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**Custom, resistance and politics:
Local experiences of improvement in
early modern England**

by

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Volume 2:

**Chapters 5 and 6
Bibliography and Appendices**

A thesis submitted in fulfilment of the requirements for the degree of
Doctor of Philosophy in History

University of Warwick, Department of History
February 2007

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Abbreviations

| | |
|----------------------------------|---|
| <i>AHEW</i> | Joan Thirsk (ed.), <i>The Agrarian History of England and Wales</i> |
| BRO | Bedfordshire Record Office |
| <i>Commons' Journal</i> | <i>Journal of the House of Commons</i> |
| CLRO | Corporation of London Record Office (at the Guildhall) |
| CRO | Cambridgeshire Record Office (Cambridge branch) |
| <i>CSPD</i> | <i>Calendar of State Papers Domestic</i> |
| CUL | Cambridge University Library |
| <i>DAJ</i> | <i>Derbyshire Archaeological Journal</i> |
| DRO | Derbyshire Record Office |
| <i>Fenland Notes and Queries</i> | W. H. Bernard Saunders (ed. vol. 1), Rev W. D. Sweeting (ed. vols 2-7), <i>Fenland Notes and Queries, A Quarterly Antiquarian Journal for the Fenland, in the counties of Huntingdon, Cambridge, Lincoln, Northampton, Norfolk and Suffolk</i> (7 volumes, 1889-1909) |
| HALS | Hertfordshire Archives and Local Studies |
| HMC | Historical Manuscripts Commission |
| HLMP | House of Lords' Main Papers |
| HLRO | House of Lords' Record Office |
| <i>Lords' Journal</i> | <i>Journal of the House of Lords</i> |
| LRO | Lichfield Record Office (records of the diocese of Lichfield) |
| ODNB | <i>Oxford Dictionary of National Biography</i> (Oxford, 2004) (on-line version) |
| <i>OED</i> | <i>Oxford English Dictionary</i> (on-line version) |
| TNA: PRO | The National Archives (Kew): Public Record Office holdings |
| <i>VCH</i> | <i>The Victoria History of the Counties of England</i> |
| <i>VCH Cambs, 4</i> | R. B. Pugh (ed.), <i>VCH, A History of the County of Cambridge and the Isle of Ely</i> , volume 4, <i>Ely and the Isle of Ely</i> (London, 1953) |
| <i>VCH Derbys</i> | W. Page (ed.), <i>VCH, A History of the County of Derbyshire</i> (2 volumes, London, 1905-07) |

Chapter 5: Fen drainage, enclosure and resistance at Whittlesey

Part 1: The background to fen drainage

Although various aspects of the history of drainage have been rehearsed by, amongst others, Dugdale, Wells, Darby and Lindley, none of these authors have considered the local consequences of the arrangement whereby, in recompense for their financial input, early modern adventurers were awarded 95,000 acres of drained fen.¹ Neither space, nor time, would permit a detailed study of each of the communities that had been forced to cede part of its former common fens to outsiders. This study, therefore, concentrates on just one of those communities. Indeed, the matter of the drainage and enclosure of the fens at Whittlesey is particularly pertinent to the earlier discussion of ‘horizontal’ and ‘vertical’ since the portions of the Whittlesey fens that were allotted to the adventurers had been granted to the king himself, in return for his ‘sponsorship’ of the project.

The first large-scale attempt to drain the fens within the Isle of Ely and county of Cambridge, the works financed by Francis Russell, fourth earl of Bedford, and his co-adventurers transformed completely both the face and the substance of the region.² Although he and some of his associates had landed interests in the area, this was not simply a local project: Charles I promoted the activities of the adventurers because they were expected to benefit the whole commonwealth. Land that was apparently unprofitable would be rendered fruitful, providing employment for local

¹ William Dugdale, *The History of Imbanking and Drayning of Divers Fenms and Marshes, both in Foreign Parts, and in this Kingdom; and the Improvements thereby* (London, 1662); Samuel Wells, *The History of the Drainage of the Great Level of the Fens called Bedford Level* (2 volumes, London, 1830); H. C. Darby, *The Draining of the Fens* (2nd edition, Cambridge, 1968); H. C. Darby, *The Changing Fenland* (Cambridge, 1983); Keith Lindley, *Fenland Riots and the English Revolution* (London, 1982).

² For Bedford’s work see Darby, *Changing Fenland*, Chapter 3, ‘The fen project: 1600-63’. For the history of the Bedford Level Corporation, see Wells, *History of the Great Level*.

inhabitants and commodities for the nation.³ According to fenmen themselves, however, although the fenland way of life was not a constant round of toil, the flora and fauna of the region did provide them with an adequate living.

i. The fenland economy prior to drainage

In 1604, commoners within the Isle of Ely described the various ways in which inhabitants used the fens to support themselves.⁴ Within the Isle were some twenty-two towns, each containing 300 to 400 commonable tenements, divisible into three sorts, each of which provided their tenant with access to common land, whether arable, pasture or fen. Firstly, there were commoners holding a house or land by copy or lease. These wealthy commoners owned twenty or more milch cows and cattle, draught and breeding mares, and many sheep. The land they held was in the common fields. They paid rents to the landlord, subsidies to the king, and relief to the poor, whilst employing other poor inhabitants. Secondly, there were commoners holding a house by copy, who invested all their wealth in cattle. They too paid rents, subsidies and poor relief. Thirdly, there were those 'having neither house nor land but as heire of the others', that is, sub-tenants, some of whom gained their living by keeping cattle. Even to those inhabitants who lacked both commonable property and cattle, the fens were a source of income provided that access was available, which it was whilst they remained undrained. Such people lived

by gathering fodder reed seeg thach hassock, turves, and by getting in their seasons fish & foule, helping the others to [?]ene there hey times & harvestes & by these meanes are dayly imployed winter & summer & so do earne each

³ For one version of Charles I's arguments in favour of drainage, see HLRO: HLMP, paper endorsed 'King's Paper Fenns', 13 May 1641. This paper was delivered in person by the king in the House.

⁴ CUL: EDR A8/1, pp. 63-64, arguments put forward by fenland commoners against a drainage bill was introduced into parliament in May 1604. See below for a discussion of the bill. (Chapter 5, part 1, section iv, 'Late-Elizabethan and Jacobean drainage bills and acts'.)

man 12d or 16d the day whereby their families are maintayned according as each man followeth his labour.⁵

Landless men could use or sell the 'crops', fish and fowl that they gathered in the fens. At various times during the agricultural year, they might also be hired as labourers by wealthier neighbours. Through their own industry in the fens and by casual labouring when required, such men were employed on a daily basis. Under the existing conditions, when they had ready access to the common fen, they could earn as much as 16d per day, and thus maintain their families 'independently'.⁶

Keith Wrightson defines the 'dependence and independence' of labouring people both in terms of their capacity to maintain themselves without reliance on poor relief and in terms of their ability to enjoy 'some measure of self-direction in the pursuit of their livelihoods'.⁷ In 1604, according to the representatives of the commoners in the Isle of Ely, their labouring neighbours certainly had an ample measure of 'self-direction'. Similarly, although the commoners made no direct reference to poor relief, the very fact that these men were not dependent on casual

⁵ 'Fodder' was vegetation suitable for animal feed that could be sold. Reeds commonly grew (and grow) in marsh and Fenland areas. Once gathered, they could be used for thatching or fuel or as laths for plastering on. (*OED*.) 'Seeg', that is 'sedge' comprised various coarse grassy, rush-like or flag-like plants growing in wet places. Sedge was used for horse-collars, chair-bottoms and ridging a thatched roof; also for matting and fuel. (*OED*; D. Yaxley, *A Researcher's Glossary of words found in historical documents of East Anglia* (Derham, 2003), p. 183.) 'Thach', that is 'thatch', probably refers to reeds which made longer-lasting thatch than straw. (Yaxley, *Glossary*, p. 216.) 'Hassock' was a firm tuft or clump of matted vegetation; especially of coarse grass or sedge, such as occurs in boggy ground. (*OED*). They were used as fuel: 'the Fire noysome by the stink of smoaky Hassocks'. (H. C., *A Discourse Concerning the Drayning of Fennes and Surrounded Grounds in the sixe Counteys of Norfolke, Suffolke, Cambridge with the Isle of Ely, Huntington, Northampton and Lincolne* (London, 1629), sig. A3.) 'Turves', that is 'turfs' were peat turfs used for fuel.

⁶ Access to the fens meant that landless fenmen were not as dependent on 'exchange-entitlements' (food and/or wages in exchange for labour) as their brethren in arable areas. In times of poor harvest, landless labourers in the fens could obtain alternative sources of food and so were better able to survive. Because they did not have to pay for such produce from the fen as would supplement their diet, less work, lower wages and higher prices would cause less hardship than that suffered elsewhere. For the concept of 'exchange-entitlements' see A. Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford, 1981). The concept has been developed by John Walter in his essay 'The social economy of dearth in early modern England' in John Walter and Roger Schofield (eds), *Famine, disease and the social order in early modern society* (Cambridge, 1989), pp. 75-128.

⁷ Keith Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain* (New Haven and London, 2000), Chapter 14, 'Dependence and independence: labouring people', quotation from p. 308.

wages, but were able to maintain themselves 'winter & summer', suggests that they were less likely to become a charge on the parish in poor harvest years. It suited the commoners' argument to approve of such a way of life but, in general, parish elites feared the threat posed to the established social order by landless labourers who could live independently. Whereas they might begrudge relieving the able-bodied poor and their families, whether by cash payments or by setting on work, such provision did give the parish a measure of control over these people.⁸ The spectre of vast hordes of poor labourers claiming relief, however, was also feared by the authorities because of the disproportionate burden that they placed on local ratepayers. In 1605 other opponents of drainage played on such fears by claiming that if landless labourers were denied access to the fens after draining, they would, with 'their whole Chardge of Children, eyther lyve on Almes, begge or starve'.⁹

The implications of commoners' claims concerning the level of wages in the fenlands *circa* 1604 are worthy of consideration. If they are accurate, landless labourers in the undrained fens were, in fact, much more financially secure than their brethren elsewhere in the country. For example, their estimated daily earnings of between 12d and 16d a day compare very favourably with those of landless cloth-workers and agricultural labourers.¹⁰ Nor is there any reason to suspect that these

⁸ For doles, setting on work and attitudes towards local poor, see Steve Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England c.1550-1750* (Oxford, 2004), Chapters 2 and 3.

⁹ BL: Harleian MS 368, no. 37, 'Reasons which the Inhabitants in the Fen-Townes & confines thereof, & divers other persons inhabiting the high-countrie, doe make against the drayning of the Fens, and answers to the same', objection no. 5. The text is the same as that in TNA: PRO: SP16/339/27. Although the document is undated the compilers of the *CSPD* assigned it to 1636. Kennedy has demonstrated, however, that the contents fit with other objections to Sir John Popham's proposals for draining the Great Level in 1605 and suggests that the document was produced at that time. (Mark Kennedy, "'So glorious a work as this draining of the Fens': the impact of royal government on local political culture in Elizabethan and Jacobean England", (unpublished PhD thesis, Cornell University, 1985), p. 114, n. 64.) It is interesting to note that the objectors refer to the poor living on 'almes' rather than on 'relief'. As might be expected so soon after the 1601 Act, in the fens, private charity had not yet been superseded by formal relief.

¹⁰ In 1603 Suffolk weavers could earn 4d to 8d per day; in 1636 it was claimed that the 'industrious weaver' could earn 10d to 12d per day and spinners 5d to 6d per day. (John Walter, *Understanding Popular Violence in the English Revolution* (Cambridge, 1999), pp. 247-48.) In the early seventeenth

wage rates in the fens were exaggerated since this evidence of the benefits accruing to landless labourers within the Isle of Ely is corroborated by an account of earnings in the Lincolnshire fens a few years earlier. Lord Willoughby, speaking ‘not of hear say butt of myne owne knowledge’, stated that a poor man could

easelye gett 16s. a weeke by cuttinge downe of three or four loads of reede for thacke and fewell to bake and brew withall whearof that countrye hath great wante, every load of the same being worth 4 or 5 shillings at the least. and like wise 3 or 4 shillings a weeke in fishe and foule serving the next markets.¹¹

Such evidence of employment and wealth within the undrained fens was either unknown to, or deliberately ignored by, writers of improvement literature. According to one advocate of drainage, landless fenmen were ‘always naked and needy’, leaving to their successors ‘a heritage of poverty, with what education and discipline, God only knows’.¹² The suggestion that fenmen were able to gain an adequate living in the undrained fens was not only incomprehensible but also offensive: subsisting in idleness was reprehensible. Fishing and fowling required not intensive hard labour but much inactivity whilst awaiting a catch, so much so that ‘those that live upon the fennes undreyned live a lazy and unusefull life to the common wealth exercizinge noe trade nor industry’.¹³

century, in southern England agricultural labourers earned about 9d per day. (P. Bowden, ‘Agricultural Prices, Farm Profits and Rents’, p. 599 and Statistical Table XV, ‘Agricultural day wage-rates in Southern England’, in Thirsk (ed.), *AHEW*, 4, 1500-1640 (Cambridge, 1967), p. 864.)

¹¹ Lincolnshire Archives, 8 ANC 7, Lord Willoughby to the earl of Essex, undated but probably written at the end of 1597 during the session of parliament which passed the Act of Tillage. (This act was mentioned by Willoughby elsewhere in the letter.)

¹² Humphrey Bradley, *A Treatise concerning the State of the Marshes or Inundated Lands (commonly called Fens) in the counties of Norfolk, Huntingdon, Cambridge, Northampton, and Lincoln, drawn up by Humphrey Bradley, a Brabanter, on the 3rd of December, 1589*. The original, in Italian, is BL: Lansdowne MS 60/34. Darby has produced an English translation in Darby, *Draining of the Fens*, Appendix I, pp. 263-73. The quotation here is from Darby, *Draining of the Fens*, p. 266.

¹³ TNA: PRO: SP16/480/88, a draft of arguments to be advanced in support of a bill for the Great Level, 1641. One of a series of arguments advanced in support of the 1641 Bill for the Great Level, this point had originally ended with the phrase ‘but live by catching fish’, which was later deleted: clearly a supporter of the bill had realised that catching fish might be construed as a ‘trade or industry’. (For a discussion of this, see Lindley, *Fenland Riots*, p. 9.)

ii. An environment ripe for improvement?

Outsiders viewed fens as vast areas of waste in need of improvement both for the good of local inhabitants and of the commonwealth as a whole. If only the surrounded grounds could be drained and rendered cultivable all year round, numerous benefits would ensue, in particular, more agricultural work would become available to labourers. In 1589 Humphrey Bradley, a surveyor from the Netherlands, dismissed the undrained fens as worthless and predicted that great advantages would flow from drainage:

a vague, deserted Empire without population turned into a fertile region; and wild and useless products therefrom into an abundance of grain and pasturage; humble huts into a beautiful and opulent city, together with various other benefits. With good regulation, the drained land will be a regal conquest, a new republic and complete state.¹⁴

In 1629 'H. C.', another advocate of drainage, described the hardship and desolation experienced by fenlanders during the winter: the ice held up boats but could not bear men's weight; people were cut off from the offices of the church and from necessities of life.¹⁵ As we have already noted, men's health was at risk in such an area where

there is no Element good. The Aer Nebulous, grosse and full of rotten harres; the Water putred and muddy, yea full of loathsome vermine; the Earth spuing, unfast and boggie; the Fire noisome turfe and hassocks: such are the inconveniences of the Drownings.¹⁶

¹⁴ Bradley, *Treatise concerning the State of the Marshes* in Darby, *Draining of the Fens*, quotation from pp. 267-68.

¹⁵ H. C., *Discourse Concerning the Drayning of Fennes*.

¹⁶ H. C., *A Discourse Concerning the Drayning of Fennes*, sig. A3. In the introduction to his book on the draining of the fens, Dugdale plagiarised this quotation, presenting it as his description of the area. (Dugdale, *History of Imbanking and Drayning*. The address 'To the Reader' is unpaginated.) Here 'spuing' (spewing) means 'swelling through an excess of moisture'. (*OED*) The possible effects of the noxious fenland atmosphere on the rate of population growth at Whittlesey have been discussed above. (See Chapter 3, section iv, 'Demographic trends shown by vital events'.)

Yet, if this land were drained and planted with crops, not only would fenmen be assured of employment but also the nation as a whole would benefit. In addition to the staple cereals of wheat, rye and barley, and the fodder crops of oats, peas and beans, which were also fit for human consumption, fenland farmers would also be able to grow plants such as flax, hemp, cole-seed, rape-seed, madder and woad, which could be used to produce or treat textiles.¹⁷ Successful cultivation of these crops would bring prosperity to farmer, labourer and merchant alike as an increase in production would reduce the need for imports that 'exceedingly impoverish this Kingdome'. Cole-seed and rape-seed in particular would bring many benefits: the oil produced from them would be used in manufacturing woollen cloth, preparing leather and producing soap. From Casaubon's account, however, it is clear that in 1611 rape-seed and hemp were already being grown in parts of the Isle of Ely.¹⁸ Writers of improvement literature, however, claimed it was drainage that would enable these crops to grow: they were either unaware of, or chose to ignore, the range of crops already growing there.¹⁹

Improvers believed that, as well as providing regular work for labourers, agriculture was the most productive and profitable method of land-use, although those with more knowledge of the fens did concede that some areas were only suitable for grazing even in their drained state.²⁰ But grazing animals also increased the wealth of the kingdom by providing butter, cheese and meat, which occasionally had to be imported. Estimates of the financial advantages of drainage were measured

¹⁷ See, for example, I. L., *A discourse concerning the great benefit of drayning and imbanking, and of transportation by water within the country. Presented to the high court of Parliament* (London, 1641), pp. 3-5.

¹⁸ I. Casaubon, *Ephemerides*, ed. J. Russell (Oxford, 1850), pp. 864-65, quoted in H. C. Darby, 'The Human Geography of the Fenland before the Drainage', *Geographical Journal*, 80 (1932), p. 423.

¹⁹ See, for example, I. L. *Discourse concerning the great benefit*.

²⁰ Joan Thirsk's work on the Lincolnshire Fens has shown that, contrary to the claims of improvers, the area was far from barren prior to drainage and supported large numbers of small farmers who were able to obtain a reasonable livelihood. (Joan Thirsk, *English Peasant Farming: the agrarian history of Lincolnshire from Tudor to recent times* (London, 1957), *passim*.)

in terms of the increased value per acre of fen. Such calculations were solely concerned with the resultant benefits that accrued to the landowner from rents or new crops; they took no account of the negative value of lost access to common fens. They assumed that landless labourers would be employed on the new farms that would be established in the drained lands but whether such men would be able to achieve their previous level of earnings was never considered.

Actual or projected values of improved fenland varied between writers. 'I.L.' argued that 'whereas [fenland] is worth but twelve pence an acre, generally, by experience we find it will be worth (when drayned) tenne shillings'.²¹ Writing in 1651, Samuel Hartlib noted that for land, which prior to drainage had scarcely been worth 12d an acre, a friend had recently offered a mark (13s 4d) an acre for 900 acres of land on which to sow rape.²² To counter a claim, made in 1653, that undrained fen that produced reed and sedge was actually worth more than drained ground, an anonymous advocate of drainage calculated the value to the whole community of an area of drained fen.²³ Rather than simply estimating the increased annual rental value per acre, he demonstrated that over £4 per acre had been spent locally to enable new crops to grow on that land.²⁴ Consequently, he concluded, if some £113,000 had been spent to improve just 28,000 acres, 'a good Commonwealth's man will easily Judge what Annual Profit and Benefit redounds to this Nation by the Improvement of the whole'. Another writer cautioned, however, that the crop yield

²¹ I. L., *Discourse concerning the great benefit*, p. 13.

²² Samuel Hartlib, *His Legacie: or, An Enlargement of the Discourse of Husbandry used in Brabant and Flaunders; Wherein are bequeathed to the Common-Wealth of England more Outlandish and Domestick Experiments and Secrets in reference to Universall Husbandry* (London, 1651), p. 53.

²³ Anon., *The History or Narrative of the Great Level of the Fennes, called Bedford Level, With a Large Map of the said Level, as Drained, Surveyed & described by Sir Jonas Moore Knight, his late Majesties Surveyor-General of his Ordnance* (London, 1685), pp. 60-63.

²⁴ The writer calculated that, in addition to the cost of drainage, £113,600 had been spent on preparing the land and cultivating a mixture of cole-seed, wheat, barley, oats and flax on it. Of this sum, £95,000 had been paid to local labourers and workmen. By his reckoning, it had cost about £4 1s 2d per acre to produce the various crops.

from drained land might diminish after three or four years; in such cases, conversion to pasture would be worthwhile for 'it will yield exceeding good grasse'.²⁵

Fenmen already knew that fens produced lush pasture and they also knew why: winter floods deposited mud and silt that enriched the grazing land. Drainage, they complained, would prevent 'winter drowning' and therefore render the land less fertile and consequently less valuable. Past experience had shown that when the 'Fenns in the winter tyme are not overflowen with waters it causeth them to be Sterrill & barren & to yeeld much lesse profit the yere followinge both to the owners and Common welth'.²⁶ In 1629, commissioners of sewers for Suffolk reported that winter grounds were worth 13s 4d an acre and 'cannott be spared, by reason of the barrennes of the Contrye adioyninge; nor Can be bettered in profite by any industerye of the undertakers'.²⁷

In their objections to drainage projects, many local writers unconsciously echoed the Suffolk commissioners, describing the undrained fens in glowing terms. They claimed that 'the undertakers have always vilified the Fens, and have misinformed many Parliament men, that all the Fens is a meer quagmire ... and of little or no value'.²⁸ On the contrary, they argued, in their natural state the fens, in addition to corn and fodder, produced 'great store of Wooll and Lambe, and large fat Mutton, besides infinite quantities of Butter and Cheese, and [did] breed great store

²⁵ I. L., *A discourse concerning the great benefit*, p. 15.

²⁶ BL: Add MS 33466, f. 200, evidence provided by representatives of the commoners of Lakenheath (Suffolk) for the commissioners of sewers in February 1622.

²⁷ TNA: PRO: SP16/152/84, 'The Answer of the Commissioners of Sewers for the County of Suffolk to the proposition of the undertakers of the Fenn grounds', [?November] 1629. (The work of commissioners of sewers is described below.) Coincidentally, this valuation of undrained land is exactly the same as Hartlib's valuation of drained land noted above. Ravensdale has drawn attention to a modern scientific discussion of the richness of the undrained fens in L. Hoffman, 'Saving Europe's Wetlands', *New Scientist*, 46 (16 April 1960). Hoffman has commented that 'often these benefits will be greater than those expected after reclamation'. (p. 120.) (Quoted in J. Ravensdale, *Liable to Floods: Village landscape on the edge of the fens, A.D. 450-1850* (Cambridge, 1974), p. 64.)

²⁸ (Anon.), *The Anti-projector, or, The history of the Fen Project* (London, 1646), p. 8.

of Cattell'.²⁹ Others argued that an acre of fen was worth more to the commonwealth than pasture valued at 20s an acre.³⁰ Although their reckoning was based on the dubious notion that all fish and fowl caught in England were bred, fed or maintained in the fens and on the incalculable 'infinite worthe' of fenland plants that provided materials for numerous commodities, their meaning is crystal clear.³¹ The undrained fens were infinitely more valuable than any land produced by drainage works.

These claims by fenmen in defence of their customary way of life were written either in tracts to refute claims by improvers or in petitions to refute proposals in parliamentary bills. Intellectual papers, however, were not the only means by which objections were expressed. In about 1619, plans to provide extra pasture in drained fens for cattle-fattening came under attack in a ten-stanza poem now known as the 'Powte's Complaint'.³² Such projects, the Powte claimed, would not benefit the inhabitants, who were urged to resist them with force, if necessary:

Behould this greate Designe, which they doe nowe determyne,
Will make our Bodyes pyne, A Prey to Crowes and Vermyne,
For they doe meane All Fennes to dreane, And Waters over Master,
And they will make of Bogges and Lakes, For Essex Calves, a Pasture.

²⁹ Sir John Maynard, *The picklock of the old Fenne project* (London, 1650), p. 12. See also the similar description in *The Anti-projector*, p. 8.

³⁰ BL: Harleian MS 368, no. 37, 'Reasons which the Inhabitants in the Fen-Townes & confines thereof, & divers other persons inhabiting the high-countrie, doe make against the drayning of the Fens, and answers to the same'. The text is the same as that in TNA: PRO: SP16/339/27.

³¹ 'Item, that there is never an Acre of fenn ground but (*computatis computandis*) affordeth more Commoditye to the Common weale, then pasture of xx s the Acre Doth, yf all the fish & fowle wich is taken in England were valued; Which though it be not all taken in the fenns, yet is it Breade, fedd, & mayntayned for the most parte therein, Together with the infinite worthe of the recde, fodder, thacke, Turves, flaggs, hassocks, segg, fleggweede for fleggeren Collours, Mattweede for Churches, Chambers, Bedds, and many other fenn Commodityes of greate use both in Towne and Countrie.' (BL: Harleian MS 368, no. 37, objection 9.)

³² The poem is transcribed and printed in full in Dugdale, *The History of Imbanking and Drayning*, p.391. BL: Harleian MS 837, no. 6, is a manuscript version of the poem and is more virulent than that published by Dugdale. Clearly there were at least two versions in circulation but it seems likely that, prior to Dugdale's edition, the poem was only circulated in manuscript. Firth has noted that the poem 'was probably not printed as a broadside, and was certainly not on the Register of the Stationers' Company'. (C. H. Firth, 'The reign of Charles I', *Transactions of the Royal Historical Society*, 3rd series, 6 (London, 1912), p.32.) 'Powte' is the old English word for a lamprey or eel-like fish. (Darby, *Changing Fenland*, p. 60.)

The Fenn bredd Fowles have winges, to Flye to other Nations,
Butt wee have noe such thinges to helpe our Transportacions;
Wee must gyve place, a grievous Case, to horned Beasts and Cattle,
Unlesse that wee cann all agree to dryve them Forth with Battle.³³

The unnamed poet objected because, like all improvements, such plans paid scant attention to local needs. These verses in defence of fenland commons resonate with Anthony Bradshaw's verses celebrating the benefits and customs of Duffield Frith.³⁴ Bradshaw used verse to transmit and transliterate custom for the benefit of 'the poorer sort and ignorant' because he knew that such people could memorise song and verse much more easily than prose.³⁵ Perhaps by using verse, the 'Powte' was hoping to appeal to the poorer sort in the fens and to stir them into action.³⁶

A later poet certainly believed that opponents of drainage were ignorant and backward-looking:

When such as have no Wit, but to defame
All generous Works, and blast them with the Name
Of giddy Projects, are describ'd to be
But Slaves to Custom, Friends to Popery,
And ranckt with those, who, lest they should accuse
Their Sires, no harness, but the Tail, will use.³⁷

³³ BL: Harleian MS 837, no. 6, stanzas 3 and 5.

³⁴ See Appendix 1, Anthony Bradshaw's poem, 'A frend's due commendacion of Duffield Frith'.

³⁵ 'A frend's due commendacion of Duffield Frith', stanza 51.

³⁶ Adam Fox has noted that during the Pilgrimage of Grace verses were circulated that encouraged the rebels to resist the persecutions of 'naughty Cromwell'. (Adam Fox, *Oral and Literate Culture in England 1500-1700* (Oxford, 2000), pp. 384-85.)

³⁷ The thirty-six stanza poem, entitled 'A True and Natural Description of the Great Level of the Fenns', has been published as a postscript in (Anon.), *History or Narrative of the Great Level of the Fenns*, pp. 71-81; stanza 10 is quoted here in full. The author of the poem was not named in this publication but, amongst others, Darby and a contributor to *Fenland Notes and Queries* have identified him as Samuel Fortrey, Surveyor of the Middle Level. (Darby, *Changing Fenland*, p. 94; *Fenland Notes and Queries*, 1 (1 April 1889 - 1 October 1891), no. 215, pp. 319-25.) The reference to using the tail instead of a harness refers to a rider facing backwards on a horse and implies a 'riding' or 'skimmington', a traditional shaming ritual. For 'ridings', see Martin Ingram, 'Ridings, Rough Music and Mocking Rhymes in early Modern England', in Barry Reay (ed.), *Popular culture in Seventeenth-Century England* (Beckenham, 1985), pp. 166-97. See also, E. P. Thompson, *Customs in Common* (London, 1991), Chapter 8, 'Rough Music'.

Throughout his verses, this poet compared the brutishness of fenmen with the nobility, both literal and figurative, of the drainers. He praised the work of the 'Brave Undertakers' who, 'In Spight of Brutish Clamours', pressed on with drainage, as a result of which, 'There shall a change of Men and Manners be'.³⁸ The tone of the 'True and Natural Description of the Great Level' clashes discordantly with the 'Powte's Complaint'. In the former, a triumphant account of the victory of man and machinery over nature and custom, the success of drainage, inevitable and desirable, had secured prosperity for present and future generations. In the Powte's battle-cry, fenmen were summoned to defend their livelihood, indeed their very lives, against the remorseless destruction wreaked by the drainers: accustomed benefits were to be preserved for posterity at all costs.

Fenmen may have actually responded to the Powte's clarion call. A letter, possibly written in 1622, appears to be an apology for this poem and is an eloquent defence of the undrained fens.³⁹ The correspondent apologised for not foreseeing that 'soe sleight a Toy [the 'Powte's Complaint'] could have soe lashed the mindes and affections of people in this dessigne'. Nevertheless, he extolled the attributes of various fenland areas and attacked the latest drainage proposals, not least because they had failed to take into account the actual nature of the fens. Finally he predicted financial ruin for the drainers, who would 'tyer their Boddies, emptie their purses, weary their partners, bee cumbersome to the Countrey and at the length without faithfull performance of what they promise, retorne to the place from whence they came with more knowledge and lesse money'. His arguments were based on his

³⁸ 'A True and Natural Description of the Great Level of the Fenns', stanzas 6 and 16.

³⁹ TNA: PRO: SP14/128/105. The document has been endorsed in a different hand 'about March 1622'. Neither the author nor the recipient was named but from the text it can be inferred that the latter was a member of James I's government. The writer was apparently a prominent inhabitant of the fens. The probable connection with the 'Powte's Complaint' was first suggested in the late 1890s but has not been developed, or refuted, by either Darby or Lindley or any other recent fenland historian. (*Fenland Notes and Queries*, 3 (January 1895 – October 1897), no. 549, p. 123.)

practical knowledge of the fens, his underlying theme being that the region ought to have been managed and maintained by local inhabitants, rather than by outsiders, because only the former understood the fundamental law of fenland exploitation, namely that land use varied according to the scale of flooding to which the different areas were subjected.

iii. Draining the fens

Prior to general drainage, fenland areas that were permanently flooded were exploited for fish and waterfowl; land that was occasionally flooded was used for pasture; land that was only flooded in times of extreme weather was cultivated. Darby has commented that winter floods enriched the pasture and that damage caused by summer floods was not too critical.⁴⁰ As we have already seen, the economy of the undrained fens 'was not as precarious nor as unsubstantial as easy generalisation would have us believe'.⁴¹ Both arable and pasture, however, needed protection from inundation if inhabitants were to make a reasonable living; consequently banks and sewers had been constructed from very early times.⁴² Originally responsibility for maintaining the dikes and sewers that drained the numerous fens lay with individual communities.⁴³ Local custom dictated who should repair and maintain the defences and clear obstructions from the waterways, all of

⁴⁰ Many writers have traced the history of the draining of the fens, beginning with Sir William Dugdale. (Dugdale, *History of Imbanking and Drayning*.) The most comprehensive modern work is collection of writings by H. C. Darby. (Darby, *Changing Fenland*; *idem*, 'Human Geography'; *idem*, *Draining of the Fens*; *idem*, *The Medieval Fenland* (2nd edition, Newton Abbot, 1974).)

⁴¹ For the history of the fens during the Middle Ages and earlier, see Darby, *Medieval Fenland*. The quotation is from p. 67.

⁴² In the Lincolnshire fens a series of at least four lines of protective banks had been constructed before 1241, the earliest probably dating from before 1066. (Darby, *Changing Fenland*, pp. 13-15.) A sewer was 'a fresh water trench compassed in on both sides with a Bank, ... a small current or little River'. (Robert Callis, *The Reading of that Famous and Learned Gentleman Robert Callis, Esq., Sergeant at Law, Upon the Statute of 23 H. 8. Cap. 5 of Sewers. As It was Delivered by Him at Grays Inn in August 1622* (2nd edition, London), p. 8, quoted in Kennedy, "So glorious a work", p. 26.

⁴³ Local customs relating to maintenance of dikes and other maintenance systems in the Lincolnshire Fens are described in detail in A. M. Kirkus (ed.), *The Records of the Commissioners of Sewers in the Parts of Holland 1547-1603* (Lincoln Record Society, 54, Lincoln, 1959), pp. xxx-xxxv.

which were sluggish and prone to overflowing. However, frequent disputes arose between and within communities over unrepaired banks and obstructed channels; consequently, during the thirteenth century the crown intervened by appointing commissioners of sewers.⁴⁴ From then on, customary practice was supplemented by general and specific rulings by the commissioners.⁴⁵ But these men could only act to remedy problems that arose; they were not empowered to introduce new large-scale drainage works.⁴⁶

During the medieval period, a few major drainage works were undertaken, some ordered by commissioners of sewers and financed by rates that had been specially levied and others initiated by individuals.⁴⁷ By far the most ambitious of these projects directly affected the Whittlesey area. Just before 1500, John Morton, bishop of Ely, caused a channel to be cut from Stanground, near Peterborough, through Whittlesey Fen, to Guyhirn.⁴⁸ The purpose of 'Morton's Leam', which was twelve miles long, forty feet wide and four feet deep, was to convey the River Nene in a direct line and in a deeper channel so that flooding was prevented, or at least reduced.⁴⁹ Using a straight cut on such a large scale was innovative and, as Darby

⁴⁴ For the functions of commissioners of sewers see Darby, *Changing Fenland*, p. 36; Kennedy, "So glorious a work", pp. 26-40; Kirkus (ed.), *Records of the Commissioners of Sewers*, pp. xiii-xxx; H. G. Richardson, 'The early history of Commissions of Sewers', *English Historical Review*, 34 (1919), pp. 385-93.

⁴⁵ William Dugdale collected and published the proceedings of the early commissioners. (Dugdale, *History of Imbanking and Drayning*.) See, for example, pp. 299-354 for commissions in northern Cambridgeshire.

⁴⁶ Commissioners and Courts of Sewers were only abolished in 1930, when their work was transferred to bodies that now form part of regional water authorities. (D. Hey (ed.), *The Oxford Companion to Local and Family History* (Oxford, 1996), p. 415, sub 'Sewers, Commissioners of'.)

⁴⁷ In 1422, for example, commissioners judged that Old Podike, which ran from Outwell to Stowbridge and protected the villages of Norfolk marshland from the upland waters, was incapable of repair and so it was replaced by New Podike, just to the south. (Darby, *Changing Fenland*, pp. 18, 21-22, 37.)

⁴⁸ Darby, *Changing Fenland*, pp. 37-38. Apart from the fact that as bishop of Ely, Morton had an interest in the area, it is unclear why he chose to take an active role in fenland drainage.

⁴⁹ Curiously Dugdale does not mention Morton's Leam in his *History of Imbanking and Drayning*. Morton had built a tower at Guyhirn to enable him to see his men at work in the far distance. This tower, which was frequently mentioned in later inquisitions and drainage acts, was still standing in 1810. The channel still survives today but, like other Fenland drains, has been modified and re-cut a number of times since it was first constructed. (Darby, *Changing Fenland*, pp. 37-38.)

has noted, ‘pointed the way forward to a new regime’, but over a century was to elapse before this method was employed in the general drainage of the fens.⁵⁰

In the meantime inhabitants did recognise that some parts of the fens were in urgent need of maintenance because many of the riverbanks and existing drainage dikes had fallen into disrepair and were unable to protect the land against flooding.⁵¹ They believed that these problems were occurring because the ‘laws of sewers’ were being ignored and local preventative repairs were not being performed. Rigorous enforcement of the laws would render new large-scale drainage works unnecessary. But such arguments, harking back to past remedies, could not withstand the momentum of improvement.

iv. Late-Elizabethan and Jacobean drainage bills and acts

During Elizabeth’s reign commentators had begun to advocate agricultural improvement in general.⁵² The fenlands were seen as a prime target. For example, in 1589 Humphrey Bradley argued that, if the area were drained, it would become a fertile region with ‘an abundance of grain and pasturage’.⁵³ Writing in 1651, Samuel Hartlib noted that ‘in Queen Elizabeth’s dayes Ingenuities, curiosities, and Good Husbandry, began to take place, and then Salt-Marshes began to be fenced from the

⁵⁰ In his *Discourse touching the draining of the Great Fennes*, published in 1642, Vermuyden advocated replacing existing winding rivers with straight new cuts; indeed by 1638 he had already constructed the 21-mile-long straight cut, the Bedford River, which augmented, and to a large extent replaced, the tortuous 30-mile course of the River Ouse between Earith and Denver. For a discussion of Vermuyden’s *Discourse*, see L. E. Harris, *Vermuyden and the Fens: A Study of Sir Cornelius Vermuyden and the Great Level* (London, 1953), Chapter 15.

⁵¹ CUL: EDR A8/1, p. 64.

⁵² Kennedy, “‘So glorious a work’”, p. 41. For agricultural improvement in the early modern period see, for example, Joan Thirsk, *Economic Policy and Projects: The Development of a Consumer Society in Early Modern England* (Oxford, 1978); Eric Kerridge, *The Agricultural Revolution* (London, 1967); Joan Thirsk (ed.), *AHEW*, 4, 1500-1640, (Cambridge, 1967), pp. 161-255.

⁵³ Bradley, *Treatise concerning the State of the Marshes*. For Bradley’s life and work, see Darby, *Changing Fenland*, pp. 47-48; L. E. Harris, *The Two Netherlanders: Humphrey Bradley and Cornelis Drebbel* (Cambridge, 1961).

Seas'.⁵⁴ Various relatively small-scale drainage works had been undertaken in several areas during the later sixteenth century.⁵⁵ For example, meeting at Spalding in September 1596, the commissioners of sewers resurrected an earlier project to improve the sluice called Clowes Cross and the Shire Drain, which ran from it.⁵⁶ This mechanism was of key importance for the regulation of flooding in the whole region between Boston and Ely. In late 1596 or early 1597, Whittlesey inhabitants petitioned the privy council complaining that the proposed work to alleviate problem had still not commenced.⁵⁷ Their petition had the required effect. On 2 March 1597 the privy council ordered the commissioners of sewers to raise taxes so that the work was could be carried out as soon as possible.⁵⁸ But it was not until November 1597 that a general drainage bill was introduced into parliament.⁵⁹

The bill was not passed immediately but was re-drafted and, as the 'General Drainage Act', received the royal assent in 1601.⁶⁰ The underlying principle of this and subsequent drainage bills was that communities should be empowered to invite

⁵⁴ Hartlib, *His Legacie*, p. 52, quoted in Darby, *Changing Fenland*, p. 45.

⁵⁵ These works are briefly described in Darby, *Changing Fenland*, p. 50; and in more detail in Kennedy, "'So glorious a work'", Chapter III: 'Elizabethan preliminaries: from piecemeal remedies to general drainage'.

⁵⁶ The deliberations of the commissioners in 1596 are described in Kennedy, "'So glorious a work'", pp. 72-73. The Clowes Cross project was first proposed by commissioners in 1577. (For a discussion of this original proposal, see Kennedy, "'So glorious a work'", pp. 53-57.)

⁵⁷ BL: Add MS 33466, f. 282, petition to privy council by inhabitants of Whittlesey, undated. Although the petition is undated, it is datable to late 1596 or early 1597 because the petitioners specifically refer to the original proposal concerning Clowes Cross 'twenty yeares since' and the meeting at Spalding 'this last summer'. They complained that 'at least fower hundreth housholds in the said towne' were reeling from the effects of three consecutive years of 'the highe and unkinde overflowings of waters', so much so that 'the most parte of us are scarce able to keepe open doores, much lesse with all to beare those chardges wich good & lovinge subiectes (as heretofore wee have done) ought to do towards there so good and gracious a sovereigne, and Countrie'. (The political implications of the wording of this complaint are discussed in the conclusion. See Chapter 6, section v, 'Politics of participation: the politics of the realm'.)

⁵⁸ *Acts of the Privy Council, 1596-1597*, pp. 531-32.

⁵⁹ Kennedy, "'So glorious a work'", p. 75. The purpose of the bill was to redress 'the great impoverishment of many her Majesty's subjects in the Isle of Ely and in the counties of Cambridge, Huntingdon, Northampton, Lincoln, and Norfolk, by surrounding of many wastes, marsh, and watery ground there ...'. (Sir Simonds d'Ewes, *The Journals of All the Parliaments during the Reign of Queen Elizabeth* (London, 1682), p. 564, quoted in Kennedy, "'So glorious a work'", p. 75.)

⁶⁰ For a detailed study of the initial introduction, rejection and subsequent passing of bill, see Kennedy, "'So glorious a work'", pp. 74-86.

outsiders to drain their common fen in return for a grant of part of the drained land. Thus the local community would be relieved of the expense of the drainage works but would benefit from the ensuing improvements. As Kennedy has observed, however, ‘what the proponents of fen drainage did not foresee was the widespread unwillingness on the part of the country to make such agreements in the first place’.⁶¹ Indeed, since any agreements were usually made between adventurers and the major landholders in a particular community, many inhabitants were not necessarily consulted before their traditional way of life was destroyed by drainage.

A further drainage bill ‘for the more speedy recovery of many hundred thousand acres of surrounded grounds’ was introduced into parliament in May 1604.⁶² This proposed that drainage should be facilitated by the division, enclosure and allotment of the common fens. Such divisions would be by ‘banks, ditches and drains’ whereby the ground would be drained piecemeal and at ‘no great charge to any particular person’.⁶³ Unsurprisingly, given the threat to their commons, inhabitants of the Isle raised many objections to the bill, providing counter-arguments to each clause.⁶⁴ They made it clear that their objections had perforce been drawn up hastily in order to be presented in time: ‘Much more might be said but we have scarcely had 4 howers to answeere the obiections, which they have been hammering these 4 weeks at least’.⁶⁵ Despite their hasty construction, it appears that

⁶¹ Kennedy, “‘So glorious a work’”, p. 86.

⁶² This bill is discussed at length in Kennedy, “‘So glorious a work’”, pp. 132–41. Sometime in the later seventeenth century, the text of this bill was copied into a paper book by a clerk of the bishop of Ely, together with other documents relating to drainage in the Isle of Ely. (CUL: EDR A8/1, pp. 50–61.)

⁶³ Kennedy has deduced that the bill was the brainchild of various lords in the Isle of Ely who were attempting to improve their estates at the expense of their tenants. (Kennedy, “‘So glorious a work’”, p. 137.)

⁶⁴ Their objections were listed in a document entitled ‘Reasons of the Inhabitants of the Isle of Ely why the aforesaid Bill should not pass’, undated but *circa* May/June 1604. (CUL: EDR A8/1, pp. 62–86.)

⁶⁵ CUL: EDR A8/1, p. 82. Some of the commoners even personally petitioned the House of Commons to reject this bill and pass an act for ‘scouring of the Auncient Draines’. (CUL: EDR A8/1, p. 70.)

their arguments persuaded the Commons since the drainage bill was shelved until the next session but never revived.⁶⁶

During the following twenty years, many pamphlets and tracts arguing both for and against drainage were circulated and several drainage schemes were proposed but little was actually achieved, not least because returns on invested capital were so uncertain.⁶⁷ Both James I and Charles I were somewhat ambivalent in their attitude towards improvement. On several occasions, posing as paternalistic kings, they expressed their desire to protect their subjects from rapacious landlords eager to enclose common fields and waste to increase rental income or practise intensive farming. More frequently, however, the impoverished king realised that ‘there was money to be made from encouraging progressive economic activity and rationalization such as fen drainage, woodland clearance, [and] new draperies’.⁶⁸ Indeed, given the enthusiasm of both James and his advisers for revenue-raising schemes, it is perhaps surprising that the king showed so little interest in fen drainage before the early 1620s.⁶⁹

In October 1621 a commission of sewers met at Cambridge following James’s declaration that, at his own charge, he would undertake the draining of the fens, work that the monarch hoped would ‘prove both glorious to Us, and beneficiall to Our people’.⁷⁰ He envisaged not only minor improvements ‘to old draynes’ but

⁶⁶ Kennedy, “‘So glorious a work’”, p. 136.

⁶⁷ For a summary of pro- and anti-drainage tracts written during the early seventeenth century and attempts at drainage during that period, see Darby, *Changing Fenland*, pp. 52-65.

⁶⁸ John Morrill, ‘Christopher Hill’s Revolution’, *History*, 74 (1989), pp. 251-52.

⁶⁹ For the early Stuart monarchs’ interest in disafforestation and drainage, see R. W. Hoyle, ‘Disafforestation and drainage: the Crown as entrepreneur?’, in R. W. Hoyle (ed.), *The Estates of the English Crown 1558-1640* (Cambridge, 1992.). However, rather than considering fenland drainage, by far the largest project, Hoyle concentrates on the drainage of King’s Sedgemoor in the Somerset Levels.

⁷⁰ Prior to the meeting of the commissioners, they had required juries in the fen towns to report on the state and usage of the fens in their locality. Many of these reports are preserved in BL: Add MS 33466. The king’s hopes for the project are expressed in a letter to the commissioners, dated 9 October 1621. (BL: Add MS 33466, f. 166.)

also 'new Cuttes, bankinges, or any other meanes, or engines, whatsoever'. His paternalistic concern for 'the peoples generall good', however, was not without price: he demanded 120,000 acres of drained fen in recompense for the outlay of royal capital. The commissioners deliberated for several months over the necessary arrangements, in particular which areas of fen to allocate to the king; whatever their decision, local communities would be inconvenienced. Frustrated by delays, in February 1622 James, observing that 'the Common sort of people are apt to be jealous of any thing that is new, though never so much for their better', urged the commissioners, on 'whose judgement the commoner sort relye', to demonstrate their approval of the scheme and so persuade the populace of that 'generall benefite wich will insue unto them'.⁷¹ Soon afterwards, an act of sewers, which included the allocation of 120,000 acres of drained fen, was passed by the commissioners, but nothing was achieved before the king's death in 1625.⁷²

v. Fen drainage under Charles I

It was not until June 1629 that Charles took an active interest in fen drainage, when he instructed commissioners of sewers to meet at King's Lynn.⁷³ Charles observed that several of his royal predecessors, including his father, had 'Indeavoured by all wayes and meanes to accomlishe the Drayninge of the Fenns' but 'for want of perfecting a generall bargaine with the Countrie this worthie designe' had not

⁷¹ BL: Add MS 33466, f. 196, letter from James I to the commissioners of sewers assembled at Cambridge, February 1622. The commissioners were clearly stalling the decision regarding which land was to be allocated to the king. As major landowners in the fens, some of them would be directly affected by any allocation and all would continue their association with the region; whatever their decision it would have serious repercussions.

⁷² James's involvement is summarised in the preamble to the 'Lynn Law', passed in 1631. (Wells, *History of the Great Level*, 2, pp. 98-99.)

⁷³ TNA: PRO: SP16/144/84, 'The Coppie of the First 1629 letter June 16 Recommendinge Sir Anthony Thomas knight & John Worsopp Gent etc Comissioners of Sewers for the great Levells of fenns in the 6 Countys of Norfolke, Suffolk, Cambridge, Hunts, Northants, the Isle of Ely and Lincoln'. (Papers on fen drainage frequently refer to these 'six' counties: although named separately, the Isle of Ely was included in the county of Cambridge.)

succeeded. Now, owing to his concern for the welfare of his subjects, he wanted the matter to progress satisfactorily. It is worth noting, however, that his concern was only for 'all our Lovinge Subiects who are *owners* of any Fenn lands', rather than for fenlanders in general. He instructed the commissioners to set a rate for drainage costs and 'to receave of the undertakers fare propositions' for draining the fens.

On 13 January 1631 the commissioners finally enacted the 'Lynn Law'. This stated the principles of drainage and the method by which it would be achieved within 360,000 acres of fen and low ground in the counties of Northampton, Norfolk, Suffolk, Lincoln, Cambridge, Huntingdon, and the Isle of Ely.⁷⁴ During the previous year, the commissioners had sought to engage the Dutch engineer, Cornelius Vermuyden, in the work but local objections had indicated 'much unwillingness that any contract should be made with an alien'. The commissioners had subsequently approached Francis Russell, earl of Bedford, to undertake the work. Bedford had agreed to 'drain the said marsh, fenny, waste and surrounded grounds, in such manner as that they shall be fit for meadow or pasture, or arable' within the next six years.⁷⁵ The aim was to produce 'summer grounds', that is, 'land free from water in the summer, and secure only from the worst of the winter floods'.⁷⁶ In recompense for the expenditure and risk involved, Bedford would receive 95,000 acres of drained fen. This would, however, be reduced to a net figure of 43,000 acres because income from 40,000 acres would be used to cover the charges of maintaining those drainage works and 12,000 would be allotted to the king in return for 'these his royal favours vouchsafed to this poor distressed part of his country, which can receive no relief or

⁷⁴ The following summary is taken from Wells, *History of the Great Level*, 2, pp. 99-110, Appendix XII, which is a transcript of the 'Lynn Law'. Darby says that the Lynn Law was enacted in 1630, but it was actually dated 13 January 6 Charles. (Darby, *Changing Fenland*, p. 64; Wells, *History of the Great Level*, 2, p. 98.)

⁷⁵ For Bedford's work see Darby, *Changing Fenland*, Chapter 3, 'The fen project: 1600-63'. For the Bedford Level Corporation, see Wells, *History of the Great Level*.

⁷⁶ Darby, *Changing Fenland*, p. 64.

help, but by his royal hands in giving life to this law'.⁷⁷ The commissioners ordered that the king's 12,000 acres be taken out of the 'surrounded grounds' within the manor[sic] of Whittlesey or adjacent manors.

On 20 February 1632, the earl and thirteen co-adventurers each pledged their financial assistance for the drainage work in return for a proportion of the 95,000 acres.⁷⁸ Their subsequent charter of incorporation established the body that became known as the 'Bedford Level Corporation'.⁷⁹ The charter expressed the pious hope that 'in those places, which lately presented nothing to the eyes of the beholder but great waters, and a few reeds thinly scattered here and there, under the Divine Mercy might be seen pleasant pastures of cattle and kyne, and many houses belonging to the inhabitants'.⁸⁰ The corporation's activities in the 1630s have been summarised by Darby and need not be reiterated here.⁸¹ Suffice it to say that the earl subsequently engaged Vermuyden, which caused complications, but drainage works in the Great Level were commenced almost immediately.

⁷⁷ Wells, *History of the Great Level*, p. 109.

