>82</sup>

Labour services constituted a more serious disability. These were monitored by officials at Horstead, Downham, Fordington and Worfield but were absent at Cratfield.<sup>83</sup> At each manor, the types and chronologies were quite different (Table 3.3). Fordington saw only one presentment, when the jury ordered that all tenants should repair the West Mill in 1507.<sup>84</sup> Officials periodically made presentments concerning the repair of the mill at late fifteenth- and sixteenth-century Worfield.<sup>85</sup> However, these failures to perform labour services took place in a context of sustained but limited requirements, as seen in the 1602 customs for Worfield, which ordered the copyholders collectively as vills to repair the lord's two mills, as well as to mow the lord's meadow in exchange for payment of 16d.<sup>86</sup> This repeated a schema of labour obligations enshrined in the 1403 custumal.<sup>87</sup> The

<sup>79</sup> CUL, EDR, C11/1/1, m.1, 24 Nov. 1310, 25 Feb. 1311, m.4, 23 Sep. 1314, m.6, 15 Dec. 1315, m.7, 19 Dec. 1324, m.8, 16 Dec. 1325; C11/1/2, m.5, 6 Dec. 1330, m.6, 29 May 1332, m.9, 28 Nov. 1334; C11/1/3, m.5, 13 Feb. 1380. The terrier was likely the Ely Coucher Book, reflected in the identical phrase of 'paying leyrwyte for his daughter and gersuma to marry her', showing its relevance in determining customary obligations well into the fourteenth century: *The Ely Coucher Book, 1249–50: the Bishop of Ely's Manors in the Cambridgeshire Fenland*, trans. E. Miller, ed. F. Willmoth and S. Oosthuizen (Cambridge, 2015), 49, 51.

<sup>80</sup> KCAR/6/2/87/1/1/HOR/36, 2 Aug. 1402; Bailey, *Decline of Serfdom*, 41.

<sup>81</sup> SAC, P314/w/1/1/1, 1 May 1327.

<sup>82</sup> CUL, EDR, C11/1/2, m.13, 30 Nov. 1363; m.13, 6 May 1364; m.13, 28 Sep. 1364; C11/2/4, 25 Mar. 1412.

<sup>83</sup> Labour services had existed in the early fourteenth century at Cratfield so must have been commuted prior to 1401. Bailey, *Decline of Serfdom*, 214.

<sup>84</sup> TNA, SC 2/169/47, m.25, 27 Apr. 1507.

<sup>85</sup> SA, P314/w/1/1/371, 14 Jun. 1475; P314/w/1/1/386, 30 May 1477; P314/w/1/1/418, 3 Apr. 1481; P314/w/1/1/560, 17 Apr. 1521; P314/w/1/1/572, 10 Aug. 1523; P314/w/1/1/506, 27 Jan. 1512; P314/w/1/1/648, 18 Jun. 1534; P314/w/1/1/649, 29 Jul. 1535; P314/w/1/1/773, 2 Nov. 1570.

<sup>86</sup> SA, 2028/1/5/8.

<sup>87</sup> SA, 5586/2/1/42. The 1403 custumal makes no mention of the responsibility to perform mill repair services, but presentations of this in court rolls before 1400 and the context of the custumal as a document for dispute resolution makes it likely that this is an omission of an existing custom.

limited labour services at both Fordington and Worfield were likely linked to the privileged status afforded customary tenants as a result of these manors' status as ancient demesne.<sup>88</sup> While mill repairs were potentially onerous, it was an infrequent requirement, only being needed when the mill was damaged, and also at least had some benefit to the tenants who utilised the mill.<sup>89</sup> At Worfield, one further labour presentment concerning the lord's meadow was made in 1491, but was in effect a matter of custom rather than offence, confirming that the tenants of the vill of Sonde owed service with the other tenants at the meadow.<sup>90</sup> Thus, at both manors, the labour services reported by officials were relatively infrequent and limited.

This picture is in marked contrast to that for Horstead. Here presentments for poor performance of labour services peaked at sixteen in the 1400s before declining to low numbers down to the 1430s and then disappearing entirely. This pattern is far more consistent with resistance to services and eventual success in having them commuted and abandoned, a pattern seen in the fact that presentments involved multiple tenants presumably acting collectively.<sup>91</sup> The services were boon works geared towards demesne agriculture, involving autumn and summer works, including carrying, weeding and ploughing, so were presumably perceived as a significant disability.<sup>92</sup> No formal record of commutation was made in the surviving rolls, but the lack of any presentments beyond the 1430s supports this conclusion.