⁷⁸ The 'Indenture of Fourteen Parts' is transcribed in full in Wells, *History of the Great Level*, 2, pp. 111-19, Appendix XIII. The 95,000 acres was divided into twenty shares of which the adventures purchased either one or two. Regarding the difference between an 'undertaker' and an 'adventurer', Darby explains that 'an undertaker was one who contracted to "undertake" an enterprise; adventurers were those who "adventured" their capital in an undertaking'. (Darby, *Changing Fenland*, p. 56.) Although this provides a nice distinction, contemporaries frequently used the terms interchangeably. For example, the representatives of the Whittlesey tenants referred to the land in Whittlesey that had been set out for the *undertakers* when they were actually referring to the allotment of drained fen to the *adventurers* of the Bedford Level Corporation. (TNA: PRO: C2/CHASI/W104/53, document 1.) In the following account, where applicable, the terms 'undertaker' and 'adventurer' will be employed according to their usage in the relevant source document.

⁷⁹ The charter is transcribed in full in Wells, *History of the Great Level*, 2, pp. 120-40, Appendix XIV. Wells gave the date of the charter as 13 March 10 Charles (1635) but Darby mistakenly dated it to 1634. (Darby, *Changing Fenland*, p. 65.)

⁸⁰ Wells, *History of the Great Level*, p. 125.

⁸¹ Darby, *Changing Fenland*, pp. 65-71.

Part 2: Drainage and enclosure at Whittlesey

When, in January 1631, under instructions from the king, the commissioners of sewers enacted the Lynn Law, they set in motion a process that changed forever not only the nature of the fenlands but also the economic lifestyle of the region's inhabitants; a process that rode roughshod over customary usage in the name of improvement, and one that promised riches to commonwealth, adventurers and landowners, but not necessarily to commoners. These outcomes were anticipated: such were the price and the rewards of drainage. It was, however, the unforeseen consequences that were even more costly to crown and commonwealth. In their rejection of the drainage and consequent enclosure of their fens, many fenlanders, unexpectedly knowledgeable, or at least well-advised, not only in customary law but also in common law, utilised the courts to defend and protect their traditional economic independence. Their political awareness, heightened, but not produced, by the disruptions of the 1640s, caused them not only to petition the newly re-opened parliament but also to take advantage of the times to translate their objections into tumultuous and destructive disturbances. Whilst it could be argued that eventually drainage and enclosure did improve the economic output of the fenlands and, therefore, the prosperity of the commonwealth, their more immediate result was to galvanise most of the seemingly indolent indigenous population into an active and effective opposition. The following detailed study of events at Whittlesey seeks to analyse the reactions of the inhabitants there to the enclosure of their former common fens following drainage. By concentrating on one particularly well-documented local community, rather than ranging over many communities thinly documented in the central archives, it is hoped to produce a more nuanced reading of these early

modern fenland riots. But before analysing the Whittlesey riots, we must first consider the method by which the enclosures there were established.

i. The 1630s: Change in the Whittlesey manors

When the Lynn Law was enacted, the two Whittlesey manors were held by Sir Edward Coke of Godwick and his wife, formerly Lady Elizabeth Hatton, the latter having held the manors before her marriage to Coke.⁸² On 10 July 1631, however, the Cokes sold the manors to the earl of Bedford and Richard Weston, earl of Portland.⁸³ Given that the fens were about to be drained and therefore, in theory at least, become more profitable to landowners, the Cokes' decision to sell the manors is somewhat curious. Perhaps they foresaw that drainage would be neither as lucrative nor as easy to accomplish as its proponents suggested; or, perhaps they feared the consequences of the allocation made to the crown by the Lynn Law of 12,000 acres of drained fen around Whittlesey and Thorney. As we shall see, they certainly had first-hand knowledge of difficulties that might arise when dealing with tenants entrenched in custom. Their decision to sell was, nevertheless, made despite recent evidence that drainage was thought likely to bring prosperity to Whittlesey

⁸² For Lady Coke's stormy relationship with her second husband, see A. D. Boyer, 'Coke, Sir Edward (1552-1634)', *ODNB*; A. D. Boyer, *Sir Edward Coke and the Elizabethan Age* (Stanford, 2003), *passim*.

⁸³ The sale was enrolled in Chancery in February 1632. Sir Francis Ashley, sergeant-at-law, was another party to the sale but the precise nature of his involvement is unclear. During the 1620s he had been one of Lady Elizabeth's trustees. (See, for example, TNA: PRO: C78/294/3, 12 May 1626.) Details of the sale of manors are recorded in a subsequent indenture, dated 8 May 1633, by which the lands and properties within the manors were divided between the earls of Bedford and Portland. (See below.) The version of the indenture used here is a nineteenth-century copy in the possession of the current trustees of the Whittlesey Charities. A photocopy was kindly supplied by Mrs Margaret Oldfield of Whittlesey, whose husband is the chairman of the trustees. The indenture will hereafter be referred to as 'Whittlesey Charities: Earls' Indenture, 1633'. None of the documents relating to the Whittlesey enclosure provide any obvious connections between Portland and Bedford; neither do their entries in the *ODNB*, which, in fact, show that they were on opposing sides of the political and religious divides. For the life of Richard Weston, first earl of Portland, see Brian Quintrell, 'Weston, Richard, first earl of Portland (bap. 1577, d. 1635)', *ODNB*. For the life of Francis Russell, fourth earl of Bedford, see Conrad Russell, 'Russell, Francis, fourth earl of Bedford (bap. 1587, d. 1641)', *ODNB*.

itself. In 1629, in his tract advocating drainage, the anonymous H.C. had specifically cited the richness of the surrounded land in 'the great lordship of Whittlesea', where, in the very dry years of 1619 and 1620, 'the edges of the drowned Fenne being dry, yielded twice as much grasse as the rising grounds did'.⁸⁴ As lord of the adjacent manor of Thorney, Bedford could have corroborated this observation.⁸⁵ Perhaps with this in mind, he and Portland approached the Cokes with an irresistible offer.⁸⁶ Doubtless the earls expected their purchase to bear fruit, both literally and figuratively; had the vendors described the negotiations preceding an agreement that they had reached five years earlier with the Whittlesey tenants, the earls might not have been so eager to acquire the manors.

In 1626 an agreement was reached between Lady Hatton's trustees and 136 named tenants and commoners, acting on behalf of the rest of the inhabitants.⁸⁷ Taken as a whole, the twenty-two articles fall into two categories: the first concerning entry fines, rents and services, and the second concerning access to commons. Closer analysis, however, suggests that the two categories represent a bargain struck between the parties. The tenants would gain fixed entry fines, the abolition of services and heriots, and the confirmation of various rights, including digging clay, gravel and sand; in return the landlord would thenceforward hold in severalty various pieces of fen, pasture and arable that had previously been common. Although the precise reasons for the production of these articles are unclear, it is evident that the tenants as well as the landlord wanted these 'customs' to be set in writing. The Whittlesey tenants were steeped, and well-versed, in the ancient

⁸⁴ H. C., *Discourse concerning the Drayning of Fennes*, sig. A4.

⁸⁵ In 1574 the Russell family's Thorney estate covered some 17,800 acres of upland and fen. For a brief study of the manor and parish, see *VCH Cambs*, 4, pp. 219-24.

⁸⁶ The indenture does not state the price that the earls paid for the manors.

⁸⁷ TNA: PRO: C78/294/3, 12 May 1626. The agreement was drawn up on 16 February 1626 and decreed in Chancery on 12 May.

customs of the manors but they did not claim that these particular customs had existed from time immemorial. On the contrary, these were *new* customs the very legality of which depended on ratification by the court of Chancery. The tenants were not using the agreement to ‘transmute oral or ill-defined customs into written and codified documents’; rather both tenants and landlord were seeking to define ‘customs’ that had been ‘invented’ recently.⁸⁸

Whether the tenants had moved first by requesting fixed entry fines and the abolition of services or whether they had counter-moved to match Lady Hatton’s trustees’ demands that part of the commons be enclosed for the lord, they had touched a raw nerve.⁸⁹ Entry fines were a powerful bargaining tool and the tenants clearly believed that fixed fines were financially more important to them than access to all of the manors’ commons – perhaps not surprising since the vast common fens, at that time, were effectively open access.⁹⁰ The bargain struck between the tenants of Whittlesey and the trustees, moreover, demonstrates the sheer sophistication of popular understandings of political rights and economic interests. When they purchased the manors, therefore, the earls were, probably unwittingly, investing in a community that was fully conscious of its rights and of its bargaining power.

The earls immediately set about maximising the profits arising from the Whittlesey manors, in particular by improving the common fens. There were approximately 18,000 acres of ‘greate wast Marishe grounds’ which ‘tyme out of memory of man’ had been used in common by the lords of the manors and their

⁸⁸ A. Fox, ‘Custom, memory and the authority of writing’, in P. Griffiths, A. Fox and S. Hindle, (eds), *The Experience of Authority in Early Modern England* (Basingstoke, 1996), p.110.

⁸⁹ Whilst it is unclear whether it was the tenants or Lady Hatton’s trustees who initiated the changes in fines and access to commons, it is abundantly clear that the tenants were willing and able to stand up for themselves.

⁹⁰ For attempts by the ministers of James I to fix entry fines on crown estates at rates favourable to the landlord, rather than the tenants, see R. W. Hoyle, “‘Shearing the hog’: the reform of the estates, c.1598-1640”, in Hoyle (ed.), *Estates of the English Crown*, pp. 204-27. As we have already seen, entry fines were also a cause of contention at Duffield. (Chapter 4, part 1, section ii, ‘Composition for fines and the sale of copyholds’.)

tenants.⁹¹ Over the years, these common fens had been maintained by the traditional means of cleansing and scouring the drains, sewers and other watercourses. Nevertheless, by the 1630s they had not been profitable for some time because they had been covered by a 'superabundance of waters'. As well as the earls, some of the leading Whittlesey tenants believed, or had been convinced, that large-scale drainage schemes would solve these problems. They welcomed the king's proposals that authorised the improvement of surrounded grounds 'for the publique benefit of the Common wealth'. During 'long treatates' between the earls' representatives and these tenants, the latter were persuaded that, once the Whittlesey fens had been drained and the 'undertakers' allocation' set out, it would be much more 'Commodious & profittable' to both earls and tenants alike if the residue of those fens were in an 'equall & reasonable proporcion' divided amongst them and held in severalty.⁹²

In numerous fenland communities the drainage works financed by Bedford and his co-adventurers and carried out by Vermuyden proved exceedingly unpopular.⁹³ During the 1630s inhabitants disrupted such works by destroying newly-erected banks, infilling channels or leaving sluices open.⁹⁴ Vermuyden engineered two important drainage projects in the immediate vicinity of Whittlesey. Directly to the north of the town, he improved and remade Morton's Leam, which

⁹¹ TNA: PRO: C2/CHASI/W104/53, document 1, 17 February 1633. The following description is taken from this document, which refers back to earlier discussions between the earls' representatives and the tenants.

⁹² The 'undertakers' allocation' was the land that had been allocated to the king. The Lynn Law had stated that 12,000 acres in the Whittlesey area would be given to the king in recognition of 'his royal favours vouchsafed to this poor distressed part of his country, which can receive no relief or help, but by his royal hands in giving life to this law'. (Wells, *History of the Great Level*, 2, p. 109.) In fact, only about half of the 12,000 acres were taken out of the fens belonging to Whittlesey itself. See below for details. (Chapter 5, part 2, section iv, 'Changes to the enclosures'.)

⁹³ For a brief account of various anti-drainage riots during the 1630s, see Darby, *Changing Fenland*, p. 67. Although there is a clear distinction between attacks on drainage works and attacks on enclosures made in drained fens, Lindley's work tended not to distinguish between the two. For accounts of both types of riot during the 1630s, see Lindley, *Fenland Riots*, pp. 77-107. In the absence of parliament during this period, and therefore of any parliamentary papers, these accounts have been based mostly on reports sent to the Privy Council and documents preserved in the State Papers.

⁹⁴ Darby, *Changing Fenland*, p. 67.

ran from Peterborough to Guyhirn, cutting through Whittlesey Fen and Bassinmore.⁹⁵ To the south, he cut Bevill's Leam, which ran from Whittlesey Mere to Guyhirn, through Glassenmore and Eastrea Fen.⁹⁶ Whilst in progress these works would have caused much disruption in the area. There is, however, no indication in the extant records that inhabitants attacked these works. Although absence of evidence cannot be taken as evidence of absence, this does suggest that in Whittlesey drainage itself was accepted, or least tolerated, because the new cuts were designed to prevent existing watercourses overflowing the area. But the completion of the drainage works did not mark end of the changes being made to the landscape, because the earls, with the agreement of the leading tenants, had already decided to enclose the newly drained fens to enable them to be cultivated or grazed more profitably. Whilst the drainage of the former common fens may to have been tolerated by the majority of inhabitants, their enclosure certainly would not be.

ii. An enclosure by agreement

At enclosure only manorial tenants would be entitled to allotments within the enclosed fens, the numerous sub-tenants in the town would not necessarily gain anything, although some might be offered a lease of their landlord's allotment. Enclosure would automatically deprive these sub-tenants, and also the inhabitants of non-commonable cottages, of their *de facto* access to the fens and its benefits. The enclosures not only divided the vast open fens into individually defined units, they also divided the community that had previously shared those fens without limit into

⁹⁵ Darby, *Changing Fenland*, p. 65. See above for a description of the original construction of Morton's Leam.

⁹⁶ Darby, *Changing Fenland*, p. 65. Bevill's Leam was ten miles long and forty feet wide. It was named after Sir Robert Bevill of Chesterton, Huntingdonshire, one of the adventurers. (Wells, *History of the Great Level*, 2, p. 111, Appendix XIII, The Indenture of Fourteen Parts.) BRO: Bedford Level, Uncatalogued Box 2, bundle 3, comprises receipts, dated from 1632 to 1634, for payments received by Sir Robert Bevill from the earl of Bedford 'towards the works of drayninge' the Great Level of the Fens, one of which was Bevill's Leam. The total of the accounts is over £20,000.

individuals with limited legal access and individuals with no legal access whatsoever.

The enclosure at Whittlesey was brokered by prominent local men with a vested interest; men such as George Glapthorne and Roger Wiseman, who had substantial holdings in the manors and who later became large-scale engrossers.⁹⁷ In October 1632, after numerous discussions between the earls and representatives of the tenants, led by Glapthorne and Wiseman, agreement was reached concerning the division of the former common fens.⁹⁸ The detailed articles of agreement, subscribed by 114 tenants, specified how land in the drained common fen would be allocated: ten acres of fen to each commonable cottage, twenty acres to each fulland; and other acreages proportionately.⁹⁹ Locations of allotments were clearly designated: tenants with more than one holding would have their allotments set out together; 2,000 acres of fen would be left as stinted common for the lord and tenants; the residue of the fen would be enclosed for the lord. The articles were due to be ratified by the court of Chancery in February 1633.

Although witnesses later claimed that the majority of tenants were not party to the discussions that preceded the drafting of these articles, their contents were evidently ‘published and read openly’ to all of the tenants at a special meeting of the courts of both manors.¹⁰⁰ Here there was an open and frank exchange of views, during which ‘many of the chiefest of the Tennantes subscribed [to the agreement] and many of them spoke against the same’, although some seventy signatories later claimed to have been persuaded to sign by the ‘sollicitation’ of Glapthorne and

⁹⁷ The positions of Glapthorne and Wiseman in the local community will be discussed below.

⁹⁸ The seven articles of agreement are summarised in TNA: PRO: C2/CHASI/W104/53, document 1, 17 February 1633.

⁹⁹ The definitions of these manorial holdings are given above in the section on landholding.

¹⁰⁰ TNA: PRO: C3/418/177, document 3, petition of John Dowe *et al.*, 27 November 1635; TNA: PRO: C3/418/177, document 4, answer of William Lane, gentleman, and seventy-three other named inhabitants, defendants to bill of complaint by John Dowe *et al.*, (undated).

Wiseman.¹⁰¹ After this meeting, opponents of the agreement, or perhaps some ‘don’t knows’, identified inconsistencies between what was thought to have been agreed and the actual contents of the articles.

When the tenants who supported the enclosure presented the articles for ratification in Chancery, they requested that these inconsistencies be addressed, claiming that the written articles did not actually cover every point that had originally been discussed with the earls.¹⁰² They argued that the ‘intentions’ of the discussions as well as the resultant articles should be included ‘as really as if the same had bin written & comprized in the said articles’ in order to ‘avoide obscurity & all daubtes’ that may arise. They invoked their memories of the discussions to cast doubt on the written articles and insisted that these memories should also be written down so that they were both clarified and validated. The earls subsequently agreed that both original articles and intentions should be ratified.¹⁰³ On Saturday 16 March 1633, a Chancery decree was issued ratifying all articles agreed between the earls and their tenants concerning the enclosure of the fens around Whittlesey.¹⁰⁴ In theory,

¹⁰¹ TNA: PRO: C3/418/177, document 4.

¹⁰² TNA: PRO: C2/CHASI/W104/53, document 1, 17 February 1633; TNA: PRO: C2/CHASI/W104/53, document 3, 20 February 1633. In the court of Chancery in February and March 1633, the 114 tenants who had agreed the articles were represented by Thomas Boyce, Roger Wiseman and Robert Coveney, men who were to become leading engrossers in the Whittlesey fens. (TNA: PRO: C3/418/177, document 4, answer of William Lane, gentleman, *et al.*)

¹⁰³ TNA: PRO: C2/CHASI/W104/53, document 4, 7 March 1633. Amongst other things, the thirteen new articles gave more detailed instructions for the allocation of land; confirmed that tithes due from the allotments would only amount to a halfpenny per acre and that the allotments would be held from the lord by common socage at the rent of one penny per acre; and clearly defined the remaining areas of common open to the tenants.

¹⁰⁴ TNA: PRO: C78/355/1, decree between George Glapthorne esquire, Robert Coveney, Roger Wiseman, Thomas Boyce *et al.*, tenants of the Manors of Whittlesey St Mary and Whittlesey St Andrew in the Isle of Ely, plaintiffs, and Richard, earl of Portland and Francis, earl of Bedford, defendants, 16 March 1633. The decree also appointed commissioners who would set out the commoners’ allotments, the land reserved for the lords and the remaining 2,000 acres of common fen. For the mechanics of enclosure by agreement and the ratification of such agreements, see Maurice Beresford, ‘Habitation versus Improvement: The Debate on Enclosure by Agreement’, in F. J. Fisher (ed.), *Essays in the Economic and Social History of Tudor and Stuart England in Honour of R. H. Tawney* (Cambridge, 1961), pp. 40-69 and Eric Kerridge, *Agrarian Problems in the Sixteenth Century and After* (London, 1969), Chapter 4, ‘Enclosure’ and Chapter 5, ‘The Ratification of Enclosures’.

therefore, the enclosures that were to be set out by the earls had been agreed by the tenants.¹⁰⁵

A week later, on Sunday 24 March, inhabitants of both parishes were summoned 'by a publique notice' to St Andrew's parish church, where the tenants' original petition, the earls' answer and the decree were read out in an 'audible voyce' by the vicar, William Mason.¹⁰⁶ This public rehearsal of the legality of the enclosure had not been specifically required by the Chancery decree. It is unclear whether Mason was acting on his own initiative, not least because the success of the enclosure would result in increased tithes, or at the request of either the earls or Glapthorne and other leading supporters of the enclosure. It is clear, however, that Mason was keenly aware of the importance of transmitting orally the written decree. The congregation could not fail to hear what had been agreed on their behalf, whereas few would have been able to read the same.¹⁰⁷ Of course, whether they listened and understood, or even wilfully misunderstood, is another matter. The significance of Mason's action lies in his awareness of the divide between oral and written culture and the need to bridge that gap within the community, a community on the verge of being divided literally as well as already being divided literately.¹⁰⁸

¹⁰⁵ For a discussion of the nature of enclosure agreements, in particular whether they were actually agreements at all, see Maurice Beresford, 'The Decree Rolls of Chancery as a Source for Economic History, 1547-c.1700', *Economic History Review*, 2nd series, 32 (1979), pp. 1-10.

¹⁰⁶ TNA: PRO: C3/418/177, document 1, answer of William Mason, clerk (undated). Mason stated that he read out the petition, order and decree in the church 'upon the first Sunday after the returne of the said Agents Roger Wiseman & Thomas Boyce from London'. Since the decree was issued on Saturday 16 March, it is unlikely that it was read out in Whittlesey on 17 March.

¹⁰⁷ In medieval and early modern England, legal notices were frequently pinned to the church door; perhaps this was Mason's way of reinforcing the traditional method of transmitting important information and news. As we shall see, following the outbreaks of unrest in Whittlesey, various orders from the House of Lords were published by Mason in the two parish churches. Two surviving orders have been endorsed by him, thus confirming that he had received and published them. (HLRO: HLMP, bundle dated 26 June 1643, the earls of Bedford and Portland *versus* the inhabitants of Whittlesey, orders dated 2 August 1641 and 24 May 1642.)

¹⁰⁸ The provision of schooling at Whittlesey was not continuous. In June 1638, the churchwardens of both parishes presented that 'we have no schoolmaster in our parish'; however, in the visitation returns of later that same year, the wardens of St Andrew's presented that 'our curate is newly come

Shortly afterwards commissioners began setting out the divisions in the fens. Tenants were summoned to an extraordinary manorial court to show their copies. Having proved their entitlement, they were given an allotment in the fen according to the size and nature of their holding.¹⁰⁹ Initially the new arrangements were accepted and tenants began using their allotments, travelling to them across newly-established droveways. They later complained, however, that the main droveway between their houses and the remaining common and allotments was nearly five miles long and was set out in such a way that the tenants ‘with their Cattle Carts and other carriag cannott have accesse or Receive [any] benefitt thereby without theire Trespassing upon the said lords porcion’.¹¹⁰ Thus it is clear that the enclosures, and in particular the way in which they had been set out, quickly became a source of contention between the earls and some of the tenants.

iii. Legal objections to the enclosures

In May 1633, two months after the enclosure was ratified, the earls formally divided the property and lands in the Whittlesey manors between them.¹¹¹ They shared the demesne lands almost equally but Portland became sole lord of the two manors and owner of the rectory of St Mary’s, the rectory of St Andrew’s having been sold to George Glapthorne in June 1632. Technically from thenceforth Bedford was simply a tenant, albeit one with extensive holdings, including the manor house of St Mary’s; in practice, however, little had changed. In all future proceedings concerning the enclosures and subsequent riots, his name was still linked with Portland’s, since, in

unto us and intendeth to take lycense for teaching the schoole as soon as may be’. (*Transactions of the Cambridgeshire and Huntingdonshire Archaeological Society*, 4, (Ely, 1930), pp. 339, 378.)

¹⁰⁹ TNA: PRO: C3/418/177, document 1. Mason even alleged that some inhabitants with no entitlement had attempted to claim allotments.

¹¹⁰ TNA: PRO: C3/418/177, document 3.

¹¹¹ Whittlesey Charities: Earls’ Indenture, 1633.

addition to being a major landholder within the manors, he was also lord of neighbouring Thorney and chief adventurer in the fens.¹¹²

Objections to the Whittlesey enclosures first surfaced in 1635. Whilst it is perhaps surprising that the tenants had waited two years before voicing their discontent, their comments about the inconveniences of the droveway suggest that they had spent those years trying to make the enclosures work. Their outright opposition came after a change in landlord – Jerome, second earl of Portland, succeeded his father in March 1635.¹¹³ Perhaps hoping that the new lord might prove amenable, or a pushover, opponents of the enclosures seized their opportunity. On 27 November 1635, 126 named tenants presented an information in Chancery arguing that the 1633 decree should be declared void as the majority of tenants had not agreed to the articles and intentions.¹¹⁴ Indeed, they alleged that the initial negotiations in early 1632 between the earls and the tenants, led by Glapthorne and Wiseman, had proceeded without the knowledge of the majority. The complainants had expressly refused to sign the agreement of October 1632 not only because it denied tenants unlimited access to the common fen but also because allotments in lieu of common were ‘chargeable with innovated customes and unaccustomed Rents’. Many of those who had signed the agreement, they alleged, had been forced to sign by the ‘perswasions and procurement’ of Glapthorne and Wiseman. At least forty-eight named signatories had not been tenants before 1632. The complainants, therefore, perceived the enclosures as an attack on the immemorial customs of the manors and believed that many signatories were either coerced or were newcomers

¹¹² Throughout his account of the Whittlesey riots, Lindley described the two earls as ‘the lords of the manor’ but the earls’ indenture of 1633 makes it quite clear that Bedford had relinquished his portion of the lordship to Portland.

¹¹³ Richard, earl of Portland, died in March 1635 and was succeeded by his son, Jerome. For the life of Richard Weston, first earl of Portland, see Brian Quintrell, ‘Weston, Richard, first earl of Portland (bap. 1577, d. 1635)’, *ODNB*. For the life of Jerome, second earl of Portland, see Sean Kelsey, ‘Weston, Jerome, second earl of Portland (1605-1663)’, *ODNB*.

¹¹⁴ TNA: PRO: C3/418/177.

who ignored, or were ignorant of, those customs. But how accurate was this assessment of the attitude and status of the signatories?

We have already noted that many signatories did indeed complain that they had been persuaded to sign.¹¹⁵ The claim that forty-eight signatories had only recently become tenants, however, does not withstand close scrutiny. Comparison of the names of these 'new' tenants with the tenants who reached agreement with Lady Hatton's representatives in 1626 suggests that, at most, only thirteen were, in fact, recent incomers.¹¹⁶ Incidentally, comparison of the names of the signatories to the October 1632 enclosure agreement with the names of the complainants in 1635 shows that ten men were party to both documents.¹¹⁷ The most likely explanation is that these men had had second thoughts about the enclosures.¹¹⁸ Taken together, these two sources provide the names of some 230 tenants and commoners within the two manors: 104 (45.2 per cent) allegedly supported enclosure, 116 (50.4 per cent) opposed it and ten (4.4 per cent) initially supported it but then reconsidered.

Eventually, in February 1637, commissioners were appointed to examine those tenants who had allegedly signed the enclosure agreements without the

¹¹⁵ TNA: PRO: C3/418/177, document 4.

¹¹⁶ TNA: PRO: C3/418/177, document 3; TNA: PRO: C78/294/3, agreement between 136 named Whittlesey tenants and the representatives of Lady Elizabeth Hatton, 12 May 1626. The names of thirteen 'new' tenants cannot be matched either exactly or with the surnames of the 1626 subscribers, but two of the 'new' names are illegible. The eleven who were definitely not signatories to the 1626 agreement were: William Mason (the vicar), John Lambe, William Coy, John Bearley, Thomas Ives, John Foxton, William Fawne, William Burgage, Thomas Garner (or, Gardner), Miles Miller and Osmond Conquest. Of the other thirty-five, thirteen had the same surname as tenants in 1626 and twenty-two had exactly the same name.

¹¹⁷ TNA: PRO: C2/CHASI/W104/53, document 1, ratification of the articles of agreement drawn up in October 1632, 17 February 1633; TNA: PRO: C3/418/177, document 3, 27 November 1635. The ten men who signed the 1632 agreement and subsequently objected were: John Avelin, William Burnham, Henry Heymont, William Heymont, Edward Kelfull, John Laxon (1), John Laxon (2) William Laxon, John Richardson and Thomas Wiseman. The problem of isonymy is discussed in Appendix 5, 'The problem of isonymy: the Whittlesey allotments'. Allowances for this problem have been made where possible, but as men were rarely distinguished by occupation or place of habitation in the records, some elisions may have occurred.

¹¹⁸ At Caddington, several commoners changed their minds over leasing land in the enclosures, suggesting that pressure had initially been applied to receive their co-operation. (Steve Hindle, 'Persuasion and Protest in the Caddington Common Enclosure Dispute, 1635-39', *Past & Present*, 158 (1998), pp. 38, 78.)

knowledge and consent of the majority.¹¹⁹ In their defence, the signatories claimed that they had not agreed to the enclosures for ‘any privat or particuler benefit or advantadge to themselves’ but had believed that the allotments would benefit all of the inhabitants as well as the earls. Although the complainants of 1635 had not subscribed to the original articles in 1632, the proposed enclosure had been outlined in the manor court.¹²⁰ Furthermore, the signatories claimed that they too had been deceived over the enclosures, for they had not agreed that the ‘intentions’ should be ratified.

The vicar, William Mason, was less sympathetic towards the complainants, not least, one suspects, because they were objecting to tithes being levied on the allotments.¹²¹ In 1633, when he read out the decree in church, no-one present was ‘gainesaying or disaloweing the said decree or anything therein conteyned’. Indeed, most of the tenants who subsequently complained about the divisions had willingly met with the commissioners to claim their allotments. Mason accused the complainants of merely acting out of ‘factious opposition & clamour’ and not from any just cause. His accusation, whatever its accuracy, emphasises the nature of opposition to enclosure at Whittlesey during the 1630s: inhabitants attempted to resolve their grievances by legal means, voicing their ‘clamour’ in court, both in Whittlesey and Westminster. The outcome of this lawsuit is unknown but whatever it was, it soon became irrelevant because just six months later this local dispute was overtaken by national events.

¹¹⁹ TNA: PRO: C3/418/177, document 2, commission, 16 February 12 Charles. Two documents, containing the replies of seventy-five supporters of the enclosures were returned to Chancery in Easter term 1637. (TNA: PRO: C3/418/177, documents 1 and 4.)

¹²⁰ TNA: PRO: C3/418/177, document 4. This meeting of the manor court has been discussed above.

¹²¹ TNA: PRO: C3/418/177, document 1.

iv. Changes to the enclosures

During September and October 1637, commissioners of sewers met at St Ives to consider the progress of Bedford's drainage works. On 12 October, the 'St Ives Law' pronounced the 'late surrounded grounds' drained according to the 'purport and intent' of the Lynn Law.¹²² As previously agreed, the king was allotted 12,000 acres in the area around Whittlesey and Thorney, including 5,716 acres within the manors of Whittlesey.¹²³ This caused problems in Whittlesey itself because some of land now allocated to the king by the commissioners had already been allotted to various tenants by the 1633 Chancery decree, thus rendering the latter 'in diverse particulars very intricate and unsettled'.¹²⁴ Consequently, the locations of the tenants' allotments at Whittlesey needed to be adjusted.¹²⁵ Discussions followed and finally, on 3 October 1638, tripartite articles of agreement were made between Portland, Bedford and the commoners' representatives.¹²⁶

These articles were very similar to the earlier ones. For example, tenants of commonable cottages would be allocated ten acres of drained fen and tenants of fullands twenty acres; rent for allotments would be one penny per acre and tithe a

¹²² Darby, *Changing Fenland*, p. 67. For the text of the St Ives Law of Sewers, see Wells, *History of the Great Level*, 2, pp. 236-48, Appendix XVI, An exemplification of the St Ives Law of Sewers. In fact, from subsequent complaints and petitions that were sent to the Privy Council it is clear that in many areas the Corporation had created only 'summer grounds', which were still subject to flooding in winter. It is likely that the commissioners made the award because the adventurers were facing financial ruin.

¹²³ The 5,716 acres in Whittlesey allocated to the king are described in detail in Wells, *History of the Great Level*, 2, pp. 308-309. They included 1,078 acres in North Fen, 2,078 acres north of Bevill's Leam, 734 acres in Middle Fen, 932 acres in Eastrea Fen and 646 acres in 'the Moor'.

¹²⁴ TNA: PRO: E125/24, p. 314, f. 2v. This entry in the Exchequer Decree book sets out the background to the Whittlesey enclosure and the Exchequer's ruling thereon. The decree fills 26 folios but the pagination in the book is incomplete. The decree commences on p.314 but thereafter none of the pages are numbered. I have numbered them from f. 1r to f. 26r, so references to this document take the form 'TNA: PRO: E125/24, p. 314, f. Xr/v'.

¹²⁵ Although the St Ives Law was not published until October 1637, it is clear that the allocations to the king had been made earlier because on 11 September over 200 named Whittlesey tenants had asked twelve leading inhabitants to renegotiate with the earls the division of the drained fens. (TNA: PRO: E125/24, p. 314, f. 3r.) The nominated representatives were John Boyce, Thomas Boyce, John Combes, Robert Coveney, John Dowe, William Edis, George Glapthorne, William Higham, William Tassell, Francis Underwood, Roger Wiseman and Thomas Wiseman.

¹²⁶ TNA: PRO: E125/24, p. 314, ff. 3v-8r.

halfpenny per acre. There were three main changes. Firstly, locations of allotments had been altered. Secondly, the agreement drawn up in 1626 between Lady Hatton's representatives and the tenants would be confirmed in the Exchequer.¹²⁷ Thirdly, as Portland had become sole lord of the manors, Bedford was treated as a tenant regarding the allotments.¹²⁸ The necessary legal process, commenced by 216 named tenants, enabled the articles to be duly ratified by the Exchequer.¹²⁹

The amended enclosure agreement apparently received more support within the manors than had the original. Of the 216 signatories to the latest agreement, seventy-eight (36.1 per cent) had signed the original agreement in October 1632, eighty-two (38.0 per cent) had objected to the original in 1635, ten (4.6 per cent) had done both, and forty-six (21.3 per cent) had done neither.¹³⁰ Of these forty-six 'new' signatories, twenty-five had the same surname as signatories to the first two documents.¹³¹ Although some tenants had claimed that they had been coerced into signing the 1632 agreement, the fact that different tenants signed the various documents suggests that these people were able to exercise choice over their involvement with the enclosure. Had they been forced to participate, or had documents been falsified, it is arguable that the same names would have recurred. Many individuals at Whittlesey chose how and when they participated in the politics of enclosure.

¹²⁷ The new 'customs' that had been invented in 1626 were to be ratified by the Exchequer, having already been formalised in Chancery. Here was a case of custom being given the force of common law twice over.

¹²⁸ Because of Bedford's change of status *within* the manors the new agreement was a tripartite agreement between the tenants and each of the earls, rather than a bipartite one between the tenants and both earls; his status *outside* the manors as chief adventurer ensured that it was not a bipartite agreement between the tenants, including Bedford, and Portland.

¹²⁹ The articles were exhibited as an 'English bill' in the Exchequer by 216 named tenants. The earls responded by agreeing that the articles should be ratified and requested commissioners be appointed to apportion the fens according to the articles. (TNA: PRO: E125/24, p. 314, ff. 1r, 8r-11v.)

¹³⁰ TNA: PRO: C2/CHASI/W104/53, document 1, ratification of the articles of agreement drawn up in October 1632, 17 February 1633; TNA: PRO: C3/418/177, document 3, 27 November 1635; TNA: PRO: E125/24, p. 314, f. 1r.

¹³¹ Some of the changes in names may have occurred due to the death of tenants.

v. The enclosures are laid out

The tripartite articles of agreement, between Portland, Bedford and the commoners' representatives that had been drawn up on 3 October 1638, formed the basis of the subsequent Exchequer decree that brought about the enclosure.¹³² Since it is clear from the above account that these people had agreed, or had been persuaded to agree, to the enclosure, this must have been a collusive suit brought in the Exchequer to establish the legality of the enclosure.¹³³

Following their appointment in November 1638, commissioners held a court of enquiry at Whittlesey to identify the tenants of each commonable property, whether cottage, fulland or fraction of a fulland.¹³⁴ They then set out the appropriate allotments to those tenants in the areas of the drained fen that had been earmarked for such enclosures: 3,780 acres were allotted to the tenants of 378 commonable cottages, messuages and tofts, and 2,204 acres were set out for tenants of fullands and other lands.¹³⁵ The commissioners also laid out the other enclosures defined in the agreement, including demesne enclosures, the townlands and 2,000 acres of stinted common.¹³⁶ The residue, some 3,500 acres, was divided between Portland

¹³² TNA: PRO: E125/24, p. 314, ff. 3v-8r.

¹³³ For enclosure agreements established by collusive or fictitious suits brought in the Court of Chancery, see Beresford, 'Habitation versus Improvement'; Beresford, 'The Decree Rolls of Chancery'. For such suits in both the Courts of Chancery and Exchequer, see Kerridge, *Agrarian Problems*, p. 113.

¹³⁴ The text of the actual commission is recorded in TNA: PRO: E125/24, p. 314, ff. 11v-12r; the articles to be 'enquired of and executed' are transcribed in ff. 12v-14r. The commissioners were John DeLavall, Thomas Catesby and Benjamin Hare. DeLavall was Portland's steward in the manors. Hare was a surveyor, who in 1652 surveyed the manor of Thorney for the earl of Bedford. (BRO: R1/144, Benjamin Hare's survey of the manor of Thorney, 1652.) In their report, which was returned to the Exchequer on 6 January 1639, the commissioners listed each holding, whether a commonable cottage, fulland or odd acres, together with its location and the name of its legal tenant. (TNA: PRO: E125/24, p. 314, ff. 14v-25v.)

¹³⁵ The commissioners recorded the exact location of each individual 'cottage lott' and 'land lott'. Although I have not been able to find a contemporary record of the locations of these lots, a nineteenth-century copy has survived. (CRO: 126/M91, pp. 110-34.) This volume also contains a record of the 358 commonable properties in the manors in 1801. (CRO: 126/M91, pp. 177-90.)

¹³⁶ The articles give precise instructions concerning the location of the various allotments, of the remaining common, of the 100 acres of 'townlands' given by Lady Hatton in 1626 and of the land to be held in severalty by the earls as specified in their indenture of 1633. The townlands were for the 'generall benefitt use and releife of the said towne of Whittlesie'. (TNA: PRO: C78/294/3.)

and Bedford.¹³⁷ On 6 February 1639 the articles of agreement and the division of the fens of Whittlesey were ratified by the court of Exchequer.¹³⁸

After nearly seven years of negotiations, therefore, the division of the drained fens at Whittlesey was finally enshrined in law. This division had been made with the consent of over 200 inhabitants. As we shall see, however, the other inhabitants, whom the signatories had claimed to represent, did not necessarily concur with the agreement; indeed, some of the signatories themselves later withdrew their consent. Before reconstructing the events that followed the enclosure, it is worth briefly considering the propertied interests of the known supporters and opponents of this measure, established by law that, both literally and figuratively, divided the community.

The 216 signatories to the enclosure agreement drawn up in October 1638 were named as the complainants in the Exchequer decree made in February 1639.¹³⁹ As the complainants were acting on behalf of 'themselves and others the Free and Coppiehold tennants' of the Whittlesey manors, it is reasonable to assume that they all had a vested interest in the enclosure as property-holders in the manors. Comparison of the names of the complainants with those of tenants who received allotments does indeed show that the majority had been allocated land in the enclosures, ranging from William Noble, who received one acre, to George Glapthorne, who received 265 acres.¹⁴⁰ At least thirty signatories, however, had not been allocated any land.¹⁴¹ What interest might propertyless inhabitants have in the

¹³⁷ The manner in which the residue was to be shared out was stipulated in article 13 of the commission.

¹³⁸ TNA: PRO: E125/24, p. 314, f. 26r.

¹³⁹ TNA: PRO: E125/24, p. 314, ff. 1r-1v.

¹⁴⁰ TNA: PRO: E125/24, p.314, ff. 1r-1v (complainants); E125/24, p.314, ff. 14v-23v (tenants).

¹⁴¹ In such comparisons, it is not possible to allow for men with the same name and/or multiple holdings: neither the researcher nor the computer programme can distinguish between the two. Although such comparisons cannot be accurate, they do nevertheless give an indication of the

enclosure? Since twenty-five of the thirty had the same surname as tenants who received allotments, it is possible that they were acting as representatives of landholding relatives.¹⁴² Three of those twenty-five were widows; perhaps their husbands had died recently and these widows were awaiting formal admittance to the tenancy.¹⁴³ Also, at least seven of the twenty-five may have been related to widows who did hold property in the manors.¹⁴⁴ Perhaps the five complainants with no surname connection were recent incomers yet to be formally admitted.¹⁴⁵

We have already noted that, of the 126 inhabitants who, in November 1635, objected to the original enclosure agreement, ninety-two subsequently signed the 1638 agreement and received allotments.¹⁴⁶ Whilst the remaining thirty-four did not openly consent to the enclosure, twenty-two of them were tenants of holdings and received allotments. The other twelve were not manorial tenants, although ten had surnames in common with tenants.¹⁴⁷ Presumably these men were subtenants who exercised *de facto* rights in the common fens around Whittlesey. If not, why would

proportion of tenants involved. (See Appendix 5, 'The problem of isonomy: the Whittlesey allotments'.)

¹⁴² It seems unlikely that twenty-five tenants had died in the short period of time between the allotments being made and the decree being ratified, although three may have done (see below). (The commissioners' report of the allotments is dated 6 January 1639; the decree is dated 6 February 1639.)

¹⁴³ The three widows who were complainants but did not receive allotments were: Widow Pinxon (Henry Pinxon received ten acres for a cottage in Briggate; Widow Ground (at least five men surnamed Ground received allotments); Widow Houshold (at least three men surnamed Houshold received allotments).

¹⁴⁴ The property-less men and propertied widows with the same surnames were: Robert and William Gage and Widow Gage; John Henson and Annis Henson, widow; William Ouldsby and Elizabeth Ouldsby, widow; Robert Phillip and Elizabeth Phillips, widow; Michael and Thomas Searle and Widow Searle.

¹⁴⁵ Two of them, John Briggs and Oswald Bull, had been among the 126 tenants who, in November 1635, had brought the Chancery suit objecting to the original enclosure agreement. (TNA: PRO: C3/418/177, document 3, 27 November 1635.) Why these men should subsequently support the revised agreement if they had no apparent landholding connections is unclear. Neither the full names nor the surnames of Henry Bennett, George Golding and William Laud (or, Land) appear in any of the other legal documents concerning the enclosures. 'George Goldinge senior' and 'George Goldinge junior' are listed in the 1662L and 1664M Hearth Tax returns, as is *William* Bennett. William Laud (or, Land) is not. (TNA: PRO: E179/84/437, ff. 42v, 44r.)

¹⁴⁶ Eighty-two of the 1638 signatories had objected to the original enclosure agreement in 1635 and ten more had not only objected in 1635 but had also signed the original agreement in 1632.

¹⁴⁷ These twelve were Thomas Avelyn, Jeffrey Coy, Richard Davy, Thomas Edis, Robert Gibbs, Richard Gutteridge, Robert Phillips, George Searle, Ralph Searle, John Tassell, Robert Tassell and John Yardley. Of them, only Gutteridge and Yardley did not have the same surname as manorial tenants.

they have bothered to become involved in the intricate legal manoeuvring that took place before the enclosures? It is scarcely surprising that such men would not subscribe to the revised agreement since the enclosures would literally bar their accustomed access to the fens; indeed, they probably participated in the ensuing disturbances and it is to those events that we must now turn.

Part 3: Enclosure riots in the Whittlesey fens during the 1640s

Throughout the lawsuits in the 1630s that challenged the enclosures at Whittlesey, we have heard inhabitants raising their objections explicitly in the name, and couched in the language, of custom. Contesting the politics of custom, they were protesting audibly not only against the removal of access to the common fens, an age-old *de jure* right for manorial tenants and *de facto* for customary commoners, but also against the imposition of ‘innovated customes and unaccustomed Rents’ on the proposed allotments.¹⁴⁸ In the following account of the illegal protests during the 1640s, when rioters attempted to destroy the unaccustomed allotments and to restore customary access to the fens, that language of custom, however, will be barely heard. Arguably, this is because the inhabitants’ attitude towards the enclosures had reached the point where actions spoke louder than words. But this absence of language is more a function of evidence than of fact: records of the proceedings against those accused of rioting in the 1640s do not generally include statements made by the defendants.¹⁴⁹ Indeed, on one of the few occasions when the Whittlesey inhabitants’ voices will be audible, they will be heard invoking customs ‘time out of minde enjoyed’.¹⁵⁰ These protests are, therefore, discussions within the on-going conversation conducted in the language of custom, albeit discussions during which the voices of one side are virtually silenced.

¹⁴⁸ TNA: PRO: C3/418/177, document 3.

¹⁴⁹ The use of the House of Lords as a court to punish rioters, and the evidence that this generated, has already been discussed above. (See Chapter 1, section iv, ‘Resistance and riot’.)

¹⁵⁰ HLRO: HLMP, bundle dated 26 June 1643, Bedford and Portland *versus* the inhabitants of Whittlesey, petition of some of the inhabitants of Whittlesey, 31 July 1641.

i. 1641: Rioting in the fens

For two years the earls and Whittlesey tenants enjoyed ‘quiet possession’ of their allotments in the drained fens but then, in April 1641, the apparent calm was shattered. The earls complained to the House of Lords that ‘some tumultuous, & troublesome people’ had attempted to break down the fences and mounds around the enclosures and put their cattle into the former common fens.¹⁵¹ On 22 April, the Lords responded by issuing an order demanding ‘peaceable and quiet possession’ for the earls and forbidding any further disturbances.¹⁵² On 9 May, Francis Russell died and was succeeded by his son, William, who became the fifth earl of Bedford.¹⁵³ Possibly taking advantage of this change, the inhabitants flouted the Lords’ injunction, issued in April, to such an extent that, in early June, Portland and the new earl had to petition the House concerning recurrent ‘Disorders and Tumults’ in the enclosures.¹⁵⁴ This time the Lords ordered the sheriff, his officers and local justices to attend the Whittlesey area, to calm the situation and to prevent further unrest. Since the rioters had previously disregarded the authority of parliament sitting at a distance in Westminster, the Lords now invoked their local representatives to visit their more immediate powers on those who were disturbing the peace. Regardless of this, in mid-July inhabitants of neighbouring Ramsey put their cattle into part of the Whittlesey enclosures alleging that the grounds in question lay in Ramsey parish.¹⁵⁵

¹⁵¹ *Lords’ Journal*, 4, p. 4, 22 April 1641; HLRO: HLMP, bundle dated 26 June 1643, document endorsed ‘22 April 1641, order pro E[arls] B[edford] et P[ortland]’.

¹⁵² The order for quiet possession was subsequently published in the churches of Whittlesey by the vicar, William Mason, who endorsed the order with confirmation of its publication. (HLRO: HLMP, bundle dated 26 June 1643, order, 22 April 1641.)

¹⁵³ For the fifth earl, subsequently the first duke, see Victor Stater, ‘Russell, William, first duke of Bedford (1616–1700)’, *Oxford Dictionary of National Biography* (Oxford, 2004).

¹⁵⁴ *Lords’ Journal*, 4, p. 269, 9 June 1641; HLRO: HLMP, bundle dated 26 June 1643, document endorsed ‘Order 9th Junij 1641’. The riots *may* have been instigated to coincide with the succession of the new earl but not necessarily since rioting had occurred in 1641 prior to the fourth earl’s death.

¹⁵⁵ *Lords’ Journal*, 4, p. 312, 13 July 1641, ‘Establishing the Possessions of the Earls of Bedford and Portland in Whittlesea [*sic*]’. There were no marked boundaries within the fens and communities had intercommoned in the unenclosed fens prior to drainage. Following drainage and/or enclosure, disputes frequently arose concerning the ‘ownership’ of certain areas of fen. Both Whittlesey and

When the earls' servants impounded the intruding cattle, Ramsey men retaliated by bringing actions for trespass.¹⁵⁶ On 13 July 1641, immediately after issuing an order in favour of the earls regarding this particular dispute, the Lords issued a general order for quieting landowners' possession of their enclosures.¹⁵⁷

That the Lords issued a general order in favour of enclosing landlords might suggest that the House always supported its members against rioters who had attacked their property. Indeed, during the 1640s, numerous other aristocrats did petition the Lords for support and such was pressure of these petitions in the summer of 1641 that the Lords were forced to issue their general order.¹⁵⁸ In that period of rising political turmoil, however, aristocrats were by no means guaranteed the backing of the House. Lesser mortals were sufficiently politically aware to exploit the situation and some opponents of enclosure petitioned the House and received its support against oppressive or unjust landlords.¹⁵⁹ Indeed, at this very time, the Whittlesey men changed tactics and reverted to legal protest. The earlier riots,

Ramsey claimed access to the large area of fen that lay between the two towns: to Whittlesey inhabitants it was known as 'Glass More', or 'Glassenmore', and to Ramsey inhabitants as 'Ramsey Kinges Delfe'. The identity of those who exercised rights in such areas came under close scrutiny when payment of tithes was in dispute. See, for example, TNA: PRO: E134/27Car/Mich30.

¹⁵⁶ *Lords' Journal*, 4, p. 312, 'Establishing the Possessions of the Earls of Bedford and Portland in Whittlesea', 13 July 1641. The leading opponents in Ramsey were identified as Henry Gardner, Edward Marriott and John Snosdell.

¹⁵⁷ *Lords' Journal*, 4, p. 312, 'General Order for Possession, to secure them from riots and Tumults', 13 July 1641.

¹⁵⁸ See *Lords' Journal*, volumes 4 to 6, *passim* for numerous petitions from landlords in 1641 to 1643. Much of this material is summarised in Lindley, *Fenland Riots*, Chapter 3, 'Lords, Commons and Commoners' and in Brian Manning, *The English people and the English revolution* (2nd edition, London, 1991), Chapter 6, 'The middle and poorer sort of people'. Subsequently this order was frequently issued to landowners who petitioned the House concerning the destruction of enclosures. See, for example, *Lords' Journal*, 4, p. 343 (Sir Robert Heath at Soham); p. 483 (Endymion Porter at North Somercotes); p. 629 (Sir William Killigrew in Lincolnshire).

¹⁵⁹ For example, as we have already seen, in 1647 the Lords failed to support the petition of Sir Edward Syddenham against the Duffield rioters. (See Chapter 4, part 2, section x, '1647: Edward Syddenham, a beleaguered landowner'.) In some places, opponents of enclosures petitioned the House of Commons, thinking that that House would be more sympathetic than the Lords but support from the Commons was not always forthcoming, particularly as the decade wore on. (Manning, *The English people*, pp. 211-12.) In late 1640, the leaders of the rioters at Berkhamsted petitioned the House of Commons for redress against the crown's 'grand and arbitrary oppression'. Although the House issued a summons against the Council of the Duchy of Cornwall, the Council counter-petitioned the House of Lords and the matter was eventually heard by the Lords. (H. Falvey, 'Crown Policy and Local Economic Context in the Berkhamsted common Enclosure dispute, 1618-42', *Rural History*, 12 (2001), p. 145.)

therefore, had not necessarily been a last resort when legal methods had failed; rather they had been an alternative method of attack.

On 31 July 1641, eleven 'poore Inhabitants of the Towne of Wittlesea' petitioned the Lords concerning the disastrous effects of the enclosures on the town.¹⁶⁰ They claimed that they had submitted to the Lords' injunction of 22 April but that since then several of the earls' tenants had enclosed over 1,000 acres of land, which inhabitants had 'time out of mynde enjoyed as Comon', and were currently enclosing more.¹⁶¹ The petitioners further claimed that, although they were tenants, they had not consented to the Exchequer decree and that, as a result of the enclosure of the commons, many poor inhabitants were 'very much Impoverished to their undoing'. They wanted the Lords to hear their case and, in the meantime, to issue an injunction preventing further enclosures and permitting them to use the recent enclosures as commons. The Lords immediately responded with a compromise. They ordered that those tenants accused of making further enclosures should receive copies of the accusations and prepare answers; in addition, however, there should be 'noe disturbance of any Inclosure contrary to the first Division'.¹⁶²

In 1641, therefore, the opponents of the Whittlesey enclosures were airing their grievances, and challenging the enclosures, by both illegal and legal methods. The earls' opponents not only used physical muscle to invade the enclosures but also

¹⁶⁰ HLRO: HLMP, bundle dated 26 June 1643, petition of some of the inhabitants of Whittlesey, 31 July 1641. The petitioners were James Boyce, Ralph Boyce, John Colls, Robert Dowe, William Dowe, Ralph Easeom, William Freeman, Isaac Gardner, John Henson, Adam Kelfull and Richard Searle. The validity of their claim to be 'poore Inhabitants' will be considered below.