Downham is again different, providing an example of a far longer enforcement of labour services, as revealed by infrequent but persistent presentments down to the 1570s, well into the early modern period. While in absolute terms the number of presentments is small, the pattern suggests that most tenants continued to perform their expected services, and thus were not presented owing to conformity rather than a lack of seigniorial expectations. The Ely Coucher Book of 1249–50 gives some idea of the extent of labour services at Downham, revealing extensive week and boon works for both yardlanders and cottars, although significant commutations could have occurred in the late

<sup>88</sup> McIntosh, *Autonomy and Community*, 29; P.R. Hyams, *King, Lord and Peasants in Medieval England: the Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (Oxford, 1980), 246–9.

<sup>89</sup> For the relatively positive attitudes of tenants towards using seigniorial mills, see J. Langdon, *Mills in the Medieval Economy: England, 1300–1540* (Oxford, 2004), 283–90.

<sup>90</sup> SA, P314/W/1/1/489, 1 Aug. 1492. <sup>91</sup> Britnell, 'Feudal reaction', 41–5.

<sup>92</sup> KCAR/6/2/87/1/1/HOR/26, 11 Jun. 1395, 18 Oct. 1395, 22 Mar. 1396; KCAR/6/2/87/1/1/HOR/29, m.1, 11 Jun. 1398, 4 Apr. 1402; KCAR/6/2/87/1/1/HOR/30, 9 Feb. 1400; KCAR/6/2/87/1/1/HOR/36, 9 Oct. 1399, 2 Aug. 1402, 6 Aug. 1404, 11 Jun. 1407, 10 Aug. 1407; KCAR/6/2/87/1/1/HOR/32, 1 Oct. 1405, 23 Jan. 1406, 30 Sep. 1406; KCAR/6/2/87/1/1/HOR/33, m.7, 4 Dec. 1411; KCAR/6/2/87/1/1/HOR/37, 7 Apr. 1429.

thirteenth and early fourteenth century.<sup>93</sup> The nature of the works presented changed over time, with earlier entries stating that tenants did not come to work when summoned, while in the fifteenth century, apart from ploughing in 1412, presentments mainly concerned carrying services, common drives and collections from fens, rather than agricultural work.<sup>94</sup> The two presentments of the 1570s also concerned common carrying, usually seen as a less onerous obligation, although the presentments show remarkable harshness, with the 1571 example complaining about tenants carrying too little. The 1579 example is even more extreme, with the reeve being ordered to seize all the customary lands held by the offender, Edward North, for failure to carry items from Doddington to Downham. However, as the clerk states that North committed diverse other offences, this harsh punishment may be the result of a longer tension.<sup>95</sup> Yet, however one mitigates this seigniorial action, the fact that jurors were still presenting offences against labour services in the 1570s shows that they did have a role in maintaining potentially onerous aspects of customary tenure.

Marriage fines, the second incident investigated, follow a different pattern (see Table 3.3). Marriage fines were levied across England and could act as a legal test of villeinage.<sup>96</sup> At Fordington and Cratfield, no presentments were recorded in this category. The latter manor did see payments of merchet, but these were not made in response to official presentments and there were no instances of punishments for marriages without licence, suggesting manorial officers had a limited role in maintaining this aspect of unfreedom on the manor.<sup>97</sup> Downham and Horstead saw relatively similar patterns in levying this fine and presenting non-payers, with low but consistent levels of presentment through the fifteenth century down to a 1466 grant of a licence at Horstead and a 1494 order to seize for marrying a daughter without licence at Downham, after a fifty-five-year gap since the last presentment.<sup>98</sup>

Worfield saw a similar chronology, although the last presentment concerning marriage was significantly later, in 1519. This was for

<sup>93</sup> *Ely Coucher Book*, trans. and ed. Miller et al., 47–51.