¹⁶¹ The petitioners identified five of the enclosers as Mr George Glapthorne, Mr Francis Underwood, Roger Wiseman, Thomas Boyce and Thomas Ives but said that there were others as well. The petitioners were actually objecting to recent enclosures resultant on the amalgamation of allotments sold to the enclosers by other tenants. These were not, in fact, new enclosures from the remaining common fen.

¹⁶² *Lords' Journal*, 4, p. 312, 31 July 1641. Although the *Lords' Journal* states that the order was made on 31 July in immediate response to the petition, the order published in Whittlesey was dated 2 August. (HLRO: HLMP, bundle dated 26 June 1643, order of 2 August 1641, endorsed by William Mason as having been published in the churches of Whittlesey.) The enclosures made according to 'the first Division' were those that had been set out under the terms of the Exchequer decree.

flexed political muscle to petition for assistance from the House of Lords. Although prepared to ignore the orders of the House made on behalf of the earls, these men were also eager to obtain an order from that same House supporting their own cause, heedless of any contradictions in their actions. Indeed, as we shall see, the petitioners were not averse to misrepresenting the contents of the order when they secured it.

Brian Manning has suggested that the initial riots at Whittlesey in 1641 were committed only by Ramsey men and that it was their actions that had ‘unsettled the tenants of the manor [*sic*] of Whittlesey’ causing them to present their petition to the Lords in July.¹⁶³ Judging by the negotiations preceding the Exchequer decree and by later events in Whittlesey, however, it seems unlikely that the inhabitants needed any prompting from their neighbours. The evidence for the earlier riots, moreover, does not suggest that the participants came only from Ramsey. Furthermore, in July 1641 the Whittlesey petitioners claimed to have submitted to the Lords’ first order, suggesting that they *had* been involved in earlier rioting. Surely, had they not, they would have protested their innocence whilst presenting their grievances?

In November 1641, the earls complained to the House that, on their return to Whittlesey, the petitioners had not only concealed the Lords’ order from those tenants accused of making further enclosures but also had falsely reported the order’s contents.¹⁶⁴ Two of the petitioners, John Colls and Isaac Gardner, together with John Boyce the elder, had even claimed that the Lords had expressly opposed the original division and had ordered that enclosures made since 22 April 1641 should be laid open. Although the Lords’ order had been publicly read and published in the church, the three broadcast to all and sundry that it was ‘not true’ and continued their ‘false

¹⁶³ Manning, *The English People*, p. 199.

¹⁶⁴ HLRO: HLMP, bundle dated 26 November 1641, petition of the earls of Bedford and Portland, 26 November 1641. The following paragraph is based on the contents of this petition.

reports'.¹⁶⁵ The net result was that 'diverse idle and illaffected persons [were] encouraged to disturbe the possession' of the earls and their tenants in the divided fens 'whereby many great disorders were *likely* to have ensued'.¹⁶⁶ The earls petitioned the Lords to summon the three to appear before House to answer for their misdemeanours and meanwhile to make an order for quiet possession of the allotments. The Lords immediately issued the necessary order and summoned the three men to appear before the House in February 1642.¹⁶⁷

It is arguable that, on this occasion, the Lords acted promptly to support landowners struggling against riotous tenants. Although in their petition, the earls had stopped short of accusing the three men of inciting riot – they had stated riots were likely to ensue from the men's actions rather than that they had ensued – nevertheless, by raising the spectre of popular protest, Portland and Bedford were likely to receive the backing of the Lords. Alternatively, the Lords' response may have been a knee-jerk reaction to the actual behaviour of the Whittlesey men. More pernicious than the spectre of what they might have encouraged was their acknowledged disregard for the authority of the House by blatantly falsifying and denying the Lords' orders. Although summoned to appear in February 1642, 'weighty Affaires of the Kingdome' meant that the case was postponed several times, and was not, in the event, ever heard.¹⁶⁸ In May 1642, however, the order for

¹⁶⁵ The earls were careful to show that they knew that the order dated 2 August 1641 was authentic: they stated that the order published in the church had been signed by the 'Clerk of the Parliament'. (HLRO: HLMP, bundle dated 26 November 1641, petition, 26 November 1641.) The original order is now in the bundle of papers dated 26 June 1643 and has been signed *Jo: Browne Cler' Parliament*'. (HLRO: HLMP, bundle dated 26 June 1643, order, 2 August 1641.)

¹⁶⁶ Emphasis added.

¹⁶⁷ *Lords' Journal*, 4, p. 453.

¹⁶⁸ HLRO: HLMP, bundle dated 26 June 1643, order, 24 May 1642. On 26 November 1641, the Lords had ruled that the case was to be heard on the 'first Thursday after Candlemass'. (*Lords' Journal*, 4, p. 453.) On 20 January 1642, it was postponed until 28 April. (*Lords' Journal*, 4, p. 524.) The case was not heard on 28 April and on 24 May it was ordered that it be heard on the first day of Michaelmas term. (*Lords' Journal*, 5, p. 80; HLRO: HLMP, bundle dated 26 June 1643, order, 24 May 1642.) On 16 June, a further order was made concerning the trial. (*Lords' Journal*, 5, p. 138.) On 12 December 1642, the case was deferred until Easter term 1643. (*Lords' Journal*, 5, p. 485.) The

quieting the earls' possession was reissued, requiring the sheriff and other local officials to suppress any disorders in Whittlesey.¹⁶⁹

ii. May 1643: Rioting in the fens

An uneasy truce reigned in Whittlesey for almost a year, during which time, the earls reported, the 'Riotts have in some measure beene restrayned'.¹⁷⁰ Although this implies that opposition to the enclosures had been scaled-down, rather than halted, the earls and those tenants who had welcomed the enclosures had been 'encouraged to proceed in their said improvements'. In the four years since the enclosures had been set out in 1639, these men had endeavoured to prepare the drained land for 'Culture and tillage', the 'ground being before such improvement utterly wast and of noe value'. The earls claimed that 'the greatest part' of the tenants had sold their allotments and that the purchasers had spent vast sums erecting fences, building houses, planting trees and sowing crops in the former common fens. By 1643, some 2,000 acres had been sown with 'Cole, Rape, Flax, Barley, Oates, and other graine', these crops being valued at £10,000.¹⁷¹ These improvers had, however, been lulled into a false sense of security. In May 1643 'a tumultuous assembly' rampaged

next entry in the *Journal* concerning Whittlesey, made on 6 June 1643, refers to the riots that took place there in May 1643. (*Lords' Journal*, 6, p. 83.)

¹⁶⁹ HLRO: HLMP, bundle dated 26 June 1643, order, 24 May 1642.

¹⁷⁰ HLRO: HLMP, bundle dated 26 June 1643, petition of the earls, 29 May 1643.

¹⁷¹ HLRO: HLMP, bundle dated 26 June 1643, petition of the earls and 'divers of the Tenants', 29 May 1643. It is impossible to verify the crop value of £5 per acre quoted by the earls. In 1646 George Glapthorne, one of the leading engrossers at Whittlesey, reported to the Bedford Level Corporation that the drained land in Whittlesey had produced crops worth £4 per acre. (CRO: R59.31.9.3, Proceedings of the Adventurers, The Third Journal, 15 November 1649 - 8 March 1651, 25 June 1646. Earlier items have been entered at the back of the book and are unpaginated.) In general, improvement writers quoted the value of land before and after drainage but did not specify the value of the crops grown on the improved land, presumably because it would vary according to market fluctuations. For example, Hartlib noted that undrained land barely worth 1s per acre was being sold at 13s 4d per acre after drainage. (Hartlib, *His Legacie*, p. 53.) In his report to the Bedford Level Corporation, mentioned above, Glapthorne said that land in Whittlesey that before drainage had not been worth 2d per acre was, when drained, worth at least 5s and possibly as much as 10s per acre. (CRO: R59.31.9.3, 25 June 1646.) Although noting that the drained Lincolnshire fens produced fine crops, Joan Thirsk has not provided any evidence of their actual value. (Thirsk, *English Peasant Farming*, pp. 127-29.)

through the fens around Whittlesey causing extensive damage to the drained lands. Order was only restored on the third day by the arrival of parliamentary troops, summoned 'for the preservacion of the publique peace'.¹⁷²

It is possible to reconstruct only a general outline of the events because, as might be expected, the eyewitnesses' accounts vary.¹⁷³ What is clear, however, is that on Monday 15 and Tuesday 16 May 1643 full-scale rioting took place in the Whittlesey fens.¹⁷⁴ The rioters had been summoned by the tolling of a bell, a traditional method of gathering fenlanders together.¹⁷⁵ Two 'companies' each comprising about a hundred inhabitants of Whittlesey and 'divers loose and disorderly persons' from Ramsey and other nearby villages were seen wreaking destruction within the enclosures.¹⁷⁶ The use of the term 'companies' to describe the

¹⁷² HLRO: HLMP, bundle dated 26 June 1643, quotation from the deposition of Thomas Stuttyn. The following account of the riots is taken from the earls' petition, dated 29 May 1643, and an affidavit, interrogatories and depositions made by various local men. Lindley's account is based on the same documents. (Lindley, *Fenland Riots*, pp. 157-60.) The two accounts differ slightly.

¹⁷³ For example, it is not entirely clear whether riots occurred simultaneously in several areas or whether different areas were targeted each day: two deponents state categorically that rioting occurred in Glassenmore Fen on 15 May and another that on 15 May rioting occurred in Bassenmore Fen and in Glassenmore on 16 May. (HLRO: HLMP, bundle dated 26 June 1643, depositions of James La Roue, Anthony Lawe and Lewis Randall.) Given the vast area of the enclosures and the large numbers of rioters, it is entirely possible that the various deponents witnessed different outbreaks of rioting; however, as they also give different dates for the destruction particular *houses*, it seems likely that some of the witnesses muddled their dates. Lindley states categorically that certain events took place on certain days: a reading of all of the available documents suggests that such a clear-cut narrative is doubtful.

¹⁷⁴ Deponents varied in their estimates of the number of rioters. HLRO: HLMP, bundle dated 26 June 1643: deposition of Thomas Stuttyn (16 May: 150 rioters); John Newton (16 May: 160); James La Roue (15 May: 100 or more); Anthony Lawe (15 May: 100 or more); Peter Behague (16 May: 100 in one company and a great number in another); Robert Freeman (17 May: 400 or 500); Francis Mossey (date not given: 100 or more).

¹⁷⁵ *Lords' Journal*, 4, p. 107, 26 June 1643. Lindley has noted that 'bells were sometimes rung in fenland regions in times of serious flooding as a signal for people to line their banks and struggle to preserve them.' (Lindley, *Fenland Riots*, p. 158.) The tolling of the bell must have been a pre-arranged signal. Given that the Whittlesey fens were so large, gathering the rioters together and directing their energies must have involved a certain amount of organisation; there is, however, no evidence of the advance preparations that must have been made. This is partly a function of the documents and the court for which they were produced. When rioters were prosecuted in Star Chamber, complainants frequently sought to prove combination and the raising of a common purse which would demonstrate that the activities were premeditated. Evidence presented to the House of Lords was not necessarily in that form. For the suggestion in a Star Chamber case that enclosure rioters had met together beforehand to plan their attack, see TNA: PRO: STAC8/32/16, information of the Solicitor-General, Sir Thomas Coventry, October 1620.

¹⁷⁶ Peter Behague witnessed at least two 'companies' of rioters on 16 May. There were 'a hundred men persons and above in one Company, and greate number in another Company assembled out of

groups of rioters, reminiscent of Star Chamber rhetoric, is suggestive of military-style organisation.¹⁷⁷ The rioters in these companies did not, however, have military-style weapons but armed themselves with various farming implements, including spades, forks, shovels, pitchforks and long staves. These tools were used to dig up crops – coleseed, rapeseed and corn – growing in the enclosures and to break down the dikes that drained them.¹⁷⁸ Hayricks were pulled down and their contents, together with the uprooted crops, used to block dikes.¹⁷⁹ In their efforts to turn back the clock on fenland farming they targeted both the improvers' new crops and the 'division dikes' that drained the enclosures and bounded some of the allotments.

In their petition to the Lords, the earls and enclosing tenants not only accused the rioters of destroying dikes, which resulted in newly-planted crops being flooded, but also claimed that the rioters had endeavoured to destroy 'the generall sluices and banckes by which the whole Country is secured'.¹⁸⁰ This was a particularly serious accusation: destroying drainage ditches would cause local flooding within the Whittlesey area, but destroying the 'Greate Sluce' would cause the inundation of a much wider region. Although some deponents testified that rioters had threatened to pull up the sluices and so inundate the whole area, it is clear that none of the rioters actually did so.¹⁸¹ The earls were not able to report any widespread flooding, and, in any case, such actions would have drowned sheep and cattle grazing throughout Whittlesey's fens, causing loss to all inhabitants, not only to the enclosers.

Ramsey in another place there Armed with Spades and Forkes and some long staves'. (HLRO: HLMP, bundle dated 26 June 1643, deposition of Peter Behague.)

¹⁷⁷ For Star Chamber jurisdiction over riot and the terminology used in such cases, see, for example, BL: Harleian MS 1226, 'A Treatise concerning the Court of Starre Chamber', compiled, sometime before 1635, by William Hudson, esquire, of Grays Inn.

¹⁷⁸ HLRO: HLMP, bundle dated 26 June 1643, deposition of John Newton.

¹⁷⁹ HLRO: HLMP, bundle dated 26 June 1643, deposition of Robert Freeman.

¹⁸⁰ HLRO: HLMP, bundle dated 26 June 1643, petition of the earls of Bedford and Portland, 29 May 1643.

¹⁸¹ HLRO: HLMP, bundle dated 26 June 1643, depositions of Thomas Stuttyn, James La Roue and Peter Behague.

While some rioters uprooted the new crops, others turned hundreds of cattle into fields of coleseed and rapeseed to 'destroy the same with their feet'.¹⁸² The new divisions severely restricted the movement of stock by those Whittlesey farmers who reared cattle; it was their herds that were driven into the enclosures, land previously open for common grazing. Andy Wood has commented that 'in breaking down enclosing walls and placing cattle upon land from which they had been excluded, rioters were not only physically reoccupying contested and; they were also symbolically reasserting communal control over space and resources'.¹⁸³

iii. May 1643: Attacks on property and people

Crops and dikes were not, however, the rioters' only targets. The anonymity offered by large-scale rioting presented the opportunity for local resentment to be translated not only into threats but also into action against certain individuals and their property. Various historians have commented on the lack of interpersonal violence during early modern crowd actions.¹⁸⁴ Indeed Lindley has commented that the fact that fenmen protesting against drainage and enclosure usually armed themselves with nothing more than agricultural implements suggests that they only intended to fill in ditches, cut down crops or round up animals; guns, swords or daggers, on the other hand, 'might betoken a far more violent, or even murderous, intent'.¹⁸⁵ The absence

¹⁸² HLRO: HLMP, bundle dated 26 June 1643, deposition of Thomas Stuttyn, husbandman, of Whittlesey. Stuttyn himself had had to remove over 200 cattle from rape fields that had been put there by the rioters.

¹⁸³ Andy Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke, 2002), p. 103.

¹⁸⁴ For the lack of interpersonal violence in English food and enclosure riots, see C. S. L. Davies, 'Peasant Revolt in France and England: A Comparison', *Agricultural History Review*, 21 (1973), pp. 130-31. For the lack of violence against persons in rural riots during the civil war, see Wood, *Riot, Rebellion and Popular Politics*, p. 91. Morrill and Walter have emphasised that violence against the person remained rare even during rural riots during the civil war. (J. S. Morrill and J. D. Walter, 'Order and Disorder in the English Revolution', in A. Fletcher and J. Stevenson (eds), *Order and Disorder in Early Modern England* (Cambridge, 1985), p. 139.)

¹⁸⁵ Lindley, *Fenland Riots*, p. 59. Farming implements came most readily to hand and although some fenmen possessed a gun for shooting waterfowl, birds were more frequently trapped using nets and

of conventional weapons at Whittlesey did not, however, preclude the rioters from wielding the powerful psychological tools of threats and intimidation or from using their farming implements as threatening weapons.

Two groups of people were targeted by the rioters in this way: firstly, wealthy tenants who had purchased other tenants' allotments and amalgamated them to create new farms, complete with farmhouses, within the drained fens; secondly, Walloons who had settled in the Whittlesey area.¹⁸⁶ The latter were not, however, attacked because they were foreigners *per se* but because they and many compatriots leased farms that had been established within the enclosed, newly-drained fens.¹⁸⁷ In the inquiry into the Whittlesey riots, several Walloons were able to offer detailed descriptions of the destruction that occurred. They had been singled for attack by the rioters and so had witnessed the events at first-hand.¹⁸⁸ These, and the other deponents, also provide the rare opportunity to listen to snippets of conversation

decoys. Whilst it is clear that implements such as pitchforks and shovels were not, in themselves, as dangerous as guns or daggers, they certainly could be used with murderous intent, much like a baseball bat today.

¹⁸⁶ As already noted, it has not been possible to trace the origins of Whittlesey's Walloon colony but its continued existence is confirmed by some of the entries in an extant register of Walloon baptisms at Thorney between 1654 and 1727 (Henry Peet (ed.), *Register of Baptisms of the French Protestant Refugees settled at Thorney, Cambridgeshire, 1654-1727* (Huguenot Society, 17, Aberdeen, 1903).) The names of many Walloon inhabitants of Whittlesey occur in this baptism register. Similarly many of the Walloon surnames occur in expired leases of land in the Thorney and Whittlesey fens dating from the late seventeenth and early eighteenth centuries. (BRO: Russell Collection, Thorney Deeds, Stack D, boxes 1-5.)

¹⁸⁷ For accounts of other Walloon settlements in the Fens, see, for example, G. H. Overend, 'The first thirty years of the foreign settlement in Axholme, 1626-56', *Proceedings of the Huguenot Society of London*, 2 (1889); 'Introduction', in Peet (ed.), *Register of Baptisms*; 'Aliens in the Fen', *Fenland Notes and Queries*, 4 (1898-1900), no. 765, pp. 171-75.

¹⁸⁸ HLRO: HLMP, bundle dated 26 June 1643, depositions of Peter Behague, James La Roue, Francis Mossey and Thomas Stuttyn. Francis Mossey had only been in Whittlesey for two months at the time of the riots. His property had not been attacked but he was able to provide a general account of what happened. It has not been possible to identify him positively in the Walloon records. Wills and inventories of Whittlesey Walloons contain many erratic spellings: it is clear that local men had difficulty spelling the foreigners' names. 'Francis Mossey' may have been the Walloon 'Francois Masengarbe'. (Peet (ed.), *Register of Baptisms*, *passim*.)

between rioters and their victims, or, perhaps more accurately, blasts of invective aimed by the rioters at their victims.¹⁸⁹

Several of the new farmhouses erected within the Whittlesey enclosures were specifically attacked by the rioters, not only because they were situated within the former common fen but also because they were owned by prominent local enclosers. At least two were pulled down, one owned by George Glapthorne and leased to James La Roue, the other owned by Francis Underwood.¹⁹⁰ The attack on a third house took a different form. William Haynes was seen setting fire to wood and hassocks stacked beside the house of Seigneur Peter Behague.¹⁹¹ But for the prompt action of his son, also Peter, in putting out the fire, this arson attack would have succeeded in destroying the house and its valuable contents.¹⁹² As we have already noted in the account of the attacks at Duffield, evidence that arson accompanied riot is rare, although the crime itself is frequently suspected by historians. Unlike the

¹⁸⁹ It is arguable that since several of the deponents who reported the rioters' words were foreigners, they reported the rioters' words *verbatim* as their command of the language was not sufficient to manipulate the words.

¹⁹⁰ HLRO: HLMP, bundle dated 26 June 1643, depositions of Thomas Stuttyn, John Newton, James La Roue, Anthony Lawe, Lewis Randall, Peter Behague and John Newcombe. La Roue was aged about 30 at the time of the riots. The Thorney register records the baptisms of La Roue's two youngest children in 1656 and 1657; children of his son, also James, were baptised soon after. (Peet (ed.), *Register of Baptisms, passim*.)

¹⁹¹ HLRO: HLMP, bundle dated 26 June 1643, deposition of Anthony Lawe. Lindley misread Seigneur Peter's surname as 'Brettagne'. (Lindley, *Fenland Riots*, p. 158.)

¹⁹² HLRO: HLMP, bundle dated 26 June 1643, deposition of Peter Behague. The deponent, who was aged about 35 at the time of the riots, had the same name as the householder but Lindley assumed that they were servant and master. However, given that the deponent described a further incident at 'the house of this deponent' as well as the arson attack on Seigneur Peter's house, it is more likely that they were son and father. Also Lindley did not realise that 'Sir' Peter denoted 'Seigneur' and so failed to grasp the Walloon connection. (Lindley, *Fenland Riots*, p. 158.) Three children born to the deponent Peter Behague were baptised at Thorney between 1655 and 1659. (Peet (ed.), *Register of Baptisms, passim*.) On 23 April 1655, two sisters of the deponent were married by the magistrate Francis Underwood: Ellena (or, Catelina) 'Beehague' married Daniel 'Durbooe' (Duboe or Dubois) and Marie 'Beehague' married John 'Gowey' (Guy or Gouy). One of the witnesses to this double wedding was the siblings' father, (Seigneur) Peter Behague. (*Fenland Notes & Queries*, 5 (1901-1903, no. 939, p. 205.) Children of both couples were baptised at Thorney. (Peet (ed.), *Register of Baptisms, passim*.) Daniel Dubois and John Guy both leased land from the earl of Bedford in the 1660s. (BRO: Thorney Deeds, Stack D, boxes 4 and 5.)

Duffield attack, however, this attempt was carried out in broad daylight and the perpetrator was identified by one of the witnesses.¹⁹³

As well as attacking their farmhouses, the rioters also threatened some of the Walloon farmers themselves. James La Roue was warned not to plough the former fens any more; if he disobeyed, he would not 'have his croppe againe'.¹⁹⁴ Both Thomas Stuttyn, a servant of John Signe, and Peter Behague were also warned not to plough in the fens, but they were threatened with more horrific reprisals: not only their horses' legs, but also their own, would be cut off.¹⁹⁵ Whether such threats would actually have been carried out is questionable but they do demonstrate the depth of resentment stirred up by the cultivation of the former commons, particularly by newcomers.

When the earls had previously petitioned the Lords to restore order on their lands, the latter had responded by requiring the sheriff and justices to act. It was unfortunate for the earls, however, that the most local justice was George Glapthorne. On 15 May 1643, the first day of the latest riots, Glapthorne went to the main locus of the attacks, Morton's Leam, to the north of the town.¹⁹⁶ There he ordered the rioters, in the name of the king, to 'keepe his Maiesties Peace' and 'bee obedient to the Lawes of the Realme and to depart thence in a peaceable manner'.¹⁹⁷

¹⁹³ Anthony Lawe was able to identify the arsonist as William Haynes; although Peter Behague junior witnessed the attack and put out the fire he was unable to identify Haynes because Behague himself was a newcomer.

¹⁹⁴ HLRO: HLMP, bundle dated 26 June 1643, deposition of James La Roue.

¹⁹⁵ HLRO: HLMP, bundle dated 26 June 1643, depositions of Thomas Stuttyn and Peter Behague. Thomas Stuttyn was aged about 23 at the time of the riots. It has not been possible to trace Stuttyn in any other records relating to Whittlesey. His master's surname – given as Signe in his deposition – could also be rendered as 'Designe' or 'de Sain'. Several Walloons named Designe later leased land from the earl of Bedford. (BRO: Thomey Deeds, Stack D, boxes 1-5.)

¹⁹⁶ HLRO: HLMP, bundle dated 26 June 1643, deposition of Robert Freeman.

¹⁹⁷ HLRO: HLMP, bundle dated 26 June 1643, affidavit of John Newton, gentleman, of Whittlesey, aged 44, 24 May 1643; deposition of John Newton, yeoman, of Whittlesey, aged 44, 16 June 1643; deposition of Robert Freeman. There are inconsistencies in Newton's two statements: for example in his affidavit he states that the events that he was recounting took place on 15 May and in his deposition, he says that they took place on Tuesday 16 May. Freeman's deposition suggests that the confrontation between Glapthorne and the rioters took place on 15 May. Also, this is the date given in

Needless to say, the rioters were in no mood to obey such a man. As justice of the peace, he had the necessary authority to command obedience to laws and orders made by parliament but, as an encloser, cessation of the destruction would benefit him personally. Indeed, some rioters were sufficiently enraged to threaten him physically. An eyewitness's report of the incident is worth quoting in full:

George Glapthorne Esqr' a Justice of the Peace came [to Morton's Leam] and required the said [rioters] to bee obedient to the Lawes of the Realme and to depart thence in a peaceable manner, whereupon the afore ~~said~~ named Jeffery Boyce, James Boyce, and William Mash held pitchforks against the said George Glapthorne and told him that hee was noe Justice, for hee was against the King, and was all for the Parliament and that they would not obey him nor any Law, and many of the Company whose names this deponent knoweth not cryd out and sayd that shortly hee would bee served as Felton served Buckingham.¹⁹⁸

The full implications of these two politically-pregnant statements pronounced by the Whittlesey rioters will be discussed in detail in the concluding chapter. Here it will suffice to emphasise two salient features: firstly, that these rioting fenmen were acutely politically aware; and secondly, that in 1643 the Isle of Ely, despite, or perhaps because of, its close connections with Oliver Cromwell, was an enclave of royalist support within the newly formed Eastern Association.¹⁹⁹ It is arguable, therefore, that the Whittlesey rioters had not assumed their royalist pose simply to counter Glapthorne's support for parliament but were actually stating their political allegiance. Certainly the fact that their stance against Glapthorne was likened to John Felton's assassination of Buckingham supports this. Felton was feted in poems and ballads as a popular hero and England's saviour because he had eradicated the

the earls' petition. (HLRO: HLMP, bundle dated 26 June 1643, petition of the earls of Bedford and Portland, 29 May 1643.)

¹⁹⁸ HLRO: HLMP, bundle dated 26 June 1643, affidavit of John Newton, 29 May 1643. In his subsequent deposition, Newton identified only Jeffrey Boyce, rather than James Boyce and William Marsh as well. Similarly, in his deposition he denied that anyone had drawn the analogy with Felton.

¹⁹⁹ The Eastern Association had been established in February 1643. For a detailed account of the Association, see Clive Holmes, *The Eastern Association in the English civil war* (Cambridge, 1974).

duke's evil influence over king and country.²⁰⁰ Although the Whittlesey crowd was unlikely to carry their threat through – the consequences for the community could have been disastrous – the implication is self-evident. In popular opinion, Glapthorne, like Buckingham, was a traitor to the king; his killing would be welcomed because it would terminate his unpopular activities. The hated justice had to step back, both physically and metaphorically, and seek an alternative solution to a very tense, politically-loaded situation.

iv. May 1643: Dispersing the rioters

Rioting continued unabated the next day, Tuesday 16 May. Whilst the rioters wreaked their destruction, the local authorities, led by Glapthorne, were powerless to halt their activities. Glapthorne probably failed to call out the militia because one of the three constables openly supported the rioters. Two constables, Humphrey Speechley and George Randall, later subscribed to the petition to the House of Lords requesting punishment of the rioters, but the third, John Boyce, had misrepresented the Lords' order in 1641 and was the father of several men later identified as rioters.²⁰¹ Even had the constables unanimously supported Glapthorne, it is scarcely likely that the local men who comprised the militia would have been willing to use force against their fellow commoners. Since it was clear that the rioters were 'not suppressible by the ordinary Course of Justice', Glapthorne, either on his own initiative or at the prompting of the earls or their representatives, summoned

²⁰⁰ For a detailed biography of Felton and references to poems and ballads about him, see Alastair Bellany, 'Felton, John (d.1628)', *ODNB*. See also Thomas Cogswell, 'John Felton, popular political culture, and the assassination of the Duke of Buckingham', *Historical Journal*, 49 (2006), pp. 357-85.

²⁰¹ In October 1642 the constables were appointed for the following year, Speechley for the manor of St Andrew and Boyce and Randall for the manor of St Mary. (CRO: 126/M1, court book of Whittlesey St Andrew, 7 October 1642; 126/M2, court book of Whittlesey St Mary, 6 October 1642.) The earls' petition is to be found in HLRO: HLMP, bundle dated 26 June 1643, petition, 29 May 1643. One of the petitioners was another man named John Boyce but from other evidence it is likely that the constable was the man who had openly opposed the enclosures in 1641.

reinforcements from outside the manors.²⁰² Sometime on 16 May he and his servant, Robert Freeman, travelled to Wisbech, about fourteen miles distant, to request assistance from Colonel Sir John Palgrave, commander of parliamentary soldiers stationed there 'raised for the defence of the King and Parliament'.²⁰³ Palgrave responded by sending between eighty to a hundred troops to the site of the troubles.²⁰⁴

On the morning of Wednesday 17 May, between 400 and 500 rioters had already assembled in the town, having again been summoned by the tolling of a bell.²⁰⁵ Francis Underwood urged the crowd to disperse peaceably but predictably the rioters rebuffed his efforts. Not only was he one of the enclosers whose property had already been targeted by the rioters but also they had plans to destroy the enclosures of two other men, Mr Wiseman and John Newton, that had so far escaped their attentions.²⁰⁶ The soldiers' arrival prevented the crowd from entering the fens and putting their plans into action; instead they slipped away, some of them muttering threats to recommence their activities once the soldiers had left.²⁰⁷ Under the circumstances, rather than return to Wisbech, the soldiers were billeted at Whittlesey, where they remained for at least a month, at the town's expense.²⁰⁸ Depending on their attitude to the enclosures, inhabitants viewed the cost of

²⁰² The quotation comes from the earls' petition against the rioters. (HLRO: HLMP, bundle dated 26 June 1643, petition of the earls of Bedford and Portland, 29 May 1643.)

²⁰³ HLRO: HLMP, bundle dated 26 June 1643, petition, 29 May 1643; deposition of Robert Freeman, 17 June 1643. Although Freeman did not give the date of their journey, 16 May seems the most likely as the troops arrived on 17 May before any rioting could take place that day. Reasons for the presence of the troops in Wisbech are discussed below. (See Chapter 5, part 5, section i, 'The civil war in the Isle of Ely'.)

²⁰⁴ All but one of the deponents estimated the number of troops to be between 80 and 100; John Newton's estimate of 200 seems to be somewhat out of line with the others.

²⁰⁵ HLRO: HLMP, bundle dated 26 June 1643, affidavit of Robert Freeman.

²⁰⁶ HLRO: HLMP, bundle dated 26 June 1643, deposition of John Newton.

²⁰⁷ HLRO: HLMP, bundle dated 26 June 1643, deposition of John Newton.

²⁰⁸ HLRO: HLMP, bundle dated 26 June 1643, deposition of Lewis Randall. The troops arrived on 17 May and in his deposition, made on 17 June, Randall stated that the soldiers 'yet remaine in the said towne of Whittlesea to there greate Charge'.

maintaining the soldiers either as a small price to pay for security or yet another charge imposed as a result of unwanted improvement.

The earls and the officials who composed the interrogatories posed to witnesses emphasised that, under the circumstances, only the army had the necessary power to disperse the rioters and so bring about 'the preservacion of the publique peace'.²⁰⁹ This was not only an admission of the powerlessness of the ordinary forces of law and order to act against such a large body of rioters but also an excuse for, or an explanation of, the use of military personnel to deal with a civil matter: the riots had occurred in response to the enclosing activities of private landlords. Peter Behague astutely observed that it was not simply the arrival of troops that halted the rioting rather the number of soldiers who arrived: 'had they not gott the sayd number of a hundred souldiers, the sayd ryottours would not have departed thence without making much spoyle'.²¹⁰

Despite the effectiveness of the soldiers in dispersing the rioters at Whittlesey, there are very few other known instances of their use in the 1640s.²¹¹ One logical explanation is that, in the absence of a standing army in the early part of the decade, the militia comprised local men, many of whom themselves opposed enclosures or at least were unwilling to use force against their neighbours.²¹² As we

²⁰⁹ HLRO: HLMP, bundle dated 26 June 1643, petition, 29 May 1643; interrogatories to be administered to witnesses produced for and on the behalf of the earls, 10 June 1643. Interrogatory 7: 'Item was not the sayd ryott soe dangerous as that there was noe meanes to remove it but by a parte of the Parliament Armye and what number of souldiers were necessarily drawne thither to remove the saide ryott and force and did they not threaten to come againe after the souldiers should departe.'

²¹⁰ HLRO: HLMP, bundle dated 26 June 1643, deposition of Peter Behague.

²¹¹ *Ex info.* Professor Bernard Capp. In 1631, during the Western Rising local officials were urged by the king and Privy Council to use either the *posse comitatus* or the militia to suppress riots but they were only called out on two occasions. In 1645, troops were used to break up meetings of Clubmen in the West. (Sharp, *In Contempt of All Authority*, pp. 118-19, 248.) During the 1650s, parliamentary troops were frequently employed to suppress enclosure riots within the fens. (Lindley, *Fenland Riots*, pp. 176-85.)

²¹² During the Midland Rising in 1607, the authorities failed to bring out the militia to put down the riots because many of the militia were either actively involved in the rioting or refused to attend the muster because they were unwilling to suppress their neighbours. (John E. Martin, *Feudalism to Capitalism: Peasant and Landlord in English Agrarian Development* (London, 1983), pp. 172-73.)

shall see, the fact that Palgrave's force was then stationed at Wisbech was a direct result of the activities of the Eastern Association in early 1643; at any other time Glapthorne would not have been able to summon military help so easily. From that point of view, it was fortuitous for the earls and enclosing tenants that the inhabitants, for whatever reason, decided to launch their attack on the enclosures in May 1643, when, presumably unbeknown to them, parliamentary troops were near at hand. Had the riots occurred at any other time, the outcome might have been very different.

v. May 1643: Counting the cost of the riots

Witnesses suggested that on 15 and 16 May 1643 somewhere between 100 and 160 rioters had participated in the destruction around Whittlesey. Given the size of the rioting crowd, it is scarcely surprising that local men estimated that thousands of pounds'-worth of damage had been caused. In just two days about £1,000-worth of growing crops had been destroyed and damage estimated at £4,000 had been caused in 'preventing the tilte of the next year'.²¹³ In the context of the fens, this referred to land that had been drained and would be first cultivated the following year.²¹⁴ Destruction of drainage dikes had 'drowned' this land again thereby rendering it uncultivable. However, despite these heavy losses, deponents estimated that the crop still growing in the Whittlesey fens was valued at some £4,000.²¹⁵ This valuation confirms the sheer scale of the improvement in the Whittlesey fens: crops to the

²¹³ For estimates of damages to crops, see HLRO: HLMP, bundle dated 26 June 1643: deposition of Thomas Stuttyn (£1,000), John Newton (£1,000), James La Roue (£1,500 changed to £150), Lewis Randall (£1,000), John Newcombe (£1,000). For estimates of damage to 'tilte', see HLMP, bundle dated 26 June 1643, depositions of Thomas Stuttyn (£4,000), James La Roue (£4,000), Peter Behague (£4,000), Francis Mossey (£4,000 changed to £3,000).

²¹⁴ In the *OED* there are no entries for 'tilte' and none of the definitions for 'tilt' seem to apply in this context. It seems likely, therefore, that 'tilth' is being referred to, used in the sense of a fallow field.

²¹⁵ HLRO: HLMP, bundle dated 26 June 1643, depositions of Thomas Stuttyn (£4,000), John Newton (£4,000), James La Roue (£4,000), Lewis Randall (£4,000), Peter Behague (£4,000), Robert Freeman (£4,000).

present and future value of £5,000 had been destroyed by the rioters but almost as much was still standing and would provide the landowners with a lucrative harvest. Alternatively, in just two days the rioters had systematically destroyed a large proportion of the improvers' work.²¹⁶ Given that the number of rioters assembled on the third day was more than double that of the previous two days, had they not been dispersed by the troops, they would have caused many more thousands of pounds'-worth of damage. Summoning the troops, therefore, proved decisive.

vi. June to September 1643: Bringing the rioters to justice

On Monday 29 May, just two weeks after the riots began, the earls and twenty-nine leading inhabitants petitioned the Lords to summon before them thirteen named men, being 'the Cheife Ringleaders and stirrers upp of the said Riotts and disorders', to answer for their misdemeanours and to re-establish the petitioners' possession in the disputed lands.²¹⁷ The Lords immediately responded by ordering these ringleaders to attend the House to answer for their contempt in disobeying earlier injunctions.²¹⁸ Eleven of the men were brought to the bar on 10 June, when they pleaded not guilty to the charges.²¹⁹ The House then ordered that interrogatories be posed to witnesses

²¹⁶ As it is not known how much 'tilte' had survived the exact proportion of land and crops destroyed is unknown.

²¹⁷ HLRO: HLMP, bundle dated 26 June 1643, petition, 29 May 1643. The thirteen men identified as the ringleaders were: James Boyce, Jeffrey Boyce, Thomas England, John Heynes, William Heynes, William Layton, Richard Marsh, William Marsh, William Richard, John Tassell, Robert Tassell, John Wells and William White. Although these thirteen names appear in the various orders and in the heading of the interrogatories, it seems that Thomas England and John Heynes were not taken up to Westminster: their names were crossed out in the prisoners' petition, dated 31 July 1643. The speed at which the earls brought their case before the Lords contrasts sharply with the delay of five years between the occurrence of the riots at Duffield and the presentation of his petition by Sir Edward Syddenham.

²¹⁸ HLRO: HLMP, bundle dated 26 June 1643, order, 29 May 1643. The Lords also ordered that Gentleman Usher, who was to fetch the men, should be aided and assisted by 'all Mayors Justices of Peace Sheriffes Leiftenaunts Captaines Trained-Bands Constables and other officers'.

²¹⁹ *Lords' Journal*, 6, p. 88, 10 June 1643. The men must have arrived in London by the previous Monday, 6 June, when 10 June was set as the date for the hearing. In the interim they were held in the Fleet prison. (*Lords' Journal*, 6, p. 83, 6 June 1643.)

and set the trial for 26 June.²²⁰ Counsel and depositions having been heard, the Lords found the men guilty of committing an 'outrageous Ryott' and of 'contemptuous disobeyinge of the orders of this House'.²²¹ They were to be bound over to keep the peace and remain in the Fleet until they could produce sureties for their good behaviour.²²² The earls were to be allowed to continue their possession of the enclosed lands undisturbed and were permitted to seek damages against the rioters.²²³ The convicted rioters returned to the Fleet and shortly afterwards apologised to the earls, who agreed to their bail terms. The Whittlesey men, however, could not yet return home because they had failed to pay the fees due for both the costs of their arrest, amounting to £265, and of prison board. On 31 July, claiming to be 'poore labouringe men and without any other meanes of liveinge', they petitioned the Lords to reduce the fees 'accordinge to the petitioners abillities'.²²⁴ Eventually, on 6 September, the convicted rioters were released, having

²²⁰ *Lords' Journal*, 6, p. 88, 10 June 1643; HLRO: HLMP, bundle dated 26 June 1643, order, 10 June 1643. When the earls presented their petition on 29 May, they also presented a detailed affidavit made by John Newton. Most of the interrogatories subsequently administered to witnesses were based on this affidavit. (HLRO: HLMP, bundle dated 26 June 1643, affidavit of John Newton, 24 May 1643; interrogatories administered by Sir Robert Rich and John Page esquire, further to the order of 10 June 1643.)

²²¹ *Lords' Journal*, 6, p. 107, 26 June 1643; HLRO: HLMP, bundle dated 26 June 1643, draft order and judgement in the case between the earls of Bedford and Portland and the inhabitants of Whittlesey, 26 June 1643; HLRO: HLMP, bundle dated 10 July 1644, copy of order, 26 June 1643. The list of the names of the 'Delinquents' that appears in the record of the order in the *Lords' Journal* is wrong: the clerk has recorded the names of the signatories to the inhabitants' petition dated 31 July 1641 rather than those of the ringleaders of the riots. (Only James Boyce appears in both lists.) Similarly, both the draft order and the final order include Thomas England and John Heynes in the list of the convicted rioters whereas neither name appears in the recognisances issued later.

²²² The leading rioters at Caddington were twice sent to the Fleet and had to provide bonds for good behaviour. (Hindle, 'Persuasion and Protest', pp. 57-58.)

²²³ Of course, whether the defendants would be in a position to pay any damages to the earls is another matter. In the draft order the Lords had ruled that the defendants could try their title in the enclosed lands in a court of law but this was omitted from the published order. (HLRO: HLMP, bundle dated 26 June 1643, draft order and judgement, 26 June 1643; HLRO: HLMP, bundle dated 10 July 1644, copy of order, 26 June 1643.)

²²⁴ HLRO: HLMP, bundle dated 31 July 1643, petition of Jeffrey Boyce *et al.*, undated but possibly produced on 31 July 1643. Their claim to be 'poore labouringe men' will be examined in more detail below. (Chapter 5, part 4, section iii, 'Faces in the rioting crowd: known Whittlesey rioters.) The evidence of their subsequent recognisances, however, suggests that, for some of them at least, this was not necessarily a statement of fact regarding their status but a subservient stance taken by convicted felons.

made recognisances not to engage in, or even encourage, any unlawful assemblies in the earls' lands.²²⁵

In early July, while the rioters were still imprisoned, orders had been published in Whittlesey and the neighbouring towns forbidding anyone to disturb the possessions of the earls and their tenants, including their houses and enclosures in the fens.²²⁶ Those breaking the orders would do so 'at their uttermost perills' and be answerable to the House. Inhabitants probably thought long and hard about causing further disturbances, not least because in May they had actually been confronted by armed troops. Now that the rioters have returned home and order has been restored, temporarily at least, it is time to unmask those who were involved in the riots at Whittlesey and, having identified their social and economic status, to ascertain the social level from which attacks on the enclosures were launched.

²²⁵ HLRO: HLMP, bundle dated 31 July 1643, recognisances, 6 September 1643, witnessed by Robert Rich and John Page. Sureties for the recognisances were the Whittlesey yeomen John Boyce and John Marsh.

²²⁶ HLRO: HMLP: bundle dated 26 June 1643, draft order, 26 June 1643.

Part 4: The social profile of the opponents of enclosure at Whittlesey

Drawing mainly, although not exclusively, on the archives of central government, Keith Lindley's study of the fenland riots considered virtually all reported outbreaks of unrest in the fens during the seventeenth century.²²⁷ Inevitably his analysis led him to speculate on the status of the rioters and of their leaders. His principal conclusion was that larger riots were led, or fomented by, local gentry whose economic activities had been adversely affected by drainage and enclosure: men who had been overstocking the commons; or who owned upland pastures and were able to charge what they pleased for their use when the lowlands were flooded; or who opposed the drainage schemes 'out of envy and malice' because they had failed to become shareholders themselves.²²⁸ Clive Holmes has questioned Lindley's conclusion because very few substantial gentlemen actually inhabited fenland parishes. Whilst not denying that some gentry were involved in the riots, he argued that 'it is the activities and attitudes of the yeomen and richer husbandmen that are crucial' and that it was these 'rural middling sort' who galvanised their poorer neighbours into action against drainage and enclosure.²²⁹ But who were these 'poorer neighbours'?

Holmes claimed that 'labourers (and their wives) invariably provided the bulk of the muscle-power to level fences, fill ditches and destroy houses, barns and

²²⁷ Lindley, *Fenland Riots*. His main sources were the State Papers (Domestic), the *Acts of the Privy Council*, the *Journals of the House of Commons*, the *Journals of the House of Lords* and the House of Lords Main Papers, although he also drew on the records of the Bedford Level Corporation held at the Cambridgeshire Record Office.

²²⁸ Lindley, *Fenland Riots*, pp. 5-6. The quotation is from Sir William Killigrew, *A Representation to Parliament; Sir William Killigrew his answer to the Fen Men's objections against the Earl of Lindsey his Draining in Lincolnshire* (London, 1649), p. 16.

²²⁹ C. Holmes, 'Drainers and Fenmen: the problem of popular political consciousness in the seventeenth century', in A. Fletcher and J. Stevenson (eds), *Order and Disorder in the Seventeenth Century* (Cambridge, 1985), pp. 179, 182-83, quotation from p. 179.

implements'.²³⁰ Lindley, on the other hand, suggested that those who stood to lose most from drainage and subsequent enclosure were 'the mass of fenland peasantry who relied in varying degrees upon the rich resources of their commons, and who would be constrained to witness a transformation of the traditional fenland economy'.²³¹ Nowhere did Lindley define his use of the word 'peasantry', a term contentious amongst historians and rarely used by contemporaries, and even then only as a derogative term.²³²

According to Jeanette Neeson, 'common-field' peasants 'owned or occupied land and got their living from it'; this living did not 'enable them to accumulate much capital'; they worked the land themselves, rarely employing anyone for wages; they shared a common culture.²³³ Crucially, 'their common rights supported customary behaviour, joint agricultural practice, mutual aid, and, on occasions, a sense of political solidarity'. She has argued that 'occupiers who were also artisans, or who worked for a wage, and landless users of common rights were peasants too'. In his summary of the 'fenland peasantry' who had been able to gain a livelihood from the undrained fens, Lindley also included 'poor landless commoners'.²³⁴ By definition, 'commoners' were not landless since legal access to manorial commons

²³⁰ Holmes, 'Drainers and Fenmen', pp. 179-80, quotation from p. 179.

²³¹ Lindley, *Fenland Riots*, p. 1.

²³² For a summary of the various usages of the term 'peasant' by historians and contemporaries, see J. V. Beckett, 'The Peasant in England: A Case of Terminological Confusion?', *Agricultural History Review*, 32 (1984), pp. 113-23. Beckett notes that Shakespeare used the word 'peasant' twenty-nine times in his plays, 'usually coupled with words such as servant, dull, vulgar, worthless, base, slave, rogue and low'. (p. 117.) In his recent essay on the English peasantry, Richard Smith looks at 'issues surrounding notions of property, tenure and the law which served to define some of the key issues that have emerged in the debate about English peasantries and their transformation' but does not define the term 'peasantry'. (Richard M. Smith, 'The English Peasantry, 1250-1650', in Tom Scott (ed.), *The Peasantries of Europe from the fourteenth to the eighteenth centuries* (Harlow, 1998), pp. 338-71, quotation from p. 341.)

²³³ J. M. Neeson, *Commoners: Common Right, Enclosure and Social Change in England, 1700-1820* (Cambridge, 1993), pp. 299-300.

²³⁴ Lindley, *Fenland Riots*, p. 6.

was dependent upon landholding in that manor.²³⁵ Lindley's 'poor landless commoners', therefore, were not *de jure* commoners but poor inhabitants who had enjoyed *de facto* access to the undrained, unenclosed common fens where they used customary common rights.

i. Lindley's analysis of the Whittlesey rioters

In addition to summarising the status of the leaders of, and participants in, fenland riots in general, Lindley also offered specific conclusions regarding the status of rioters in particular places. By their very nature, his documentary sources were based on, and biased towards, the attitudes and concerns of those in authority in seventeenth-century England. In his analyses of such documents, he did not necessarily allow for such subjectivity.²³⁶ Pertinent to Whittlesey, Lindley made very specific claims about the status of Jeffrey Boyce, the alleged leader of the rioters, but he misread the evidence. Boyce had not, in fact, described himself as 'a poor labouring man': this description is found not in a deposition made by Boyce, in which he would have been required to state his name, age and occupation, but in a 'humble petition' from the alleged ringleaders to the Lords.²³⁷

Using the 'evidence' of that same petition, Lindley further concluded that the Whittlesey rioters 'generally appear to have come from lower ranks of peasant

²³⁵ In this sense 'landholding' is shorthand for holding manorial property of any kind, whether a dwelling and/or land with common rights attached.

²³⁶ See, for example, Lindley's brief account of protests at Sutton in the Isle of Ely based on the petition of 'divers poor inhabitants'. (Lindley, *Fenland Riots*, p. 40.) Andy Wood's work on the Peak miners is similarly uncritical, or even unmindful, of the rhetoric of petitions. See, for example, his discussion of the reciprocal exchange of patronage and deference between Peak landlords and miners. (Andy Wood, *The Politics of Social Conflict: The Peak Country 1520-1770* (Cambridge, 1999), pp. 22-23.)

²³⁷ Lindley, *Fenland Riots*, p. 157; HLRO: HLMP, bundle dated 31 July 1643, 'The humble petition of Jeffery Boys William White Thomas England Richard Mash William Mash James Boys John Heynes William Heynes Robert Tassell John Tassell William Layton William Richard and John Wells poore distressed Prisoners in the Prison of the Fleete'.

society'.²³⁸ This petition, however, was constructed to elicit sympathy for the men's request for release from prison; consequently they painted a grim picture of the economic hardships suffered as a result of their imprisonment. It is important to note, moreover, that Lindley did not simply use the evidence of this self-abasing petition as confirmation of the status of the eleven alleged ring-leaders named within it; he also extrapolated from this the status of the majority of the rioters. In fact, the ring-leaders comprised no more than 10 per cent of those involved in the destruction on 15 and 16 May 1643 and less than 3 per cent of those who were dispersed by the soldiers on 17 May.²³⁹ His generalisations about the social profile of the Whittlesey rioters were, therefore, built on the flimsiest of foundations.

Given the broad nature of Lindley's study as a whole, and the fact that his evidence was drawn from central records, it would hardly be surprising if his analysis of the status of the rioters in one particular fenland community were conjectural. Only recourse to local records, containing, for example, details of office-holding, kinship networks and landholding, enables the historian of riot to put flesh on the bones of participants and to locate their position in that society. Using evidence from local archives and central records not consulted by Lindley, the following analysis seeks to determine the social and economic status of actors in the events at Whittlesey; not only the known rioters but also those who petitioned the Lords against enclosure in 1641.²⁴⁰ Furthermore, in order to provide a balanced

²³⁸ Lindley, *Fenland Riots*, p. 157.

²³⁹ Deponents varied in their estimates of the number of rioters. HLRO: HLMP, bundle dated 26 June 1643: deposition of Thomas Stuttyn (16 May: 150 rioters); John Newton (16 May: 160); James La Roue (15 May: 100 or more); Anthony Lawe (15 May: 100 or more); Peter Behague (16 May: 100 in one company and a great number in another); Robert Freeman (17 May: 400 or 500); Francis Mossey (date not given: 100 or more).

²⁴⁰ It should be noted, however, that there are some significant gaps in the local records. For example, the parish register for St Andrew's only survives from 1653 onwards and that of St Mary's from 1683. Earlier entries are supplied by bishops' transcripts but there are significant gaps in the 1640s and 1650s. (The latter have been transcribed and a copy lodged at the Cambridgeshire Record Office.)

account, the connections and status of those who allegedly engrossed holdings within the drained fens and of other supporters of the enclosures will also be considered.²⁴¹

ii. Legal opponents of the enclosures

On 31 July 1641 eleven men, describing themselves as ‘poore Inhabitants of the Towne of Wittlesea’ acting ‘in the name of themselves and many others’, petitioned the House of Lords regarding the enclosing activities of various leading tenants.²⁴²

The petitioners were James Boyce, Ralph Boyce, John Colls, Robert Dowe, William Dowe, Ralph Easeom, William Freeman, Isaac Gardner, John Henson, Adam Kelfull and Richard Searle. These men were not necessarily stating their true economic position but were assuming the deferential pose of petitioners. Their grievance that poor inhabitants had been ‘verie much impoverished to theire undoinge’ by the enclosures suggests that they were not only acting on behalf of tenants but also of their landless neighbours.²⁴³ As we have already seen, John Boyce senior, together with John Colls and Isaac Gardner, later misreported the Lords’ ruling.²⁴⁴ It is important to establish the social standing of the petitioners, and of Boyce, and so define the social matrix from which legal opposition to the enclosures was organised.

Although there are wills from throughout the seventeenth century, there are few from the 1640s. Only two probate inventories survive from before 1673. Manor court books date from April 1642 onwards.

²⁴¹ Appendix 10, ‘Whittlesey men named in HLMP: allotments received at enclsoure’, provides details of the known landholding of all inhabitants named in the House of Lords Main Papers relating to Whittlesey.

²⁴² HLRO: HLMP, bundle dated 26 June 1643, ‘The humble Petition of some of the poore Inhabitants of the Towne of Wittlesea in the Isle of Ely, in the name of themselves and many others’, 31 July 1641. Lindley was also seduced by the epithet ‘poor’ in this petition. (Lindley, *Fenland Riots*, p. 157.)

²⁴³ Hindle has argued that at Caddington ‘leading commoners spoke on behalf of their disadvantaged brethren’. (Hindle, ‘Persuasion and protest’, p. 71.) Similarly, leading commoners at Northchurch, a parish within the manor of Berkhamsted, wanted Berkhamsted Frith to remain unenclosed because while the poor of that parish had access to those extensive commons they would not need regular relief. (Falvey, ‘Crown Policy’, p. 141.)

²⁴⁴ HLRO: HLMP, bundle dated 26 June 1643, ‘The humble Petition of William Earle of Bedford & Jerome Earle of Portland Lordes and owners of the Mannours and Lands of Witlesey in the Isle of Ely and County of Cambridge on the behalfe of themselves and their Tenauntes of the said Mannours’, 26 November 1641.

(See Appendix 11, 'Whittlesey men named in HLMP: offices; family and probate connections'.)²⁴⁵

Someone in authority had also wanted to ascertain the petitioners' status. A copy of their petition is endorsed thus: 'learn if you can 1) when these petitioners became inhabitantes; 2) whether they are or were owners; 3) if owners, whether had nor[sic] land sett out; 4) if they had; what is become of it whether they have sould or keepe it'.²⁴⁶ Whether posed on behalf of the Lords or of the earls, answers to these questions would give a clear indication of the petitioners' legal position regarding the enclosures at Whittlesey. Had they become 'inhabitantes' after 1639, they could not have been parties to the agreement. Were they still, or had they been, owners of commonable property, they would have received an allotment for their holding(s). Had they sold their allotment(s) to wealthy tenants, their claim that the enclosures had caused them hardship would be untenable.²⁴⁷

At this point, it would be useful to know how many tenants had indeed sold their allotments by 1641.²⁴⁸ In 1639, some 310 tenants had been allotted nearly 6,000 acres for the 586 holdings of commonable lands or dwellings in the manors.²⁴⁹ In 1641, the petitioners alleged that five named engrossers and others had already enclosed 1,000 acres within the fen. At enclosure, between them, those five men had been allotted at least 516 acres.²⁵⁰ If they had indeed enclosed about 1,000 acres, they must have acquired some 500 acres from other tenants, the equivalent of fifty

²⁴⁵ All of the references for the information used the following analysis are given in this appendix.

²⁴⁶ HLRO: HLMP, bundle dated 26 June 1643, copy of the petition of some of the inhabitants of Whittlesey, 31 July 1641, marked *Copia vera*. It is not possible to identify who wrote these questions.

²⁴⁷ The petitioners had objected to the amalgamation of plots but these enlarged plots were not new enclosures from the fen but were simply consolidated holdings, hence the Lords did not view these enclosures as illegal.

²⁴⁸ Of course, in the absence of manor court records from before 1643, only a rough estimate is possible.

²⁴⁹ TNA: PRO: E125/24, p. 314, ff. 14v-25v. As noted previously, given the problem of isonomy, 310 is the minimum number of tenants in the manors at enclosure.

²⁵⁰ George Glapthorne was allotted a total of 265 acres; Francis Underwood forty-three acres; Roger Wiseman 158 acres; Thomas Boyce at least thirty acres; and Thomas Ives twenty acres.

allotments to commonable cottages. Even if their acquisitions did comprise fifty ten-acre plots, these represent no more than 8.5 per cent of the number of allotments or 8.3 per cent of the area allotted; those who sold them represent, at most, 16.1 per cent of the tenants.²⁵¹ Moreover, as a large number of tenants received more than one allotment and those who held fullands received twenty-acre plots, these calculations assume the maximum number of allotments and tenants involved.²⁵² The extant court books indicate that the practice of selling allotments continued into the next decade but that the number of tenants participating was very low: from October 1643 to April 1650 only about twenty such land transfers, either by the original tenant, or their heirs, were recorded.²⁵³ Furthermore, transfers of commonable cottages or fullands sometimes specifically omitted the land in the fen allotted to that property, confirming that many tenants utilised their allotment.²⁵⁴ To summarise, therefore,

²⁵¹ For a recent discussion of the sale of allotments by small farmers following parliamentary enclosure in Westmorland, see Ian Whyte, 'Changes of landownership and parliamentary enclosure in an upland environment: Westmorland c.1770-1860', *Agricultural History Review*, 54 (2006), pp.240-56. (I am grateful to Professor Whyte for providing me with a pre-publication copy of his article.)

²⁵² There is no way of knowing how much the engrossers paid for the allotments. At enclosure it had been agreed that tenants would rent their allotments from the lord of the manor at the rate of 1d per acre, therefore any 'sale' would take place outside the manor court and the court's records would only show that the tenants had surrendered the ten acres allocated by the decree in Chancery into the hands of the lord or his steward to the use of the new tenant. For example, at the court of St Mary's manor held on 2 April 1646, it was recorded that 'outside the court, on 11 February 1645 [1645/6], John Lamb and his wife Margaret, in the presence of John De Lavall, steward of the manor, had surrendered into the hands of the lord all that parcel of marsh [*marisci*] land lying in Glassemore in Witlesey in the place called St Maries Fifth Lott between the land of Humphrey Speechley on the West and the land of Robert Houghton in the east, to the use of Robert Beale gent'. (CRO: 126/M2, court book of the manor of Whittlesey St Mary, 2 April 1646.)

²⁵³ For example, at the court of St Mary's manor held on 10 April 1645, 'Ralph Bradford and wife Anne surrendered into the hands of the lord all their right and title in a parcel of pasture or marsh land containing Ten acres situated and being in Old Ea Meer within the aforesaid manor in that place there now called St Maries L Lott between the land of widow Gage on the East and the land of Christopher Darnell on the West (which 10 acres was allocated to the aforesaid Ralph Bradford and his wife Anne by virtue of a Decree in Chancery), to the use of Roger Wiseman and his heirs and assigns. Admitted'. (CRO: 126/M2, 10 April 1645). At enclosure Ralph Bradford held a commonable cottage in right of his wife. (TNA: PRO: E125/24, p. 314, f. 19r.)

²⁵⁴ For example, at the court of the manor of St Mary's held on 6 October 1648, it was reported that, on 24 July 1648, John Henson and his wife, Elizabeth, had surrendered via the steward 'one messuage called White Fadder Barne with appurtenances (*except les Ten acres*)' to Henry Boyce of Eldernell and his wife Susan. Rent, 2s 3d; fine, 7s 1d. (CRO: 126/M2, 6 October 1648, emphasis added.) None of the records show that the allotments were then surrendered separately. This suggests that the original tenant retained the allotment for their own use.

some tenants had sold their allotments but the proportion that did so was not necessarily large.

The earls' counter-petition, presented in November 1641, indicates that enquiries had indeed been conducted into the petitioners' backgrounds. The earls alleged that the eleven men fell into one of three categories: tenants who had consented to the division of the commons; tenants who had sold the proportion allotted to them; or servants and labourers, who had no direct interest or right in the provisions of the Exchequer decree.²⁵⁵ The following analysis of the economic status of the eleven petitioners and of John Boyce senior seeks to verify the first and third of these findings, the second, as we have seen, cannot be confirmed.

Eight of the twelve had received allotments in 1639: James Boyce (ten acres), John Boyce senior (eighty acres), Ralph Boyce (either ten or 130 acres), John Colls (thirty-three), William Dowe (fifty-nine), Ralph Easeom (ten), William Freeman (twenty) and Adam Kelfull (four).²⁵⁶ The other four, Robert Dowe, Isaac Gardner, John Henson and Robert Searle, did not receive allotments but did have the same surname as other tenants (see Appendix 10). Although themselves landless, they were keenly aware of the situation and were willing voice their objections, initially at least, in a legal manner. Collectively the petitioners claimed that they had not consented to the enclosures. In fact, however, five of them, together with John

²⁵⁵ HLRO: HLMP, bundle dated 26 November 1641, petition of the earls of Bedford and Portland, 26 November 1641. The following paragraph is based on the contents of this petition.

²⁵⁶ It is not easy to determine the allotment received by particular tenants with complete accuracy. Two men named James Boyce received ten-acre allotments: 'James Boyce, carpenter' and 'James Boyce of Eastrea'. In the earls' petition against the rioters, they identified 'James Boyce Carpenter' as one of the rioters. As we shall see, many members of the Boyce family of Eastrea were involved in the opposition to the enclosures, so it is argued here that both tenants named James Boyce were active opponents, 'James Boyce of Eastrea' signing the petition in 1641 and 'James Boyce, carpenter', being a rioter. At least two men named Ralph Boyce received allotments: 'Ralph Boyce the elder' received ten acres and eight other allotments were made to 'Ralph Boyce'. John Boyce the elder received eighty acres but at least two other tenants were also named 'John Boyce': one allotment went to 'John Boyce Hempman', one to 'John Boyce the younger' and three to 'John Boyce', who may or may not have been one of the other three men.

Boyce, are named in the Exchequer decree as signatories to the agreement.²⁵⁷

Presumably they were enticed to sign by the promise of an allotment.²⁵⁸

Landholding is not, however, the only available indicator of wealth: several of these men were assessed in the 1641 Lay Subsidy.²⁵⁹ Unlike the early Tudor lay subsidies, the 1641 subsidy was levied only on wealthier householders.²⁶⁰ At Whittlesey, thirty-six inhabitants were assessed for the tax.²⁶¹ Of the twelve being considered here, four were assessed: John Boyce (£1 10s on land), Ralph Boyce (£3 on goods), William Dowe (£2 on land) and William Freeman (£1 on land). These men, therefore, ranked among the wealthiest householders in the very year when they petitioned the Lords as 'poor Inhabitants'.²⁶² Their self-ascription, therefore, was at best disingenuous, at worst downright dishonest.

Most of the twelve men, moreover, had, or would hold positions of responsibility within the manors and parishes. John Boyce senior was probably a constable of St Mary's manor in 1642.²⁶³ James Boyce probably sat on several

²⁵⁷ The men who agreed to the enclosure were: John Boyce, Ralph Boyce, John Colls, William Dowe, William Freeman and John Henson. (TNA: PRO: E125/24, p. 314, f. 1r.)

²⁵⁸ Why John Henson, who was not a tenant, had signed the agreement is somewhat problematic.

²⁵⁹ Analysis of the manorial offices held by these men is hampered by the absence of manorial records before 1642.

²⁶⁰ Jeremy Gibson and Alan Dell, *The Protestation Returns 1641-42 and other contemporary listings* (Birmingham, 1995), p. 11. Gibson noted that 'in general only the wealthier were taxed, half a dozen or so in villages, twenty to forty in most towns'. Hoyle had previously suggested that 'it is not even clear that the persons whose names appear in the later subsidy assessment were the wealthiest in their communities or actually paid the whole sums assessed themselves' and that consequently the seventeenth-century returns 'have little to offer the local historian'. (R. W. Hoyle, *Tudor Taxation Records: A Guide for Users* (London, 1994), p. 31. The fact remains, however, that these men were assessed for a wealth tax and, therefore, were among the wealthiest in Whittlesey.

²⁶¹ TNA: PRO: E179/83/406. The returns have been transcribed in W. M. Palmer, *The Cambridgeshire Subsidy Rolls, 1250-1695* (Norwich, 1912), p. 68. Of the thirty-six subsidy men, twenty-four were assessed on the value of their lands and twelve on goods.

²⁶² Palmer's transcript states that 'Alec Reefnell' was assessed at £1 10s on land. This could be a misreading of 'Adam Kelfull' but it is unlikely since Adam Kelfull only received an allotment for four acres. However, the surname of Kelfull occurred frequently in Whittlesey, with at least eight men of that name receiving allotments at enclosure. The surname 'Reefnell' does not occur in any other records.

²⁶³ Since several members of the prolific Boyce family had the same Christian name, it is almost impossible to ascertain with any degree of certainty the office-holding of particular members of that family. From the available evidence it is highly likely that 'John Boyce senior' was the father of James and Jeffrey, who were baptised in St Mary's on 25 December 1614 and 4 April 1616.

manorial juries, as did William Dowe.²⁶⁴ Of all the petitioners, only three, Ralph Boyce, Robert Dowe and Ralph Easeom, were not called to sit on any juries from 1642 onwards.²⁶⁵ Since these positions were only open to manorial tenants, Isaac Gardner, John Henson and Richard Searle, who had not been granted allotments in 1639, must have become tenants soon after.²⁶⁶ Three, if not four, of the twelve were also churchwardens. John Boyce was warden at St Mary's six times between 1627 and 1640; a man named James Boyce was warden at St Mary's in 1641; John Colls at St Andrew's in 1623, 1637 and 1638; and William Dowe at St Mary's in 1642.²⁶⁷ William Mason, vicar of both parishes, was a prominent supporter of the enclosures and yet some of his lay officers were active opponents during their period of office: a situation that must have brought tension, if not discord, to the vestry.²⁶⁸

²⁶⁴ 'James Boyce' was ale-taster for St Andrew's manor in 1642 and sat as homage or inquisition juror on twenty occasions between 1643 and 1656, but it is impossible to determine which of the two manorial tenants of that name held those various offices. From the available evidence, it is highly likely that the petitioner James Boyce was the son of John Boyce senior. There is also some difficulty in identifying the manorial office-holding of William Dowe: 'William Dowe senior' was a manorial juror at several courts between 1642 and 1646; 'William Dowe' was a constable and manorial juror between 1644 and 1653. It is arguable that William senior was the petitioner since only one man of that name was granted an allotment at enclosure. It is possible that the testator William Dowe who made his will on 18 November 1652, but which was not proved until January 1658, was the other William since 'William senior' had ceased holding office by 1646. (TNA: PRO: PROB11/272, image reference 381, will of William Dowe of Whittlesey, dated 18 November 1652.)

²⁶⁵ It is likely that at least some of the men would have held office in the earlier period but, in the absence of earlier court books, this is impossible to prove.

²⁶⁶ In April 1645, Isaac Gardner and his brother Thomas took over the half fulland that had been held by their late father, also Thomas. (CRO: 126/M1, court book of the manor of Whittlesey St Andrew, 11 April 1645.) Isaac's father had also bequeathed him a commonable cottage and ten acres in the allotments in 'Basnamore'. (CRO: will of Thomas Gardner, dated 13 February 1645.) John Colls was one of the witnesses of Thomas Gardner's will.

²⁶⁷ Given that the only reference to John Colls as a manorial juror is in the earliest surviving court record, and that he was churchwarden before then, it is likely that he was a manorial juror in previous years as well. It is probable that the testator John Colls 'labourer' was a younger man and not the man who had signed the petition and made announcements concerning the House of Lords' ruling. (TNA: PRO: PROB11/246, image reference 49, will of John Colls, labourer, of Whittlesey, dated 15 November 1653.) It should be noted that the wills of both Dowe and Colls were proved in the Prerogative Court of Canterbury because the archdeaconry courts had been suspended during the Commonwealth period, and not necessarily because the testators were wealthy.

²⁶⁸ As no churchwardens' accounts have survived, it is impossible to know who appointed the two wardens annually in the two Whittlesey parishes; it may be that one was appointed by the vicar and the other by the parish. It seems highly unlikely that Mason would have knowingly chosen as wardens opponents of the enclosure, whereas it may have been a strategy of the parish to do just that. For the participation of churchwardens in enclosure unrest, see, for example, Falvey, 'Crown Policy'.

Uncertainties of identification notwithstanding, it is clear that the twelve men came from a wide cross-section of society, ranging from subsidy-men, churchwardens and manorial jurors to men who apparently never held office; from tenants who were allotted perhaps 130 acres to men who were landless at that time.²⁶⁹ They comprised a coalition of interests and were emphatically not all ‘poore Inhabitants’. Now that we have given substance to those men who, in 1641, offered legal opposition to the Whittlesey enclosures, we must turn to those who, in 1643, allegedly offered illegal opposition.

iii. Faces in the rioting crowd: known Whittlesey rioters

Whereas, in 1642, Edward Syddenham named some 217 people suspected of rioting in Duffield Frith, only eighteen ‘rioters’ were identified positively by witnesses at Whittlesey (see Appendix 11).²⁷⁰ These men fall into two groups: eleven named by John Newton in an affidavit on which subsequent interrogatories were based; and a further seven identified by Lewis Randall and Anthony Lawe in their responses to those interrogatories.²⁷¹ The eleven men whose activities attracted the attention of Newton were: James Boyce (carpenter), Jeffrey Boyce, William Haynes, William Layton of Eastrea, Richard and William Marsh, William Richar, John and Robert Tassell, John Wells and William White.²⁷² These were the men who, when

²⁶⁹ Only Robert Dowe received no allotment and held no office; however, he may have been the yeoman Robert Dowe, whose inventory, in 1674, was valued at £118 10s. (CRO: inventory of Robert Dowe, yeoman, of Whittlesey, dated 18 August 1674, probate granted 20 August 1674.) Perhaps not coincidentally, two of the appraisers were named Robert and William Colls.

²⁷⁰ For the list of Duffield rioters, see TNA: PRO: DL1/370, (unnumbered piece), ‘Information presented by Attorney General Bedingfeild on relation of Edward Sydenham, 16 May 1642’. The Whittlesey rioters were named in various documents contained in HLRO: HLMP, bundle dated 26 June 1643.

²⁷¹ HLRO: HLMP, bundle dated 26 June 1643, affidavit of John Newton, 24 May 1643; depositions of Anthony Lawe and Lewis Randall, 17 June 1643.

²⁷² HLRO: HLMP, bundle dated 26 June 1643, affidavit of John Newton. Although Newton initially identified Thomas England and John Haynes among the rioters, neither were named in the interrogatories, dated 10 June 1643, that were administered to witnesses; nor were they parties to the petition of the Whittlesey rioters who had been committed to the Fleet prison or named in the

imprisoned in the Fleet in the summer of 1643, petitioned the Lords seeking bail, describing themselves as ‘poore labouringe men’.²⁷³

Four of them were manorial tenants (see Appendix 11). Three had received ten-acre allotments: William Layton held a cottage in Coates, near Eastrea; John Wells held a cottage in Delfe End; and James Boyce, carpenter, held a half-fulland in right of his wife. William Richar (or Richards) had received forty acres in total.²⁷⁴ These rioters, therefore, had previously enjoyed legitimate access to the Whittlesey fens. Their objection to the enclosures was based on the loss of their open access: ten acres, or even forty, were not considered adequate compensation. These men may also have been amongst those tenants who had sold their allotments to improving tenants; this was certainly one of the accusations levelled against the rioters by the earls.²⁷⁵

The remaining seven ‘rioters’ were not manorial tenants. The enclosures denied them access to the common fens that, according to the 1641 petitioners, had been such people’s ‘cheifest meanes of Livelihood’.²⁷⁶ These rioters were not, however, without roots in the community. All had surnames in common with tenants recorded in the 1603 rental and all, except William Haynes, with tenants in the 1639 decree. Richard Marsh, aged 26, and his brother William, aged 29, were sons of

subsequent recognisances. (HLRO: HLMP, bundle dated 31 July 1643, ‘petition of Jeffery Boyce and others’.) Consequently these two have been omitted from the analysis.

²⁷³ HLRO: HLMP, bundle dated 31 July 1643, ‘The humble petition of Jeffery Boys William White Thomas England Richard Mash William Mash James Boys John Heynes William Heynes Robert Tassell John Tassell William Layton William Richard and John Wells poore distressed Prisoners in the Prison of the Fleete’. The petition is undated but as the bundle of documents is dated 31 July 1643 and all of the other documents in it have other dates, it is likely that the petition was read in the Lords on that date.

²⁷⁴ The forty acres allotted to William Richer (or Richards) comprised ten acres for a cottage in Baunce; ten acres for a cottage in Arnold Street in right of his wife; ten acres for a half-fulland in St Mary’s; five acres for a quarter-fulland in St Andrew’s; and five of the ten acres allotted jointly to Richard Parker and him for another cottage in Baunce.

²⁷⁵ HLRO: HLMP, bundle dated 26 June 1643, petition, 29 May 1643.

²⁷⁶ HLRO: HLMP, bundle dated 26 June 1643, petition, 31 July 1641.

Christopher, who held a cottage in Briggate, Whittlesey.²⁷⁷ They were also related to the yeoman John Marsh, who, together with John Boyce senior, acted as surety for the rioters when they were released from the Fleet in September 1643.²⁷⁸ John Tassell senior and his relative Robert, were members of an established Eastrea family present in 1523 and were related to William, who held a cottage and land in Eastrea.²⁷⁹ Nicholas, the father of William White, held a cottage in Delfe End; their family was also recorded in the 1523 subsidy.²⁸⁰

Ascertaining the landholding of Jeffrey Boyce the younger, identified by Robert Freeman as the 'cheife actour and ringleader' of the rioters, is problematic.²⁸¹ A tenant named Jeffrey Boyce held a commonable cottage in Horsegate but this was Jeffrey Boyce senior, father-in-law of Thomas Astlyne.²⁸² The will of John Oughtie, yeoman, of Eastrea, confirms that Jeffrey Boyce junior was a young single man at

²⁷⁷ CUL: EDR 3/85, bishops' transcripts of the parish of St Mary: Richard, son of Christopher Marsh, baptised on 15 January 1617; William, son of Christopher Marsh, baptised on 12 February 1614.

²⁷⁸ The surety John Marsh was probably not their brother John the boatwright who died in May 1674 but an older relative. (CRO: will of John Marsh of Whittlesey, boatwright, dated 13 February 1674, inventory dated 10 March 1674, probate granted 31 May 1674.)

²⁷⁹ It is difficult to determine the relationship between the alleged rioters John and Robert Tassell: from the evidence cited below it seems likely that they were not father and son, but brothers. The following baptisms are recorded in the (incomplete) series of bishops' transcripts: John Tassell, son of John, baptised 16 June 1605; John Tassell, son of William, baptised 30 January 1619; Robert Tassell, son of John, baptised 13 June 1629. If the rioter 'John Tassell senior' was the man baptised in 1605 and his son Robert was baptised in 1629, this Robert could not have been involved in the lawsuit concerning the enclosures in 1635 as he was only about 6 years old at that time. Therefore this baptism of Robert Tassell does NOT refer to the man involved in the riots. It is likely, however, that the rioter John Tassell was the man who made his will in 1645, since it was witnessed by John Boyce. (CRO, will of John Tassell, dated 8 May 1645; probate granted 13 January 1651; his wife and his son Robert were appointed executors, his daughters were under 21.) In summary, the rioter John Tassell senior had a son named Robert; the rioter Robert Tassell was not John's son but probably his brother after whom his son had been named. We have already seen that John and Robert were amongst the 126 inhabitants who, in November 1635, objected to the original enclosure agreement; since the Tassells were not tenants it is scarcely surprising that they were also amongst the twelve objectors who subsequently failed to sign the 1638 agreement. (TNA: PRO: C3/418/177, document 3, 27 November 1635.)

²⁸⁰ CUL: EDR 3/85, bishops' transcript of the parish of St Mary: William, son of Nicholas White, baptised on 5 March 1618. Living in Delfe End, they were near neighbours of John Wells, another of the rioters.

²⁸¹ HLRO: HLMP, bundle dated 26 June 1643, deposition of Robert Freeman.

²⁸² Thomas Astlyne bequeathed 'to Geoffrey Boyce, my wife's father, my best hat'. (CRO: will of Thomas Astlyne, husbandman, of Whittlesey, dated January 1641, proved shortly afterwards (probate date not given).)

the time of the riots.²⁸³ In 1648 Boyce had recently married Oughtie's daughter, Alice, who was not yet twenty-one. In his will, the new father-in-law stipulated that once she reached her majority, she should receive a legacy of £80 provided that Jeffrey Boyce 'do fullie estate the said Alice my daughter and his wife in house or Land to the full valew or worth of the said some of fourscore pounds'. Boyce, therefore, had to acquire property for the couple without relying on his wife's wealth. By the 1660s he was holding land in Eastrea Fen and was bequeathed a further twenty acres there by his brother John.²⁸⁴ When Jeffrey died in 1666, he called himself a yeoman, although frustratingly his will gives no indication of his actual wealth.²⁸⁵

The will of Jeffrey's brother John reveals that the two men were also brothers to Henry, James, Robert and Thomas.²⁸⁶ This will, therefore, provides one of the most important links in the Whittlesey story: two of the known rioters, Henry (age unknown), and Jeffrey (aged 28) were brothers from Eastrea.²⁸⁷ A third brother, James (aged 27), had been one of the petitioners in 1641. Their father, also John, was 'John Boyce the elder' who, in 1641, with John Colls and Isaac Gardner, had

²⁸³ CRO: will of John Oughtie of Eastrea, yeoman, dated 5 May 1648, proved 13 January 1651.

²⁸⁴ CRO: will of John Boyce of Eastrea, yeoman, dated 3 January 1661, proved 30 April 1661: 'Item I leave to my brother Jeffrey Boyce twenty acres of land in Eastrey fenn be it more or less, lying between the lands of the said Jeffery Boyce & James Boyce & abutting upon the Drove Way north'.

²⁸⁵ CRO: will of Jeffrey Boyce of Eastrea, yeoman, dated 14 August 1666, proved 5 February 1667. Apart from a bequest of five acres in the fen to his daughter, Isabel, during her minority, which would subsequently pass to his son William, his bequests comprised only household goods.

²⁸⁶ CRO: will of John Boyce of Eastrea, yeoman, dated 3 January 1661, proved 30 April 1661. He bequeathed to his brother Thomas Boyce ten acres of land in 'oldmere'; to his brother Robert another ten acres in 'oldmere'; to his brother Henry sixteen acres of pasture ground in Wisbech; to his brother James a brown mare with a white foal. They also had three married sisters: Joan Bull, Isabel Speechley and Mary Edes.

²⁸⁷ Henry Boyce was identified as a rioter by the deponents Lewis Randall and Anthony Lawe. (See below.) Baptisms recorded in the bishops' transcripts of the parish of St Mary include: Robert, son of John Boyce, baptised 7 February 1613; Jeffrey, son of John Boyce, baptised 25 December 1614; James, son of John Boyce, baptised 4 April 1616; Thomas, son of John Boyce, baptised 6 April 1620. (There is no record of Henry's baptism but the transcripts for some years are missing.) (CUL: EDR 3/85.)

made false reports about the House of Lords' ruling.²⁸⁸ In September 1643, John senior acted as one of the sureties for the rioters when they secured their release on bail.²⁸⁹ The Boyce family from Eastrea, together with their relative James the carpenter, therefore, appear to have comprised the core group of named opponents to the Whittlesey enclosures. That other rioters, namely William Layton, and Robert and John Tassell, also came from Eastrea can be no coincidence.²⁹⁰

The ability to sign one's name was also a plausible indicator of wealth and status.²⁹¹ The main sources for such evidence for the early 1640s are the Protestation Returns but unfortunately those from the Isle of Ely have not survived.²⁹² There is, however, a unique source for the literacy and status of the Whittlesey rioters who were imprisoned in the Fleet. Once the earls had agreed that the men could be released on bail, the latter subscribed a recognisance for good behaviour. In this all eleven described themselves as 'husbandmen' and five of them, James Boyce, John Wells, Jeffrey Boyce, and Richard and William Marsh, signed their names.²⁹³ The latter three were not manorial tenants at enclosure but although not sufficiently wealthy to hold land at that time, their status was such that they had received at least some basic education and were functionally literate.²⁹⁴ It is arguable that in the

²⁸⁸ HLRO: HLMP, bundle dated 26 June 1643, petition, 26 November 1641.

²⁸⁹ HLRO: HLMP, bundle dated 31 July 1643, recognisance, 6 September 1643.

²⁹⁰ Also, just two years after the riots, John Boyce witnessed the will of John Tassell senior. (CRO, will of John Tassell, dated 8 May 1645, probate granted 13 January 1651.)

²⁹¹ For a study of literacy in the early modern period based on the ability to sign, see David Cressy, *Literacy and the Social Order* (Cambridge, 1980).

²⁹² Gibson and Dell, *Protestation Returns*, pp. 21-22. The returns for Ramsey, which was in the county of Huntingdon, have survived. The returns for that county have been edited by Proby in G. Proby (ed.), 'The Protestation Returns for Huntingdonshire', *Transactions of the Cambridgeshire and Huntingdonshire Archaeological Society*, 5 (Ely, 1937), pp. 289-368.

²⁹³ HLRO: HLMP, bundle dated 31 July 1643, recognisance, 6 September 1643.

²⁹⁴ The provision of education in Whittlesey does not appear to have been continuous at that time. In June 1638, the churchwardens of both parishes had presented that 'we have no schoolmaster in our parish'; however, in the visitation returns of later that same year, the wardens of St Andrew's presented that 'our curate is newly come unto us and intendeth to take lycense for teaching the schoole as soon as may be'. (*Transactions of the Cambridgeshire and Huntingdonshire Archaeological Society*, 4, (Ely, 1930), pp. 339, 378.) There is some evidence of schoolmasters in the town at the end

recognition the convicted rioters described themselves as ‘husbandmen’ to indicate a measure of respectability, just as they had called themselves ‘poore labouring men’ in their ‘humble petition’ for release from the Fleet to gain sympathy and indicate respect. Nevertheless, this evidence, together with the fact that four of them were manorial tenants, confirms that some of the rioters were, indeed, husbandmen.²⁹⁵ Whether the other seven were merely ‘poore labouring men’ is less certain since three of them could sign their names.

Given the scale of the riots, one might expect that eyewitnesses would identify many more rioters than those initially named by Newton, but this was not, in fact, the case. The community closed ranks. Although perhaps 200 rioters had attacked the enclosures on 15 and 16 May, and between 400 and 500 had gathered the following day, only two witnesses, Lewis Randall and Anthony Lawe, were willing, or able, to identify any other rioters, and then only a further seven.²⁹⁶ Between them Randall and Lawe pointed the finger at Thomas Batteram (or, Bartram); Henry Boyce, carpenter; William Colls of the High Causey; Thomas Dawby; Ralph Grewne (or, Ground); Robert Newman; and Roger Rentford, servant of Thomas Wiseman of Eastrea.²⁹⁷ These men were singled out by Randall and Lawe as ‘principall actours in the sayd ryott’, who, armed with ‘Spades, Shovles [*sic*] and Pitchforks’, had been seen destroying property in the fens.

of the sixteenth century but the first record of a permanent primary school dates from 1735. (*VCH Cambs*, 4, p. 134.)

²⁹⁵ Admittedly the definition of what constituted a ‘husbandman’ varied from place to place, but the combination of evidence presented here (evidence of landholding, of functional literacy and of self-ascription) argues that the term is valid for these particular Whittlesey men.

²⁹⁶ As we have already seen, several of the deponents were Walloons and were newcomers to Whittlesey and so would not necessarily know many inhabitants’ names.

²⁹⁷ HLRO: HLMP, bundle dated 26 June 1643, depositions of Anthony Lawe of Whittlesey, carpenter, aged about 35, and Lewis Randall of Whittlesey, carpenter, aged about 23, both made on 17 June 1643. Lewis, son of William Randall, was baptised at St Mary’s on 23 August 1618 and was therefore aged 25, not 23, when he gave his deposition. (CUL: EDR 3/85.)

Of the seven 'rioters' identified by Lawe and Randall, two *may* have received allotments: William Colls, ten acres for a cottage in Little Crossgate; and his neighbour Roger Rentford, twenty acres for cottages in Little Crossgate and Finkell Lane.²⁹⁸ As we have already seen, Henry Boyce and his brothers were related to manorial tenants.²⁹⁹ Thomas Batteram, Ralph Grewne and Robert Newman were also related to tenants who had received allotments and to tenants in the 1603 rental. Only Thomas Dawby may have been an incomer, but even he had lived in the parish for about ten years.³⁰⁰ Batteram, Boyce, Grewne, Newman and Dawby were landless inhabitants who had been shut out of the fens by the enclosures.

iv. The anonymous rioting crowd

Although only eighteen rioters were positively identified, witnesses claimed that hundreds of people had participated. Of the known rioters, six (33 per cent) had received allotments. Although it would be foolhardy to deduce from this that one-third of all of the rioters were tenants, it is arguable that tenants did comprise a sizeable proportion of the anonymous rioting crowd. At enclosure there were about 310 manorial tenants but whereas some received substantial allotments, 178 of them received only ten acres or fewer.³⁰¹ Those who had sold their plots no longer had legal access to the fens and all tenants had had their access severely curtailed.

²⁹⁸ As the names of tenants in the list of allotments rarely had qualifying descriptions, matches with named rioters are somewhat tentative. The description 'of the High Causey' *may* have been used to distinguish the rioter named William Colls from the man who received an allotment for the cottage in Little Crossgate. Two allotments were made to 'Roger Rendford'. Again the description 'servant to Thomas Wiseman of Eastrea' may have been used to distinguish the rioter from the man who received allotments.

²⁹⁹ The rioter named Henry Boyce, identified as a carpenter, was probably not the tenant who received a thirty-acre allotment for one and a half fullands, as also present in the town was 'Henry Boyce senior', who had supported the earls' petition against the riots.

³⁰⁰ CUL: EDR 3/84: Ralph, son of Thomas Dawbye, baptised 11 January 1634, at St Andrew's.

³⁰¹ The figure of 310 tenants is minimum number of people who held the 587 manorial properties that were allocated allotments at enclosure. (See Appendix 5, 'The problem of isonomy: the Whittlesey allotments'.) The 178 tenants who received no more than ten acres comprised 133 who held only one commonable cottage; nineteen who held half a cottage; fifteen who held half a fulland; four who held a quarter of a fulland; and seven who held six acres or fewer.

Doubtless many of them, particularly small tenants, attacked the enclosures. Regaining access to part of the vast former common fen must have seemed an achievable goal.

The other twelve known rioters (67 per cent) were landless at the time of the enclosure. Perhaps they, or their families, had built a cottage on waste land within the town or leased one of the 124 commonable cottages from those tenants who held more than one such dwelling.³⁰² These Whittlesey inhabitants, and many like them, had no legal rights in the common fens. Lewis Randall claimed that he had seen Thomas Batteram, a weaver, damaging dykes and destroying new crops. It is scarcely surprising that a landless artisan would attack enclosures that had shut off his access to the abundant flora and fauna that had been freely available. Indeed the deponents Randall and Lawe, both carpenters, were themselves suspiciously close to the destruction; perhaps they too had been active participants.³⁰³ Maybe they had been persuaded to name names in return for their own activities remaining unexamined. As landless, married artisans they would have relied on the produce of the fens to supplement their income to support their families; self-preservation seems to be the most logical explanation for giving evidence against their fellow inhabitants.³⁰⁴ Such landless men arguably comprised a large proportion of the rioters.

Although the earls and several deponents stated that the rioters had included 'divers loose and disorderly persons' from Ramsey and other villages, all of the

³⁰² For a detailed discussion of the number of cottages within the manors, see Chapter 3, section viii, 'Forms of tenure at Whittlesey'.

³⁰³ Randall admitted that he was 'present amongst the sayd riotours' in Glassenmore on 16 May.

³⁰⁴ Anthony Lawe had married Alice Perkin at St Andrew's on 23 November 1629. Lewis Randall had married Ruth Marckby at St Mary's on 18 January 1641. (CUL: EDR 3/84; 3/85.) No-one named Lawe received an allotment in 1639. Lewis Randall's father, William, did not receive an allotment, although four tenants named Randall did (Garrett, George, Robert and Thomas). Lewis was not, therefore, directly related to a tenant but one of these men may have been his uncle or grandfather.

named rioters came from the settlements of Whittlesey and Eastrea, within the manors of Whittlesey.³⁰⁵ Since Whittlesey and Ramsey commoners had previously intercommoned the vast fen known to the former as Glassenmore and to the latter as Ramsey Kings Delfe, it is probable that Ramsey inhabitants had participated in the riots but there is no direct evidence.³⁰⁶ Similarly, although no documents relating to the riots suggest that women participated, it is almost certain that some did.³⁰⁷ The thirty-five female tenants who were awarded allotments at enclosure are no less likely to have rioted or sold their allotments than their male counterparts.³⁰⁸ Similarly, the wives of landless 'commoners' had as much interest in reinstating access to the fens as their husbands.

Although it is dangerous to draw conclusions about the status of all of the rioters from an analysis of just eighteen known participants, the preceding discussion confirms Lindley's lightly-made assumption: the known Whittlesey rioters comprised a coalition of smaller tenants and illegal commoners, the very people who comprised his 'fenland peasantry'; the unknown majority arguably came from the same economic strata. Some inhabitants, however, did not oppose the enclosures.

³⁰⁵ This is not to say that none of the unnamed rioters came from Ramsey but there is no direct evidence that any of the named rioters did. The Protestation Returns for Ramsey, which provide the names of 303 male inhabitants, show that there are possible family connections between named Whittlesey rioters and Ramsey inhabitants: the surnames Mashe (or, Marsh), Heans (or, Haynes) and Wells all occur in the Returns. (Proby (ed.), 'Protestation Returns for Huntingdonshire', pp.300-02.) There is, also, one possible direct connection with the riots. Within the parish and manorial records for Whittlesey, there are no references to John Newton, whose farm property within the drained fens was attacked and who made the affidavit on which the subsequent interrogatories were based; but a man named John Newton subscribed to the Protestation in Ramsey. The man who gave evidence against the rioters *may* have been an inhabitant of Ramsey who had invested in land in the drained fens.

³⁰⁶ For evidence of intercommoning in 'Glassenmore' or 'Ramsey Kinges Delfe', see, for example, TNA: PRO: E134/27CarII/Mich30.

³⁰⁷ Peter Behague's deposition suggests that women were indeed present: in one answer the word 'men' was changed to 'persons'. On 16 May he had seen 'a hundred ~~men~~ persons and above in one Company, and greate number in another Company'. (HLRO: HLMP, bundle dated 26 June 1643, deposition of Peter Behague.)

³⁰⁸ The thirty-five female tenants comprised twenty-six widows, who between them held thirty-six commonable properties, and nine single women, who each held one property or a part-property held jointly with another relative. (TNA: PRO: E125/24, p. 314, ff. 14v-25v.)

v. Enclosers and engrossers at Whittlesey

As we have already seen, in 1641 five men were accused of amassing land within the drained fens: Mr George Glapthorne, Mr Francis Underwood, Roger Wiseman, Thomas Boyce and Thomas Ives.³⁰⁹ Glapthorne came from an established Whittlesey family.³¹⁰ In 1639 he had fourteen manorial holdings, for which he was allotted 265 acres in the drained fen, the largest allotment granted to a tenant.³¹¹ By 1643 he had purchased further allotments from various tenants and had also acquired land in areas of fen allotted to Portland.³¹² In one of these areas he had created a new farm that was destroyed by the rioters.³¹³ Some of Glapthorne's enclosures in the fen stood directly between the town and the inhabitants' allotments in Reach and Blackbush and the stinted common in Glassenmore. It is hardly surprising, therefore, that the dykes around his land were destroyed.³¹⁴ As a member of the gentry, Glapthorne held office outside rather than inside the community.³¹⁵ He sat on commissions of sewers, and, in 1631 had been one of the commissioners who had passed the Lynn Law empowering Bedford to commence draining the fens.³¹⁶ He was a justice of the peace for the Isle of Ely but, as we have seen, he was so

³⁰⁹ HLRO: HLMP, bundle dated 26 June 1643, petition, 31 July 1641.

³¹⁰ In the 1523 Lay Subsidy, William Glapthorne was assessed at £4 for goods; in the 1603 rental, George's father and grandfather, both named Thomas, held ten manorial properties between them.

³¹¹ His holdings comprised St Andrew's Rectory, two messuages, eleven cottages, one 'void' (presumably empty or derelict) messuage and twenty-five acres of land. That he was the largest local landowner in Whittlesey is confirmed by the records of the 1641 Lay Subsidy, for which he was assessed at £5 for land. (TNA: PRO: E179/83/406, Lay Subsidy returns for Wichford Hundred, 1641.)

³¹² The extant records of purchases of allotments do not include any made by Glapthorne, but these only begin in April 1642 and the petitioners' complaint was made in July 1641.

³¹³ HLRO: HLMP, bundle dated 26 June 1643, depositions of Thomas Stuttyn, John Newton, James La Roue, Anthony Lawe, Lewis Randall, Peter Behague, and Francis Mossey.

³¹⁴ The position of some of Glapthorne's lands are clearly marked on a 'Plan of the Parish of Whittlesea' held in the University of Cambridge Map Collection (undated but c.1800). (CUL: Map Room, MS plan 554, redrawn here as Map 3:1.)

³¹⁵ Although in 1642 he was appointed to regulate the building of cottages on waste land within the town. (CRO: 126/M1, court book of the manor of St Andrew's, 15 April 1642.) Inhabitants of cottages recently built outside the precincts of the town were to demolish them and build their dwellings 'upon the Lords Waste at Crabtree Corner or elsewhere within the said Towne by the Assignment of George Glapthorne esquire'.

³¹⁶ Wells, *History of the Great Level*, 2, p. 99.

unpopular locally that his magisterial office was not respected.³¹⁷ In the royalist Isle of Ely, some of his unpopularity stemmed from his support for parliament.³¹⁸ Attacks on his person and property were also the culmination of objections to his support for drainage and enclosure both locally and further afield.³¹⁹

One of Glapthorne's closest associates was Francis Underwood, a relative newcomer to Whittlesey.³²⁰ Underwood was a known supporter of drainage and, in 1639, had five manorial holdings, entitling him to forty-three acres in the drained fen.³²¹ He soon acquired additional lands in the enclosures and, like Glapthorne, built a house there.³²² These lands also stood directly between the town and the

³¹⁷ HLRO: HLMP, bundle dated 26 June 1643, affidavit of John Newton.

³¹⁸ Lindley noted that in the late 1640s many of the undertakers in the fens were parliamentarians and that this may have discouraged many fenland commoners from supporting parliament. (Lindley, *Fenland Riots*, p. 143.) This observation, however, completely ignores the royalist sympathies that were to be found within the Isle. These will be discussed in more detail below. (Chapter 5, part 1, section i, 'The civil war in the Isle of Ely'.) Nevertheless, Glapthorne and Francis Underwood, one of the other Whittlesey engrossers were key figures in the parliamentarians' organisation in Cambridgeshire and the Isle of Ely in the following decade. In 1654, amidst great controversy, Glapthorne was returned to parliament as one of the representatives of the Isle. The furore was such that an exchange of printed pamphlets ensued, in which his opponents accused him of being, amongst other things, 'a common Swearer', 'a frequenter of Ale-houses' and 'a companion of lewd Women'. (*Fenland Notes & Queries*, 7 (January 1907 - October 1909), no. 1212, pp. 17-21; (Anon.), *A brief Relation of the Proceedings before his Highness Councel concerning the Petitioners of the Isle of Ely, against George Glapthorne Esquire; to take away the false report that is made touching the same, and that the truth may plainly appear* (London, 1654) (pamphlet on behalf of Glapthorne's opponents).

³¹⁹ His experiences in the Whittlesey riots, however, did not diminish his enthusiasm for drainage. In 1646, Glapthorne and Francis Underwood appeared before the parliamentary committee for the Great Level and argued on behalf of further drainage works. (Lindley, *Fenland Riots*, p. 168.) In 1649, following enactment of the 'Act for the draining of the Great Level', Glapthorne was co-opted on to the Adventurers' committee; was deputed raise money for them by selling drained land in the area between Peterborough and Wisbech; and was one of the signatories to the agreement between them and Vermuyden for the new drainage project. (Harris, *Vermuyden and the Fens*, pp. 98, 102, 111.) Glapthorne was buried at St Andrew's on 4 September 1667. His will has not survived.

³²⁰ The family name does not appear in the 1603 rental, let alone the 1523 lay subsidy; however the family had established themselves in Whittlesey before 1625, when his sister Elizabeth was buried at St Mary's; Francis was married there in 1631. (CUL: EDR 3/85: Elizabeth, daughter of Mr Hugh Underwood, buried 21 May 1625; Francis Underwood and Mary Grace married 7 November 1631.) Between October 1632 and February 1643, he and his wife had eight children baptised.

³²¹ His holdings comprised one cottage, two messuages, half a fulland and three odd acres. In 1641 he was assessed for the lay subsidy at £3 on goods. (TNA: PRO: E179/83/406.) See note above concerning Underwood's support for further drainage works in 1646.

³²² From 1646 onwards he leased more land in the fen from the earl of Bedford. (BRO: Thorney Deeds, Stack D, box 1, packet 4.)

allotments, making them and the house obvious targets for the rioters. He too was a parliamentarian.³²³

Roger Wiseman had been amassing land both before and after enclosure. In 1603, his father, Thomas, held three manorial properties; by 1639 Roger held nine, entitling him to 158 acres in the drained fens.³²⁴ In his will, however, he bequeathed over 300 acres of land and 'pasture ground' within the drained fens.³²⁵ Wiseman held no local offices. Information about the engrosser named Thomas Boyce is difficult to verify.³²⁶ It is probable that he held, at least, one and a half fullands; that he was assessed in the 1641 lay subsidy; and that he was churchwarden in 1642.³²⁷ Thomas Ives had supported the enclosures from the beginning, being one of the signatories to the 1632 agreement.³²⁸ In 1639, Ives received just twenty acres for two commonable cottages; yet in his will he bequeathed to his eldest son, John, 225

³²³ Sometime in 1643 Underwood had participated in the attack on royalists at Woodcroft Castle, just north of Peterborough, for which he earned a captain's commission from Cromwell. ('The Underwood family of Whittlesey', *Fenland Notes and Queries*, 1 (1889-1891), no. 221, pp. 339-40.) He eventually rose to the rank of Lieutenant-Colonel and in June 1648 was appointed parliament's 'governor of Whittlesea and Crowland'. His suppression of royalists in the Isle made him unpopular in the locality and, according to the contributor to *Fenland Notes and Queries*, 'his name is yet [in 1890] remembered and reprobated in that part of the Kingdom'. (p. 340.) By 1655 he was a Justice of the Peace and officiated at all but two of the Whittlesey marriages that took place during the Commonwealth. (*Fenland Notes and Queries*, 5 (1901-1903), no. 939, pp. 204-206.) He resided in the Beristead, the manor house of St Mary's and was buried inside St Mary's church on 21 May 1683. (*Fenland Notes and Queries*, 1, (1889-1891), no. 221, p. 340.) His will has not survived.

³²⁴ In 1603 Thomas Wiseman held two messuages and thirty-two acres of land in Eastrea; in 1639 Roger's properties included four cottages, one messuage and four and half fullands. In 1641 he was assessed for the subsidy at £2 for lands. (TNA: PRO: E179/83/406.)

³²⁵ TNA: PRO: PROB11/278, image reference 617, will of Roger Wiseman of Eastrea, yeoman, dated 7 March 1656, probate granted 24 May 1658. The land in the fen lay in thirteen parcels, five of which contained thirty acres or more.

³²⁶ Four men named Thomas Boyce subscribed to the enclosure agreement and four allotments were made to 'Thomas Boyce': there are no qualifying descriptions in the Exchequer decree.

³²⁷ Which manorial offices he held are also difficult to pinpoint, although presumably he held at least some of the thirty-one offices performed by 'Thomas Boyce' between 1642 and 1656. Although the court books distinguish between Thomas Boyce 'of Eastrea', 'of Delph End', 'of Whittlesey' and 'junior', it is not possible to match these descriptions with the locations of the four properties held by 'Thomas Boyce' that qualified for allotments in 1638.

³²⁸ He sat on some seventeen manorial juries between 1644 and 1656 but was a relative newcomer to Whittlesey, no-one named Ives being recorded in either the 1603 rental or 1523 lay subsidy.

acres in the drained fens.³²⁹ Much of this additional land must have been acquired soon after enclosure since the 1641 petitioners knew of his engrossing activities.³³⁰

Even though those petitioners were wrong, or at least disingenuous, to claim that these men had been enclosing ‘groundes wich formerlie laie open’, it is certainly true that they had considerable holdings within the drained fens, much of which had been obtained by purchasing allotments from lesser tenants. All five lived in Whittlesey but only two ever held manorial or parochial office; Glapthorne and Underwood were gentry whose political affiliations clashed with those of the majority of inhabitants and whose responsibilities regarding drainage and law and order were similarly unpopular. It is scarcely surprising that these five men who had profited greatly by engrossing in the drained fens had attracted the opprobrium of Whittlesey inhabitants.

vi. Further supporters of the enclosures

There were, moreover, some other inhabitants who supported the enclosures. In May 1643, the earls and twenty-eight inhabitants, including the five named engrossers, petitioned the Lords demanding punishment for the rioters.³³¹ Twenty-two of these ‘improvers’ had been allotted land at enclosure (see Appendix 10).³³² Their allotments ranged from five acres, received by William Haddon, to Glapthorne’s

³²⁹ TNA: PRO: PROB11/281, image reference 583, will of Thomas Ives of Whittlesey, hosier, dated 21 May 1658, probate granted 23 July 1658.

³³⁰ Ives was not, however, assessed on either lands or goods in the 1641 lay subsidy.

³³¹ HLRO: HLMP, bundle dated 26 June 1643, ‘The humble petition of William Earle of Bedford Jerome Earle of Portland, Lordes of the Mannours of wittlesey within the Isle of Ely and County of Cambridge, and of divers the Tenants and Landowners within the said towne’, 29 May 1643.