<sup>94</sup> CUL, EDR, C11/1/2, m.14, 2 May 1365, 11 Jul. 1365, m.15, 19 Oct. 1365, 9 Jun. 1366, 23 Jul. 1366, m.16, 29 Nov. 1367, m.25, 30 Nov. 1375; C11/1/3, m.18, c.21 Jun. 1387; C11/2/4, m.10, 1 Oct. 1403, m.13, 15 Dec. 1404, m.30, 25 Mar. 1412; C11/2/5, m.12, 19 Mar. 1420; C11/2/6, m.49 24 May 1452, m.56, 3 Jan. 1459; C11/3/7, m.4, 18 Jul. 1461; C11/3/10, m.13, 23 Aug. 1498; C11/3/11, 9 Mar. 1571, 21 Sep. 1579. The importance of carrying services to the Bishop of Ely within the integrated manors of the liberty is discussed by Miller, *Abbey and Bishopric*, 85.

<sup>95</sup> This customary work is recorded in the Coucher Book: *Ely Coucher Book*, trans. and ed. Miller et al., 48, 50.

<sup>96</sup> Bailey, *Decline of Serfdom*, 37–8. <sup>97</sup> *Ibid.*, 214–15.

<sup>98</sup> KCAR/6/2/87/1/1/HOR/39, m.13, 24 Oct. 1466; CUL, EDR, C11/2/6, m.32, 13 Dec. 1440; C11/3/10, m.9, 14 Sep. 1494.

Table 3.3 Presentments of servile incidents by presentment juries

Decade	Labour services				Marriage				Chevage/fled serfs						
	Down-ham	Hors-tead	Crat-field	Worf-field	Ford-ington	Down-ham	Hors-tead	Crat-field	Worf-field	Ford-ington	Down-ham	Hors-tead	Crat-field	Worf-field	Ford-ington
1310s	1	-	-	-	-	0	1	1	1	-	0	1	1	1	1
1320s	0	-	-	0	0	4	1	1	0	0	0	1	1	0	0
1330s	3	-	-	1	0	5	1	1	0	0	0	1	1	0	0
1340s	-	-	-	0	0	-	1	1	0	0	-	1	1	0	0
1350s	-	-	-	0	0	-	1	1	2	0	-	1	1	1	0
1360s	6	-	-	0	0	1	1	1	2	0	1	1	1	0	0
1370s	1	-	-	0	0	1	1	1	2	0	1	1	1	0	0
1380s	2	-	-	0	0	1	1	1	2	0	0	1	1	0	0
1390s	0	4	-	0	0	3	0	1	6	0	1	4	1	0	0
1400s	3	16	0	0	0	0	1	0	7	0	0	1	0	0	0
1410s	2	1	0	0	0	3	3	0	2	0	1	1	1	0	0
1420s	1	1	0	0	0	0	1	0	7	0	0	8	2	0	0
1430s	0	2	0	0	0	0	4	0	7	0	3	8	7	0	0
1440s	0	0	0	0	0	1	2	0	7	0	2	6	0	0	1
1450s	2	0	0	0	0	0	0	0	10	0	2	7	1	0	0
1460s	1	0	0	0	0	0	1	0	3	0	12	8	1	0	0
1470s	0	0	0	2	0	0	0	0	1	0	6	9	1	0	0
1480s	0	0	0	1	0	0	0	0	1	0	15	9	2	0	0
1490s	1	0	0	1	0	1	0	0	0	0	9	5	1	0	0
1500s	0	1	0	0	1	0	1	0	0	0	6	1	0	0	0

Table 3.3 (cont.)

Decade	Labour services				Marriage				Chevage/fled serfs						
	Down- ham	Hors- tead	Crat- field	Worf- ield	Ford- ington	Down- ham	Hors- tead	Crat- field	Worf- ield	Ford- ington	Down- ham	Hors- tead	Crat- field	Worf- ield	Ford- ington
1510s	-	0	0	1	0	-	0	0	1	0	-	6	0	0	0
1520s	-	0	0	2	0	-	0	0	0	0	-	1	0	0	0
1530s	-	0	0	2	0	-	0	0	0	0	-	7	0	0	0
1540s	-	0	0	0	0	-	0	0	0	0	-	0	0	0	0
1550s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1560s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1570s	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1580s	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1590s	-	0	0	0	-	-	0	0	0	-	-	0	0	0	-
1600s	0	-	0	0	-	0	-	0	0	-	0	-	0	0	-
1610s	0	-	0	0	-	0	-	0	0	-	0	-	0	0	-
1620s	0	-	0	-	0	0	-	0	-	0	0	-	0	-	0
1630s	0	-	0	-	0	0	-	0	-	0	0	-	0	-	0
1640s	0	-	0	0	0	0	-	0	0	0	0	-	0	0	0
Total	25	24	0	10	1	20	12	0	60	0	59	80	16	1	1