³³² The term ‘improver’ has been used here to create a distinction between the 1643 petitioners and the opponents of the enclosures who petitioned the Lords in 1641. The twenty-eight men who signed the petition were: the vicar William Mason, Henry Atkins, Robert Beale, Henry Boyce the elder, John Boyce, Thomas Boyce, Oswald Bradford, Robert Coveney, Nicholas Davys, John De Lavall, William Gardner, George Glapthorne, William Haddon, John Hill, Thomas Ives, Robert Kelfull, Robert Lorde (or, Mede, or, Birde), William Manestey, George Randall, John Redhead, Robert Rowell, Robert Searle, Humphrey Speechley, William Speechley, Francis Underwood, William Wardner, John Wilkes and Roger Wiseman

265.³³³ Four of them held only a commonable cottage.³³⁴ Presumably they and Haddon had subsequently increased their holdings in the fen by purchasing allotments from other tenants, as had the six 'improvers' who were not themselves tenants.³³⁵ John DeLavall, for example, steward of St Mary's manor and one of the Whittlesey enclosure commissioners, was well-placed to take advantage of the land market.³³⁶ Eight of the twenty-eight 'improvers' were assessed for the 1641 subsidy, all on lands apart from Underwood.³³⁷ Several of them held manorial office during the 1640s and 1650s but only three held parish office.³³⁸ The vicar, William Mason, also signed the 1643 petition, aligning himself firmly with the enclosers.³³⁹ That the local incumbent opposed the interests of his poor landless parishioners is unsurprising since improvement was frequently advocated as a means to employ the

³³³ As the notes to the appendix explain, due to the duplication of names, definitions of holdings of John Boyce the improver, Thomas Boyce (see above), Robert Searle and William Speechley are tentative. The court books record several purchases of allotments made by Robert Beale, another of the improvers, during the 1640s and 1650s. For example, on 6 October 1646 he purchased fifty acres from Henry and Anne Ground lying in St Mary's Fifth Lot; on 7 April 1648 he purchased 10 acres from Widow Henson in St Andrew's First Lot.

³³⁴ These four were William Gardner, Robert Kelfull, John Redhead and John Wilkes. Purchases by these men are not recorded in the extant court books. Whilst it is possible that those improvers with little or no allotments were absentee freeholders whose major landed interest lay elsewhere, this is not necessarily true of all of them. For example, John Wilkes was assessed in Whittlesey at £1 on lands in the 1641 subsidy. (TNA: PRO: E179/83/406.)

³³⁵ These six were William Manestey, Robert Rowell, John DeLavall, William Wardner, Robert Birde and Henry Adkins. Manestey, for example, was assessed at £1 on land in the 1641 lay subsidy. (TNA: PRO: E179/83/406.) Birde's signature is barely legible: his surname might be 'Lorde' or 'Mede' but neither of these names appear in the records either.

³³⁶ TNA: PRO: E125/24, p. 314, f. 25v; CRO: 126/M2, court book of Whittlesey St Mary, 1642-1687, *passim*.

³³⁷ See above for the assessments on Thomas Boyce, Glapthorne, Manestey, Underwood, Wiseman and Wilkes. The other two assessments were Robert Beale, gentleman, £2; Robert Coveney £2.

³³⁸ Oswald Bradford, Nicholas Davy, George Randall, Robert Searle, Humphrey and William Speechley and John Wilkes all served as manorial jurors; in 1642 Randall and Humphrey Speechley were constables for St Mary's and St Andrew's respectively; and in the same year Searle was ale-taster for St Andrew's. The parish officers were: Thomas Boyce (St Andrew's churchwarden in 1642); Bradford (St Mary's sidesman in 1637); and Humphrey Speechley (St Andrew's churchwarden in 1639).

³³⁹ Mason's stance was probably determined by the tithe contribution due for each allotment rather than satisfaction with the allotment of fifteen acres to the vicarage. At Berkhamsted, the rector of Berkhamsted St Peter, Thomas Newman, was a staunch supporter of the enclosures in both 1619 and 1640, to the extent that in February 1642 he complained to the Duchy of Cornwall concerning riots there. (Falvey, 'Crown policy', *passim*; HALS: AH2785, f.38: transcript of the Commissioners of the Revenue Book, 1640-1642, vol. 11, 9 February 1642, petition of Thomas Newman.)

‘idle poor’ and therefore reduce their reliance on relief.³⁴⁰ These twenty-eight men had all been persuaded by arguments for improvement and so, having sufficient capital, had invested in land within the drained fens that they anticipated would provide healthy returns. Their eye for profit, however, had overlooked the unpopularity that their activities would provoke.

vii. A divided community

In the 1640s there were at least 460 households within the manors of Whittlesey, suggesting a population of over 2,000 inhabitants. On 15 and 16 May 1643 the rioters who wreaked destruction in the Whittlesey fens comprised some 10 per cent of that population and on 17 May perhaps 25 per cent had gathered. The evidence suggests that the majority of these people were small-scale tenants and landless inhabitants but that they were supported, either tacitly or openly, by some yeomen and subsidy men. Some were linked by kinship and neighbourhood, all were linked by their former reliance on the unenclosed fens, whether for commercial grazing or subsistence. Those who later demanded punishment for the rioters were more substantial tenants, including two gentlemen, one of whom was a justice, and other men sufficiently wealthy to acquire land within the drained fens. These men aimed to reap the benefits of improvement which, in an area known to be fertile and where owners of allotments were willing to sell, appeared easily attainable. Since the improvers possessed authority both in- and outside the community and, of course, the backing of the absentee earls of Bedford and Portland, why could they not disperse

³⁴⁰ Buchanan Sharp comments that ‘it was axiomatic among statesmen and social commentators that unimproved waste and pasture fostered a population of idle, disorderly and beggarly poor’. (Buchanan Sharp, ‘Common Rights, Charities and the Disorderly Poor’, in Geoff Eley and William Hunt (eds), *Reviving the English Revolution: Reflections and Elaborations on the Work of Christopher Hill* (London, 1988), p.108.)

the rioters? The missing ingredient was immediate local support: these men comprised an unpopular minority.

The riot at Whittlesey was staged in a vast outdoor theatre where those affected by the enclosures formed a large cast of disparate actors. Most of the improvers remained in the wings, frightened to make an entrance in the face of such opposition. On the third day, some inhabitants who had previously comprised the audience joined the players. Glapthorne, the villain of the piece, could only bring the curtain down on the riots by introducing a *deus ex machina* in the form of Palgrave's troops.

Part 5: The aftermath at Whittlesey

As we have already seen, regardless of fenmen's wishes, drainage, which completely changed the traditional fenland way of life, was imposed on the region by outsiders. It was advocated by improvement writers, legislated for by parliament and commissioners of sewers, and undertaken firstly by individuals on their own initiative and then by groups of adventurers backed by the crown. The subsequent enclosure of drained fen was also initiated by outsiders: absentee landlords who may have been acting with the 'agreement' of their tenants and adventurers who received drained acres in recompense for their expenditure. It is scarcely surprising, therefore, that studies of the fenlands in the 1640s have emphasised that enclosure riots were the visible manifestations of local reactions to external impositions. These studies have, however, frequently ignored the contribution of the civil war to those reactions. In this respect, events at Whittlesey in 1643 are a forceful reminder of the national setting in which such riots took place. That George Glapthorne was able to summon parliamentary troops from Wisbech to quell the rioters emphasises the immediacy of the war in an area that is commonly perceived as a remote backwater; it also helps explain the political context of the attack by leading rioters on Glapthorne himself. At this point, therefore, it is necessary to consider why troops were stationed in the Isle and the political implications of their presence.

i. The civil war and the Isle of Ely

The Isle of Ely was a thorn in the side of the parliamentarians: although geographically within the Eastern Association, its inhabitants were royalist in their

sympathies.³⁴¹ In April 1643, royalist troops were occupying Grantham, Stamford and Peterborough and plundering neighbouring Northamptonshire. The Association's natural frontier formed by the River Ouse lay within the Isle and had to be held at all costs; Wisbech was of particular strategic importance. Cromwell therefore sent a company of dragoons to that town and summoned an infantry regiment from Norfolk, under the command of Sir Miles Hobart and Colonel Sir John Palgrave, to reinforce them.³⁴² The latter was the commander to whom, on 16 May, Glapthorne appealed for assistance. The troops despatched the following morning swiftly doused the highly flammable situation and their continued presence in Whittlesey ensured that it did not reignite.³⁴³ The riots at Whittlesey *may*, in fact, have been part of a widespread programme of unrest in the Isle. On 20 May, a parliamentary newsbook reported that 'some Malevolents at Ely, had lately made some combustions in that City' to the extent that they seized two pieces of ordnance set up by parliamentary forces for the city's defence.³⁴⁴ They were only dispersed by the arrival of troops from Cambridge. This scare resulted in permanent garrisons being established in Wisbech, Ely and Earith.

The relationship between the parliamentary troops and inhabitants of the Isle of Ely was, at best, uneasy. The Governor of the Isle, for example, complained that the inhabitants of Wisbech did 'thinke them selves in lesse danger without [the

³⁴¹ The following paragraph is based on Holmes, *Eastern Association*, pp. 70-74 and A. Kingston, *East Anglia and the Great Civil War* (London, 1897, facsimile edition 2005), pp. 111-18.

³⁴² The writer of the parliamentary newsbook *Speciall Passages* reported that 'there is a regiment of stout blades of Northfolke gone to Wisbich, Crowland and so into Holland, to preserve that part and drive out the enemy'. (*Speciall Passages And certain Informations from severall places, Collected for the use of all that desire to be truly Informed*, 36, 11-18 April 1643, p.2 94.) As Holmes noted, 'the occupation of Wisbech secured the key to the Association's strong natural frontier to the north, the maze of rivers, fen and marsh along the coasts of the Wash'. (Holmes, *Eastern Association*, p. 72.)

³⁴³ These soldiers comprised only part of the troops at Wisbech, although the exact number of men sent to Whittlesey is unknown. (Deponents' estimates varied between eighty and 200.) It is likely that relatively little force was used to disperse the rioters; not one of the deponents mentioned injuries being sustained.

³⁴⁴ *Certain Informations from severall parts of the Kingdome, for the better satisfaction of all such who desire to be truly Informed of every weekes Passage*, 18, 15-22 May 1643, p. 143.

soldiers], then with them'.³⁴⁵ Similarly in mid-June, in his deposition concerning the Whittlesey riots, Lewis Randall voiced local discontent that about a hundred soldiers 'yet remaine in the said Towne of Whittlesea to there greate Charge'.³⁴⁶ Whittlesey inhabitants, many of whom had been involved in the riots, had had to provide the soldiers with 'free quarter', where soldiers were billeted on private householders who were compelled to furnish them with room and board. The soldiers were expected to give tickets to their 'hosts' specifying what they had received; at a later date the tickets were to be redeemed and the householders reimbursed.³⁴⁷ Alan Thomson has calculated that the cost of free quarter was about 8d per day per soldier for bed, breakfast and evening meal.³⁴⁸

In May and June 1643 Cromwell desperately needed men and money to secure Lincolnshire and check the army of the earl of Newcastle.³⁴⁹ By mid-July all passes through the fens were being watched and strengthened to withstand attack by Newcastle's troops; from Ely, cannons were dragged across the fens to Wisbech to fortify the Horseshoe Pass. On 18 July, Cromwell himself was involved in heavy fighting around Stamford; in the middle of the same night, 400 royalist troops appeared outside Peterborough. Palgrave's forces, 'lying about Whittlesea, ready to defend Peterborough', were ordered to march to the latter and hold it 'at all costs, as it is the Key to the Fen, which if lost much ill may ensue'.³⁵⁰ The royalists were

³⁴⁵ Quoted in Holmes, *Eastern Association*, p. 75.

³⁴⁶ HLRO: HLMP, bundle dated 26 June 1643, deposition of Lewis Randall.

³⁴⁷ John Morrill, *Revolt in the Provinces: The People of England and the Tragedies of War 1630-1648* (2nd edition, Harlow, 1999), p. 120; Holmes, *Eastern Association*, p. 153.

³⁴⁸ See, for example, TNA: PRO: SP28/154, box of loose accounts of local county committees. One set of papers shows that the troops that were taking free quarter in Redbourn (Hertfordshire) in 1643 were charged 4d a night with meal per man and 4d for a horse for hay. When they had a night's stay with an evening meal and breakfast they were charged 8d. When men were put up at an inn for a week they were charged 4s 8d (that is, 8d a day). (I am grateful to Dr Alan Thomson for this information and reference. He is currently editing a collection of documents relating Hertfordshire during the civil war for the Hertfordshire Record Society.)

³⁴⁹ Kingston, *East Anglia and the Great Civil War*, pp. 116-18.

³⁵⁰ Kingston, *East Anglia and the Great Civil War*, p. 116. The second quotation is taken from a letter to 'Captain Berry at his Quarters, Whittlesea', from Henry Cromwell, son of Oliver, dated 18 July

repulsed and retreated to Stamford; Cromwell entered Peterborough on 8 August. Events in Whittlesey in May 1643 cannot, therefore, be considered without reference to these military activities: the civil war was neither distant nor irrelevant. From March 1643 onwards Cromwell and his associates had been despatching troops to maintain the Association's hold on the Isle, which was by no means secure given the inhabitants' royalist sympathies. This, then, is the background to the violent attack on George Glapthorne by James and Jeffrey Boyce and William Marsh.³⁵¹

The rioters had refused explicitly to accept Glapthorne's authority because 'hee was against the King, and was all for the Parliament': a clearer statement of popular royalism would be hard to find.³⁵² Given the royalist sympathies of fenmen in general, it seems likely that the rioters' statement of allegiance was sincere. It is possible, however, that they had adopted a more overtly royalist stance because two of their main targets, Glapthorne and his close associate Francis Underwood, were leading parliamentarians. In fact, the situation was more complex: the rioters did not, for example, specifically target enclosures of the earl of Bedford, a parliamentarian, rather than those of Portland, a royalist.³⁵³ The destruction was

1643. (Kingston, *East Anglia and the Great Civil War*, pp. 116-17.) Since Palgrave's regiment was at Whittlesey, not Wisbech, it is clear that they had not returned to Wisbech after dispersing the Whittlesey rioters two months earlier.

³⁵¹ HLRO: HLMP, bundle dated 26 June 1643, affidavit of John Newton, 29 May 1643. The full implications of the comment about Buckingham and Felton are discussed in the concluding chapter. (Chapter 6, section iv, 'Politics of allegiance: civil war politics'.) In his deposition, given on 16 June, Newton played down the incident, saying that 'amongst the whole assembly of the said riottours one Jeffrey Boyce by name, and named a defendant in this suite having a pitchfork in his hand *did say unto this deponent* that Mr Glapthorne was noe Justice of the peace for that he was against the king and was all for the Parliament therefore hee the said Boyce would not obey him or any orders or lawes from him; but whether any of the said riottours did cry out that the said Mr Glapthorne would be served as Felton served Buckingham or not, this deponent cannot depose'. (HLRO: HLMP, bundle dated 26 June 1643, deposition of John Newton, 16 June 1643, emphasis added). Perhaps Newton modified his statement in an attempt to minimise the gravity of the rioters' actions. Attributing Boyce's words to a private conversation between Boyce and Newton, rather than to a confrontation between Boyce and Glapthorne, when the former was wielding a pitchfork, presented a completely different scenario, with vastly different implications for punishment.

³⁵² For a detailed study of popular allegiances during the civil war, see David Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England 1603-1660* (Oxford, 1985).

³⁵³ For the selection of specific targets by rioters in Essex in 1642, see Walter, *Understanding Popular Violence*, Chapter 2, 'The Attacks', especially p. 68. At Whittlesey, it appears that certain lands and

directed primarily against engrossing by local men, in particular Glapthorne and Underwood, whose enclosures physically blocked not only access to the 2,000 acres of stinted common allocated to the tenants but also the most convenient route to tenants' allotments. The fact that these men were parliamentarians added fuel to an already combustible mixture.

ii. Further riots in the 1640s

The uneasy peace that accompanied the rioters' release from prison in September 1643 only lasted until the following summer. Nicholas Weston, Portland's brother, owned £300-worth of land in Whittlesey North and South Fens, former commons which he had enclosed, improved and leased to several tenants.³⁵⁴ In July 1644, he complained to the Lords that, despite their former injunctions, these lands had again been entered by 'some ryotous persons' from the town.³⁵⁵ He requested that local justices be directed to deal with them, if necessary calling again to their assistance

properties in the fens were targeted by the rioters because of their location rather than simply because of their ownership. Had attacks been directed *specifically* against parliamentarians, the rioters would have destroyed the enclosures belonging to the earl of Bedford; as it was, although some deponents mentioned attacks on lands belonging to Portland, not one mentioned attacks on those of Bedford. Bedford's father, Francis Russell, had strongly opposed the government and court of Charles I and was closely associated with the political views of the parliamentarians, the earl of Warwick and John Pym. (Morrill, *Revolt in the Provinces* (1999), p. 28.) Bedford himself, however, was not so vehement in his support for parliament; indeed, for a brief period in late 1643 to early 1644 he went over to the royalists. (Victor Stater, 'Russell, William, first duke of Bedford (1616–1700)', *ODNB*.) On the other hand, Portland's father, Richard Weston, had been Charles I's Lord Treasurer and was suspected of Catholicism; Portland himself was a prominent royalist and frequently at odds with parliament. (Kelsey, 'Weston, Jerome, second earl of Portland'.) In the summer of 1642, during the so-called Stour Valley riots, the house of Portland's mother, Frances, dowager countess of Portland, a staunch Catholic, was attacked. (Walter, *Understanding Popular Violence*, p. 46.)

³⁵⁴ Nicholas Weston had inherited from his father an annuity of £300 from the proceeds of the manors of Whittlesey. To implement this legacy, Jerome Weston had given his brother land in the Whittlesey fens worth £300 per annum. (HLRO: HLMP, bundle dated 10 July 1644, petition of Nicholas Weston.) Jerome also had given their brother, Benjamin, 500 acres there. The land that he gave his brothers was not in the lands allotted to him by the enclosure agreement but in the area allocated to the king following drainage: Portland had purchased 2,000 acres there from the king. (BL: Add MS 33466, ff. 211-14, transcript of grant from Portland to Benjamin Weston (undated).)

³⁵⁵ HLRO: HLMP, bundle dated 10 July 1644, petition of Nicholas Weston. This was at least the second time that Weston's property had been attacked by rioters. It had also been targeted during the riots of May 1643.

‘the Parliament forces thereabouts’.³⁵⁶ Given the contempt with which justices had been treated the previous summer and the effectiveness of soldiers both in dispersing the troublemakers and preventing further threatened outbreaks, he believed that troops might have to be deployed for order to be restored. Such a course of action, however, would be exceedingly unpopular amongst the townsfolk, who had complained bitterly about earlier billeting costs.³⁵⁷ Perhaps wary of provoking more trouble, and dubious of the scale of the present disorder, the Lords proved unwilling to send parliamentary troops to the aid of a royalist. They confirmed their earlier injunctions but required deputy lieutenants and justices, rather than troops, to secure compliance.³⁵⁸

Two years later, Weston’s lands were again entered illegally, not by rioting hordes, but this time by four men and about twenty horses and cattle.³⁵⁹ On 4 April 1646, Weston heard rumours of a planned attack on his lands and he sent Robert Turbutt to halt the troublemakers by reminding them of the Lords’ injunctions. George Burnham and his companions, in contempt of those injunctions, ‘forcibly’ drove the animals through a watercourse into Weston’s enclosures and pastured them on the former common land. Not simply a physical attack on the dividing ditch, this was also a reassertion of their former rights of common; both acts were committed with blatant disregard for the Lords’ authority. Their reaction, this time, was vigorous: offenders were to be brought before parliament to answer for their contempt and the governor of the Isle was ordered to give Weston the necessary

³⁵⁶ During the summer of 1644, thousands of troops were moving around the country. In June, Ireton, Deputy Governor of the Isle of Ely, had been urged to strengthen the passes through the fens to prevent royalists recruiting and provisioning there. (Kingston, *East Anglia and the Great Civil War*, p. 157.)

³⁵⁷ HLRO: HLMP, bundle dated 26 June 1643, deposition of Lewis Randall.

³⁵⁸ *Lords’ Journal*, 6, p. 625, 10 July 1644. It is clear that these disturbances were on a much smaller scale than those of 1643. As there are no further records relating to them, it seems likely that the local authorities were able to deal with them.

³⁵⁹ HLRO: HLMP, bundle dated 17 April 1646, affidavit of Robert Turbutt, gentleman.

assistance to quiet his lands.³⁶⁰ Although the final outcome is not recorded, Burnham's actions had again drawn the attention of central government to the grievances of the Whittlesey commoners.³⁶¹

Since no further violent attacks on enclosures were reported in Whittlesey, or elsewhere in the Great Level, during the 1640s, it is tempting to assume that the inhabitants had, at last, accepted the loss of their commons.³⁶² This absence of reports is, however, a function of administrative change rather than of passivity of the people. The late 1640s witnessed upheaval throughout the country but during this very same period the House of Lords, to which most petitions concerning enclosure riots had been presented, was abolished. Indeed, other sources disclose that the area of the Isle of Ely around Whittlesey was renowned for being 'malignant' at that time. In June 1648, Colonel Walton, commander of parliament's troops there, reported that he intended to arm 'those that may be trusted. But generally they are disaffected as Wisbish, March, and Whittlesey, whome I purpose to disarm, and to arme honest men if they may be found. ... I cannot see how that part of the Ile can be secured without a troope of horse upon their frontieres'.³⁶³ The fenmen of Whittlesey and the surrounding area were, therefore, perceived as ungovernable; a characteristic that was equally applicable to the fenlands themselves.

³⁶⁰ *Lords' Journal*, 8, pp. 275-76, 17 April 1646.

³⁶¹ The two main protagonists are shadowy characters. Turbutt does not appear in any local records; as he was a gentleman, he may have been an associate of Weston's with no local connections but who happened to be present with Weston at that time. George Burnham was not a manorial tenant in 1638; he was probably the son of either William or Ralph Burnham, both of whom held a commonable cottage and some land in 1638. (TNA: PRO: E125/24, p. 314, ff. 15v, 18r, 19r, 22r.) In the Hearth Tax returns for Michaelmas 1662 and 1664, there are two assessments for George Burnham, on a three-hearth house and a two-hearth house. (TNA: PRO: E179/84/437, mm. 41r, 42r.)

³⁶² After his account of the events at Whittlesey in 1646, Lindley commented that 'there were apparently not further violent encounters in the great Level directly connected with the drainage and enclosure of the fenland and tumult only returned in the wake of the 1649 Act and the enclosures it sanctioned'. (Lindley, *Fenland Riots*, p. 160.)

³⁶³ HMC, *Report on the Manuscripts of the Duke of Portland preserved at Welbeck Abbey* (10 volumes, London, 1891-1931), 1, pp. 464-65, letter from Colonel Valentine Walton, dated 21 June 1648 at Lynn, to the Committee at Derby House.

iii. Drainage works at Whittlesey in the later seventeenth century

The destruction, by riotous fenmen, of dikes and other drainage mechanisms and of enclosures allotted to drainers were by no means the only problems encountered by the earl of Bedford, his successor and associates in the course of their enterprise. By the terms of the 1631 'Lynn Law', the earl had undertaken to drain the fens so that they would be 'fit for meadow or pasture, or arable' at least during the summer months.³⁶⁴ Partly because the adventurers had nearly bankrupted themselves, the St Ives Law, passed by the commissioners of sewers in October 1637, adjudged Bedford's work complete; opponents, however, argued that, because allowances had been made for temporary flooding, the drainage was defective.³⁶⁵ At the session of sewers held at Huntingdon in July 1638, the commissioners therefore reversed the St Ives Law and declared the king the new undertaker to make the fens 'winter grounds'.³⁶⁶ The civil war held further drainage projects in abeyance but, in May 1649, parliament passed an 'Act for the draining the great Level of the Fens', which authorised the transformation of summer grounds into winter grounds.³⁶⁷ Fenland would thus be rendered fit for husbandry. Some areas would bear 'corn and grain', cole-seed and rape-seed for making soap and oil, and flax and hemp for 'all sorts of linen cloth and cordage for shipping'; the rest would be 'improved into good pasture for feeding and breeding of cattle'.³⁶⁸

Vermuyden, appointed Director of Works in January 1650, implemented as many as eight major new drainage projects, two of which were in the vicinity of

³⁶⁴ Wells, *History of the Great Level*, 2, p. 102

³⁶⁵ Wells, *History of the Great Level*, 2, pp. 236-48, Appendix XVI, An exemplification of the St Ives Law of Sewers, 12 October 1637. See also Darby, *Changing Fenland*, p. 67.

³⁶⁶ Darby, *Changing Fenland*, p. 70.

³⁶⁷ As already noted, when Francis Russell, fourth earl of Bedford, died on 9 May 1641, he was succeeded by his eldest son, William, who took over his father's role in fen drainage.

³⁶⁸ Darby, *Changing Fenland*, p. 72, quoting Wells, *History of the Great Level*, 1, pp. 367-68.

Whittlesey.³⁶⁹ The first was a bank along the Nene from Peterborough to Guyhirn; between this and Morton's Leam a wash was formed 'for the water to bed in' during times of emergency.³⁷⁰ The second was the Twenty Foot River, which was an improved stretch of Bevill's Leam to the north of Whittlesey Dyke.³⁷¹ The construction of these works not only caused much disruption in the area, but also created much employment.³⁷² Although the washlands were carved out of part of Bassenhally More, which had been divided and allotted to tenants at enclosure, there is no hint that the belligerent locals attacked these works or the mechanisms that maintained them. The only recorded incidence of destruction in the area occurred in June 1654 but this was an attack on a bridge, not drainage works, and scant details have survived.³⁷³

The drainage works implemented in the Bedford Level in the early 1650s brought about great changes in the landscape and two famous writers specifically remarked on improvements around Whittlesey.³⁷⁴ Samuel Hartlib reported seeing willows planted there in sets upon ridges, 'which in those vast and vacant grounds being always very moist doth soon produce an incredible profit, and increase of fire-

³⁶⁹ Vermuyden's works were listed by Dugdale, although it is unclear whether all of them were actually implemented. (Dugdale, *The History of Imbanking and Drayning*, pp. 415-16.)

³⁷⁰ Darby, *Changing Fenland*, p. 75. In an improved form the bank was later known as Smith's Leam. The function of washlands is explained overleaf.

³⁷¹ The Twenty Foot River is sometimes called Moore's Drain. The name of Bevill's Leam came to be restricted to the stretch south of Whittlesey Dyke.

³⁷² BRO: Bedford Level Box 2, bundle 8, contains twenty-one accounts for making dikes and ditches in the fens around Thorney and Whittlesey in 1651. 'Lockspitting and dikeing' was charged at the rate of 9d per rood; making a new dike at 12d per rood.

³⁷³ In June 1654, Major Alexander Blake informed the Bedford Level Company that a bridge over Bevill's Leam between Whittlesey and Ramsey had been broken up, but his report did not say how many people had taken part in the incident. The Company arranged for twelve copies of parliament's 'Ordinance for Preservation of the Works of the Great Level of the Fens', dated 26 May 1654, to be sent to Blake to issue to the offenders but there is no record of his subsequent actions. (CRO: R59.31.9.6, ff. 159v-160r, 7 June 1654.) The full text of the ordinance is given in C. H. Firth & R. S. Rait (eds), *Acts and Ordinances of the Interregnum 1642-60* (3 volumes, 1911) 2, pp. 899-902. Lindley noted this incident but found no evidence of other unrest in the Whittlesey area before 1699. (Lindley, *Fenland Riots*, p. 185.)

³⁷⁴ For a summary of the changes, see Darby, *Changing Fenland*, pp. 92-95.

wood and Timber for many country uses'.³⁷⁵ In May 1657, William Dugdale noted 'a fine plantation of fruit Trees, willows, and other vegetables, made by Colonell Underwood (one of the Adventurers) which is inclosed with regular dikes, and hath in it divers Fish ponds'.³⁷⁶ Whilst the improvements observed by Hartlib and Dugdale demonstrate that prosperity might accompany drainage, it is clear that they had necessitated much capital investment, an avenue not necessarily open to many inhabitants.

Later wills, however, indicate that allotments in the washlands at Whittlesey were particularly profitable. Designed to receive excess water in times of flooding, the area was unsuitable for cultivation but provided particularly lush pasture.³⁷⁷ (See Map 3:1 for the location of the washlands.) The fact that testators bequeathed ten-acre plots in the washlands of Bassenhally More, and in the other Whittlesey fens, confirms that most allotments remained in place despite the early engrossment and the riots in the 1640s.³⁷⁸ This, in turn, indicates that many inhabitants had been able

³⁷⁵ Hartlib, *His Legacie*, p. 233.

³⁷⁶ Darby, *Draining of the Fens*, Appendix III, Sir William Dugdale, 'Things observable in our Itinerarie begun from London 19 May 1657', p. 279. (The original manuscript is BL: Lansdowne MS. 722, ff. 29-38.)

³⁷⁷ For a description of the Whittlesey washlands in the twentieth century, see Phil Gray, *The Washlanders* (Lavenham, 1990). Many testators bequeathed their allotments in the wash. For example: Robert Speechley bequeathed his son William 'ten acres abutting upon Mortens Leame in the wash'. (CRO: will of Robert Speechley the elder, yeoman, dated 30 October 1670.) John Laxon bequeathed his son John 'one parcel of ground lying in wash [in] Basenhallmore next a drove way that leads to Bates fen dyke containing seven acres'. (CRO: will of John Laxon, yeoman, dated 2 October 1671.)

³⁷⁸ Sixty-four of the ninety-eight post-enclosure wills studied contain bequests of allotments in the fens. It is clear from these wills that the boundaries of each allotment were carefully defined. Like strips in the open-fields, the location of each allotment was identified by its neighbours. For example, Godfrey Whitmore bequeathed his son Godfrey 'ten acres in Basenhallmore in the wash, next the ground of Thomas Davies on the west side and the ground of Edward Kelfull on the east'. (CRO: will of Godfrey Whitmore, husbandman, dated before 3 January 1670). That the allotments were the same as those originally set out in 1639 is indicated by the wording of some of the bequests. For example, John Kelfull bequeathed to his daughter Agnes Hemont, amongst other things, his 'ten acres of Fenne ground with the appurtenances in Old Ea Meere in Witlesey in *St Andrews Eleventh Lott* there abutting upon the ground late of Christopher Marsh on the south and upon a droveway on the north and lying between the ground of Thomas Wiseman on the east and the ground of William Gardner on the west'. (CRO: will of John Kelfull, yeoman, dated 26 November 1667, emphasis added.)

to make the drainage scheme and subsequent enclosure work to their advantage.³⁷⁹ But although they had adapted their farming methods to utilise their drained allotments, they had not necessarily altered what they produced. Certainly only sixteen of the seventy extant Whittlesey inventories from 1673 to 1681 valued the 'new' crops of cole-seed and hemp and only five valued fen-ploughs, completely different implements from traditional field-ploughs.³⁸⁰ On the other hand, all but seven inventories valued cattle and/or horses that grazed in the fens, just as herds had been accustomed to do before drainage.

iv. Drainage difficulties and the introduction of windmills

By the early 1660s Vermuyden's network of cuts and sluices was causing difficulties in the Bedford Level. In 1663, the General Drainage Act formed a new Corporation for the Great Level, which, it was hoped, would improve the system.³⁸¹ Old works were revived and new ones commenced. As previously, enclosure often followed drainage and, also as before, rioters in various locations attacked ditches and fences or drove cattle into new enclosures.³⁸² Unrest was not, however, as widespread as in

³⁷⁹ Even the humble labourer Ralph Aslin, (or, Ashlin) whose inventory was valued at just £2 11s 6d, was able to leave to his wife Amy his 'five acres of pasture or marish ground with the appurtenances lying in Reach in whittlesey in St Andrew's Second Lott next to the ground of the widow Laxon on the south and the ground of John Lambe on the north butting on the drove way on the west during her life'. (CRO: will of Ralph Aslin, dated 10 January 1674/5, inventory dated 4 December 1675, probate granted 7 December 1675.)

³⁸⁰ It is highly relevant that six of these sixteen people were Walloons and another, Robert Townsend, had married a Walloon. They had come to Whittlesey specifically to live and work in the drained fens. Inventories valuing hemp: Robert Allin of Eastrea, inventory taken 19 March 1680; Robert Dowe, yeoman, inventory taken 18 August 1674; Henry Hammond, yeoman, inventory taken 3 June 1679; Judith Swea, widow (Walloon), inventory taken 13 April 1677; Agnes Tassell, of Eastrea, inventory taken 11 September 1674. Those valuing cole-seed: Henry Avelin, 26 January 1677; George Golding, yeoman, 20 July 1677; George Hammond, 24 March 1679; John Housday (Walloon), 13 April 1675; David Decount (Walloon) of Nordy Gravel, husbandman, 20 September 1676; James Le Toll (Walloon), 18 September 1676; Audrey Lessy, widow (Walloon), 8 November 1677; Edward Plummer, victualler, 11 October 1676; John Searle, husbandman, 31 January 1677; Robert Townsend of Willow Hall (wife was Walloon), January 1681. The inventory of Mary Warriner of Eastrea, widow (Walloon), taken 26 January 1680, valued both hemp and cole-seed.

³⁸¹ Darby, *Changing Fenland*, p. 96.

³⁸² For riots in the Bedford Level in the later period, see Lindley, *Fenland Riots*, pp. 229-32. Riots occurred more frequently in the Hatfield Level, where drainers had less protection at law than the

earlier years, not only because the 1663 Act imposed heavy penalties on those who destroyed drainage works, but also because it established a tribunal, the Commissioners of the Fens, to settle disputes over maintenance and allotments, and to aid those whose lands had been damaged by the drainers' works.³⁸³ By means of the Act, parliament had attempted to provide solutions for various man-made problems; it was, however, powerless to legislate against natural calamities.

The very success of any fenland drainage scheme contained the seeds of its own destruction because removing water from fens created two fundamental problems: rivers draining the excess water were so sluggish that their outfalls silted up, thus preventing the water passing into the sea; and, as it was drained, peat fen not only shrank but also wasted away, thus lowering the level of the ground below that of the rivers.³⁸⁴ In times of heavy rains these problems were exacerbated. Throughout the rest of the century, the order books and minutes of the Bedford Level Corporation record countless floods, damaged banks, blocked sewers and navigation difficulties.³⁸⁵

As water could not flow away naturally, artificial methods needed to be devised. Water had to be pumped from dyke to drain, from drain to river, and only then could it run to the sea. During the second half of the seventeenth century windmills were used increasingly to move water: as their sails turned, the large wheel, which was fitted with a series of paddles, pushed water up out of a low-lying

Bedford Level Corporation. (Lindley, *Fenland Riots*, pp. 233-52; Holmes, 'Drainers and Fenmen', pp. 176-77.)

³⁸³ Holmes, 'Drainers and Fenmen', p. 176.

³⁸⁴ The problems caused by drainage, misunderstood by the drainers themselves, are explained clearly by Darby. (Darby, *Changing Fenland*, pp. 96-107.) Today the Bedford River and New Bedford River are over twenty feet above the height of the adjacent roads.

³⁸⁵ In 1673, for example, rivers swollen by rain from the uplands flooded the fenlands between the Isle of Ely, Crowland, Wisbech and Spalding. Cattle drowned, crops were lost and houses were flooded. (*CSPD Charles II*, 332, 3 (1673), quoted in Darby, *Changing Fenland*, p. 105.)

drain into a higher-level river.³⁸⁶ Pumping by windmill became increasingly common because it was so effective; indeed, Darby has concluded that the 'introduction of pumping engines was the critical factor that saved most of the fens from re-inundation'.³⁸⁷ These methods were not, however, universally popular because, when throwing up water, mills frequently damaged banks or flooded neighbouring lands. Board meetings of the Corporation, therefore, frequently discussed both permitting mills to be erected in some places and ordering them to be pulled down in others. In May 1696, for example, the Corporation received objections from counsel for some Whittlesey inhabitants against the erection of a windmill to drain particular lands there, which, they argued, would be 'very prejudicial to the Adventurers Lands'.³⁸⁸ This was not opposition to drainage *per se* but to a particular method of drainage that mismanaged the resultant surplus water. These objections, lodged in the appropriate manner, were possibly the inhabitants' first skirmish in their battle against windmills and the damage they were thought to cause.³⁸⁹

³⁸⁶ The water might be raised by up to five feet above the level of the original drain. See Darby, *Changing Fenland*, pp. 106-09: Figures 56, 57 and 58 are pictures of various early fenland windmills.

³⁸⁷ Darby, *Changing Fenland*, p. 107.

³⁸⁸ CRO: R59.31.11.15, Bedford Level Corporation Order Book, London Series, f. 8r, 28 May 1696. By this time the 'Adventurers' Lands' was the name of a particular area within the Whittlesey fens, rather than a term signifying land owned by those currently involved in draining.

³⁸⁹ Although the Whittlesey inhabitants raised this particular objection through the legal channel that was open to them as inhabitants of the Bedford Level, this is not to say that they did not make illegal protests at all. Just one week earlier the Corporation had been informed of two illegal incidents in the Whittlesey area. Firstly, it was reported that 'some persons have lately made a Dam att the upper end of the 16 Foot draine or Sword Dyke; being One of the Corporacions draines, which hath done great Damage by drowning the Lands that lye below Whittlesea'. Secondly, 'the Sluce over Bevills River near Angle Bridge had been maliciously pulld up by some persons with horses to the great prejudice of those Lands thereabouts'. (CRO: R59.31.11.15, f. 7v, 21 May 1696.) It is possible that these two incidents aimed to flood the land that would be drained by the proposed windmill but their locations cannot be identified positively on any extant maps.

v. Rioting under the guise of football

The winter of 1698/99 was particularly wet and the Corporation received numerous reports of damage caused to riverbanks and resultant flooding. On 13 January 1699, for example, a report from Whittlesey told of ‘the great ruine that has lately happened by Breaches made in the South banke of Moretons Leame’ which, if not speedily secured, would result in the loss of land, stock and human life.³⁹⁰ It is scarcely surprising, therefore, that at such a time of concern and uncertainty, an estimated 1,100 rioters attacked drainage works and enclosures in Deeping Level, just north of Peterborough: traditionally fenmen believed that drainage works upset the natural order.³⁹¹ The rioters, drawn together from various surrounding communities, had originally gathered ‘Under Colour & pretence of Foot ball playing’. During the course of their ‘games’ they ‘did pull upp, Cutt down & destroy the houses buildings, Mills, Banks & Workes of Draining there to the utter Ruin of the said Levell’, causing thousands of pounds’-worth of damage.³⁹² The situation was so grave that the Privy Council ordered the sheriff of Lincolnshire to raise the *posse comitatus* to suppress the rioters.³⁹³ These riots threatened to spill over into Whittlesey.

In a notice affixed to March bridge, locals were invited to attend ‘a Foot Ball play & other sports’ at Coates Green in Whittlesey on or about Tuesday 14 March.

³⁹⁰ CRO: R59.31.11.15, f. 40r, 13 January 1699. The Corporation was warned by its officers in the Middle and South Levels that the damaged banks of Morton’s Leam and of the Old and New Bedford Rivers should be repaired as soon as possible. Failure to do so would result in ‘the losse of Severall thousand of Acres and Familys that Live and have their Stock in the said Levells’.

³⁹¹ TNA: PRO: PC 2/77, p. 293, letter from the Privy Council to the High Sheriff and Justices of the Peace of Lincolnshire ‘to Suppresse the Ryot att Deeping Fenn’, 19 January 1699; CRO: R59.31.11.15, f. 43v, 7 March 1699. For ‘traditional’ anti-drainage views current earlier in the century, see, for example, TNA: PRO: SP14/128/105; William Camden, *Britain, or a chorographical description of England ...* (London, 1637), p. 492, quoted in Darby, *Changing Fenland*, p. 57.

³⁹² CRO: R59.31.11.15, f. 43v, 7 March 1699; CRO: R59.31, Box 2, Bundle 4, petition of the Bedford Level Corporation, 7 March 1699. The significance of playing football will be discussed below.

³⁹³ TNA: PRO: PC 2/77, p. 293. The riots are briefly described in Lindley, *Fenland Riots*, p. 232, but this account is based only on the Privy Council’s records. Several rioters were later apprehended but further unrest took place in June, which again had to be suppressed by force after rioters defied requests by local justices to disperse. (TNA: PRO: PC 2/77, pp. 350-51.)

On Friday 3 March this notice was read by David Fovergue, who reported it to the authorities.³⁹⁴ At the White Hart Inn, Fovergue also overheard rumours that ‘the Captain of the Mobb in Deeping fenn was to come and help them & be their Captain and that they would pull downe the Mills and Cutt the Banks & doe as they had already done in Deeping fenns’. In the Whittlesey area, therefore, the rioters’ main targets were to be mills and embankments, that is, drainage works, rather than enclosures within the fens. The Corporation received further evidence of the planned unrest in letters sent from neighbouring places.³⁹⁵ These reports can be corroborated by a third, more unusual source: two manuscript poems, both inciting opposition to drainage works.³⁹⁶ The ‘Song against Corporation’ lamented changes brought about by drainage and blamed the appalling flood-damage of the previous winter on the Corporation’s inefficiency: ‘Corperation we wish their had nere bene none/ for it is the Corperation that hath the Fenns undon’.³⁹⁷ The ‘Poetic Address to the Marshmen to support the Whittlesey men in the Riots’, by contrast, was a direct call to arms.³⁹⁸

‘In spite of all the Justices Notes’, ‘Neighbours and friends’ were urged to ‘meet

³⁹⁴ CRO: R.59.31.11.15, f. 43v, 7 March 1699, affidavit of David Fovergue of Lowesdale, Lincolnshire, dated 3 March 1699. It is possible, given that he lived in Lincolnshire, that Fovergue was involved in the Deeping riots and had posted the notice himself. This is not, however, suggested anywhere in the Corporation’s records. Alternatively, as his surname has Walloon origins, it is more likely that he was the tenant of farm within an enclosure in the Lincolnshire fens that had been attacked by the Deeping rioters. For Walloons named Fovergue, see, for example, the boxes of expired Thorney leases held in the Russell Collection at the Bedfordshire Record Office. (BRO: Thorney Deeds, Stack D, boxes 1-5.)

³⁹⁵ CRO: R.59.31.11.15, f. 43v, petition of the Corporation to the king, 7 March 1699.

³⁹⁶ I am grateful to Julie Bowring for bringing both poems to my attention.

³⁹⁷ CRO: R59.31, Box 2, Bundle 4, ‘Miscellaneous papers without dates’, ‘Song against Corporation’, verse 1, lines 7,8. Although undated, the ‘Song’ can be dated to March 1699 since it was addressed to ‘Mr Burly one of the ?p[ropriet]ers of the Axsise to be left at the White hart in March present’. Also, the first verse mentions that floods had broken the ‘south banck & the north banck tried’: a reference to the flooding at Morton’s Leam that winter. The poem comprises six eight-line verses in rhyming couplets and a suitable tune is even suggested: ‘London show your Lyallte’. The poem is in prose manuscript but some line-endings are indicated and the others are obvious from the rhymes.

³⁹⁸ CRO: R59.31, Box 2, Bundle 4, ‘Miscellaneous papers without dates’. This doggerel verse is undated but since it urges the ‘Marshmen’ to ‘hast away, at the tyme appointed to the Town of Coats’, it clearly refers to the proposed ‘football match’ at Coates on 14 March 1699. The verse consists of eleven lines of varying length and excruciating rhyme. In May 1701 preparations for a riot to level enclosures and destroy drainage works in the fens near Market Deeping involved distributing verses inviting large numbers of commoners to participate. (Lindley, *Fenland Riots*, pp. 232-33, citing TNA: PRO: PC 2/78, pp. 208-09.)

Whittlesey boys with a Resolucion fully Bent'. Determined to meet the malcontents with equal resolution, the Corporation acted swiftly.

On Tuesday 7 March, members of their London office composed a petition, to be presented to the king the following day, requesting royal orders to secure the Level from 'any Violence or destruction from a rude multitude of desperate & meane people'.³⁹⁹ On Thursday 9, the Privy Council wrote letters to the lords lieutenant, high sheriffs and justices of Cambridgeshire, Norfolk, Huntingdonshire and Northamptonshire, and the bailiff of the Isle of Ely, instructing them to use all means necessary to prevent and suppress any riotous assemblies directed against drainage works in the Bedford Level.⁴⁰⁰ On Saturday 11, these letters were despatched by king's messenger, Henry Evans.⁴⁰¹ On Sunday, one Mr Wiseman, then present in March, 'suspected to be concerned in Encouraging the Intended Riotous Meeting', was bound over in £500 to appear at the Assizes. That evening, from Wisbech, the bailiff of the Isle sent copies of the letters to 'Well' (Outwell or Upwell) and Whittlesey, ordering them to be published there. Also that night in Wisbech, the bailiff and local justices agreed with thirty or forty 'Substantiall Inhabitants that they could trust' that on Tuesday they would be present 'some where near Coates Green'.⁴⁰² The justices received further confirmation that the planned riots were more than just a rumour: large amounts of beef had been purchased the previous

³⁹⁹ The original petition is in CRO: R59.31, Box 2, Bundle 4, 'Miscellaneous papers without dates'; it is copied in CRO: R.59.31.11.15, f. 43v, 7 March 1699.

⁴⁰⁰ TNA: PRO: PC 2/77, p. 309, 'Letters to some Lords Lieutenant to suppress Riots &c about Bedford Levell, Cambridge', 9 March 1699; 'Letters to the Justices of Peace and Sheriffs of some Countys to suppress Riots &c about Bedford Levell', 9 March 1699.

⁴⁰¹ On 16 March 1699 Mr Henry Evans, the king's messenger, presented to the Corporation a report of his 'journey into the Levell & other parts to prevent the Mobb'. (CRO: R.59.31.11.15, f. 45r.) This report gives a detailed account of his movements from London to Cambridge, Ely, Mepal Chatteris, March, Wisbech, Elm, St Mary's and Lynn, all in the space of four days. The manner in which messages could be conveyed from the crown to its various officers in the counties is clearly demonstrated by Evans's account – including visits to the homes of particular justices to seek advice concerning who else needed to be contacted.

⁴⁰² Evans's report suggests that these men were from Wisbech, since that was where he met the bailiff of the Isle. The significance of this will be discussed below.

evening 'for the Intended Riotous Meeting'.⁴⁰³ But the 'football match' never took place. The prompt action of the Corporation, bailiff and justices and the presence of the 'Substantiall Inhabitants' prevented the planned assembly.⁴⁰⁴ Despite their success, or perhaps because of it, the Corporation did, nevertheless, respond to the fenmen's grievances.⁴⁰⁵

At a session of sewers in early 1699 local juries had made numerous presentments against mills, which, they said, were 'very prejudiciall in drowning the Lands adjoyning where such Mills are sett up'.⁴⁰⁶ The session sitting at Ely on 7 April ordered the Corporation's surveyor general to advise on the removal of mills set up in the Level 'to the end the Countrey may be satisfied therein'.⁴⁰⁷ Given the timing of this order, it was, surely, a response to the abortive riot as well as to the earlier juries' presentments. The Corporation recognised the strength of local feeling against windmills and resolved to act accordingly. This was not, however, the end of the matter in Whittlesey itself. In February 1703, George Goulding and eighteen other named inhabitants, armed with axes and other implements, pulled down the

⁴⁰³ On 3 March, Fovergue had reported that the notice of the football offered 'victuals & drink' to 'such persons as would come to see it'. He had also heard it said that 'one Mrs Walsham of March a Lawyers widdow would give them 10 li and a Baker would give them as much Bread as hee could bake in a Weeke'. (CRO: R.59.31.11.15, f. 43v.)

⁴⁰⁴ From the extant records, it is not clear whether the rioters even attempted to assemble on Coates Green. On Friday 7 April at a session of sewers held in Ely, John Jenyns, Surveyor General of the Corporation, was ordered to compose an account of 'the charges and Expences occasioned in preventing the late intended Riotours from destroying the Corporacions Workes of Draining'. At the same meeting, certain members of the Corporation were asked to thank personally the deputy lieutenants, justices and 'the rest of the Gentlemen of Wisbeach' for 'their great care and paines in keeping the Peace & preventing the late intended Riot'. (CRO: R59.31.10.7, 'Conservators' Proceedings, Book G, beginning 7 Aprill 1696 and ending 7 Aprill 1699 (Ely)', ff. 45r, 46r, record of the session of sewers held at Ely on 7 April 1699.)

⁴⁰⁵ This response of 'suppress and redress' was entirely characteristic of governmental response to unrest throughout the early modern period. In 1607, for example, following the Midland Rising, some fifty rioters were killed or hanged, but others were pardoned and depopulation commissions were appointed to inquire into offending enclosures. (Martin, *Feudalism to Capitalism*, p. 167.)

⁴⁰⁶ CRO: R59.31.10.7, f. 45r, report of meeting held on 7 April 1699.

⁴⁰⁷ Regarding the Corporation's response to the threatened riot, there is no record of the meetings of the Ely Office of the Corporation that were held during the year beginning 8 April 1699, so it is impossible to reconstruct what Jenyns advised and what action the Corporation actually took against windmills. (CRO: R59.31.10.7, Conservators' Proceedings, Book G, ends on 7 April 1699 and CRO: R59.31.10.8, Conservators' Proceedings, Book H, commences on 9 April 1670.)

windmill owned by Francis Keate.⁴⁰⁸ At the Cambridge assizes the men were found guilty of unlawful assembly and of destroying Keates's property. This may have been an isolated incident but, coming just two years after abortive 'football match' in the same area, the authorities reacted decisively.

Although the 'game' did not take place on Coates Green on 14 March 1699, the plan itself is significant, not least because the threat that it posed was taken so seriously. Rioting under the guise of playing football was not a new phenomenon.⁴⁰⁹ Indeed because of the crowds that it attracted, football itself, and its various derivatives, such as 'camping', had long been viewed as a source of 'general disorder, crime and even rebellion'.⁴¹⁰ Under normal circumstances games took place either in designated playing closes or on commons. Small wonder, then, that some enclosure rioters demonstrated their opposition by playing football since their actual 'pitch' was under threat. In February 1480, at Bethersden (Kent), the vicar and twenty parishioners riotously broke into the enclosure of Richard Carpenter and played with 'Foteballes', claiming that 'This is the comen Grounde and comen pleiyng place for all men of this parisshe'.⁴¹¹ In June 1638, hundreds of people from the Littleport area gathered in Whelpmore and Burnt Fen to play at camping and then attacked new ditches that had been dug to drain the former common fen.⁴¹² David

⁴⁰⁸ TNA: PRO: KB28/6, m.20. The editor of the *VCH Cambs* noted this incident and implied that it was the only example of resistance to drainage in Whittlesey. (*VCH Cambs*, 4, pp. 124-25.)

⁴⁰⁹ For a detailed history of 'camping', the East Anglian form of football which was played in the fens, see David Dymond, 'A Lost Social Institution: The Camping Close', *Rural History*, 1 (1990), pp. 165-192. For football as a communal sport, see Emma Griffin, *England's Revelry: A History of Popular Sports and Pastimes 1660-1830* (Oxford, 2005), pp. 43-50; Robert W. Malcolmson, *Popular Recreations in English Society 1700-1850* (Cambridge, 1973), pp. 34-40; Underdown, *Revel, Riot and Rebellion*, pp. 75-76.

⁴¹⁰ Dymond, 'A Lost Social Institution', p. 179.

⁴¹¹ TNA: PRO: KB (Ancient Indictments) 9/365, inquest held at Canterbury on the Tuesday next after the Close of Easter, 1483. I am grateful to Dr Lesley Boatwright for this reference.

⁴¹² For the events in Whelpmore Fen and their aftermath, see TNA: PRO: SP16/392/45, 392/451, 409/50; Lindley, *Fenland Riots*, pp. 101-105. Edward Powell, alias Anderson, was to have led the rioters, and afterwards the event was alluded to 'Anderson's Camp'. As David Dymond has pointed out, this was a reference to the game that took place there, rather than to any temporary accommodation on the fens. (Dymond, 'A Lost Social Institution', p. 182.) One deponent stated that

Dymond has suggested that some ninety years earlier the attacks on enclosures at Leiston (Suffolk), which took place during the ‘campyng tyme’, were also carried out under the guise of playing camp-ball.⁴¹³ Moving forward to 1765, opponents of enclosure at West Haddon (Northamptonshire) invited ‘Gentlemen Gamesters and Well-Wishers to the Cause now in Hand’ to a two-day ‘Foot-Ball Play’ in the common fields of Haddon. At the match, the players formed themselves into a ‘Tumultuous Mob’ and destroyed fencing ready to be erected round the same fields.⁴¹⁴ The proposed football at Coates Green was, therefore, part of a continuing tradition of sport as a form of protest; indeed, as Holmes has observed, ‘football games were favourite affirmations of traditional communal rights’.⁴¹⁵

Finally, the proposed match and the attack on Keates’s windmill indicate that the focus of unrest in Whittlesey had changed. In the 1640s, the rioters had not attacked the drainage works themselves but the enclosures that had been erected in the former common fens following drainage. Fifty years later, however, the target *was* drainage, or, at least, its mismanagement. The ‘Song’ offers a unique insight into local attitudes towards drainage in general, and the Bedford Level Corporation in particular. Fenmen knew that ‘Captaine floud’ was the Level’s greatest enemy but they held the Corporation responsible for ‘his’ depredations because it had

Anderson would have ‘first blow at the ball’; another saw John Bryse ‘with a camping ball, and did camp the same some two furlongs into a great part of the town’. For a biography of Powell, see John Walter, ‘Powell, Edward, [called Anderson of the Fens]’, *ODNB*.

⁴¹³ Dymond, ‘A Lost Social Institution’, p. 182. Although Diarmaid MacCulloch has concluded that ‘campyng time’ referred to encampments established at places like Mousehold Heath in 1549, Dymond notes that this precise phrase occurs in the documents relating to events at Leiston and strongly hints at the sport rather than living in temporary accommodation. (D. MacCulloch, ‘Kett’s Rebellion in context’, *Past & Present*, 84 (1979), pp.36-59.)

⁴¹⁴ Neeson, *Commoners*, pp. 191-92. The invitation to the match at West Haddon was published in the *Northampton Mercury* on 29 July 1765; the events at the match were reported in the same newspaper on 5 August. Neeson observes that the common at Haddon was also due to be enclosed and that commoners had previously played football there as a pastime: enclosure would bring an end to this kind of sport. She also draws attention to two other Northamptonshire football matches that were occasions for riot. (Neeson, *Commoners*, p. 194.)

⁴¹⁵ Holmes, ‘Drainers and Fenmen’, p. 171. Although Holmes was actually referring to ‘communal rights in the enclosed fen’, the examples quoted here show that football was used to reassert communal rights in enclosures of all kinds.

consistently failed in its task to defend the fens against ‘him’, despite it numerous officers, committee meetings and demands for taxes. The terrible weather that previous winter was the last straw. The ‘Song’ draws on the experiences of those directly dependent on the land for their livelihood: their hay and corn, and even their houses had been drowned.⁴¹⁶ The ‘Address to the Marshmen’, in contrast, is a direct summons to all football hooligans within the region to join the ‘Whittlesey boys’ in defiance of published orders. This verse makes no observations on the adverse effects of drainage; it is simply an invitation, or incitement, to riot.

But it was not only the young, landless labourers of Whittlesey who were prepared to defy the authorities. The Mr Wiseman who was arrested on suspicion of visiting March to encourage the riot probably came from Whittlesey: in 1695 both Thomas Wiseman, esquire, and William Wiseman, gentleman, were members of the Whittlesey vestry who set the ‘Towne rate’.⁴¹⁷ When, moreover, a copy of the Privy Council’s letter was despatched to Whittlesey, the bailiff could have asked the substantial men of Whittlesey to go to Coates Green, which was, after all, on their doorstep, but instead when Henry Evans met the bailiff and justices in Wisbech on the Saturday night, they enlisted the help of the substantial inhabitants of that town. Clearly the key phrase is ‘Substantiall Inhabitants that they could trust’. Evans was, surely, reporting the bailiff’s own words: as an outsider Evans himself had no knowledge of local politics or attitudes. The bailiff and justices knew which Wisbech men they could trust but were less certain of enlisting sufficient men in Whittlesey. Their faith in their Wisbech neighbours paid off and their concern about

⁴¹⁶ ‘Song against Corporation’, stanza 3, line 8.

⁴¹⁷ CRO: 126/M6, court book of the manor of Whittlesey St Mary, 3 October 1695. Although recording manorial business, the court book specifically refers to the men who set the town rate as ‘the Vestrey of St Marys’. In the 1664 Hearth Tax returns, seven people with the surname Wiseman were assessed in the Isle of Ely, four of whom dwelt in Whittlesey; no-one named Wiseman lived in March at that time. (Nesta Evans and Susan Rose (eds), *Cambridgeshire Hearth Tax Returns Michaelmas 1664* (British Record Society, Hearth Tax Series, 1; Cambridgeshire Records Society, 15, London, 2000), index of surnames.)

attitudes in Whittlesey was, perhaps, justified by the attack on Keates's mill in 1703. Of the nineteen men involved, fifteen were yeomen, the other four, including their leader, George Goulding, were husbandmen; Goulding, however, was also a vestryman.⁴¹⁸ If not the most substantial men in the town, they were, nevertheless, all landholders; presumably the outfall of the windmill was threatening the productivity of their lands.⁴¹⁹ As in the 1640s, at the end of the century Whittlesey rioters and their supporters came from all levels of the community.

vi. Success or failure?

If enclosure riots can be measured in terms of tangible success, then the necessary yardsticks are the permanent removal of targeted divisions and the reinstatement of former commons. By these standards, the Whittlesey riots failed. In May 1643, the rioters had attacked enclosures in the former common fens, filled in drainage dykes and destroyed new crops. They had specifically targeted land owned by known engrossers and new farms set up in the drained fen, most of which happened to be tenanted by Walloons.⁴²⁰ Despite substantial damage being caused to their lands, however, the owners were undeterred: the profits that could accrue from crops and herds in the drained fens were potentially enormous. Indeed, evidence given in 1646, at an enquiry into the state of the Bedford Level before and after draining, indicates that by that time the enclosures in Whittlesey's fens were being farmed

⁴¹⁸ TNA: PRO: KB28/6, m. 20; CRO: 126/M6, 3 October 1695. The status of 'husbandman' or 'yeoman' was ascribed to each defendant in the King's Bench suit.

⁴¹⁹ The absence of labourers from the list is thus explained: the rioters had been protesting against a mill that was damaging their land; labourers, by definition, were landless.

⁴²⁰ There is no evidence that the rioters attacked the Walloons' property because they were foreigners, rather they were simply attacking farms within the drained fens.

profitably.⁴²¹ George Glapthorne and Francis Underwood were amongst the witnesses.⁴²²

Glapthorne reported that some 10,000 acres around Whittlesey that, prior to drainage, had been worth less than 2d per acre, were now worth between 5s and 10s an acre. There were about 5,000 acres of ploughed land growing crops of wheat, oats, barley and cole-seed, which were worth £10,000. The land 'hath twenty tymes as many Cattle as itt had before the undertakinge & now feed fatt where before the[y] did not, & greate numbers of Horses'. There were 140 'Wallons' living there who 'imploye all the poore Round about them'.⁴²³ All of these improvements were 'made by my Lord of Bedfords workes of Drayninge'. Glapthorne further claimed that the whole town had benefited from drainage, a somewhat contentious claim since loss of access to 18,000 acres of common fen potentially caused great hardship to landless inhabitants. However, despite objections to the principle of allotting ten-acre plots of drained fen to tenants in lieu of unrestricted access to the common fen, tenants' allotments had not been the focus of the riots.⁴²⁴ As we have seen, some tenants sold their allotments for profit, but, they did, of course, retain their manorial holdings and other common rights. Commonable cottages, and the rights of common attached to

⁴²¹ CRO: R59.31.9.3, Proceedings of the Adventurers, 15 November 1649 - 8 March 1651, 25 June 1646. (Earlier items have been entered at the back of the book and are unpaginated.)

⁴²² Their estimated values of crops may have been somewhat inflated since it was in their interest to suggest that drainage benefited the area: Glapthorne and Underwood were to become active members of the Corporation. In 1650 they were among eighteen men who purchased sizeable allotments within the Great Level that had originally been allocated to Charles I. (CRO: R59. 31.9.3, ff. 49v-50r.)

⁴²³ Glapthorne may have been including Walloons living in Thorney in this figure: less than twenty Walloon surnames can be identified in the 1674 Hearth Tax returns for Whittlesey. Nevertheless, his comment about employment for the poor indicates that Walloon farms were profitable; indeed four of the six highest valued Whittlesey inventories belonged to Walloons, all of which valued large quantities of crops and animals. (CRO: inventory of David Decount, valued at £813 16s 2d, dated 20 September 1676; inventory of James Le Toll, valued at £380 0s 4d, dated 16 September 1676; inventory of John Housday, valued at £362 12s 8d, dated 13 April 1675; inventory of Mary Warriner, valued at £322 10s 0d, dated 13 December 1679.)

⁴²⁴ The fact that both sales and inheritances of allotments are recorded from the commencement of the manor court books confirms that this aspect of drainage and enclosure was accepted, if not positively welcomed. (CRO: 126/M1, court book of Whittlesey St Andrew, 15 April 1642 - 21 October 1686; CRO: 126/M2, court book of Whittlesey St Mary, 14 April 1642 - 10 February 1687.)

them, were an integral part of the manorial structure at Whittlesey, and, indeed, remained so into the nineteenth century.⁴²⁵ Those commoners who had kept their allotments took advantage of the lush soil in the drained fens; some cultivating new crops but most pasturing cows and horses in them.

Inhabitants had little choice but to adapt to the changes that drainage imposed on traditional fenland life. Indeed, the unrest at the end of the century suggests that, at Whittlesey, the causes of later discontent were the damage caused by windmills to adjacent lands and the perceived inefficiency of the Bedford Level Corporation, rather than drainage *per se* and the concomitant enclosures. The Corporation itself claimed that, in the fifty years since 1649, it had expended some £500,000 on ‘the gaining & preservacion’ of the Level.⁴²⁶ Minute books record a torrent of repairs to riverbanks, sluices and dykes. Yet, although the Corporation could muster sufficient ‘Substantiall Inhabitants’ to prevent fenmen venting their frustration, ‘Captaine floud’ himself could not be beaten. In fact, it was not until the late nineteenth century that the fens, and commoners, were successfully protected from flooding resulting from sluggish outfalls and shrinking peat.⁴²⁷

⁴²⁵ In November 1801, the court of ‘the manors of Whittlesey’ ordered a committee to record ‘the Names of all the Commonable Messuages Cottages and Tofts within the several Manors of Whittlesey Saint Mary Whittlesey Saint Andrew and the Coquenary’. This had become necessary because ‘the Rights of Common within the said Manors have long been very improperly stocked by the Commoners and others’. At that time, there were 364 commonable dwellings, just seventeen fewer than had received allotments in 1639. (CRO: 126/M91, manuscript volume of copies of ‘Decrees and other Documents Transcribed from a Book made from the [Whittlesey] Town Copies and examined therewith this 18th Day of July 1821’, compiled by John Boyce.)

⁴²⁶ CRO: R.59.31.11.15, f. 43v, petition of the Corporation to the king, 7 March 1699.

⁴²⁷ Darby, *Changing Fenland*, Chapter 9, ‘The nineteenth century: the coming of steam’.

Chapter 6: From the politics of the parish to the politics of the realm

Although the preceding chapters have focussed in particular on the enclosure riots that took place in Duffield Frith and in the Whittlesey fens during the 1640s, these momentous events have not been viewed in isolation. We have also considered the background to the two enclosures in terms both of the local economy and of public policy. It has become abundantly clear that the latter, encouraged by arguments presented by improvement writers and driven by fiscal expediency, rode roughshod over the customary practices of the former. Furthermore, when enclosure threatened to obliterate the commoners' traditional way of life, many inhabitants reacted forcefully to preserve it for posterity. Admittedly their success was limited, since parts of the Frith remained enclosed and further attempts to drain and enclose the fens were inevitable. Their experiences, nevertheless, reveal much about early modern social relations: not only relations between inhabitants who together reacted against the effects of improvement imposed by outsiders, but also relations with those same outsiders and with others who might be more sympathetic to their cause. Moreover, because the crown was closely involved with the enclosures at both Duffield and Whittlesey, by definition, such communities are the most fruitful arenas in which to practice the 'new political history', since they lie at the junction of horizontal and vertical political formations. In other words, these experiences of the inhabitants of Duffield and Whittlesey reveal much about both the politics of the parish, that is, micro-politics, and the politics of the realm, that is, macro-politics. Since the outcomes of the riots and their aftershocks have been considered earlier, the following analysis concentrates on their political implications.

i. Redefining politics

As we have already seen, during the last twenty years or so the concept of 'politics' has been redefined several times by social historians. In the 1980s, defining 'politics' in terms of interaction with Westminster or Whitehall, Buchanan Sharp, Keith Lindley and Roger Manning each concluded that enclosure rioters were neither interested in, nor reacted to, the politics of the nation. In the 1990s, Keith Wrightson formulated the concept of the 'politics of the parish', which brought everyday relationships within the scope of politics; thus politics occurred in the local as well as in the national arena. In 2001, Tim Harris argued that early modern 'politics' should be returned to the heart of government in Westminster. In *The Politics of the Excluded*, the 'excluded' were those excluded from the 'political nation', the latter comprising 'the members of both houses of parliament, the governors of counties and towns, and the enfranchised classes in the constituencies'.¹ The conjunction of the definition that Harris adopted and the title chosen for his book, however, poses something of a conundrum. On the one hand, he was using an electoral definition to describe the politics from which the 'excluded' were barred; and on the other hand, he was suggesting that there *was* such a concept as 'the politics of the excluded', implying that he was not actually retreating from Wrightson's more inclusive definition of politics.

This apparent contradiction emphasises the key issue regarding definitions of politics: whether such definitions relate to the processes that constitute politics or to the actual content of politics. In formulating the 'politics of the parish', Wrightson argued that politics comprised processes in which various actors were contending for control, and that politics were concerned with social relations. Although they did not

¹ Adam Fox, 'Rumour, News and Popular Political Opinion in Elizabethan and Early Stuart England' *Historical Journal*, 40 (1997), p. 597, quoted in T. Harris, 'Introduction', in T. Harris (ed.), *The Politics of the Excluded, c.1500-1850* (Basingstoke, 2001), p. 1.

define their terms explicitly, Sharp, Lindley and Manning, however, had been referring to the content of politics: for them, 'politics' related only to issues pertaining to the government of the realm and to the political nation. In his discussion of the 'politics of the excluded' Harris encompassed both of these aspects of politics. Firstly, the 'excluded' were those who were excluded from the political nation, that is, from the 'politics' referred to by Sharp, Lindley and Manning. Secondly, the 'politics of the excluded' comprised various processes in which they *were* able to participate, including bargaining, petitioning and rioting. He noted that although riot was one process within those politics, it was often, as we have seen, the final action in a series of strategies of protest, rather than the only strategy employed. Protagonists frequently tried to resolve matters firstly by means of the law – a course of action that often involved the central law courts, and even parliament in its role as a court.² The 'excluded' could, and did, resort to Westminster or Whitehall, which therefore begs the question whether they really were excluded at all.³ This, in turn, suggests that reformulations of politics have underestimated the importance of the politics of the realm to early modern communities. In summarising the political implications of events at Duffield and Whittlesey, politics will be considered in the light of both process and content. In the 'politics of association' and the 'politics of resistance', we will consider various political processes in which the inhabitants of Duffield and Whittlesey engaged; in the 'politics of civil war allegiance' and the 'politics of participation', we will consider the extent to which those inhabitants engaged with the politics of the realm.

² Wrightson had acknowledged that there was a 'substantial repertoire of political action available to members of local society', such as petitioning, voting, subscribing to declarations and even rebelling. His purpose, however, was to explore 'politics' in daily life in its local setting. (K. Wrightson, 'The politics of the parish in early modern England', in P. Griffiths, A. Fox & S. Hindle, (eds), *The Experience of Authority in Early Modern England* (Basingstoke, 1996), p. 12.)

³ Indeed, Harris confessed that the essays in the volume 'seek to show that these people were not, in fact, excluded from politics'. (Harris, 'Introduction', p. 1.)

ii. Politics of association

Wrightson emphasised that custom was one of the main foci of contest in early modern communities.⁴ When inhabitants joined together to defend their common interest in local customs of any kind, they were participating in the 'politics of custom'. That those who associated together in this way might have varying motives was not necessarily detrimental to the cause since their purpose was the same. The 'politics of association' enabled different inhabitants to join forces to defend their community against different threats, be they social, economic, religious or military.

Because their ground-breaking studies of early modern forest and fenland riots were wide-ranging in time and place, the conclusions reached by both Sharp and Lindley were necessarily somewhat generalised. Concerning the social profile of those who associated together to oppose enclosure through riot, Sharp suggested that forest rioters, including their leaders, were artisans or poor cottagers and that those riots fitted 'within a long tradition of anti-aristocratic and anti-gentry popular rebellion in England'.⁵ Lindley, on the other hand, concluded that the scale and persistence of fenland disturbances was dependent on the 'extent to which members of the local governing elite condoned or actively encouraged violent behaviour'.⁶ To social historians, the value of these studies lies in their synthesis of the vast quantity of evidence for early modern riot. Their conclusions regarding participation and leadership, however, are questionable. Underdown, for example, has demonstrated that Sharp failed to incorporate in his final analysis evidence for the involvement of yeomen and husbandmen in forest riots that he had assembled previously; and Holmes has shown that Lindley overlooked the fact that very few gentry actually

⁴ Wrightson, 'Politics of the parish', pp. 22-25.

⁵ Buchanan Sharp, *In Contempt Of All Authority: Rural Artisans And Riot In The West of England, 1586-1660* (London, 1980), p. 264.

⁶ Keith Lindley, *Fenland Riots and the English Revolution* (London, 1982), p. 255.

resided in fenland communities.⁷ The work of Hipkin on the riots in the Faversham Blean and of Hindle on those at Caddington has emphasised, however, that that simple readings of 'class antagonism' or 'class participation' will not and cannot explain satisfactorily active participation in early modern enclosure riots. Whereas both Sharp and Lindley drew primarily on the archives of central government, the studies by Hipkin and by Hindle have demonstrated that once the historian begins working with local sources shifting configurations of interest within the social order become apparent. Such studies, therefore, uncover local politics of association.

The richness of the local material from Duffield and Whittlesey is such that it has been possible to go beyond previous generalisations and carry out a prosopography of those alleged to have been involved in those particular forest and fenland riots. In the course of this investigation, however, it has become clear that the use of legal records of riot to reconstruct loops of association that were formed in opposition to enclosure is not without its pitfalls. Given that petitions and informations presented in various courts were constructed so as to make the complainant's case as persuasive as possible, it is naïve of historians to assume that those individuals whom complainants accused of riot were necessarily those who had actually been involved. It is important, indeed vital, to question the purpose behind the constructed lists of alleged rioters.

In the duchy court in May 1642, Edward Syddenham accused over 200 named people of attacking the enclosures in Duffield Frith. He did not suggest that any of them were illegal cottagers or even that they were poor, but claimed that all of them had either consented to the enclosures and had signed the agreements

⁷ David Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England 1603-1660* (Oxford, 1985), p.109; Clive Holmes, 'Drainers and Fenmen: the problem of popular political consciousness in the seventeenth century', in A. Fletcher and J. Stevenson (eds), *Order and Disorder in the Seventeenth Century* (Cambridge, 1985), pp. 179-80.

themselves, or that they currently held the land of others who had originally signed. He argued that as *de jure* commoners they were bound by the duchy's decrees and orders concerning the Frith and should therefore submit to the enclosures. These were strategic allegations. Those whom he identified were not necessarily all rioters, nor were those of them who *were* rioters necessarily the only rioters in the spring of 1642, but his case relied on identifying the offenders as commoners.

When in 1647, he petitioned the House of Lords concerning subsequent riots in the Frith, Syddenham named fourteen men whom he believed had been the 'cheife Leaders & Indendiaries'. As he was then seeking compensation for the financial loss that he had incurred as a result of the rioting it is scarcely surprising that those whom he accused were men of means. On this occasion, however, there is supporting evidence that these men did actively participate in the riots since they had been identified by local witnesses as leading rioters. Those same witnesses also stated that 'many others' had also destroyed the enclosures but failed to name any of them. Again, although poor cottagers and squatters had undoubtedly taken part in the destruction, it was not in Syddenham's interest to pursue such people through the courts. Therefore, although it may seem logical to suggest that the majority of Duffield rioters were of lowly status, this is not the picture preserved in the surviving evidence that was presented either to the duchy court or to the Lords.

In direct contrast, the surviving local evidence from Whittlesey suggests that the eighteen known rioters did come from the 'lower ranks of peasant society'.⁸ As we have seen, the majority of these men, who were considered ringleaders of the riots, were small-scale tenants and landless inhabitants, some of whom were linked by kinship and neighbourhood. This particular analysis appears to contradict

⁸ Lindley, *Fenland Riots*, p. 157.

conclusions reached both by Lindley and by Holmes regarding the social status of those who successfully led opposition to fenland improvement.⁹ Holmes had suggested that landless men lacked the charisma and authority necessary to translate grumbling into large-scale rioting. Hipkin, however, has recently argued that it was not necessarily the status of opponents that was crucial to the successful initiation of riots, but the very nature of common rights in fenland communities. Because common fens had, effectively, been open to all, opposition to fenland enclosures could 'produce a broad-based federation of convenience to defend a mutual interest in right of common'.¹⁰ Since it did not suit his thesis, Sharp had dismissed the possibility that inhabitants with different economic interests in forests commons might act in concert to oppose enclosure.¹¹ Yet, as we have seen, the rioters identified by Syddenham in 1647 were men of means who had joined forces with many others of more lowly status.

At Whittlesey, the spectrum of society represented by the eighteen named rioters was fairly narrow.¹² Several, moreover, were younger men who had yet to become established in the local community.¹³ Like the men involved in the abortive 'Oxfordshire Rising' of 1596, many of the known Whittlesey rioters were landless

⁹ Holmes claimed that 'minor gentry, yeoman, richer husbandmen, some tradesmen ... played the crucial role in organising the local resistance, including riots, to the drainers' activities'. (Holmes, 'Drainers and Fenmen', p. 186.)

¹⁰ Stephen Hipkin, 'Property, Economic Interest and the Configuration of Rural Conflict in Sixteenth- and Seventeenth-Century England', in Stephen Woodhams *et al.* (eds), *Migrants and Minorities* (*Socialist History*, special edition, 23, London, 2003), p. 81.

¹¹ Sharp, *In Contempt of All Authority*, p. 144.

¹² See Chapter 5, part 4, section iii, 'Faces in the rioting crowd: known Whittlesey rioters'.

¹³ Only John Tassell was obviously older, since he was identified as 'John Tassell senior'. He and Thomas Dawbye were the only two known to be married. The following estimated ages at the time of the riots are based on entries in the bishops' transcripts, which are missing for some years. (CUL: EDR 3/84; 3/85.) To recapitulate, the twelve who were not manorial tenants were: Thomas Batteram, weaver (no baptism record); Henry Boyce, carpenter (no baptism record); Jeffrey Boyce, aged 28 (son of John, baptised 25 December 1614); Thomas Dawbye (*his* son Ralph baptised 11 January 1633); Ralph Grewne (or, Ground) (no baptism record); William Haynes (no baptism record); Richard Marsh, aged 26 (son of Christopher, baptised 15 January 1617); William Marsh, aged 29 (son of Christopher, baptised 12 February 1614); Robert Newman (no baptism record); John Tassell, senior, aged 37 (son of John, baptised 16 June 1605); Robert Tassell, (no baptism record); William White, aged 25 (son of Nicholas, baptised 5 March 1618).

‘angry young men’.¹⁴ John Walter has argued that their participation in agrarian disorders should not be surprising. Such men possessed ‘tactical freedom from ties of dependent family’ and consequently were not unwilling to act outside the law. Indeed, single men in their late twenties or early thirties were ‘angry but ageing young men’ who ‘stood on the threshold of social adulthood, but their lack of land, low status and single state consigned them to a limbo’.¹⁵ Unlike the Oxfordshire enclosures, those at Whittlesey did not necessarily threaten the landholding prospects of the young men. These enclosures frustrated their expectations regarding common fens rather than common fields. Access to those fruitful fens had always enabled inhabitants to support themselves and their dependent families; barring access removed at a stroke the traditional way of life that the young men had anticipated.

There was one crucial difference between the conspirators in Oxfordshire and the rioters in Whittlesey. In general such young men lacked the authority ‘to translate discontent into disorder’, but whereas Bartholomew Steer failed to obtain sufficient support, Jeffrey Boyce and his associates had no such problem. Perhaps these men, who led the personal attacks on Glapthorne and the Walloons, and also the attacks on specific buildings within the fens, were branded ‘Chiefe Ringleaders and stirrers upp of the said Riotts and disorders’ simply because their involvement in these incidents was ingrained in the memories of victims and eye-witnesses alike. They may not have been the men who organised the tolling of the bells to summon the malcontents; nevertheless, none of the deponents accused any other inhabitants of inciting the riots.

¹⁴ John Walter, ‘A “Rising of the People”? The Oxfordshire Rising of 1596’, *Past & Present*, 107 (1985), pp. 90-143.

¹⁵ Walter, ‘A “Rising of the People”?’, pp. 123,24. See also, K. Thomas, ‘Age and Authority in Early Modern England’, *Proceedings of the British Academy*, 57 (1976), pp. 15-27.

Close analysis suggests that three factors combined to ensure that hundreds of inhabitants accompanied these men into the Whittlesey fens in mid-May 1643. Firstly, the rioters were supported by some of the more substantial tenants, in particular by those who had, in 1641, petitioned the Lords against the enclosures. Doubtless other men of standing offered the rioters tacit, if not overt, support. Together these groups comprised a more 'broad-based federation of convenience'. Secondly, the majority of inhabitants were disadvantaged by the enclosures. Although all tenants had, in theory, benefited from enclosure by receiving allotments in the drained fen, the only ones who were apparently satisfied were those who had engrossed allotments and created new farms within the fens. Other inhabitants, *de facto* and *de jure* commoners alike, suffered the loss of open access to the abundant flora and fauna or to grazing in the fens. These two disparate groups were united in their opposition since, as Hipkin has noted, 'there were subsistence *and* profit-making agenda amongst the opponents of the crown projectors'.¹⁶ Thirdly, whereas Steer had attempted to recruit supporters from a broad sweep of central and north-eastern Oxfordshire, the population of Whittlesey was concentrated in two neighbouring 'islands' linked by a causeway and close to the lands of the engrossers. Opponents did not have far to travel to express their discontent effectively. Compared with the Oxfordshire 'rising', therefore, support was forthcoming from men of higher status within the community, from a larger proportion of that community, and from a more immediate area. The coincidence of these three factors at Whittlesey, that is, the politics of association, meant that the more headstrong opponents of enclosure were joined by many others in their systematic destruction of the enclosures; unfortunately for them, the coincidence of a fourth factor, the recent

¹⁶ Hipkin, 'Property, Economic Interest and the Configuration of Rural Conflict', p. 81.

arrival of parliamentary troops in Wisbech, meant that the destruction could be neither complete nor permanent.

iii. Politics of resistance

The riots in the Whittlesey fens and in Duffield Frith were actions of last resort, initiated when other means of obstructing enclosure had been tried, and had failed. Both Harris and Wrightson have drawn attention to the wide variety of activities that might comprise the politics of resistance.¹⁷ These ranged from ‘fugitive forms of political action’, such as gossip, anonymous threats, insubordinate grumbling and foot-dragging; through legal activities, such as engaging in law suits and petitioning; to direct action, such as riot and violent intimidation. Instances of resistance to enclosure in the form of gossip or of foot-dragging are by their very nature difficult, if not impossible, to recover from extant sources. Evidence of resistance by legal means by inhabitants of both Duffield and Whittlesey can, however, be found in the archives.

Knowledge of the law, or at least access to the law, played a vital role in shaping the resistance to enclosure in both places. First and foremost, these communities were steeped in custom and in customary law, not least because copyhold was still the predominant form of tenure there. Copyholding had particular implications regarding commoning since common rights were attached to the numerous copyhold cottages and lands. But, as we have noted in the Introduction, although communities governed by custom were traditional, in the sense that they continued past practices, they were not necessarily conservative. Indeed, in many respects, such communities were custom-driven rather than custom-bound. Duffield

¹⁷ Harris, ‘Introduction’, pp. 9-17; Wrightson, ‘Politics of the parish’, p. 12.

and Whittlesey were also traditional communities in the sense that their manorial juries still regulated extensive open-fields, which were being cultivated strip-by-strip even in the seventeenth century. The successful functioning of such field-systems required not only strict regulation but also co-operation between the tenants. The communities, and the institutions that controlled them, were therefore dependent on mutuality. Although there had been some incremental changes, such as an increase in commonable cottages at Whittlesey, at both Duffield and Whittlesey customary practices continued largely as they had done for centuries.

The vast acreage of common waste in both Duffield Frith and the Whittlesey fens meant that in addition to manorial tenants, who exercised *de jure* common rights, landless inhabitants were permitted to exercise *de facto* use-rights. In general, in forests and fens these two disparate groups of commoners were able to exercise their rights harmoniously, although occasionally, such as when the Duffield enclosures were first proposed, tenants might suggest that illegal commoners should be barred. Such suggestions arose from contemporary perceptions that commons were 'overcharged', but in fact the extensive forest and fen commons were generally more than sufficient for local needs. In manors with substantial common waste, the 'tragedy of the commons' did not apply. But, as we have seen, large commons were not necessarily unregulated for both forests and fens were regulated by special courts.

At Duffield in the late sixteenth century, local representatives were frequently summoned to give evidence before duchy commissioners, and woodmote courts met regularly.¹⁸ By the early seventeenth century forest courts there had largely fallen into abeyance but some forest officers were still appointed and strove to fulfil their

¹⁸ For the sixteenth-century woodmote courts, see *VCH Derbys*, 1, pp. 418-19.

duties.¹⁹ Fenland juries of sewers continued to meet. Indeed, Holmes has attributed the fenmen's knowledge of the law to their presence on juries of sewers.²⁰ These juries reported defects to commissions of sewers and assigned responsibility for their maintenance.²¹ Jurors made their presentments without fear or favour, recording as defaulters lesser landowners, Oxford and Cambridge colleges, the commissioners themselves, earls and even the crown.²² Holmes has concluded that the jury of sewers was 'an important institution shaping the fenmen's politico-legal experience in the early seventeenth century'.²³ Although by this time forest institutions were mostly residual, they had played a similar part in shaping experiences of Duffield inhabitants in earlier times. Holmes's conclusion is equally applicable to open-field communities regulated by manorial juries. At both Whittlesey and Duffield, inhabitants were used to collective and co-operative action in local legal arenas.

Holmes has noted that tenants' participation in collusive suits to secure copyholders' titles was another indication of their awareness of the law and that these suits brought them into contact with the national legal system.²⁴ He has further suggested that such participation was, however, purchased from landlords at a heavy price since landlords had the upper hand and so got the better of the bargain each time.²⁵ In fact, this was not necessarily the case at either Duffield or Whittlesey, where tenants became actively involved in lawsuits and collective discussions with

¹⁹ One suspects that the fact that Duffield's forest courts declined in the seventeenth-century and that Anthony Bradshaw died in 1614 were not coincidental. In 1633, Henry Gregson, woodward of the Frith, reported several inhabitants for illegally felling timber trees. (TNA: PRO: DL44/1127, document 3, information of Henry Gregson, 22 September 1633.)

²⁰ Holmes, 'Drainers and Fenmen', p. 187.

²¹ For a detailed description of the duties of a jury of sewers, see A. M. Kirkus (ed.), *The Records of the Commissioners of Sewers in the Parts of Holland 1547-1603* (Lincoln Record Society, 54, Lincoln, 1959), pp. xxvii-xxx. Their duties are minutely described in [Robert Bissell], *Instructions for jury-men on the Commissions of Sewers* (London, 1664).

²² Kirkus (ed.), *Records of the Commissioners of Sewers*, p. xxix.

²³ Holmes, 'Drainers and Fenmen', p. 189.

²⁴ Holmes, 'Drainers and Fenmen', pp. 189-90.

²⁵ Holmes, 'Drainers and Fenmen', p. 193.

their respective lords and, as we have seen, benefited considerably as a result. For example, in 1608, when Salisbury attempted to increase the crown's revenues by confirming copyhold fines, the Duffield tenants claimed that their fines were certain but, as they could not prove this, fines then due there were respited. The fact that twenty years earlier their representatives had decided not to have those fines fixed did not deter them in the least. At Whittlesey, in 1626, the copyholders came to an agreement with Lady Hatton and her representatives that fixed tenants' entry fines in return for the surrender of an area of common fen. The fens there were so vast that they could afford to 'give' some away – fixed fines were far more valuable to them.

Admittedly enclosure agreements, even those settled by collusive suits, were not necessarily favourable to tenants, especially when small, designated areas of former common were allotted in lieu of what had effectively been open-access commons. At Duffield, the leading commoners in each ward had drafted an enclosure agreement that included various concessions that they wanted ratified; the final 'agreements', however, were worded by the duchy and omitted some of those clauses and inserted others less favourable to the tenants. At Whittlesey, on the other hand, the tenants were able to bargain with the earls and forced them to change the original terms of the enclosure agreement. Moreover, as we have already noted, those commoners may have agreed to the enclosure precisely because they knew that the majority of the fens would remain unenclosed, or, at least, would be difficult to police. Customary tenants, it is clear, possessed bargaining powers and knew how to wield them, even if they did not always achieve their goal.

From their use of manorial courts and their participation in agreements with their landlords, tenants were acutely aware of the law and how to employ it for their own purposes. Francis Taverner's comment on the preoccupation of the inhabitants

of Haddenham with the law, which we discussed at the very beginning of this thesis, nicely encapsulates this awareness. Indeed, his observation goes so far as to suggest that tenants in general, rather than relying on their legal representatives, might themselves be conversant with the law. Furthermore, he offers a particularly interesting contemporary gloss on the frequent complaint that fenmen, and, by extension commoners, were idle and that time hung heavy on their hands.

Tenants at Duffield, a predominantly pastoral community, apparently had time to go to law on their own account. After the enclosures were laid out, tenants were frequently brought before the duchy court to answer for various misdemeanours but their responses show that they knew, or were advised, how to manipulate the law. Moreover, the almost constant stream of counter-suits brought in the duchy court by the tenants in the 1640s indicate that they were equally prepared to initiate suits, strategies which aimed to frustrate the progress of Syddenham's claims regarding the non-payment of surveyor's fees and fencing costs, let alone his quest for quiet possession of the enclosures. Perhaps their most effective manipulation of the law occurred when, in 1647, those accused of rioting outmanoeuvred Syddenham's attempts to have them punished. The rioters' counsel pointed out that his suit should not be heard by the Lords until he had compounded with the state for his delinquency; consequently the Lords ruled that unless he did so by a certain date, they would take no further action against the rioters. He apparently failed to meet his deadline since the rioters were subsequently set free unpunished.

Sydddenham's suit in the Lords against the rioters had been initiated by means of petitioning. During the 1640s, following the abolition of Star Chamber, numerous enclosing landlords petitioned the House for its support against enclosure rioters. These landlords evidently expected the peers to issue orders confirming landowners'

rights in their enclosed land and requiring rioters to allow them peaceable possession. Such injunctions were indeed frequently issued, but many were treated with contempt by rioters. We have already noted, for example, the contemptuous response to the Lords' injunction by William Johnson, when he was caught destroying fences in Chevin ward.²⁶ His reaction discloses the extent to which distant external authority might be openly defied in such situations. And yet, even though they might disobey injunctions, commoners evidently appreciated the value of such methods for seeking redress and they themselves resorted to petitioning on numerous occasions. Indeed, the political implications of access to the law by the opponents of enclosure come into focus most sharply in their use of petitioning. In the process of petitioning, protesters might literally enter the foremost arena of the political nation. At such times, the politics of resistance were political both in process and in content. Although Lindley drew heavily on the evidence of petitions presented to the Lords by fenland commoners, he failed to make a connection between such behaviour and the politics of the realm, thereby refusing to credit the fenmen with any political consciousness in the 'traditional' sense.²⁷

Within their petitions to the Lords, or indeed other courts, the stance adopted by petitioners demonstrates awareness of their audience: attitude and tone varied according to the purpose of their petition. In July 1643, the alleged ringleaders of the Whittlesey riots, calling themselves 'poore distressed Prisoners in the Prison of the Fleete', petitioned the Lords to reduce the fees due for their enforced stay in prison. Similarly, in May 1647, the alleged ringleaders of the Duffield riots 'humbly' petitioned the Lords not only for release on bail but also for reparations from

²⁶ See Chapter 4, part 2, section viii, 'Summer 1642 to May 1645: Rioting in the Frith, phase two'.

²⁷ For the political implications of the mass petitioning of parliament, see John Walter, 'The English People and the English Revolution Revisited', *History Workshop Journal*, 61 (2006), p. 179. In his critique of Lindley's work, Holmes drew particular attention to Lindley's refusal to acknowledge the political consciousness of the natives of the fenland region. (Holmes, 'Drainers and Fenmen', p. 167.)

Sydddenham. But it was not only after imprisonment that opponents of enclosure petitioned the Lords. As we have already seen, in 1641, eleven 'poore' Whittlesey men petitioned the Lords against engrossers in the fens. Such petitions against the activities of enclosers, and countless others requesting redress for various kinds of perceived injustices, demonstrate an awareness within the provinces of the power and effectiveness of petitioning. Indeed the very act of petitioning parliament itself demonstrates that ordinary subjects were not only willing but also able to approach the highest court in the land with local grievances. By means of petitioning, therefore, people who were not members of the 'political nation' had access to parliament. Such contact was made on their own initiative and for their own purposes. Arguably it made them temporarily part of that political nation.

iv. Politics of allegiance: civil war politics

Regardless of their electoral status, every subject was affected by the deliberations and activities of parliament and/or the king. Despite the upheavals that occurred during the 1640s and 1650s, however, Sharp concluded that 'large numbers of common people' involved in the West Country riots were indifferent to the 'great issues – political, social and religious – raised by the Civil War and its aftermath'.²⁸ He argued that such concerns seemed remote to forest-dwellers 'preoccupied with pressing local problems, including that of enclosure'. Regardless of whether such people actually were indifferent to the 'great issues' – a matter to which we will return – it is evident that many of them were acutely aware that the current dislocation had resulted in a breakdown in law and order and a consequent vacuum in which enclosures could be attacked with impunity. Frequently, either rioters or

²⁸ Sharp, *In Contempt of All Authority*, p. 220.

their victims commented that they had been 'taking advantage of the tymes'. Some rioters even took advantage of the presence of soldiers in their neighbourhood by encouraging them to assist in tearing down enclosure fences. As we have already seen, in 1659, two deponents claimed that it was soldiers who had destroyed the enclosures in Duffield Frith during the 1640s. That one of these deponents was a coal-miner and the other a resident gentleman indicates that inhabitants from either end of the social spectrum were aware of military activity in their locality.

When arguing that forest-dwellers in the West were indifferent to the wider, national issues raised by the turmoil of the mid-century because they were preoccupied by the local issue of enclosure, Sharp conveniently brushed aside the fact that much of that enclosure had been brought about by crown policy. Indeed, he went so far as to argue that during the 1640s the crown's earlier policy of disafforestation and enclosure 'did not politicize the ordinary forest dwellers and drive them into the hands of Parliament in its struggle with the King'.²⁹ In direct contrast, Underdown has suggested that the causes of the western riots in the 1630s did have 'important political consequences' in the 1640s.³⁰ He has concluded that 'when in 1642 the gentry and middling sort turned against the crown, they were to find willing support from the lower orders in these regions'.

Although the enclosures at Duffield were brought about by the duchy of Lancaster on behalf of the crown, and although the crown's lessee was a particular friend of the king, there is no indication in the extant records that the rioters were specifically parliamentarian, or even anti-royalist. Indeed, in both the 1630s and 1660s the figurehead, if not the spokesman, of the Duffield commoners was the earl

²⁹ Sharp, *In Contempt of All Authority*, p. 220.

³⁰ Underdown, *Revel, Riot and Rebellion*, p. 112.

of Newcastle, a leading royalist who was exiled from 1644 to 1660.³¹ The only reported political comment of any kind made by the rioters is Johnson's contempt for the Lords' injunction issued on behalf of Syddenham. This has already been construed as political in terms of its engagement with the government of the realm but it cannot be interpreted as political in terms of civil war allegiance. A later incident, however, demonstrates that opponents of the Duffield enclosures were able to colour their account of the enclosures in terms of royal oppression in order to gain support for their cause from the Commonwealth government.

During the Commonwealth period, the authorities attempted to restore order following the disruptions of the civil war. Lands previously owned by the crown were surveyed with a view to selling them to raise much needed revenue, but the commissioners who travelled to Duffield met with reasoned resistance. Even though Commonwealth commissioners might be expected to support those who had opposed crown policy, the tone of their report is still remarkable.³² A local jury persuaded these particular commissioners that the actions of the Duffield rioters were fully justified 'considering the great wrong done to the Commoners'. The commissioners concluded that since the Frith was 'layd open & in Common againe' further consideration was needed and eventually the authorities decided against selling it. Clearly the Duffield jurors had known how to manipulate their evidence so that the commoners appeared to have been oppressed and dispossessed by the crown, a stance engineered to gain sympathy from Commonwealth officials.

At Whittlesey, as we have seen, civil war allegiances played a more overt role. The verbal and physical attacks on a local justice by some of the rioters, and

³¹ Although it has not been possible to establish Newcastle's exact role, the very fact that his name appears at the beginning of many documents relating to the enclosures testifies to his involvement.

³² TNA: PRO: E317/Derb/18, report of the Commonwealth surveyors concerning Duffield Frith, July 1650.

Lindley's interpretation of them, require close consideration here.³³ Commenting on the episode, Lindley made no political connections but simply used the rioters' reference to Buckingham to demonstrate that 'rioters occasionally drew attention to major national events, such as Felton's assassination of Buckingham (to illustrate the fate in store for a justice/undertaker)'.³⁴ He concluded that, in general, fenland rioters 'did not give expression to political feelings, but contented themselves with drawing attention to specific grievances of immediate concern while in most other respects observing their traditional place and obedience'.

In his discussion of the Whittlesey incident, Lindley overlooked at least three key points. Firstly, that although rioters rarely resorted to violence against persons, Glapthorne himself had attracted particular resentment and physical violence not only because of his enclosing activities but also because of his efforts to disperse the rioters. Secondly, that the rioters had objected specifically to Glapthorne's support for parliament – an issue to which we will return. His subsequent decision to summon troops to quell the rioters speaks volumes for the political situation both within Whittlesey itself and throughout the wider region. In the inhabitants' eyes, his authority as a justice had been negated by his own enclosing activities; he had, therefore, been forced to summon assistance from outside. The fact that this assistance had taken the form of parliamentary troops must have exacerbated tensions in an area that was predominantly royalist. There was certainly much local resentment of the soldiers and of the length of time that they remained in Whittlesey after dispersing the rioters. Thirdly, Lindley overlooked not only the fact that 'many of the Company' had known about Felton and Buckingham, but also that they had made a direct comparison between Buckingham's assassination and their own stance

³³ HLRO: HLMP, bundle dated 26 June 1643, affidavit of John Newton, 29 May 1643. For the full text of the affidavit, see Chapter 5, part 3, section iii, 'May 1643: Attacks on property and people'.

³⁴ Lindley, *Fenland Riots*, p. 65.

against Glapthorne. The Whittlesey men could have offered Glapthorne non-specific threats, but instead they drew an overtly political parallel. John Felton had been, and still was, celebrated in poems and ballads as a popular hero and as England's saviour because he had destroyed the duke's 'evil' hold over both king and nation. The implications of the simile are inescapably political. Thomas Cogswell has, moreover, recently suggested that the study of Felton's motives and actions allows us to 'perceive how those well outside the charmed circle of court and in the parliament reacted to, and participated in, national politics'.³⁵ I would argue that even a glimpse at reactions to Felton's attack from men much further 'outside the charmed circle' than Felton himself allows us to plumb the depths of participation in 'national politics'.

Having analysed fenland riots up to 1646, Lindley concluded that 'experience of the drainage schemes did not politicise the great mass of commoners in the fens ... and turn them into unswerving parliamentarians in the civil war'.³⁶ As we have seen, Lindley's definition of 'politics' encompassed the 'traditional' relationship between those governing at Westminster and the people that they governed. With the benefit of hindsight, and subsequent developments in scholarship, it has been easy for later historians to attack both Lindley's definition and his conclusion, and, having embraced new meanings of politics, to ignore altogether his observation about civil war allegiance.³⁷ In their rush to make politics all-inclusive, they have sometimes overlooked the fact that early modern communities did know what was happening to king and parliament; that they were affected by proclamations and laws issued by

³⁵ Thomas Cogswell, 'John Felton, popular political culture, and the assassination of the Duke of Buckingham', *Historical Journal*, 49 (2006), p. 385.

³⁶ Lindley, *Fenland riots*, p. 160.

³⁷ John Morrill has suggested that it is somewhat misleading to write social history of early modern England 'as though there were no major political cataclysm at the heart of the seventeenth century'. (J. Morrill, *Revolt in the Provinces: The People of England and the Tragedies of War 1630-1648* (2nd edition, London, 1999), p. 7, n. 24.)

them; and that they were, sometimes, embroiled in their battles and skirmishes or the aftermaths.³⁸ Just as Sharp had assumed that if enclosure had had any politicising effect, it would have turned forest-dwellers into parliamentarians, so Lindley assumed that drainage and enclosure, brought about with the blessing of the king, would, if anything, have propelled the commoners onto parliament's side. What he had failed to grasp was that, in the Isle of Ely at least, it was the royalist cause that had gained popular support.

Whilst the actual motives behind the fenmens' choice of side are difficult, if not impossible, to recover, there is no doubt about the outcome.³⁹ Whether or not it was drainage and enclosure that initially coloured their political views, by the late 1640s they most definitely were politicised in Lindley's sense of the term. At Whittlesey, royalism may have been more fervent precisely because two of the major local enclosers, Glapthorne and Underwood, were prominent parliamentarians. It certainly explains the physical and verbal attack on Glapthorne, the local magistrate, as he attempted to disperse the rioters. The accusation that 'hee was noe Justice, for hee was against the King, and was all for the Parliament' can, therefore, be interpreted on two political levels. Firstly, the rioters were using verbal and physical violence to vent local frustrations over Glapthorne's engrossing activities within the Whittlesey enclosures; and secondly, they were declaring their allegiance in the

³⁸ Morrill has emphasised these points with some chilling figures. In the campaigning seasons of 1643-45, one in nine of all Englishmen between the ages of 16 and 50 were in arms at any one time; perhaps one in three or one in four bore arms at some point; more than 80,000 men were killed in, or died as a result of, the 635 battles, skirmishes and sieges (a higher death-rate than that of Britons in either World War One or Two). The burden of taxation, free quarter and plunder varied from area to area but everywhere caused immense short-term hardship to the population. Parliamentary taxation ran at the equivalent rate of a subsidy every fortnight; the introduction of excise duty on basic commodities, such as salt and beer, affected the poor even more than the rich. (Morrill, *Revolt in the Provinces*, pp. 190-91.)

³⁹ Underdown has suggested that 'the drainage projectors included some powerful parliamentary magnates, and it is not surprising that the fen population sometimes swung over to royalism in retaliation'. (Underdown, *Revel, Riot and Rebellion*, p. 160.) As we have seen, the fenmen's royalism cannot be accounted for quite so easily, especially since the king himself sponsored fen drainage and received some 12,000 acres of drained fen as a 'reward'.

national arena. When Glapthorne subsequently summoned parliamentary troops to quell the riots, he not only magnified the gulf between himself and his neighbours, both literal and figurative, but also reduced yet further his own standing and credibility in the town. What began as a study of the politics of the parish has inescapably become embroiled in the politics of the nation.

v. Politics of participation: the politics of the realm

Our discussion of the politics of allegiance has demonstrated that, despite their physical distance from London and their concern for the local effects of enclosure, the inhabitants of Duffield and Whittlesey were not necessarily either indifferent to, or unaware of, the causes, events and effects of the civil war. But it was not just these extraordinary national political occurrences that affected the lives of ordinary people. They were all affected by the day-to-day deliberations and policies of government. Fiscal policies had a great impact on local communities since most inhabitants were expected to contribute. Some of them, however, were aware that the payment, or withholding, of taxes could be used as a bargaining tool. The authorities had scant means to coerce communities to contribute and so needed the co-operation of the taxable population in order to successfully implement its fiscal plans. Two occurrences, some seventy years apart, demonstrate that Whittlesey inhabitants were capable both of manipulating and of ignoring central government's taxation requirements.

As we have already seen, in the late 1590s Whittlesey inhabitants petitioned the Privy Council complaining that work to regulate flooding in the region, proposed some twenty years earlier, had still not commenced.⁴⁰ Although employing the

⁴⁰ See Chapter 5, part 1, section iv, 'Late-Elizabethan and Jacobean drainage bills and acts'.

language of subservience, the petitioners managed not only to threaten that taxes might be withheld but also to raise the spectre of large-scale poverty and dispossession if the project were not implemented immediately.⁴¹ Whether they were genuinely unable to contribute due to the hardships caused by flooding, or simply unwilling to contribute until their grievances were resolved, the inhabitants were sufficiently politically aware to use their fiscal muscle to stir the Council into action. Their petition, indeed, had the required effect.⁴²

Generated some sixty years later, the Hearth Tax returns for Michaelmas 1662 and Michaelmas 1664 also reveal much about the character of Whittlesey taxpayers. As we have already noted, both assessments indicate that tax evasion was rife in the town and that it spanned the whole social spectrum, from widows to magistrates. Indeed, as Nesta Evans has shown, the high level of evasion at Whittlesey was unique within Cambridgeshire.⁴³ Houses and cottages in Whittlesey were easily accessible to the chimneymen. Apart from a few farmhouses built in the drained fens, all of the dwellings were situated along streets either in the town itself or in the villages of Coates and Eastrea, and so were easy for tax-assessors to locate. The unavoidable conclusion, therefore, is that householders had connived with the collectors to declare and/or pay for fewer hearths than they actually had. It is clear that some of the blame did, indeed, lie with the constables, John Laxon and George Lambe, who had been responsible for collecting the 1662 assessment. In 1667 the Treasury issued a warrant for the arrest of George Lambe, 'late constable of

⁴¹ The taxes in question were those levied from fenland communities by the commissioners of sewers to finance the maintenance of the drainage system.