Sources: KCAR/6/2/87/1/1/HOR/26-41, KCAR/6/2/87/1/1/HOR/45, KCAR/6/2/87/1/1/HOR/48-58, KCAR/6/2/38/1/1/COL/376; CUL, Vantage Box/3-4; CUL, EDR, CII/1/1-3, CII/2/4-6, CII/3/7-11, CII/8-10; P314/w/1/1/1-838, 5586/1/257-306; TNA, SC 2/169/25-47, SC 2/170/1-16.

## *Officials and the Enforcement of Servile Incidents*

a widow's remarriage without licence, yet the lack of amercement suggests that the licence was paid afterwards amicably and followed two decades of no presentments. However, the attention paid to marriage in the fifteenth century at Worfield is significantly greater than at the other manors, with presentments ranging from two to ten between the 1390s and 1450s, and only dropping to a range of one to three, similar to Horstead and Downham, in the 1460s onwards. Special attention to marriages is also seen in two presentments of the custom of marriage at Worfield made in 1396 and 1473, which confirmed that all customary tenants had to pay fines.<sup>99</sup> This suggests a special seigniorial attention towards controlling marriage, which is striking, as at Worfield virtually no other servile incidents were routinely enforced, showing that even in a manor with seemingly low levels of seigniorial exactions officers could still act for the lord. This was not necessarily inconsistent with the manor's ancient demesne status; as Miller and Hatcher highlight, custom varied between ancient demesne manors and could combine lighter and harsher elements of serfdom.<sup>100</sup> This picture must also be tempered by the fact that many of the women presented were widows who were remarrying, enlarging the category liable to pay marriage fines, and also perhaps showing that an element of control over land as well as personal servility lay behind the stronger regulation of nuptiality.

The third category of servile incident is that of controlling the movement of serfs, though either the payment of chevage or listing fled serfs.<sup>101</sup> Examining this incident draws a sharp divide between Worfield and Fordington, on the one hand, and Downham, Horstead and Cratfield, on the other (see Table 3.3). At the former manors, juries only made one presentment each concerning fled serfs: in 1358 at Worfield, when two customary tenants were recorded as remaining outside the manor, and in 1446 at Fordington, when the western tithingman stated that Agnes Coupere, 'a tenant of the lord according to custom of the manor', had fled the country.<sup>102</sup>

However, in the East Anglian communities, control of movement became a significant category of presentment in the fifteenth and early sixteenth century. This kind of control would seem to suggest officials were regularly working for the lord to enforce personal unfreedom. Certainly, at Downham the upsurge in presenting fled villeins in the 1460s to 1500s appears conflictual, with the regular presentments of serfs

<sup>99</sup> SA, P314/W/1/1/201, 22 Nov. 1396; P314/W/1/1/351, 19 Aug. 1473.

<sup>100</sup> Miller and Hatcher, *Medieval England*, 119.

<sup>101</sup> While these categories are distinct, they were often presented simultaneously and thus are treated together here.

<sup>102</sup> SA, P314/W/1/1/43, 30 Apr. 1358; TNA, SC 2/169/43, m.24, 8 Feb. 1446.

for being outside the manor and not paying chevage being combined with orders to reeves and bailiffs to attach them by their bodies to the next court.<sup>103</sup> In 1440, this was supplemented by an order to distrain their nearest relation on the manor, and from the 1480s, with lists of serfs and their issue outside the manor, providing details of both ages and place of residence.<sup>104</sup> Yet, it is important to consider these presentments in context. While an example of persistent work for the lord, the regularity of presentment is largely a result of the ineffectiveness of orders to seize serfs, suggesting that although officers were being pressured by the lord, in reality their frequent presentments had little impact. Bailey has emphasised that this growth of interest in serfs' movements is a national picture, but that only one case has been found of a serf potentially being returned to the manor, a fact unsurprising as manorial courts had no obvious way of compelling individuals living beyond a manor's bounds.<sup>105</sup> He argues that many serfs did not leave the manor principally to escape serfdom but instead to take advantage of new economic opportunities in other rural communities after the Black Death.<sup>106</sup> Similar arguments can be made for Cratfield. While juries provided detailed information concerning serfs living in a variety of villages within ten miles of the manor, and orders were made to seize these individuals between the 1420s and 1470s, repetition suggests weak enforcement.<sup>107</sup> By the 1480s and 1490s, presentments only concerned the payment of chevage by non-resident serfs, and Bailey has demonstrated that earlier payments for chevage at Cratfield were likely due to a desire by departed serfs to maintain inheritance interests within the manor rather than a result of effective enforcement.<sup>108</sup>