⁴² Because the Privy Council had received 'knowledge of the exceeding great losses which a great part of the inhabitants' of fenland areas had suffered, on 2 March 1597, orders were sent to the commissioners of sewers to raise taxes so that the work could be carried out as soon as possible. (*Acts of the Privy Council, 1596-1597*, pp. 531-32.)

⁴³ Nesta Evans, 'How comprehensive is the hearth tax return?', in Nesta Evans and Susan Rose (eds), *Cambridgeshire Hearth Tax Returns Michaelmas 1664* (British Record Society, Hearth Tax Series, 1; Cambridgeshire Records Society, 15, London, 2000), pp. xxiii-xxvi.

Whittlesea, in the Isle of Ely, for making untrue returns of the Hearth money there'.⁴⁴ In 1662, moreover, both Laxon and Lambe had failed to declare their own hearths correctly.⁴⁵ With men such as this collecting the tax, the level of evasion at Whittlesey is scarcely surprising. Evans suspected that the high level of under-payment and non-payment was achieved due to the 'comparative remoteness' of Whittlesey. Philip Saunders, meanwhile, has suggested that it demonstrates that 'a once thriving town [was] experiencing a downturn in fortune'.⁴⁶ As we have seen that the population of Whittlesey was increasing and that the local economy was buoyant at that time, the latter explanation is unlikely. Given the political awareness of the inhabitants and their willingness to challenge authority, it is far more likely that, with the connivance of the constables, they had, indeed, been taking advantage of their distance from Westminster.

Since Duffield inhabitants appear to have been just as politically astute as their Whittlesey counterparts, it is reasonable to suspect that they too would have evaded taxes when possible. Such suspicions, however, are hard to substantiate since assessors of any kind found it difficult, if not impossible, to count all of the early modern inhabitants of that extensive parish. Analyses of numerous returns, whether produced for fiscal, military or ecclesiastical purposes, demonstrate that when the inhabitants of Duffield were enumerated, officials entrusted with the task, whether local men or outsiders, failed to visit every settlement within the locality and so

⁴⁴ The Treasury warrant for the arrest of George Lambe was issued on 28 August 1667. (*Calendar of Treasury Books*, 2, p. 180, quoted in Evans & Rose (eds), *Cambridgeshire Hearth Tax*, p. xxiv.)

⁴⁵ In 1662M George Lambe had declared three hearths but only paid tax for two; the 1664M returns show that there were actually four hearths in his house. John Laxon senior had declared two hearths but only paid tax on one. (TNA: PRO: E179/84/437, mm. 41r, 43v.)

⁴⁶ Evans and Rose (eds), *Cambridgeshire Hearth Tax*, p. xxv; Philip Saunders, review of Evans and Rose (eds), *Cambridgeshire Hearth Tax* in *The Local Historian*, 32 (2002), pp. 259-60, quotation from p. 260. When asked about this interpretation Dr Saunders, Deputy County Archivist for Cambridgeshire, admitted that it was based on 'gut-feeling' and the fact that the town was in decline during the eighteenth and nineteenth centuries, rather than on definite information about the town's economy during the seventeenth century. (*Ex info.* Dr Saunders.)

recorded different combinations of inhabitants. For example, in 1664, officials failed to assess any householders in the settlements of Hazelwood, Turnditch and Windley for the Hearth Tax payment due on Lady Day.⁴⁷ David Edwards has assumed that the returns from those three places were included with those for Duffield itself; however, not one of the names of the fifty-five taxpayers assessed in those hamlets in Michaelmas 1662 appears in the Lady Day 1664 returns from Duffield.⁴⁸ They were simply not assessed for the latter payment.⁴⁹ In the hamlets that comprised Duffield, evasion of taxation and military obligations may have occurred, but frequently individuals, or even whole communities, were omitted by mistake. Those omitted presumably failed to advertise the fact. They may have been politically conscious but did not necessarily have a fiscal conscience.

Although there was some opportunity for evasion or avoidance, in general inhabitants of early modern England had no choice but to submit to orders, proclamations and policies that emanated from the heart of government. In 1640 the event that had most significance for the political nation was the reassembly of parliament, following the breakdown of Charles's Personal Rule. The calling of a new parliament meant that once again local matters could be discussed in the national forum and it is clear that several Duffield individuals appreciated the benefits that might ensue. As we have already seen, in 1659 it was alleged that, because the tenants' two-thirds of each ward were granted to them in a form of

⁴⁷ TNA: PRO: E179/94/405, Hearth Tax assessments for Appletree hundred, Lady Day 1664.

⁴⁸ D. G. Edwards (ed.), *Derbyshire Hearth Tax Assessments 1662-70* (Derbyshire Record Society, 7, Chesterfield, 1982), p. lxix. The Duffield returns for 1662M are in TNA: PRO: E179/94/378, mm. 59-63 & E179/245/8.

⁴⁹ Since the actual returns for 1664L are intact, it follows that the assessments for Hazelwood, Turnditch and Windley are not missing because the relevant folios have since been lost.

freehold, a number of the commoners had not only claimed that this entitled them to vote in parliamentary elections, but actually had exercised that electoral franchise.⁵⁰

This occurrence has a two-fold significance. Firstly, it is clear that one or more of the tenants had made the connection between the form of tenure for the enclosures and the franchise for parliamentary elections, and that they had persuaded their neighbours to vote. Secondly, since these 'freeholders' did decide to go and cast their vote, it is clear that they chose to join the political nation. Few may have recognised the link between the form of tenure and the franchise but as a result many were politicised. This incident at Duffield suggests that participation in the politics of the realm may have been a more reasonable aspiration for the man in the field than some historians have believed. Participation may also have been more attainable, since it appears that the credentials of voters were not necessarily carefully scrutinised.⁵¹

In the Isle of Ely, there was a controversial incident concerning the parliamentary election of 1654.⁵² Its particular significance here is that it involved George Glapthorne, whose unpopularity in the region had not lessened during the years since the Whittlesey enclosures were first contested. In July 1654, as bailiff of the Isle, Glapthorne was expected to oversee the election of the two members of

⁵⁰ See Chapter 4, part 2, section iv, '1640: Commoners and the House of Commons?'. The commoners jointly held their lands in the two-thirds in each ward in 'free and common socage' for annual nominal rents of 2s for Holland Ward, 2s for Chevin ward and 38s for Belper ward. (TNA: PRO: DL5/31, ff. 446r-47v, Duchy Court Decree and Order Book, 21 November 1633.) The tenure, therefore, was not 40s *per annum* freehold unless the values were added together and even then, it was, of course, a joint tenure rather than an individual one.

⁵¹ For a detailed discussion of voting qualifications, their interpretation by contemporaries and whether they were checked at the polls, see Derek Hirst, *The Representative of the People? Voters and Voting in England under the Early Stuarts* (Cambridge, 1975), pp. 34-43.

⁵² Two seats for the Isle of Ely were created for the parliament of 1654 and were also represented in the parliament of 1656. In the parliament of 1659, there were no MPs for the Isle of Ely as a whole, just one for the borough of Wisbech, in addition to the knights of the shire. (Anon., *Return of the names of every member returned to serve in each parliament from the year 1213 to the present time* (2 volumes, London, 1897) 1, pp. 499, 507; Anon., *A Perfect list of the names of the several persons returned to serve in the Parliament ...* (London, 1656), p.5.)

parliament for that newly created constituency.⁵³ There were well over 400 voters, of whom at least 160 came from Whittlesey. The two candidates whom the majority wanted to elect were John Thurloe esquire, Secretary of State, and Lieutenant-Colonel Francis Underwood of Whittlesey (another of the Whittlesey engrossers). In this election for a new constituency, the franchise qualification was £200's-worth of real or personal estate.⁵⁴ In a region where freehold tenure was not prevalent, one consequence of this revised qualification was that the size of the electorate in the Isle was greatly increased; in particular, it meant that leasehold tenants of farms in the drained fens might become enfranchised.⁵⁵ By various devious methods Glapthorne engineered his own election in place of Underwood.⁵⁶ Consequently, over 400 voters petitioned the Council of State concerning the chicanery that had occurred during the election. It should be noted, however, that a sufficient number of people had been persuaded to vote for Glapthorne. His opponents alleged that these voters had comprised 'persons that were in the late King's army and some apprentices and persons under age and many more not qualified to vote'. Presumably these men had been bribed to attend but, nevertheless, they had actually participated in the parliamentary election process and their votes had been recorded in 'the bookes of pole'.

⁵³ Details of the election are to be found in TNA: PRO: SP18/75/6, petition of 'divers freeholders and others qualified to vote in the election of knights for the isle of Ely', 23 August 1654, and SP18/75/7, answering petition of George Glapthorne, 23 August 1654. The following account is taken from these documents.

⁵⁴ It was only during the Commonwealth that the franchise in general was changed; at the Restoration the earlier qualifications were reinstated. (J. H. Plumb, 'The Growth of the Electorate in England from 1600 to 1715', *Past & Present*, 45 (1969), p.108.) For a detailed discussion of these changes, see V. F. Snow, 'Parliamentary Re-apportionment Proposals in the Puritan Revolution', *English Historical Review*, 74 (1959), pp. 409-42.

⁵⁵ Indeed forty-four of the voters who subsequently signed the petition had Walloon surnames.

⁵⁶ For example, he spread rumours that election would be at Ely and so some voters went there instead; 120 voters who would have voted for Underwood could not cast their votes because too many drunks blocked their way into the voting room; others were specifically excluded because they were aliens (that is, foreigners, presumably Walloons). Glapthorne later claimed that Underwood had defamed him by telling the voters that Glapthorne 'came to take away their Marshes'.

In August 1654 the committee of the Council of State for Elections ordered witnesses to appear in the case against Glapthorne.⁵⁷ His opponents subsequently printed and published a pamphlet containing the depositions of the seven witnesses so that 'any honest man' might judge 'whether this man be fit to be a Parliament man or a Justice of Peace or a chief Bailiff'.⁵⁸ The tone of the pamphlet is set by the editor's remark that 'if wickedness get in to high places misery will be to the Commonwealth'. Publication of the pamphlet demonstrates that local people were aware of the power and reach of the printing press both for disseminating their grievances and for blackening Glapthorne's character. Several of the deponents came from Whittlesey itself. Perhaps they saw this as a chance to get their own back on such an unpopular local figure.⁵⁹ The events of this election and its aftermath confirm that members of local communities were keen to be involved in politics at the national level. Initially, the voters had wanted to participate in the election itself, the first one for members who would specifically represent the Isle; subsequently, over 400 of them had petitioned the Council of State in an attempt to reverse the illegal election of an unpopular candidate.

vi. From the politics of the parish to the politics of the realm

This discussion of the political implications of the enclosure riots that occurred at Duffield and Whittlesey has led us inexorably from the arena of local politics into that of the politics of the nation: from micro-politics to macro-politics. Sharp and

⁵⁷ Glapthorne was given the opportunity to answer the accusations in person but did not appear.

⁵⁸ *A brief Relation of the Proceedings before his Highness Council concerning the Petitioners of the Isle of Ely against George Glapthorne Esquire, to take away the false report that is made touching the same, and that the truth may plainly appear* (London, 1654). Glapthorne did take his seat in the parliament of 1654 but did not sit again. (Anon., *Return of the names of every member returned to serve in each parliament from the year 1213 to the present time* (2 volumes, London, 1897), 1, pp. 499, 507.) In 1656, the MPs for the Isle were Thurloe and William Fisher. (*A Perfect list of the names of the several persons returned to serve in the Parliament ...* (London, 1656), p.5.)

⁵⁹ The names of the deponents are not the same as known rioters of 1643 but that proves very little since so few of the rioters were ever identified.

Lindley believed that there was no connection whatsoever between participation in enclosure riots and participation in parliamentary politics; that not only was the gulf unbridgeable by rioters but also that the gulf was irrelevant to rioters who were concerned only about the local and personal repercussions of enclosure. There is, of course, no doubt that those who opposed enclosures were concerned primarily about their short-term and long-term effects on the locality. They mobilised opposition because they feared the impact that enclosure would have on their own household or commercial economies and on the way of life of future generations. In the course of such opposition they utilised, or became caught up in, various processes that constituted the politics of association and the politics of resistance. When that resistance took legal form, they became involved in lawsuits, some of which were fought out in courts in the capital, thus bringing them into contact with the political centre of the realm. The political turmoil of the mid-century, moreover, was such that the civil war directly affected their own relatively remote regions.

To suggest that 'large numbers of common people' were indifferent to the 'great issues' of the day ignores the numerous lines of communications that stretched from the capital to each community and back: travellers and couriers, written and printed material, bearing or containing messages, gossip, rumour, news, sermons, ballads and the like.⁶⁰ Furthermore, such a suggestion insults the innate intelligence of these people. Many were knowledgeable about rights and practices that had been transmitted orally down the years. Many were highly articulate in their defence of

⁶⁰ The quotations are from Sharp, *In Contempt of All Authority*, p. 220. For a general discussion of patterns of communication, and the personal ties that underpinned them, see A. Everitt, *Change in the Provinces: the Seventeenth Century* (Leicester, 1969). For the transmission of news and rumour, see, for example, Richard Cust, 'News and Politics in Early Seventeenth-Century England', *Past & Present*, 112 (1986), pp. 60-90; Fox, 'Rumour, News and Popular Political Opinion'; Joad Raymond, *The invention of the newspaper: English newsbooks, 1641-1649* (Oxford, 1996); Joad Raymond (ed.), *News, newspapers, and society in early modern Britain* (London, 1999). For the weekly routes of carriers from London, see John Taylor, 'The Carriers' Cosmography', in ed. A. Lang, *Social England Illustrated: A Collection of XVII Century Tracts* (London, 1903), pp. 339-62.

custom. Many were willing and able to give evidence in lawsuits. Why, then, would they not have opinions on wider issues? That these studies have even uncovered evidence of a desire to participate in parliamentary elections should not, perhaps, be surprising, especially since the electorate as a whole had grown considerably during the early seventeenth century.

This growth in the electorate was caused by at least two specific economic factors. Firstly, inflation had increased the number of existing freeholdings that were worth 40s or more *per annum*.⁶¹ Looking at land values in the early seventeenth century, Derek Hirst found that in many areas a holding of no more than four or five acres would have yielded a landed income of 40s after charges.⁶² Secondly, there was an increase in the actual number of freehold tenants.⁶³ Landlords, from the crown downwards, had adopted a policy of selling copyholders their freehold. As we have seen the offer, which was costly to tenants, was not always taken up, but those who did thereby became enfranchised. Hoyle has noted that tenants who secured their freehold could increase their profits from agriculture. These profits could be ‘translated into individual prosperity ... and perhaps [into] new political activities’.⁶⁴

In his analysis of parliamentary elections under the early Stuarts, Hirst assessed the political implications of these effects of inflation. He found that, thanks to inflation, ‘the county electorate was becoming highly socially inclusive’.⁶⁵ Not only were more people lower down the social scale eligible to vote but also they

⁶¹ This is discussed at length in Hirst, *The Representative of the People?*, pp. 29–43. See also, Christopher Hill, ‘Parliament and people in seventeenth-century England’, *Past & Present*, 92 (1981), pp. 100–24

⁶² Hirst, *The Representative of the People?*, p. 31.

⁶³ Richard Hoyle first discussed this in detail in R. W. Hoyle, ‘Tenure and the land market in early modern England: or a late contribution to the Brenner debate’, *Economic History Review*, 2nd series, 43 (1990), pp. 1–20 and has recently revisited it in R. W. Hoyle, ‘The English land market, 1530–1729: rehabilitating the Feet of Fine’, paper given to the Early Modern Economic History seminar, Queens’ College, Cambridge, 9 November 2006.

⁶⁴ Hoyle, ‘Tenure and the land market’, p. 17.

⁶⁵ Hirst, *The Representative of the People?*, p. 31.

were actually participating in elections; consequently, candidates or their sponsors were aware that they needed to actively gain the support of the new voters. Hirst has argued that in 1640 the number of voters in a constituency might be so great that ambitious gentry might find it 'cheaper and easier to turn to politics than to drink to sway them'.⁶⁶ His suggestion goes right to the heart of the issue: the voters had taken an interest in the politics of the nation, even if, as he goes on to demonstrate, most of their concerns were over issues that affected them directly. Indeed, it has been suggested here that those Duffield commoners who deemed themselves eligible to vote probably hoped that Sir John Coke would assist them in their opposition to the enclosures; but whatever the reason for their participation, they clearly thought it worthwhile making the trip to Derby. In 1654, the Whittlesey voters perhaps saw the chance to participate in elections that were, for the first time, relevant to the Isle itself; although whether John Thurloe, Secretary of State and associate of the adventurers, might represent the interests of fenland commoners is another matter.

The riots that occurred in Duffield Frith and in the fens around Whittlesey were selected as case-studies in this thesis for two principal reasons. Firstly, because preliminary research had shown not only that those particular events were well documented in the central archives but also that sufficient local records had survived to enable detailed reconstruction of the backgrounds to them. And secondly, because my earlier work on Berkhamsted had suggested that horizontal and vertical politics were more likely to have intersected in communities in which the crown had a significant interest. In the event, these case-studies have yielded abundant evidence of political activity in terms of both process and content. In their fight to preserve

⁶⁶ Hirst, *The Representative of the People?*, p. 150.

their commons, inhabitants combined together to resist enclosure by various means, some of which brought them into contact with the politics of the realm. Had the latter simply comprised the use of the central law courts and the petitioning of parliament, that in itself would have been sufficient proof that vertical politics had played their part in the dramas; but those vertical politics evidently reached even further. Contrary to the arguments of earlier social historians, it has become clear that the civil war and its aftermath did have profound repercussions on the politics of enclosure rioters. Finally, and perhaps unexpectedly, voting in parliamentary elections proved to be an important issue in both places. At Duffield, the enclosures were deemed to have had a direct effect on local enfranchisement; at Whittlesey, voters came face-to-face with an old enemy.

These experiences of improvement in early modern England demonstrate that some commoners who reacted to enclosure, an intensely local problem, were deeply conscious of wider issues and, when possible, chose to enter the arena of the political nation. Moreover, it is evident that they participated in the politics of the realm not only to further their particular local cause but also because they had wider political concerns. These case-studies, therefore, point the way towards a re-definition of 'popular politics' that is more nuanced than either the 'hard', exclusive definitions offered by Lindley, Sharp and Manning, or the 'soft', inclusive definition offered by Wrightson. Indeed, these studies suggest that it is incumbent upon the next generation of social historians not only to acknowledge but also to conceptualise the precise relationship between the politics of the parish and the politics of the realm. By probing more deeply into the micro-politics of custom, they may well unearth further evidence of participation in the politics of the nation, participation that an earlier generation of social historians had been concerned to deny.

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Appendix 1: Anthony Bradshaw's poem

1588. A FREENDS DUE COMENDAC[I]ON OF DUFFELD FRITH¹

1. O auntient pretty Duffeld Frith my love & Comendac[i]on
of due defect I yeld to thee for pleasant habitation
the stately hono[u]r of Tutbury includeth thee as part
And of the Duchy of Lancast[e]r a member fine thou art.
2. King James o[u]r gracious Sovereigne of all this, Lord hee is
And of the Fryth and hono[u]r both, least ought there go amysse
His grace most well appointed hath, his Steward high to bee
His Counsello[u]r right Ho[nora]ble, the Earle of Shrewsberie.
3. By whose foresight & p[ro]vidence those things well ruled are
By such as he hath substitute to undergoe that care
As may appeare at Audit tymes not onely in bare words
But also there app[ro]ved is by his highnes recordes.
4. But now t'omytt disgressions more, myself I will retyre
To shew my mynd of Duffeld fryth as first I did desyre
Wheareto my best affecc[i]ons the place hath so much room
That there before all places els, I could my race best ronne.
5. Some reasons w[i]ch so moved me to soch as wish to know
And shale me liston patiently, I will my fancye showe
Craving thiere p[ar]dons for my faultes in ev[e]ry misprission
In hope where of I will begine fine Duffeld Fryths description.
6. Whoso w[i]th me will take sweete ayre on topp of Chevin hill
Most bounds and grounds of Duffeld Fee may vew and take his fill
From Alderwasleigh to Burleyyat so north & South it bendeth
From Collins Clarke to Hough p[ar]ke side it Est & West extendith
7. The cheifest towne & mother Church is Duffeld southward placed
Fast by the river Darwent side no little therw[i]th graced
Her p[ar]ish larg hath Chappeles three to s[e]rve both god & leaig
Whose names be called sev[e]rallie Turndych Bealper & Highedge

¹ There is a manuscript version of the poem in a book of notes entitled 'George Bradshaw's book on customs and liberties 1792'. (DRO: D2402 A/PZ 2/1.) The handwriting in this book is not consistent. It is clear that some of the entries were written by Anthony Bradshaw himself since he initialled the text in many places, but some were written in other hands, as was the actual poem. It is the last entry apart from a note that on, 2 November 1670, Vicesimus Bradshaw lent the whole book to G. Adderley. Although the poem is dated 1588, the second and fifty-third stanzas mention 'King James'. These must have been added at a later date since internal evidence, such as the names of the various forest officers, is consistent with the 1580s. The 'Comendacion' was published in *The Reliquary*, 23 (1883), pp. 69-74. The version here is a transcript of the manuscript version. Editorial extensions of abbreviations are shown in square brackets.

8. At Duffeld Place head placed was a statlye Castly & cortyard
Whereof the Scyte yet beareth name now called Castly Orchard.
The Duke there had great royalties & Forest p[ar]ks & warren
And wards & pleines & waters store, & grounds not verie barren.
9. Duffeld Forest yett heads its name though now not stored w[i]th game
Nor venery hath for princly sport w[i]ch want there no doth blaym
Saving some p[ar]ks replenisht are, disp[ar]kt though others bee
And vert & woods & offic[e]rs stands as I shale showe to thee.
10. This Forest hath hitt four brave woods in midst of it the lye
Holland Duffeld Colbroke Bearp[er]d the same Castle fast by
Fyne thicks & lands the do containe & herbidge good the yeld
And skerted w[i]th so sweete asserth as ever man beheld
11. All w[i]ch in order good to keepe such forest lawes as neede
are executed dylie there at woodmote co[u]rts w[i]th speed
The pawnage Tacke rents & duties there of w[i]th customes raise
Collectors four receive & pay at th audit tymes alwayes
12. This Forest smale envyrond is with six p[ar]ks yet remayning
Morley Beaurp[er]d Posterne & Shottle & Ravensdale appertayning
All w[i]ch are farmed at this tyme & yeald no deare at all
Save onely Manshall p[ar]ke hath game and yet but verie smale
13. Wherefore those Keep[er]s names shale pass, there offices & there fees
Though heretofore the were esteemed ech one there degrees
In Shottle & Posterne tennents had herbage at easie rates
of w[i]ch the are now quite debard & shutt out of those gates.
14. This Forest hath Forsters of fee w[i]ch p[ar]tly hold there land
By s[e]rvices there in to do, as I do understand
There names be Bradborne, Bradshaw, Bruckshaw & of the heires of Stone
All w[i]ch at Forest courts must be, with others many a one.
15. Corzon esq leiutenant is to keepe theis thinges in order
and under him the keep[er]s walke & watch in ev[e]ry border.
W[i]ch officers offenders all against vert shold pr[e]sent
And for the king in Forest courts are swarne to th[a]t intente.
16. Thighe Stuerd hath his boberers to walke & m[a]rke such trees
as bondhould tenants are alowd for w[i]ch the have some fees
Verderers Rangers & Knaves of Forest & offic[e]rs have been moe
W[i]ch now are discontinued place & ease, I let them goe
17. Besydes the yeerely Woodmote c[ou]rts a Tacke c[ou]rte must be kept
And at Lukes day & Martinmas the Tack must be collect
Those offic[e]rs then a dyner make, ech man must have his pye
And hen therein by antient use & pay accordinglye

18. If any man his tack or swyne do wittingly conceale
The same hee forfeytts to the king for shifts will not pr[e]vaile
And farther for soch fault soch fyne he must endure
As shall be sett upon his head, at the Steward his pleasure

19. Coll[ec]tor of soch wards wherein the Woodmote c[ou]rte is kept
A dyner there he must p[ro]vide & of officers respect
The charge where of the Woodm[en]s at after dyner payeth
W[i]ch co[u]rts should thus obs[e]rved be & so the custome sayeth

20. And as the offic[e]rs for there paynes allowed are some Fees
So tenants w[i]ch soch duties pay, in wood have liberties
But if wood w[i]thout warrant & livery be felled
soch trespasser a fyne therefore to pay shale be compelled

21. The castle ould to thono[u]r now as incydent then being
in Duffeld Fryth had manors eight thereunto app[er]tayning
Duffeld Beurp[er]d Sowthwood Holbrocke & highedge nearly adioyning
Holland Bigging Derichey & Alderwaslye was belonging

22. Where in his grace great royalties hath lets co[u]rts waif and strayes
Freehoulders good & Copyholders those co[u]rts attend alwaies
fyve hundreth good & able men this little frith affords
To s[e]rve his grace at Chancellers bid w[i]th bowes bills & w[i]th swords

23. The soyle all kinds of corne it yelds & eke good cattell breeds
And wooll & lead & Irne & cole & most things that men needes
On helthy hills & vallis warme men ther have habitation
And food & ream[en]t to suffice mens corps & recreations

24. The Chancellars office & the rest sup[e]rior Duchy places
I Could but spare to sett forth them, pr[e]sumpc[i]ons brede disgraces
Of little pritty Duffeld fryth to speake I did intend
W[i]th due regard desying yett to please but not to offend

25. This hath Jewells three in store where to they may appeale
when the be wronged in there land or hurt in Comon weale
The Charter Ch'r² & Custome booke, god keepe them in safe hands
To save this Frith inunities there freedoms & there lands.

26. W[i]ch Jewells three For Duffelds good do gen[e]rally agree
that Duffeld hath theis customes pure & priviledges Free
W[i]ch affter here in p[ar]t to touch, omitting manye moe
If I shale not thee tyre to much, some what I will thee show

² Probably 'C[ouc]h[e]r', i.e. the 'Tutbury Coucher'. Jean Birrell has described the coucher thus: 'There is an attempt at a systematic listing of common rights in Needwood Forest and Duffield Frith in the early fifteenth-century Tutbury Cowcher. (BL: Harleian MS 568).' (Jean Birrell, 'Common rights in the medieval forest: disputes and conflicts in the thirteenth century', *Past & Present* 117 (1987), p. 25.)

27. First Duffeld men showld not be cald, to s[e]rve at sise or session
From Juries there the are exempte & shold not use disgression
The Duchie offic[e]rs duchie men their causes governe shold
and may remove all duchie plaints thether I will uphould
28. No speciall baylies duchie men in duchie may arrest
unles by bealies not retorne and non omyttas prest
nor clarke of market may there deale w[i]th weight or mesure ether
nor foren beaylies waives or strays or rents or duties gather,
29. And Inman may by pr[i]veledge an outmans goods attache
here found in Duffeld liberties tansw[e]r his playnt as gage
Outmen w[i]thout an Inmans pleaydge no Inman here can sue
to strangers here w[i]thout a pledg no acc[i]on can accrue.
30. no Duffeld man may enter suyt in Foreyn Court a broade
For dept or damage in the frith if there the make aboade
onles the some amount to forty shillinges or above
on payne to Forfitt forty more w[i]ch playnt one may remove
31. Through England duchie men are free From paying toll or stallage
For marchandizes w[i]th the use from picage & from tallage
And other soch exacc[i]ons more ther neds to be recyted
W[i]ch when the cleayme the are full oft of corporations spited
32. The kinge also hath smale co[u]rts there where in occa[is]ons to try
For land or under forty shillings els no[n] can there well by
Justis with speede men may have there when as the nede peas
Which for tenants & country men great pleasure is & ease.
33. Such helthy plausant hills & valleys warme & sownd
sweete water springs fruyt trees & store of wooded ground
And mynes for Irone slate coale & stone & other p[ro]fitts manye
As Duffeld manors yeld to thee, I know not like or anye.
34. What more then this can reason wishe texpect in Duffeld Fee
who this dislikes des[e]rvithe lesse & worser plant may hee
And touching customes laudable Freedomes & liberttees
there Ch'r³ good & Customes book the same right well descrys
35. Which if the keepe inviolate & well together hould
A mightie man cannot then wrest w[i]th silver nor w[i]th gould
But if the fagott bond ons breake & stickes flye to & fro
Then Duffeld fryth tornes upsyde downe there welth is ov[e]rthrow

³ Could be 'Ch[arte]r' or 'C[ouc]h[c]r'.

36. If any man object & say Duffeld layes should be enlarged
no, no, in truth say I in large Duffeld is ov[e]rcharged
There comons & there fewell draw more people there to dwell
then all there said comodities are able to keep well.
37. And now on thord[e]rs of those co[u]rts I will no longer stand
Wherein both use & law conioyne, but will retorne to land
Of customes now w[i]ch chiefly touch the copy houldres state
some soch materiall poynts I meane a little to debate
38. Three sorts of copyhould lands in Duffeld manors bee
Bond hould at will & mattock land, besydes thos w[i]ch be free
W[i]ch tenures three be held at will by cotype of court roule
all w[i]ch in sondry severall sorts the customes do controulle
39. Most of w[i]ch Freehoulders land are of a socage tenure
and some be held by Knightes service w[i]thout all paraventure
Freehoulds by lawe some s[e]rvice do, but not by customes tide
But all the copyhould[e]rs have the customes for there gyde
40. The bond hold[e]r most bounden is, the customes well to hold
his houses well mayntayne must hee, non there of may be sold
No outman may such bondland have, unles he thereon dwell
who th[e]rof dyeth seisd must pay an hariott you know well.
41. The bondholder the lord also by turn as Reve must serve
and afterward must halfeswyne be from w[i]ch he may not swerve
W[i]th services & things to do, to him to be assigned
Upon admission to such lands good pledgs hee must fynd.
42. W[i]ch costomes if he careles breake his lands may then be seised
onles by composic[i]on his lord be well appeased
And for soch s[e]rvice by him due, hee hath some Feese allowed
and wood for houses in sett by warrant well avowed
43. Reves also in there office wayfes & strays may seise & take
and lawfully keepe praise & sell & there of count must make
And if soch Reve in count be short, or thereon chance to hault
his fellowes of that tenure there, must make up good his fault
44. And all theis Coppyhouldes inheritance have clere
according to the custames pure, of all the manors there
And states the take by surrender & proclymac[i]ons three
and seison & admission & loyall fealtie
45. But if a Copiholder sell land, out of court by deed
And liv[e]ry & season thereof give & custome so exceed
Soch lands hee flatly forfeytt as also by exchange
of Copyhold for Freehold allthough it may seeme strange

46. And divers other forfeitures of Copyholds there bee
and causes eake of seizures of Copyholds truly
W[i]ch being there well knowne, to speake of them I spare
Wishing all Copyholds, on them for to be ware
47. And all soch Copyholders Inheritance w[i]ch have
surrender may for lyves or yeares to soch as will them Crave
But out of court state larger non may there make the say
of Copyhold save onely one yeare and a day.
48. If a bondholder dye his heire under age beinge
then next to kyn to whome the lande is not dissending
Shale garden be to theire, during minoritie
putting in pledges in that case, as custome telleth thee
49. But if soch men have daughters three & have no sons at all
those lands should not be p[ar]ted, but theldest have it shall
Though others lands at will, to cop'teners⁴ doe goe
and thus the costomes writt do rule as costomes books doe show
50. Now w[i]th good costumes laudable if tenants keep them well
I know few manors in the land w[i]ch can this Frith excell
W[i]ch to pr[e]s[e]rve I wish & warne that men together hould
Then them to hurt non can pr[e]vaile & thereof be then bould
51. The better sort of Duffeld men, there customes understandes
And how they do concerne them selves there houses & there lands
The poorer sort and ignorant w[i]ch custome books have non
by song may learne some customes now & memorie alone.
52. Then sith this Frith doth yeld all thinges afore recyted
To plant themselves therein, who would not be delyted
And thus I have thee told the reasons of my toyles
and why for pleasant dwelling, Duffeld shale have my voyce
53. God save King James o[u]r noble prince & p[ro]sp[e]r his long Rayne
over this Frith & manors all o[u]r lord for to remayne
God blesse his counsell courts & all the officers of the duchie
The noble Early of Shrewsbury & of Duffeld Fryth & fee.
54. Farewell sweete Chevyn hill w[i]th all thy brave p[ro]spects
w[i]ch temptest me one May morning to writ this rude effect
W[i]ch rashly done, if taken well & censured as I ment
I shale rest loving to this Frith & think my tyme well spent

⁴ Possibly short for 'copyhold tenures'? The manuscript is not at all clear.

Appendix 2: Estimating the taxable population of Duffield

When trying to decide which taxation assessments to use in order to estimate the taxable population of Duffield, the following taxation assessments were analysed: the second payment of the 1523 Lay Subsidy (assessed in 1525); the first payment of the 1543 Lay Subsidy; the Michaelmas 1662 Hearth Tax (hereafter 1662M) and the Lady Day 1664 Hearth Tax (hereafter 1664L).¹ In order to make the most meaningful links between the sixteenth- and seventeenth-century assessments, it was necessary to select those covering the same settlements within Duffield and the same categories of tax-payers. It was also necessary to distinguish when communities had been omitted completely and when they had been subsumed in others. The places used in the calculations are: Belper, Duffield, Makeney, Hazelwood, Heage, Holbrook, Postern, Shottle, Turnditch and Windley. The absence from the 1525 Subsidy assessments of the inhabitants of Heage, site of one of the three chapels, suggested that it would be preferable to use the 1543 assessments. Moreover, even excluding those in Heage, the 1543 assessments included 32 (27 per cent) more taxpayers than those of the 1525 Subsidy.²

The most suitable Hearth Tax returns for comparing the taxable population in the 1660s with that of 1543 are those for 1662M: the returns from Hazelwood,

¹ TNA: PRO: E179/91/95 & 92/176 (second assessment of the 1523 Lay Subsidy for Appletree Hundred, made in February 1525); E179/91/152 (first assessment of the 1543 Lay Subsidy for Appletree Hundred, made in November 1543); E179/245/8 (1662 Michaelmas Hearth Tax assessment, Appletree Hundred); E179/94/405 (1664 Lady Day Hearth Tax assessment, Appletree Hundred). The latter have been published in D. G. Edwards (ed.), *Derbyshire Hearth Tax Assessments 1662-70* (Derbyshire Record Society, 7, Chesterfield, 1982).

² Hoyle comments that the 1543 returns have largely been ignored by historians despite the low threshold of £1 on goods which effectively equates with the 1523 threshold of £1 wages. (R. Hoyle, *Tudor Taxation Records: A Guide for Users* (London, 1994), p. 26.) The increase in numbers confirms Sheail's findings regarding the 1543 returns from northern counties. (J. Sheail, 'The distribution of taxable population and wealth in England during the sixteenth century', in J. Patten (ed.), *Pre-Industrial England* (London, 1979), p. 59, quoted in Hoyle, *Tudor Taxation*, p. 26.) Hoyle cautions that the increase probably indicates a moderate increase in prosperity rather than in population size.

Turnditch and Windley are missing from the 1664L assessment, those from Postern and Shottle are badly damaged and those from Belper slightly so.³ Arguably the 1664L returns would provide a more accurate picture of population as they also list those inhabitants whose property was exempted from the tax; however, as it is the *taxable* population that is being compared, the number of exempt would have to be deducted from the total, leaving fewer tax-payers than in 1662M (see Chapter 2, Table 2:2).

³ Although the assessments for 1664L for Belper, Postern and Shottle are damaged, the returns themselves are intact. That is, the assessments for Hazelwood, Turnditch and Windley are *not* missing because the relevant pages/folios have since been lost.

Appendix 3: Using the Hearth Tax as an indicator of wealth

Various historians have used Hearth Tax assessments to construct economic models of early modern communities.¹ The resultant profiles of the social structure of these communities have been based on the assumption that there was correlation between the number of hearths assessed in a house and that householder's wealth and social standing.² In many such studies it was assumed that those who were exempted were too poor to pay the tax but Tom Arkell has emphasised that exemption ultimately 'originated from a property's nature and not from an individual's circumstances'.³ Nevertheless, although there is an obvious distinction between the value of a householder's property and that householder's personal wealth, it is arguable that since exempted properties were worth less than 20s a year those who dwelt in them probably were poor and that therefore correlation of exemption and poverty is largely valid.

Arkell has also demonstrated that although there clearly was correlation between hearths, house size, wealth and social standing, there were perceivable regional variations in that correlation.⁴ The suggestion that everyone dwelling in a house with a particular number of hearths was of similar social status fails to take

¹ See for example: R. Fieldhouse, 'The Hearth Tax and Social Structure in the Borough of Richmond in 1673', *Cleveland and Teesside Local History Society Bulletin*, 14 (1971), pp. 9-17; K. Wrightson and D. Levine, *Poverty and Piety in an English village: Terling, 1525-1700* (Oxford, 1979); A. Wood, *The politics of social conflict: the Peak Country, 1520-1770* (Cambridge, 1999); T. C. Wales, 'Poverty, Poor Relief and the Life-Cycle: Some Evidence From Seventeenth-Century Norfolk', in R. M. Smith (ed.), *Land, Kinship and Life-Cycle* (Cambridge, 1984), pp. 351-404.

² Also implicit in this assumption was the premise that the greater the number of hearths there were in a house, the larger it was.

³ Tom Arkell, 'Identifying regional variations from the hearth tax', *The Local Historian*, 33 (2003), p. 149. In a previous article he demonstrates that not all the exempt were living in poverty. (Tom Arkell, 'The incidence of poverty in England in the later seventeenth century', *Social History*, 12 (1987), p. 33.)

⁴ Arkell, 'Identifying regional variations', p. 153. He argued that regional variations are most noticeable at the level of three-hearth houses and upwards.

into account the effect of local vernacular architecture. Regional building styles as well as local patterns of wealth might dictate the number of hearths in a house.⁵

Whilst the models linking Hearth Tax assessments to wealth do produce a reasonably accurate overall profile of the distribution of wealth within a given community, as Husbands has noted, it should not be assumed that the number of hearths in an individual's home necessarily indicated the level of their wealth.⁶ Where possible, before drawing definite conclusions, levels of wealth indicated by hearth totals should be tested against other evidence, such as probate inventories. Heeding these various qualifiers, Hearth Tax returns can be used to produce a tentative reconstruction of the social structure of a community in the 1660s and 1670s.

In order to ascertain the most appropriate method for categorising the Duffield Hearth Tax assessments, several of the models that have been constructed for other studies were analysed (see Table A3 on page 7 of this Appendix).⁷ Having studied Hearth Tax returns and probate inventories from Richmond and Swaledale (Yorkshire), Fieldhouse devised a model that linked social status and/or occupation to numbers of hearths.⁸ He did not create a separate category for exempt hearths arguing that, because of local variations in the interpretation of determining exemptions, 'it is safer to discount the fact that some men were exempt, and group

⁵ See, for example, the variations in regional building styles that have been discussed in the various contributions to P. S. Barnwell and Malcolm Airs (eds), *Houses and the Hearth Tax: the later Stuart house and society* (Council for British Archaeology, Research Report 150, York, 2006).

⁶ Chris Husbands, 'Hearths, wealth and occupations: an exploration of the Hearth tax in the later seventeenth century', in K. Schurer and T. Arkell (eds), *Surveying the People: The Interpretation and Use of Document Sources for the Study of Population in the Later Seventeenth Century* (Oxford, 1992), p. 65.

⁷ The Whittlesey assessments have been handled in different way.

⁸ Roger Fieldhouse, 'The hearth tax and other records', in A. Rogers (ed.), *Group Projects in Local History* (Folkestone, 1977), pp. 72-88. The study of Richmond and Swaledale was first published in Fieldhouse, 'The Hearth Tax and Social Structure'.

them together with others according to the number of their hearths'.⁹ In his analysis of the Derbyshire Hearth Tax returns Edwards used the scheme devised by Fieldhouse, changing the ascriptions slightly.¹⁰ Brumhead's work on Bowden Middlecale in the 'dark peak' area of north-west Derbyshire followed Edwards's methods.¹¹ In their study of Terling (Essex), Wrightson and Levine devised four status groups based on the 1671 Hearth Tax returns and categorised the inhabitants accordingly.¹² Like Fieldhouse, their lowest category did not differentiate between the exempt and those charged on one hearth.¹³ They concluded that the assessments provided a 'broad guide to the relative wealth of the villagers', citing Margaret Spufford's argument that 'in general an incontrovertible association existed between wealth and house size'.¹⁴ Andy Wood applied their model to the mining communities in the Derbyshire Peak District.¹⁵

The justification given by Fieldhouse for merging exempted properties with those chargeable on one hearth actually demonstrates why the two categories should be kept separate: when the social profile of a specific area is being studied, local variations in interpretation should be considered. The way in which assessors interpreted the exemption criteria laid down in the Act of 1662, and 'clarified' in the instructions manual of 1664, varied from place to place. Consequently those

⁹ Fieldhouse, 'Hearth tax and other records', p. 80.

¹⁰ D. G. Edwards (ed.), *Derbyshire Hearth Tax Assessments 1622-70* (Derbyshire Record Society, volume VII, Chesterfield, 1982), p. xlv. Edwards did not necessarily transcribe returns that recorded exemptions; he selected the assessment for each place that 'gives the greatest number of entries'. (p. xliii).

¹¹ Derek Brumhead, 'Social structure in some 'dark peak' hamlets of north-west Derbyshire in the seventeenth and eighteenth centuries', *The Local Historian*, 28 (1998), pp. 194-207. Brumhead gives no acknowledgement to Fieldhouse, nor does he indicate how many properties were exempt from the Hearth Tax.

¹² Wrightson and Levine, *Poverty and Piety*, p.35.

¹³ They did not split their Category IV (one hearth and excused) because they then drew parallels with similar categories that they had devised for the 1524/5 Lay Subsidy returns.

¹⁴ Wrightson and Levine, *Poverty and Piety*, p.35, quoting M. Spufford, *Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries* (Cambridge, 1974), p. 39.

¹⁵ A. Wood, *The Politics of Social Conflict: The Peak Country 1520-1770* (Cambridge, 1999), pp. 89-93; A. Wood, 'Industrial development, social change and popular politics in the mining area of north west Derbyshire c.1600-1700' (unpublished University of Cambridge PhD thesis, 1994), pp. 83-88.

assessed as exempt in one township might have been assessed as chargeable in another. Within any given community, however, assessors either saw evidence of the value of the various properties or at least discerned an obvious difference between the householders of those one-hearth properties that they exempted and those that they did not.¹⁶

It is in studies of social structure that have distinguished between those exempted from the Hearth Tax and those charged on one hearth that a more accurate economic profile of a community has been achieved. In his work on four neighbouring townships within the Forest of Arden, Victor Skipp acknowledged that there was a clear distinction between those who had been taxed on one hearth and those householders who had been exempted and devised four categories accordingly, the last of which is for one-hearth-exempt householders.¹⁷ By distinguishing between exempt and one-hearth-chargeable taxpayers his analysis defined more clearly the social profile of that forest community. The status ascriptions for his categories referred to landholding rather than relative wealth or poverty.

Given that Skipp's model was based on a forest community and that it distinguished the exempt from one-hearth taxpayers, it has therefore been applied to the Lady Day 1664 returns for the Duffield area.¹⁸ The subsequent figures have been compared with those from the Forest of Arden (see Table 2:4).¹⁹ The 1664L returns were compiled according to the revising Act, 15 Car. II c13, that required all non-

¹⁶ For variations in interpretations, see Tom Arkell, 'Printed instructions for administering the Hearth tax', in Schurer and Arkell (eds), *Surveying the People*, pp. 41-42.

¹⁷ Victor Skipp, *Crisis and Development: An Ecological Case Study of the Forest of Arden 1570-1674* (Cambridge, 1978), p.78.

¹⁸ TNA: PRO: E179/94/405, assessments for Appletree hundred, Derbyshire.

¹⁹ Unfortunately it has not been possible to compare the social profile of the Duffield area with those of the communities caught up in the risings in several forests in the West Country studied by Buchanan Sharp: the terminal date of his work is 1660. (B. Sharp, *In Contempt of all Authority: Rural Artisans and Riot in the West of England, 1586-1660* (London, 1980).) It is tempting to speculate that, like Wood, he would have merged exempted taxpayers with those assessed on one hearth to show that his 'rural artisans' inhabited communities that were 'locked in poverty'.

chargeable householders and non-chargeable hearths to be recorded separately from the chargeable hearths in the Hearth Tax assessments.²⁰ Hence, in the returns for Duffield itself, two further lists of names follow those of the occupiers of chargeable hearths: firstly, 'Persons not Chargeable' and secondly, 'harths decreased'. The seven taxpayers whose assessments were decreased are therefore listed twice in the returns, initially showing the number of their chargeable hearths and then showing the number of their hearths assessed as not chargeable.²¹

The distinction between exempt and chargeable hearths has been analysed most carefully by Wrightson and Levine in their study of the Whickham coalfield (County Durham). Rather than suggesting status ascriptions for particular numbers of hearths, or groups of hearths, they tabulated the actual number of hearths on which householders were assessed or exempted.²² They then considered the meaning of these statistical categories at Whickham by attempting to identify the various groups of householders in socio-economic terms. From parish records and probate inventories they were able to confirm the status of many of those paying tax on two or more hearths. The one-hearth householders and exempt proved more problematic since few had had inventories taken and much time had elapsed between the date of the Hearth Tax returns and the dates of those few inventories that were taken. Nevertheless, using other records Wrightson and Levine established that, although some who were exempted were landless labourers, this was not necessarily the case.

²⁰ Arkell, 'Identifying regional variations', p. 151.

²¹ These decreased assessments were: Margaret Bradshaw (1 chargeable + 3 non-chargeable); Mr Ralph Rossington (2c + 1n/c); Mr William Broadhurst (3c + 3 n/c); Henry Orme (2c + 2 n/c); William Bullocke (1c + 1 n/c); Widow Swift (1c + 1 n/c); William Lees (2c + 2 n/c). Comparison with the 1662M returns confirms these decreased figures in all but two cases: Mr William Broadhurst was not assessed in 1662; William Lees was only assessed on 2 hearths in 1662. In the calculations regarding the Duffield assessments only the chargeable hearths of these seven householders have been included. No inhabitants of any of the other communities studied here had their assessments decreased; no two-hearth houses were exempted. (1662M returns: TNA: PRO: E179/94/378, mm. 59-63 & E179/245/8.)

²² D. Levine and K. Wrightson, *The Making of an Industrial Society: Whickham 1560-1765* (Oxford, 1991), pp. 155-57.

Some were smallholders, others widows whose husbands had enjoyed modest prosperity during their lifetime. Wrightson and Levine demonstrated that the occupation of a one-hearth house was not necessarily a fixed indicator of status but that it might be explained in life-cycle terms. It could be 'a starting point in adult life; but it could also be a persisting condition or a conclusion'.²³ The occupation of a one-hearth house might also be explained by the local vernacular building style.

In both case studies it was possible to identify more than twenty inventories relating to the goods of people who died within five years of being assessed for the Hearth Tax (twenty-nine Duffield inhabitants and twenty-five Whittlesey inhabitants). Their inventories were analysed to establish whether there was correlation between their inventoried wealth and the number of hearths in their house. The results of these analyses have shown that it is necessary to exercise extreme caution rather than make sweeping generalised assumptions about the status of taxpayers based on their assessment.

²³ Levine and Wrightson, *Making of an Industrial Society*, p. 161.

Table A3. A summary of various models for categorising Hearth Tax assessments

| Author | Place | Over 7 hearths | 4-7 hearths | 2-3 hearths | 1 hearth (whether chargeable or exempt) | |
|---------------------------------|----------------------------------|-----------------------------|--|------------------------------------|---|--|
| Fieldhouse ¹ | Richmond & Swaledale (Yorkshire) | gentry & squires | wealthy craft & tradesmen, merchants & yeomen | most craft & tradesmen & yeomen | poor craftsmen, husbandmen & destitute & labouring poor | |
| Edwards ² | Derbyshire | gentry & nobility | wealthy craftsmen, tradesmen, yeomen & merchants | most craftsmen, tradesmen & yeomen | husbandmen & the poorer sort | |
| | | 6-20 hearths | 3-5 hearths | 2 hearths | 1 hearth & 'excused' (i.e. exempt) | |
| Wrightson & Levine ³ | Terling (Essex) | gentry & very large farmers | yeomen, wealthy craftsmen | husbandmen, craftsmen | labourers, poor craftsmen, poor widows | |
| Wood ⁴ | Peak District (Derbyshire) | gentry & very large farmers | yeomen, wealthy craftsmen | husbandmen, craftsmen | labourers, poor craftsmen, poor widows | |
| | | | 4+ hearths | 2-3 hearths | 1 hearth | 1 hearth exempt |
| Skipp ⁵ | Forest of Arden (Warwickshire) | n/a | included 1 knight; 10 gentlemen | substantial or middling peasants | lesser husbandmen; smallholders; small craftsmen; labourers | 'vast majority of them, doubtless, being landless cottagers' |

¹ Roger Fieldhouse, 'The hearth tax and other records', in A. Rogers (ed.), *Group Projects in Local History* (Folkestone, 1977), p.80.

² Edwards used Fieldhouse's categories but changed some of the status designations. (D. G. Edwards (ed.), *Derbyshire Hearth Tax Assessments 1622-70* (Derbyshire Record Society, VII, Chesterfield, 1982), p.xlv.)

³ K. Wrightson & D. Levine, *Poverty and Piety in an English village: Terling, 1525-1700* (Oxford, 1979), p.35.

⁴ Wood used Wrightson & Levine's categories without any adaptation. (A. Wood, *The Politics of Social Conflict: The Peak Country, 1520-1770* (Cambridge, 1999), pp.89-93; A. Wood, 'Industrial development, social change and popular politics in the mining area of north west Derbyshire c.1600-1700' (University of Cambridge, unpublished PhD thesis, 1994), pp.83-88.)

⁵ Victor Skipp, *Crisis and Development: An Ecological Case Study of the Forest of Arden 1570-1674* (Cambridge, 1978), p.78.