Horstead reinforces this view even more strongly. While in the 1390s and even in 1414, fled serfs were named so they could be attached by their bodies, from the 1420s onwards the vast majority of presentments were simply the profits of chevage payments.<sup>109</sup> Horstead's lords did mine these efficiently, with jurors increasing the number of payers from a range of between two and eight in 1420–57 to between five and fifteen

<sup>103</sup> See, for example, CUL, EDR, C11/3/7, m.4, 15 May 1464, m.23, 13 May 1473; C11/3/8, m.2, 2 Jun. 1484; C11/3/10, m.14, 5 Mar. 1499.

<sup>104</sup> CUL, EDR, C11/2/6, m.32, 13 Dec. 1440.

<sup>105</sup> Bailey, 'Myth of "seigniorial reaction"', 147–72, 161; Bailey, *Decline of Serfdom*, 295–7.

<sup>106</sup> M. Bailey, 'Servile migration and gender in late medieval England: the evidence of manorial court rolls', *P&P*, forthcoming.

<sup>107</sup> See, for example, CUL, Vanneck Box/3, Henry VI roll, m.5, 10 Jun. 1427, m.10, 19 Oct. 1430, m.46, 18 May 1456; Edward IV roll, m.19, 1 Jun. 1479.

<sup>108</sup> CUL, Vanneck Box/3, Henry VII roll, m.2, 14 Dec. 1486, m.3, 24 Dec. 1487, m.13, 16 May 1497; Bailey, *Decline of Serfdom*, 218–19.

<sup>109</sup> KCAR/6/2/87/1/1/HOR/27, 18 Mar. 1393; KCAR/6/2/87/1/1/HOR/26, 11 Jun. 1395; KCAR/6/2/87/1/1/HOR/34, 14 Feb. 1414.

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in 1462–78, although from this point numbers began to decrease, even though detail including residence, occupation, apprenticeship and entrance to holy orders was recorded.<sup>110</sup> In 1515 and 1530, orders were made to arrest fled serfs again, presumably as a result of the decline in chevage payments, and in 1532 the report of the death of William Spark in London led to an order to arrest his brother by his body and goods as William's executor.<sup>111</sup> However, these policies, along with increased reports of the issue of serfs remaining inside the manor – even including a quarter-year-old baby – could not reverse the decline, with the last chevage payment being presented in 1537.<sup>112</sup> At Horstead, control of the movement of serfs relatively quickly transformed into the exaction of a potentially disabling, but at least regular, payment, and in the sixteenth century, attempts to seize serfs were ineffective, despite the quality of information gathered. This trend is seen on other manors, where increased information concerning serfs was not easily transferred into instruments to actually control, or at least profit from, their movement.<sup>113</sup> Thus, while manorial officers were acting for their lord in this regard, it cannot be described as particularly in conflict with other tenants.

At all manors, jurors were involved in enforcing at least one aspect of servility in the fifteenth and early sixteenth century. This reveals that officials did have an important role in maintaining unfreedom and collaborated with lords to achieve this. However, this role diminished in line with the wider withdrawal of officials from policing more active aspects of lordship explored in Chapter 1. Policing of leyrwite and sale of animals disappeared soon after the Black Death. The monitoring of marriage fines had ended by c.1520, fled serfs by c.1540 and non-performance of labour services by c.1580. Thus, by the mid-sixteenth century, the connection of officeholding and serfdom had disappeared, further reinforcing the observation that service in office was not simply an obligation imposed on a lord's unfree tenants. Furthermore, even in earlier periods, examining the enforcement of serfdom reveals that many aspects were only of limited disadvantage to tenants. Fordington saw almost no policing of serfdom, Worfield saw a specific focus on regular marriage fines and infrequent mill repair, and officials at Downham, Horstead and Cratfield made reports on tenants who had fled the community (and thus were not officers

<sup>110</sup> KCAR/6/2/87/1/1/HOR/34, KCAR/6/2/87/1/1/HOR/36–39, KCAR/6/2/87/1/1/HOR/41, m.4, 17 Sep. 1489, m.8, 11 Jun. 1492, m.11, 11 Jun. 1494.

<sup>111</sup> KCAR/6/2/87/1/1/HOR/45, m.9, 30 Oct. 1515, m.25, 3 Nov. 1530; KCAR/6/2/87/1/1/HOR/48, m.2, 6 Nov. 1532.

<sup>112</sup> KCAR/6/2/87/1/1/HOR/45, m.9, 30 Oct. 1515; KCAR/6/2/87/1/1/HOR/48, m.7, 30 Oct. 1537.

<sup>113</sup> Bailey, 'Myth of "seignorial reaction"', 162; Bailey, *Decline of Serfdom*, 296; Larson, *Conflict and Compromise*, 113–15; Fryde, *Peasants and Landlords*, 176–7; Poos, *Rural Society*, 246.

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themselves) which would be unlikely to lead to any actual enforcement of movement restrictions. Monitoring of labour services at Downham and Horstead was more disadvantageous, but only at Downham did enforcement last beyond the early fifteenth century.

### CONCLUSION

This chapter has found both that serving as an official was not typically an onerous obligation that had to be imposed on villein and serf tenants, and that officers only had a minor role in preserving aspects of unfreedom, which generally did not have adverse effects on their economic and social position. While the individuals serving as officials were typically drawn from the ranks of customary tenants, freemen can also be found holding a variety of offices on many manors. Moreover, the increasing opportunity for tenants to hold multiple types of land, and the emergence of leasehold as an alternative form of tenure, eroded any connection between status and holding office even more thoroughly. Similarly, the evidence does not support a view of serving in office as a burden, with tenants rarely resisting service on a collective or individual level, unless office had transmuted into effectively a form of financial payment. Finally, officials did have a role in maintaining elements of serfdom, which differed between the manors examined, and this lasted until the mid-sixteenth century. However, generally they policed routine payments or inquiries into mobility which had little concrete effect on restricting their activities or those of their fellow villagers.

These findings support the more positive interpretation of lord–tenant relations and unfreedom which the revisionist literature has advanced. Manorial officeholding does not seem ever to have been treated as a burdensome obligation, with tenants at the very least accepting this customary obligation. The fact that both free and customary landholders served shows the lack of a clear dividing line between these groups. As emphasised in Chapter 2, officeholding was often associated with tenancy, and thus as villein tenures mutated into copyholds and lost their servile obligations, so acting as an official became disconnected from unfreedom.<sup>114</sup> Moreover, rather than actively resisting serfdom, officials appear to have acquiesced in maintaining relatively routine and ineffectual elements of unfreedom in the longer term. They perhaps even accepted these as a price worth paying for the valuable functions manorial governing structures served.<sup>115</sup> This, of course, does not mean that

<sup>114</sup> See pp. 72–4; Bailey, 'Transformation of customary tenures', 228–9.

<sup>115</sup> For the useful functions of officers for the community of tenants, see Gibbs, 'Lords, tenants and attitudes', 161–7.

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serving in office, and performing associated duties, never became a source of contention between lords and tenants or that officials did not use their position to resist unfreedom at the manorial or even kingdom-wide level.<sup>116</sup> However, it does suggest that such explosive episodes should be contextualised by a more quotidian picture of a system in which tenants collaborated with their lords through office. Day to day, officials were not put-upon unfree servants.

More widely, these findings demonstrate that the structure of office-holding was not purely, or perhaps even mainly, a seigniorial imposition. It reinforces the findings of Chapter 1 which demonstrated the officials utilised their roles for functions outside lords' direct concerns. Communities of tenants used officeholding for their own devices, explaining why manorial structures continued functioning well beyond the end of direct lordship and personal unfreedom in the fifteenth and sixteenth centuries.

<sup>116</sup> Schofield, *Peasant and Community*, 42–4, 168; Larson, *Conflict and Compromise*, 22–7; Dyer, 'Social and economic background', 197; Eiden, 'Joint action', 26–9; Whittle, 'Kett's Rebellion', 24; Wood, *1549 Rebellions*, 181–2.