Appendix 4: Details from the inventories of the Duffield inhabitants assessed for the 1662M or 1664L Hearth Tax

| Surname | Forename | Place | 1662M entry | 1664L entry [absence] | Given status | Inventory date | Total wealth | Min. rooms | Named rooms in inventory |
|------------|----------|----------------------|-------------|-----------------------|-------------------|----------------|--------------|------------|---|
| Turner | Robert | Holbrook | none | 1n-c | scythestone maker | 12/04/64 | £ 10 9s 4d | 2 | parlour; chamber |
| Holland | James | Heage | 1 | not in | labourer | 25/05/68 | £ 4 13s 6d | 3 | house; parlour; chamber |
| Poyser | William | Shottle | 1 | [dead] | webster | 30/01/64 | £ 15 4s 8d | 1 | house |
| Higgatt | Anthony | Shottle | 1 | [Shottle] | husbandman | 02/01/67 | £ 17 12s 0d | 2 | house; chamber |
| Pickering | Henry | Crosshand, Turnditch | 1 | [Turnditch] | yeoman | 07/03/66 | £ 24 17s 10d | 3 | parlour; 'the chambers' |
| Burgin | John | Shottle Park | 1 | [dead] | mason | 01/01/62 | £ 27 2s 4d | n/a | n/a |
| Page | Peter | Duffield | 1 | 1c | yeoman | 01/03/66 | £ 29 19s 8d | 5 | house; parlour; little parlour; chamber; buttery |
| Goodwin | Thomas | Belper Lane End | 1 | [dead] | [not given] | 30/01/64 | £ 32 6s 0d | 1 | parlour |
| Topples | John | Shottle Park | 1 | [Shottle] | husbandman | 03/05/64 | £ 34 2s 3d | 2 | house; parlour |
| Turner | John | Turnditch | 1 | [dead] | [not given] | 09/05/63 | £ 34 15s 4d | 4 | house; over parlour; nether parlour; chamber |
| Poyser | Richard | Shottle | 1 | 1c | tailor | 10/02/64 | £ 38 8s 10d | n/a | n/a |
| Downes | Judith | Belper | 1 | 1c | widow | 29/12/68 | £ 45 9s 0d | 1 | parlour |
| Parker | Henry | Makeney | 1 | 1c | scythestone maker | ??/05/66 | £ 46 14s 6d | 5 | house; little parlour; bigger parlour; room over parlour; buttery |
| Topples | John | Shottle Park | 1 | [Shottle] | [not given] | 22/02/66 | £ 52 0s 2d | 3 | house; parlour; milkhouse |
| Eyley | John | Shottle Park | 1 | 1c [widow] | [not given] | 07/02/63 | £ 65 10s 2d | n/a | n/a |
| Thacker | William | Shottle | 1 | [Shottle] | husbandman | 26/02/66 | £ 68 2s 0d | 2 | parlour; chamber |
| Simpson | Simon | Holbrook | 1 | 1c [dead] | carrier | 06/05/62 | £ 83 7s 0d | 4 | house; parlour; chamber; milkhouse |
| Richardson | Thomas | Shottle Park | 1 | [Shottle] | yeoman | 25/07/65 | £ 92 13s 4d | 3 | house; chamber; buttery |

Appendix 4: Details from the inventories of the Duffield inhabitants assessed for the 1662M or 1664L Hearth Tax

| | | | | | | | | | | | |
|------------|----------|--------------|---|---------------------------|-------------|----------|------|-----|-----|----|--|
| Gratton | Thomas | Shottle Park | 1 | [Shottle] | [not given] | 03/07/67 | £132 | 3s | 0d | 4 | house; parlour; chamber; milkhouse |
| More | John | Windley | 1 | [Windley] | yeoman | 25/03/67 | £158 | 15s | 6d | 6 | house; parlour; chamber over house; chamber over parlour; buttery; dairy |
| Brett | Lancelot | Wiverslough | 1 | [dead] | yeoman | 26/06/62 | £727 | 7s | 10d | 8 | house; nether house; parlour; chamber over parlour; servants' chamber; store chamber; dairy; bakehouse |
| Smedley | Edward | Shottle | 2 | 1c | husbandman | 16/05/66 | £ | 14 | 19s | 2d | n/a |
| Challoner | Ellen | Duffield | 2 | [dead] | widow | 08/01/63 | £ | 27 | 15s | 0d | 3 |
| Mingas | Barbara | Duffield | 2 | 2c | widow | 27/08/68 | £ | 34 | 2s | 0d | 11 |
| Swift | Henry | Makeney | 2 | 1c [widow] | yeoman | 20/08/62 | £ | 96 | 0s | 0d | 4 |
| Leese | William | Makeney | 2 | 2c [dec by 2] [sic] | yeoman | 20/02/65 | £100 | 0s | 0d | 4 | house; nether house; nether parlour; kitchen |
| Lichfield | John | Heage | 2 | 1c | yeoman | 30/11/64 | £104 | 12s | 8d | 7 | house; over parlour; little parlour; chamber over house; chamber over parlour; buttery; backhouse |
| Stokes | Henry | Windley | 2 | [Windley] | gentleman | 15/06/65 | £158 | 8s | 8d | 6 | house; parlour; chamber over house; chamber over parlour; chamber over kitchen; kitchen |
| Rossington | Ralph | Duffield | 3 | 2c [dec by 1] | mercier | 07/10/68 | £ | 92 | 2s | 6d | 1 |

Sources:
TNA: PRO: E179/245/8, Michaelmas 1662 Hearth Tax assessment, Appletree Hundred.
TNA: PRO: E179/94/405, Lady Day 1664 Hearth Tax assessment, Appletree Hundred
LRO: B/C/11, inventories *sub nomine*.

Appendix 5: Constructing the database of allotments to commonable properties at Whittlesey and the problems of isonomy

The Exchequer decree issued on 6 February 1639 sets out the details of the allotments to manorial tenants following the enclosure of the Whittlesey fens after drainage.¹ The enclosure commissioners reported that the holdings of the tenants within the manors comprised 378 messuages and commonable cottages; twenty-nine fullands and 130 fractions of fullands; and 369 ‘odd acres’.² The commissioners’ totals imply that the fullands and fractions of fullands were held by different tenants but in fact some tenants rented more than one such holding. The ‘odd acres’ were held in varying quantities by about eighty tenants. The commissioners’ figures suggest that there were about 617 commonable holdings in the manors. Details of the holdings that received allotments were entered in a Microsoft Excel database. This reveals that in total the tenants of 624 holdings received allotments at enclosure.³ The data was initially recorded as follows:⁴

- tenant’s surname
- surname FISC⁵
- forename
- status (if given)
- manor in which property was located
- location of property within Whittlesey (street name etc)
- nature of property (cottage; messuage; fulland; acres)
- acreage of allotment
- comments added by commissioners

¹ The whole decree is TNA: PRO: E125/24, p.314, ff.1r-26r, dated 6 February 1639; the allotments are to be found at ff.14v-23v.

² E125/24, p.314, f.23v.

³ This does not mean that there were 624 tenants: some tenants had more than one holding, some properties were held jointly, and allotments were made to various properties held by the earl of Portland as lord of the manors.

⁴ Other columns were added later to assist with various calculations.

⁵ Using a FISC (a 5-letter coding system invented by the Thame Research Group for standardising surnames) enables the researcher to overcome the problem of variations in surname spellings.

The commissioners did not make any attempt to collate multiple holdings of the same tenant. If a person had an unusual name, such as ‘George Glapthorne’ or ‘Pinckbeck Pearson’, it is easy to identify his holdings, but the holdings of men with common names are difficult, if not impossible, to untangle. From the lists of protagonists in the various Whittlesey lawsuits in the 1630s it is clear that there were several common local surnames.⁶ For example the surnames Boyce, Coveney, Kelfull and Speechley occurred frequently; furthermore, several members of those families had a common Christian name. It is virtually impossible to distinguish the landholdings of those particular men. For example, three commonable properties were held by ‘Robert Boyce’: one cottage, one half fulland and seven and a half odd acres. All three may have been held by one man; or by two men, one holding the cottage and the other the two pieces of land; or by two, one holding the cottage and one piece of land and one the other piece of land; or by three men. There is no way of knowing which scenario is correct but a database search automatically assumes that they were all held by one man. It is only when status qualifiers were supplied that any distinctions can be made; in such instances, however, an ‘extra’ person may appear. ‘John Smith senior’, ‘John Smith junior’ and ‘John Smith’ would count as three tenants, but some or all of the entries for the latter might actually refer to one or other of the other two. In contrast, three entries for plain ‘John Smith’ would count as one man. The problem of isonomy is insoluble: only a detailed manorial survey listing each tenant’s holdings *en bloc* would provide conclusive evidence, but no such document has survived for Whittlesey.

Because some tenants rented more than one commonable dwelling it is impossible to know the names of the inhabitants of all of the commonable cottages

⁶ For example, TNA: PRO: C78/294/3; C2/CHASI/W104/53; C78/355/1; C3/418/177.

and messuages. For example, four men called Thomas Boyce were named as petitioners in favour of the enclosure in the Exchequer decree. Analysis of the allotments show that there are indeed four commonable properties owned by 'Thomas Boyce'. If these properties each belonged to a different man, it would explain their interest in the enclosure. However, as only two of these properties were dwellings, it is not possible to tell where at least two of them lived; presumably they were subtenants or lived in non-commonable cottages.

A different conundrum is posed by the name 'John Boyce'. Two men of that name were named as petitioners for the enclosure in the Exchequer decree. The allotments show seven properties owned by 'John Boyce' and at least three different owners: 'John Boyce Hempman', one cottage; 'John Boyce senior', one cottage and three fullands; and 'John Boyce junior', one half fulland. The other three allotments were made simply made to 'John Boyce', the properties being one cottage, two acres and one half fulland. These might have belonged to a fourth 'John Boyce'; or, for example, the cottage may have been held by 'John Boyce junior' as he was only definitely holding land. Thus it is impossible to determine the landholding of the two petitioners named John Boyce.

The list of allotments is, therefore, limited in its usefulness. On the one hand it does provide a very detailed picture of landholding in the manor and even places named tenants and their commonable cottages in particular streets within the town. On the other hand, in such a large community with so many multiple names, it does not allow the researcher to pinpoint the total holding of some of the tenants with any certainty. The record of the allotments, nevertheless, serves as a point of entry into the community in the late 1630s and early 1640s since it can be used to ascertain whether the principal actors in riots at Whittlesey were manorial tenants and to

indicate or suggest their social status. This information has then been supplemented with details from probate documents, parish registers and other manorial records. For the results of this record linkage, see Appendices 10 and 11.

Appendix 6: Details from the inventories of Whittlesey inhabitants assessed in the Lady Day 1674 Hearth Tax

| Surname | Forename | Status | Assess 1674L | Inventory date | Inventory total | Debts owed to / debts owed by | Minimum rooms | Rooms named in inventory |
|-------------------|----------|--------------------|-----------------|-------------------|--------------------|--|------------------|--|
| Asling | Ralph | labourer | 1n | 04/12/75 | £ 2 11s 6d | none | not listed | n/a |
| Fawne | William | labourer | 1c | 01/10/74 | £ 2 6s 8d | none | 2 | hall; parlour |
| Wilkes | John | baker | 1c | 22/10/79 | £ 8 15s 0d | £3 0s 0d owed to; £3 15s 0d owed by | 1 | parlour |
| Metcalfe | Thomas | labourer | 1c | 07/07/77 | £ 12 1s 8d | none | not listed | n/a |
| Jarman | William | labourer | 1c | 21/05/77 | £ 15 14s 6d | £1 4s 0d owed to | 2 | hall; parlour |
| Richer | Robert | husbandman | 1c | 29/01/77 | £ 24 10s 2d | none | 4 | parlour; hall; kitchen; chamber |
| Richer | Ralph | husbandman | 1c | 22/05/76 | £ 30 10s 0d | none | 2 | kitchen; parlour |
| Hemont | George | | 1c | 24/03/79 | £ 33 0s 2d | none | not listed | n/a |
| Gardner | Lawrence | husbandman | 1c | 13/07/75 | £ 54 15s 0d | none | 3 | fire room; parlour; chamber |
| Lessy [Le Sea] | Audrey | widow [Walloon] | 1c | 08/11/77 | £113 5s 8d | none | 3 | firehouse; dairy; chamber |
| Plummer | William | husbandman | 1c | 30/07/79 | £130 15s 0d | none | 4 | hall; parlour; chamber; dairyhouse |
| Cox | Thomas | of Coates | 1c | 07/11/76 | £157 0s 1d | none | 5 | parlour; milkhouse; kitchen; chamber over parlour; chamber over kitchen; |
| Gardner | Isaac | husbandman | 1c | 18/05/76 | £192 8s 4d | £6 15s 0d owed to | 5 or more | hall; parlour; kitchen; chambers |
| Beard | Arthur | not given | 2c | 04/05/77 | £ 51 10s 0d | none | not listed | n/a |
| Hemont | Alice | not given | 2c | 23/11/77 | £ 54 10s 0d | none | 5 | kitchen; hall; parlour; milkhouse; chamber |
| Warde | John | of Eastrea | 2c | 10/03/80 | £ 65 3s 4d | none | 7 | hall; kitchen; parlour; milkhouse; kitchen chamber; hall chamber; entry chamber |
| Plummer | Robert | not given | 2c | 16/09/79 | £ 99 0s 0d | none | 4 | hall; furthest parlour; mealhouse; kitchen |
| Dowe | Robert | yeoman | 2c | 18/08/74 | £118 10s 0d | none | 4 | hall; parlour; kitchen; milkhouse |
| Fryer | John | yeoman | 2c | 02/12/75 | £140 0s 0d | none | 5 | hall; parlour; chamber over hall; chamber over parlour; kitchen |

Appendix 6: Details from the inventories of Whittlesey inhabitants assessed in the Lady Day 1674 Hearth Tax

| | | | | | | | | |
|-----------------------|--------|---|----|----------|-------------|------------------------|----|---|
| Tall [Le Toll] | James | not given [Walloon] | 2c | 18/09/76 | £380 0s 4d | £292 10s 3d owed by | 1+ | chamber |
| Oldman | John | yeoman | 3c | 20/09/80 | £120 13s 4d | none | 7 | hall; parlour; kitchen; dairy; kitchen chamber; hall chamber; entry chamber |
| Laxton | John | yeoman, of Eastrea | 3c | 08/12/80 | £211 0s 2d | none | 6 | parlour; hall; hall chamber; kitchen; milkhouse; buttery |
| Aveling | Henry | not given | 3c | 26/01/77 | £446 4s 6d | £100 0s 0d owed to | 10 | hall; further parlour; kitchen; brewhouse; another room; buttery; cheese chamber; chamber over buttery; chamber over hall; chamber over kitchen |
| Plummer | Edward | victualler | 4c | 11/10/76 | £168 5s 0d | £30 0s 0d owed to | 10 | hall; parlour; little parlour; kitchen; buttery; brewhouse; parlour chamber; hall chamber; kitchen chamber; store chamber |
| Decount [Le Conte] | David | husbandman of Nordy Gravel [Walloon] | 4c | 20/09/76 | £813 16s 2d | £10 4s 1d owed to | 4 | 1st chamber; 2nd chamber; upper chamber; kitchen |

Sources:

TNA: PRO: E179/224/23, Lady Day 1674, Hearth Tax assessments, Wichford Hundred.

CRO: Whittlesey inventories (filed alphabetically by year of probate – old-style calendar).

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| Rioter's name name in original list name added (1642) | Rioter's status DL1 370 status / other status / signatory to agreement / churchwarden / comments / named as rioter in HLMP or E134 | Place of residence DL1 370 place muster place muster surname [other source] | Landholding, tenancy, encroachments, etc tenancy/landholding (1639 / 1642 / 1644 / 1659) unpaid legal costs (1639) encroachments (DL4 / E317) fences not erected (1634) role in Exchequer case (1659) | Connections in probate documents probate connections with others named by ES / rioter's own probate documents |
|--|---|---|--|--|
| Aden/Adyn/Adin, Thomas | | <i>Idridgehay</i> | | witness of William Hanson (probate 31/07/1641); appraiser of Ann Parker (probate 17/06/1642); inventory only (probate 28/05/1647) (inventory total £23 9s 6d; debts owed by £24 10s 0d); appraised by Ellis Cotes. |
| Allen, Ralph | | 4 places | | appraiser of William Blackwall (probate 04/10/1661); witness & appraiser of Lancelot Brett (probate after 28/12/1663) |
| Alton/Aulton, John | junior | <i>Hulland</i> | customary juror (1644); defendant (1659); gave evidence (1659); lands in Idridgehay & Ireton Wood [HW] (1659) [William Annable defendant (1659)] | |
| Annable, John | | <i>Belper</i> | | |
| Ashe/Astle, William | | Mugginton | cottage in Mugginton/Windley [H&CW] (1659) | |
| Ashton, John | | <i>Mugginton</i> | cottage in Mugginton/Windley [H&CW] (1659) | |
| Atkins, Henry | J Storer snatched up Privy Seal when HA served with it (DL5/34, f.191r); | <i>Mugginton</i> | tenant of Sir Andrew Kniveton in Mugginton [HW] (1642); cottage in Mugginton/Windley [H&CW] (1659) | |
| Barker, Richard | smith | Belper | defendant (1659); 1 cottage & lands in Belper [BW] (1659) [Samuel & William Barker defendants (1659)] | will & inventory (probate 28/09/1660) |
| Barker, Richard | | Belper | | |
| Barker, Robert | | <i>Belper</i> | broke assize of ale [Belper] (1644); defendant (1659) | |
| Barlowe, John | attacked fences in HW after injunction (DL5/34, f.191r); | <i>Hulland</i> | servant of George Mellor (1642) | |
| Barrowclough, Robert | | <i>Mercaston</i> | tenant of Sir Andrew Kniveton in Mercaston [HW] (1642) | |
| Beardmore, Thomas | | | [Elizabeth Berdmore defendant (1659)] | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|----------------------------|--|---------------|--|--|
| Beardsley, William | | 2 places | freehold tenant [Belper] (1644); encroached 1 cottage (value 4s) [BW] (1650) | |
| Bee, William | nailer | [Belper] | freehold tenant [Belper] (1644) | will only (probate 08/05/1649); supervisor John Hodges |
| Blackwall, William | yeoman (1661) | [Dalley] | broke assize of ale [Belper] (1644) | will & inventory (probate 04/10/1661); appraised by John Bruckshaw of Dalley, Richard Fletcher & Ralph Allen |
| Bludworth, William | yeoman; churchwarden Duffield (1641); father John signatory for CW; contempt of duchy injunction (DL5/34, f.191r); rioter in CW (ES, HC, RoA); rioter (FH, TH) | Duffield | 1 messuage & 15 acres in Duffield (1642); 30 acres copyhold in Duffield [CW] (1642); freehold tenant [Duffield] (1644); defendant (1659); 1 messuage & lands in Duffield [CW] (1659) | |
| Boam, Edward | | Mugginton | cottage in Mugginton/Windley [HW&CW] (1659) | |
| Boles, Francis | | Holbrook | | |
| Bott/Bolt, Thomas | | Mugginton | | witness of Francis Robinson (husband of Ellen) (probate 03/06/1633) |
| Boules, Robert | | | | |
| Boulton, Thomas | rioter in CW (ES, HC; RoA) | [Chevin Ward] | | |
| Bracey, Henry | | | freehold tenant [Biggin] (1644) | |
| Bradmore/Berdmore, Richard | | [dridgehay | defendant (1659); 1 cottage & lands in Heage [BW] (1659) | |
| Bradshaw, Anthony | signatory for CW | Duffield | bondhold tenant (1639) [Henry Bradshaw defendant (1659)] | appraiser of Henry Stokes (father of Henry) (probate 13/03/1640); appraiser of Thomas Willott (probate 08/10/1647) |
| Bradshaw, Anthony | signatory for BW | Belper | freehold tenant [Belper] (1644) [Henry Bradshaw defendant (1659)] | witness of Richard Fletcher (husband of Susanna) (probate 19/12/1638); appraiser of Robert Bruckshaw of Broadholme (father of John) (probate 14/05/1632); supervisor of Robert Williamson (probate 18/01/1639) |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|------------------------------|---|----------------|--|--|
| Brett, Lancelot | | Belper | freehold tenant & juror [Belper] (1644) | witness of Robert Williamson (father of Thomas) (probate 18/01/1639); will & inventory (probate after 28/12/1663) (inventory total £727 7s 10d); witnessed by Ralph Allen & Richard Ward; appraised by Ralph Allen |
| Brislerd, Richard | | | | ? will & inventory (1673) |
| Brown, Francis | | 3 places | | |
| Brown, Thomas | rioter in HW (RA) | Windley | freehold tenant [Southwood] (1644); encroached 1 cottage (valued 2s) HW (1650) | |
| Broxsome, Robert (Broxstone) | attacked fences in HW after injunction (DL5/34, f.191r) | | | |
| Bruckshaw, John | [gentleman] (1644); rioter in BW (ES, RB, JE) | Broadholme | unpaid legal costs (1639); freehold tenant [Belper] (1644) | inherited lands from father Robert, executor to father (probate 14/05/1632) |
| Bruckshaw, John | gentleman; father Francis was signatory for BW & CW | Dalley | unpaid legal costs (1639); freehold tenant [Hazelwood] (1644) | inherited freehold lands from brother Roger of Dalley (probate 17/06/1642); appraiser of William Blackwall (probate 04/10/1661) |
| Buckland, Walter | | | unpaid legal costs (1639); defendant (1659); 1 messuage & lands in Heage [BW] (1659) | |
| Bullocke, John | esquire (1644) | | freehold tenant [Duffield] (1644) | witness & appraiser of Francis Robinson (husband of Ellen) (probate 03/06/1633); appraiser of Richard Fletcher (husband of Susanna) (probate 19/10/1638) |
| Butler, Robert | | Belper | | |
| Cadman, Thomas | | | encroached 1 cottage (valued 8s) [BW] (1650) | |
| Cattler/Cuttler, Thomas | | Idridgehay | freehold tenant [Belper] (1644) | |
| Cawood, Robert | | | | |
| Clarke, Richard | | several places | | witness of Francis Robinson (husband of Ellen) (probate 03/06/1633) |
| Cloves, James | | | unpaid legal costs (1639) | |
| Cooke, John | | Mercaston | | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | | |
|----------------------------|---|-------------------------|--|---|--|
| Cotes, Ellis | husbandman | [Heage] | | | appraiser of John Roome (probate 18/12/1646); appraiser of Edward Ridge (probate 18/12/1646); appraiser of Thomas Adyn (probate 28/05/1647) |
| Cowlishowe, Richard | | | | | |
| Cowpe, John | yeoman (1640); said to be signatory | Duffield | | defendant (1659); 1 messuage & lands in Windley [H&CW] (1659) | executor to father-in-law Henry Stokes (probate 13/03/1640) |
| Cuttler, Robert | | Idridgehay | | | |
| Deacon, William | | | | | |
| Dudd alias Durden, Richard | rioter in HW (ES, RA) | Mugginton | | defendant (1659); half messuage & lands in Mugginton [HW] (1659) | |
| Dudley, Thomas | | Duffield | | freehold tenant & juror [Belper] (1644) | |
| Duffield, John | rioter (VWV) | Duffield | | freehold tenant [Turnditch] (1644); encroached 1 cottage, 1 garden (1641); 1 barn (valued 8d) [HW] (1650) | appraiser of Joan Smith (probate 18/12/1646) |
| Elliott, Henry | | Belper | | | |
| Everatt, Thomas | churchwarden Windley 1635; rioter (ES) | Champion | | defendant (1659); part messuage & lands in Hazelwood [CW] (1659) | son of William; executor of father William (probate 28/05/1647); appraiser of Henry Stokes (father of Henry) (probate 13/03/1640); supervisor, witness & appraiser of William Tomlinson (probate 26/01/1649) |
| Everatt, William | yeoman (1645) | [Hazelwood] | | unpaid legal costs (1639) | father of Thomas; will only (probate 28/05/1647) |
| Fletcher, John | | 4 places | | [George & Thomas Fletcher defendants (1659)] | |
| Fletcher, John | | Cocksbench | | [George & Thomas Fletcher defendants (1659)] | |
| Fletcher, Nicholas | | 4 places | | [George & Thomas Fletcher defendants (1659)] | |
| Fletcher, Richard | rioter in BW (ES, RB, JE) | Belper | | freehold tenant [Belper] (1644) [George & Thomas Fletcher defendants (1659)] | son of Susanna Fletcher & Richard Fletcher blacksmith (deceased - probate 19/10/1638) |
| Fletcher, Richard | | Heage | | [George & Thomas Fletcher defendants (1659)] | ? appraiser of William Blackwall (probate 04/10/1661) |
| Fletcher, Susanna | widow | [Bradley Laund, Belper] | | [George & Thomas Fletcher defendants (1659)] | widow of Richard Fletcher, blacksmith; executrix (probate 19/01/1638) |
| Fletcher, William | | [Belper] | | unpaid legal costs (1639); freehold tenant [Belper] (1644) [George & Thomas Fletcher defendants (1659)] | ? son of Susanna Fletcher & Richard Fletcher blacksmith (deceased - probate 19/10/1638) |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|------------------|--|------------------|---|---|
| Forman, Patrick | | Duffield | freehold tenant [Duffield] (1644) | |
| Gamble, John | senior | Hulland/Duffield | unpaid legal costs (1639) | |
| Gamble, John | junior | Hulland/Duffield | | |
| Gibson, Richard | | | unpaid legal costs (1639); freehold tenant & juror [Belper] (1644) | |
| Glewe, Hankin | | Belper | | |
| Glewe, James | | Belper | | |
| Glewe, Thomas | | Belper | broke assize of ale [Belper] (1644) | supervisor & witness of Robert Williamson (probate 18/01/1639) |
| Glewe, William | | Belper | leasehold tenant (1639); freehold tenant & juror [Belper] (1644) | |
| Gratian, George | rioter (RB) | Belper | | |
| Gratian, Richard | | Belper | unpaid legal costs (1639); 1 copyhold messuage & 12 acres in Belper [C&BW] (1642); freehold tenant & juror [Belper] (1644) | |
| Gretton, Robert | | Mugginton | tenant of Sir Andrew Kniveton [HW] (1642) | |
| Hall, John | | Duffield | house with less than 1 acre (1641) | |
| Hall, William | | Belper | | son-in-law of Joan & Richard Smith; supervisor & witness of John Lees, father of Richard (probate 17/06/1642) |
| Hand, William | | Duffield | defendant (1659); 1 messuage & lands in Turnditch [HW] (1659) | |
| Hanly, John | | | | |
| Hanson, Richard | yeoman; brother of John and of William (deceased) | [Heage] | encroachment (valued 2s) [BW] (1650) | supervisor & witness of brother William Hanson (probate 31/07/1641) |
| Hanson, John | brother of Richard and of William (deceased) | [Heage] | defendant (1659); encroachment (valued 2s) [BW] (1650) | appraiser of Elizabeth Vallenge (probate 14/04/1642); appraiser of John Roome (probate 18/12/1646); appraiser of Edward Ridge (probate 18/12/1646); will & inventory (probate 30/11/1660); witnessed & appraised by Anthony Storer |
| Hardie, Nicholas | | | | |
| Hardie, Ralph | | | | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|--------------------|---|------------------|---|--|
| Harrison, Edward | | Duffield | [Henry Harrison defendant (1659)] | |
| Harrison, Gergory | | Duffield | unpaid legal costs (1639) [Henry Harrison defendant (1659)] | |
| Hawkisley, Francis | | | | |
| Heape, Thomas | | | | |
| Heyne, Thomas | | Ireton Wood | [Wm Heynes of Ireton Wood, defendant (1659)] | |
| Heyne, William | | Belper | | |
| Hichcocke, John | | Hulland | | |
| Hichcocke, Richard | | Hulland | | |
| Hoges/Hodges, John | | Belper | | supervisor of William Bee (probate 08/051649) |
| Holden, Robert | | Shardlowe | | |
| Holland, John | | Heage | | |
| Holland, Robert | | Heage | defendant (1659) | |
| Holland, Thomas | | Kedleston | | |
| Holme, Thomas | | Duffield | | |
| Hudson, Francis | churchwarden Hazelwood 1636 | Duffield | (NOT the Francis Hudson, aged 43, who gave evidence in 1659) | witness of John Lees, father of Richard (probate 17/06/1642); supervisor of William Tomlinson (probate 26/01/1649) |
| Jenkinson, William | | Bradley | | |
| Jobbitt, Edward | rioter in HW (RA) | | [William Jobbitt defendant (1659)] | |
| Johnson, German | | Mercaston | | |
| Johnson, Thomas | parish officer 1650; ?son of William | Hulland/Duffield | | |
| Johnson, Thomas | | Hulland/Duffield | | |
| Johnson, William | Mr (1649); rioter in CW (ES, HC, RoA); rioter (FH,TH) | Duffield (x 3) | defendant (1659); 1 messuage, 1 cottage & lands in Hazelwood & Windley [CW] (1659) | appraiser of William Tomlinson (probate 26/01/1649) |
| Kinge, Richard | | | | |
| Kniveton, William | gentleman | Mugginton | | |
| Lane, John | senior; assisted surveyor William Jordan | Hulland | | |
| Lane, John | junior; assisted surveyor William Jordan | Hulland | freehold tenant [Hulland] (1644) | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | | |
|-------------------------|---|-------------|--|--|---|
| Langdon/Langton, Thomas | | Duffield | | | |
| Lauder, Thomas | | | | unpaid legal costs (1639) [John Launder defendant (1659)] | |
| Lauder/Lownder, Richard | | Belper | | freehold tenant [Belper] (1644) | |
| Leech, Edward | knight; lord of the manor of Duffield <i>cum membris</i> ; knight of the shire (1628) | (absentee) | | lands in Shipley, Derbyshire | |
| Lees, Richard | father John was signatory for CW | Turnditch | | | son of John Lees (elder brother John incapacitated); executor to father John (probate 17/06/ 1642) |
| Litchfield, John | signatory for BW | [Heage] | | [Godfrey Litchfield defendant (1659)] | appraiser of Richard Fletcher, husband of Susanna (probate 19/10/1638); will & inventory (probate 22/01/1665), witnessed by William Shawin |
| Litchfield, William | | | | [Godfrey Litchfield defendant (1659)] | |
| Lowe, Edward | esquire; owner of Colebrook Ward | Aldenwasley | | freehold tenant [Belper] (1644) | |
| Mabeley, Robert | attacked fences in HW after injunction (DL5/34, f.191r) | Mugginton | | [Thomas Mabeley defendant (1659)] | |
| Malin, William | | [Heage] | | | witness & appraiser of Elizabeth Vallence (probate 14/04/1642); appraiser of Luke Vallence (probate 29/03/1641); appraiser of John Roome (probate 18/12/1646); appraiser of Edward Ridge (probate 18/12/1646); witness & appraiser of William Hanson (probate 31/07/1641) |
| Meacocke, Thomas | | Belper | | | appraiser of Francis Robinson (husband of Ellen) (probate 03/06/1633); appraiser of Richard Fletcher (husband of Susanna) (probate 19/10/1638) |
| Mellor, George | | Idridgehay | | master of John Barlow; land that entitled him to common in HW (1642) | |
| Mellor, James | | Duffield | | customary juror [whole manor] (1644) | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|---------------------|--|---------------|---|---|
| Mellor, John | | <i>Belper</i> | freehold tenant [Belper] (1644); encroached 1 cottage (valued 6s) [BW] (1650) | |
| Mellor, Robert | tanner; father William signatory for HW; father was party to 1620 decree; rioter in HW (ES, TR, RA); rioter (JA) | Idridgehay | 2 messuage & 2 cottages & 60 acres in Idridgehay [HW] (1642); 1 messuage & 20 acres in Ireton Wood (HW) (1642); freehold tenant [Idridgehay] (1644); defendant (1659); 3 messuages, 7 cottages & lands in Idridgehay & Ireton Wood [HW] (1659) | |
| Mellor, Thomas | | 3 places | unpaid legal costs (1639); defendant (1659); 1 messuage & lands in Ireton Wood [HW] (1659) | |
| Merrie, Edmund | gentleman | (?absentee) | messuage/cottage in Mugginton/Windley [H&CW] (1659) | |
| Millward, Richard | | Hulland | | 'cousin' of William Swift; witness of William Swift (probate 09/11/1660) |
| Milnes, Thomas | signatory for HW; father was party to 1620 decree; contempt of injunction & put horses in enclosures (DL5/34, f.191r); rioter in HW (RA) | Duffield | 1 copyhold messuage & 50 acres in Duffield [CW] (1642); encroached half a rood (1641) | |
| Moseley, John | | | [Henry Moseley defendant (1659)] | |
| Nayler, Christopher | | Duffield | failed to erect fences (1634) | |
| Nayler, Richard | | Duffield | | |
| Needham, Thomas | esquire | | unpaid legal costs (1639) | |
| Newton, William | yeoman | Turnditch | freehold tenant [Turnditch] (1644); defendant (1659); 1 messuage & lands in Turnditch [HW] (1659) | son-in-law of Joan & Richard Smith |
| Noden, Thomas | | Idridgehay | | |
| Norman, George | | Heage | encroached 1 cottage (valued 1s) [BW] (1650) | |
| Orme, Richard | churchwarden Duffield 25/3/1642-24/3/1643 | Duffield | | witness & appraiser of Thomas Willott (probate 08/10/1647) |
| Orme, Robert | father Robert said to be signatory | Duffield | defendant (1659) 1 messuage & farm in Makeney [CW] (1659) | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | | | |
|-------------------------------------|---|----------------|--|--|--|--|
| Palmer, Thomas | | | | | | |
| Parker, James | | Watson Well | | | | |
| Parker, Thomas | | Duffield | | freehold tenant [Duffield] (1644) | | |
| Parker, William | churchwarden Duffield 25/3/1636-24/3/1637 | Duffield | | unpaid legal costs (1639); bondhold tenant [Duffield] (1639); WP 'of Duffield' freehold tenant [Belper] (1644) | | |
| Paulfreman, Henry | | | | broke assize of ale [Belper] (1644) | son-in-law of Robert Williamson (father of Thomas) (probate 18/01/1639) | |
| Peace/Peate, Richard | | Duffield | | customary juror [whole manor] (1644) | | |
| Pearce, Richard | | | | | | |
| Peate, Thomas | | [Shottle Park] | | freehold tenant [Hazelwood/Shottle] (1644); broke assize of ale [Hazelwood / Windley / Turnditch] (1644) [William Peate defendant (1659)] | inventory only (probate 31/08/1660) | |
| Pickard alias Smithurst, Richard | yeoman (1655); rioter in HW (RA) | Duffield | | encroached 1 hovel (1641) [Henry Pickard defendant (1659)] | appraiser of Thomas Smith (probate 15/04/1648); appraiser of John Lees, father of Richard (probate 17/06/1642); appraiser of Roger Bruckshaw of Dalley, brother of John (probate 17/06/1642); PCC will (probate 03/02/1655) | |
| Pikerd, Robert | | Idridgehay | | [Henry Pickard defendant (1659)] | | |
| Poole, George | esquire; signatory for BW | [Heage] | | defendant (1659) | will & inventory (probate 21/07/1674) (inventory total £656 3s 6d) | |
| Rayner, William | Mr (1640); gentleman (1641); churchwarden Duffield 1639; signatory for CW; ['lately deceased' in 1659] | | | bondhold tenant [Duffield] (1639); freehold tenant & juror [whole manor] (1644) [Gervase Rayner defendant (1659)] | supervisor, witness & appraiser of Henry Stokes, father of Henry (probate 13/03/1640); appraiser of Thomas Willott (probate 08/10/1647); appraiser of John Ferrers (probate 05/12/1642); administrator of John Stanley (probate 22/01/1648) | |
| Reclould?/Peaould, Henry | | | | | | |
| Revill, William | | Idridgehay | | | | |
| Ridge, Edward | | Idridgehay | | | inventory only (probate 18/12/1646) (inventory total £22 4s 0d; debts owed by £10 11s 8d); appraised by William Malyn, Ellis Cotes, John Hanson | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|--------------------------|---|------------------|--|--|
| Robinson, Ellen | widow | [Belper] | | widow of Francis Robinson, blacksmith (probate 3 June 1633); executrix |
| Robinson, William | senior | Belper | | ? executor, witness & appraiser of father Francis Robinson (probate 3 June 1633) |
| Robinson, William | junior | Belper | | |
| Roome, John | senior; husbandman | [Heage] | | appraiser of William Hanson (brother of Richard) (probate 31/07/1641); inventory only (probate 18/12/1646) (inventory total £43 9s 0d; debts owed by £74 0s 0d) deeply in debt; appraised by William Malyn, Ellis Cotes, John Hanson |
| Roome, John | junior | [Heage] | | [William Roome defendant (1659)] |
| Sandome, Thomas | | Belper | | |
| Sellers, George | gentleman; signatory for BW & CW; father was party to 1620 decree | Belper | | 1 copyhold messuage & 1½ acres in Belper (1642); 3 cottages & 5 acres copyhold in Belper [BW] (1642); copyhold tenant (1639); freehold tenant [Belper] (1644) |
| Shaw, Francis | | Belper | | unpaid legal costs (1639); freehold tenant [Belper] (1644) |
| Sherratt, John | | Mercaston | | |
| Shewin/Shawwyne, William | | Heage | | witness of John Litchfield (probate 06/01/1664) |
| Simpson, Anthony | | | | unpaid legal costs (1639); freehold tenant & juror [Belper] (1644); broke assize of ale [Belper] (1644) |
| Simpson, Henry | answer (DL1/371) | | | servant of Sir Edward Leech (1642) |
| Simpson, Robert | | | | land in Hulland Ward (1642); freehold tenant [Belper] (1644); encroached 1 cottage & land (valued 4s) [BW] (1650) |
| Smith, Anthony | | Duffield | | son of Thomas; executor of father Thomas (probate 15/04/1648) |
| Smith, Henry | (also a Henry Smith gent) | Hulland/Duffield | | unpaid legal costs (1639); freehold tenant [Duffield/Biggin] (1644) |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|-------------------------------|---|---------------------|--|---|
| Smith, Richard | | <i>Duffield</i> | encroached 1 cottage (valued 1s) [CW] (1650) | ?deceased by 23/03/1644, when widow Joan made her will. William Hand & William Newton (both named by ES) were his sons-in-law |
| Smith, Thomas | yeoman | Hillcliff | copyhold tenant (1639); freehold tenant [Windley/Idridgehay](1644); encroached 1 cottage, 1 garden (1641) | father of Anthony; will & inventory (of Chevinside), probate 15/04/1648; executor Anthony Smith; appraiser Richard Pickerd |
| Smith alias Whitworth, Edward | ignored Privy Seal (DL5/34, f.191r) | <i>Duffield</i> | | |
| Stables, John | churchwarden Windley 1639; signatory for CW & HW; rioter (ES); rioter (JB) | [<i>Windley</i>] | bondhold tenant (1639); freehold tenant & juror [whole manor] (1644); defendant (1659); 1 messuage, 1 cottage & lands in Duffield [CW] (1659) | supervisor & witness of Henry Stokes (father of Henry) (probate 13/03/1640) |
| Stacke, Thomas | | <i>Mugginton</i> | | |
| Stalman, Thomas | churchwarden Duffield 1638 | | 1 messuage and 10 acres copyhold land in Duffield [CW] (1642); customary juror [whole manor] (1644); defendant (1659); 1 messuage & lands in Duffield [CW] (1659); encroached some land (1641) | |
| Stanley, John | signatory for CW; 'audaciously refractorious' when duchy attempted to collect respited fines in 1633 (DL41/876; DL4/155/43) | [<i>Duffield</i>] | unpaid legal costs (1639); bondhold tenant (1639); 1 messuage & 40 acres customary land in Duffield [CW](1642) | letter of admin only (probate 22/01/1648); administered by William Rayner |
| Steere, Richard | | | encroached 1 cottage (valued 2s) [BW] (1650) | |
| Stokes, Henry | yeoman (1640); gentleman (1665) | <i>Windley</i> | bondhold tenant (after decease of father) (1639); copyhold tenant (1639); freehold tenant [Windley] (1644); defendant (1659); 1 cottage & lands in Windley & Duffield [H&CW] (1659) | executor to father Henry (probate 13/03/1640); will & inventory (probate 07/09/1665); |
| Stone, Anthony | | <i>Ireton Wood</i> | freehold tenant [Idridgehay/Turnditch] (1644) [Robert Stone defendant (1659)] | |
| Stopperd, Godfrey | | 2 places | encroached 1 cottage (valued 4s) [BW] (1650) | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|-----------------|--|-------------|--|---|
| Storer, Anthony | yeoman | [Heage] | unpaid legal costs (1639); defendant (1659); 1 messuage, 4 cottages & lands in Heage [BW] (1659) | son-in-law of Luke & Elizabeth Vallence; executor of Elizabeth Vallence (probate 14/04/1642); appraiser of William Hanson (brother of Richard) (probate 31/07/1641); supervisor of Luke Vallence (probate 29/03/1641); supervisor of Ann Parker (probate 17/06/1642); witness & appraiser of John Hanson (probate 30/11/1660) |
| Storer, Edward | | Hulland | defendant (1659) | |
| Storer, John | father party to 1620 decree; snatched up Privy Seal when served on H Atkins (DL5/34, f.191r); rioter in HW (ES, TR, RA); rioter (JA) | Idridgehay | 1 cottage & 16 acres leasehold [HW] (1642); freehold tenant [Biggin/Idridgehay/Shottle] (1644); 1 messuage & lands in Idridgehay [HW]. (1659) | |
| Storer, Ralph | | 2 places | encroached 1 cottage (8s) [BW] [E317] | |
| Storer, Robert | | Ireton Wood | freehold tenant [Biggin] (1644) | |
| Storer, Thomas | | Idridgehay | failed to erect fences (1634) | |
| Summers, Joseph | | Duffield | defendant (1659); 1 messuage & lands in Mercaston [HW] (1659) | |
| Swift, George | | Duffield | freehold tenant [Belper] (1644); broke assize of ale [Belper] (1644) | |
| Swift, William | tanner | [Belper] | freehold tenant & juror [Belper] (1644) | will & inventory (probate 09/11/1660); father -in-law of Richard Fletcher of Belper; appraised by Richard Milward & Henry Bradshaw. |
| Syms, Ellis | the elder; yeoman | Heage | unpaid legal costs (1639) [William Symms defendant (1659)] | supervisor & witness of William Hanson(brother of Richard) (probate 31/07/1641) |
| Syms, Robert | senior | 2 places | [William Symms defendant (1659)] | |
| Syms, Robert | | [Heage] | [William Symms defendant (1659)] | appraiser of William Hanson (brother of Richard) (probate 31/07/1641); appraiser of Ann Parker (17/06/1642); will & inventory (probate 07/12/1660); appointed George Pole guardian of grandchildren; supervised by Robert Holland |
| Syms, Thomas | | [Heage] | encroached 1 cottage, 1 garden (1640); encroached 1 cottage (valued 1s) [CW] (1650) [William Symms defendant (1659)] | appraiser of Elizabeth Vallence (probate 14/04/1642); supervisor of Ann Parker (probate 17/06/1642) |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|---------------------|---|------------|--|--|
| Taylor, Bartholomew | | 2 places | [William Taylor defendant (1659)] | |
| Taylor, John | signatory for BW & CW | Holbrook | unpaid legal costs (1639) | appraiser to Robert Bruckshaw of Broadholme (father of John) (probate 14/05/1632) |
| Thacker, Samuel | | 2 places | | |
| Toule, Christopher | | | | |
| Walker, Henry | | 2 places | | |
| Walker, Richard | rioter (RB) | 2 places | | |
| Wallis, Gilbert | senior | Mercaston | freehold tenant [Hulland] (1644); defendant (1659); 2 messuages, 1 cottage & land in Mercaston; 1 cottage & land in Hulland [HW] (1659); tenant of German Poole esquire in Mercaston [HW] (1659) | |
| Wallis, Gilbert | junior | Mercaston | | |
| Ward, Richard | | Hillcliff | freehold tenant [Belper] (1644) | appraiser of John Lees, father of Richard (probate 17/06/1642); appraiser of Lancelot Brett (probate after 28/12/1663) |
| Webster, Anthony | | Hulland | [Robert & Edmund Webster defendants (1659)] | |
| Webster, Edward | | Duffield | tithing-man [Duffield] (1644) [Robert & Edmund Webster defendants (1659)] | |
| Webster, George | son of Robert Webster of Hulland (1642); attacked fences in HW after injunction (DL5/34, f.191r); | Idridgehay | [Robert & Edmund Webster defendants (1659)] | |
| Webster, George | | 3 places | ?broke assizes of ale & bread [Belper] (1644) [Robert & Edmund Webster defendants (1659)] | |
| Webster, George | | 3 places | ?broke assizes of ale & bread [Belper] (1644) [Robert & Edmund Webster defendants (1659)] | |
| Webster, Henry | | [Belper] | freehold tenant [Belper] (1644) [Robert & Edmund Webster defendants (1659)] | brother of Thomas Webster senior (tanner); lived in tenement owed by Thomas senior in Belper |
| Webster, Humphrey | | Idridgehay | [Robert & Edmund Webster defendants (1659)] | |
| Webster, Ralph | | 3 places | unpaid legal costs (1639) [Robert & Edmund Webster defendants (1659)] | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

| | | | | |
|--------------------------|---|----------------|--|--|
| Webster, Robert | father of George (1642); rioter in HW (ES, TR, RA) | Ildridgehay | land that entitled him to common in HW (1642); freehold tenant & juror [whole manor] (1644); defendant (1659); 3 messuages, 1 cottage & lands in Ildridgehay & Ireton Wood [HW] (1659) | |
| Webster, Thomas | senior; tanner | Belper | freehold tenant [Belper] (1644) [Robert & Edmund Webster defendants (1659)] | father of Thomas junior; brother of Henry; will & inventory (inventory total £424 18s 0d) (probate 08/10/1647) |
| Webster, Thomas | junior | Belper | [Robert & Edmund Webster defendants (1659)] | son of Thomas senior (tanner); main beneficiary of father's will (probate 08/10/1647) |
| Webster, Thomas | | Belper | [Robert & Edmund Webster defendants (1659)] | |
| White, William | | 2 places | | |
| Whittington, Luke | gentleman | (?absentee) | | |
| Willcockson, George | | Aflow | freehold tenant [Biggin] (1644) | |
| Wilkes, Solomon | | | | appraiser of Thomas Willott (probate 08/10/1647) |
| Williamson, Thomas | | | defendant (1659); 1 cottage & lands in Belper [B&CW] (1659) | son of Robert (died 1639); appraiser of Ann Parker (probate 17/06/1642) |
| Wollett/Willott, Sampson | yeoman; churchwarden Hazelwood 1640; father William was signatory for BW & CW | Hazelwood | made 1 encroachment (1641) [William Willott defendant (1659)] | |
| Wollett/Willott, Thomas | yeoman; signatory for CW | Duffield | bondhold tenant (1639) [William Willott defendant (1659)] | will & inventory (probate 08/10/1647); witnessed by Richard Orme; appraised by William Rayner; Richard Orme; Anthony Bradshaw; Solomon Wilkes) |
| Wright, Thomas | | several places | broke assize of ale [Belper] (1644) | |

Appendix 7: Duffield rioters named in TNA: PRO: DL1/370 by Edward Syddenham (1642)

Sources for Appendix 7

| | | |
|--|---|---|
| Column 1: Rioter's name | original name name added | name written in body of text in May 1642 (DL1/370) name inserted at a later date (DL1/370) |
| Column 2: Rioter's status | DL1 370 status other status signatory to agreement churchwarden comments named as rioter in HLMP or E134 | status given in DL1/370, information of ES status given in other sources signed enclosure agreements (DL44/1117, August 1632) churchwarden + community + year (DRO: D2402 A/PI 1/1) relevant notes from other documents (with reference) identified as rioter in either HLRO: HLMP: 20 March 1647 or E134/1659/East27 |
| Column 3: Place of residence | DL1/370 place <i>muster place</i> muster surname <i>[other source]</i> | place of residence given in DL1/370, information of ES place of residence given in Muster Roll (SP16/405, part 2) place in Appletree Hundred where rioter's surname occurs in Muster Roll place of residence given in another source: probate documents or Duffield Court Book (DRO: D1404/16) |
| Column 4: Landholding, tenancy, encroachments etc | landholding (1639) landholding (1642) landholding (1644) landholding (1659) fences not erected (1634) unpaid legal costs (1639) encroachment (reported in 1641) encroachment (reported in 1650) role in Exchequer case (1659) | DL1/360 & 361 (unnumbered pieces), information of Sir Edward Leech & answer of Thomas Challenor <i>et al.</i> DL1/370 & 372 (unnumbered pieces), answers of Robert Mellor <i>et al</i> & John Stanley <i>et al.</i> DRO: D1404/16, Duffield Court Book, ff.65v-68r, E134/1659/East27 DL5/31, f.567v, 10 May 1634 DL5/33, f.227v, 3 July 1639 DL4/99/10, deposition of Robert Smith, 23 September 1641 E317/Derb/18, Commonwealth survey of Duffield Frith, July 1650 E134/1659/East27, Fleetwood & Cooke v German Poole <i>et al.</i> |
| Column 5: Probate connections | probate role rioter's will/inventory | LRO: B/C/11+ full name + probate date LRO: B/C/11+ full name + probate date |

Unless otherwise stated, the reference for the location of a document is TNA: PRO: .

BW = Belper Ward, CW = Chevin Ward, HW = Hulland Ward

Initials refer to witness:

HLMP: RoA (Robert Alsopp), RA (Ralph Aulte), RB (Robert Ballidon/Ballington), HC (Humphrey Cowper), JE (John Edge), ES (Edward Syddenham), TR (Thomas Redgate)

E134: JA (John Alton), RA (Ralph Aulte), JB (John Burgine), RB (Robert Ballidon/Ballington), FH (Francis Hudson), TH (Thomas Hudson), VW (William Winson)

Appendix 8: Duffield rioters identified in documents other than TNA: PRO: DL1/370

| Named in HLMP / E134 / DL44/1127 (not in DL1/370) | Where rioted/status | Place of residence | Landholding/other | Probate connections |
|---|--|--------------------|---|---|
| Beardsley, John | rioter (VW) | | | |
| Bellane, George | rioter (VW) | | | |
| Bradshawe, Henry | rioter in BW (ES, RB, JE) | [Belper] | defendant (1659); 1 messuage, 2 cottages & lands in Belper [B&CW] (1659) | appraiser of William Swift (probate 09/11/1660) |
| Gracian, John | rioter (RB) | | | |
| Haulkins, Richard | rioter in HW (ES, TR, RA) | | | |
| Osleston, Joan | wife of Robert, tailor | [Hulland] | removed markers in HW (1633) (DL44/1127) | |
| Rachdale, Simon | rioter (RB) | | | |
| Taylor, Alice | wife of Richard | [Hulland] | removed markers in HW (1633) (DL44/1127) | |
| Taylor, Edward | son of Richard & Alice | [Hulland] | removed markers in HW (1633) (DL44/1127); removed wood & timber (DL44/1127) | |
| Taylor, Richard | husbandman | [Hulland] | removed markers in HW (1633) (DL44/1127); copyhold, Hulland, (valued £20-£30 p.a.) (DL44/1127); took wood & timber (1633) (DL44/1127) | |
| Taylor, William | rioter in BW (ES, RB, JE) | | | |
| Webster, Ellen | wife of William | [Hulland] | removed markers in HW (1633) (DL44/1127) | |
| Webster, Grace | wife of Thomas | [Hulland] | removed markers in HW (1633) (DL44/1127) | |
| Webster, Thomas | husbandman; headborough of Hulland in 1633 | [Hulland] | removed markers in HW (1633) (DL44/1127); copyhold land in Hulland (DL44/1127) | |
| Webster, William | yeoman | [Hulland] | removed markers in HW (1633) (DL44/1127); freehold, Hulland, (valued £30-£40 p.a.) (DL44/1127) | |
| Yeomans, Thomas | rioter (JB) | | | |

Sources for Appendix 8

(1659) = TNA: PRO: E134/1659/East27
HLMP = HLRO: House of Lords Main Papers, bundle dated 20 March 1647
DL44/1127 = TNA: PRO: D144/1127, bundle of papers returned into the Exchequer in September 1633.

BW = Belper Ward, CW = Chevin Ward, HW = Hulland Ward

Initials refer to witnesses:

(HLMP) RoA (Robert Alsopp), RA (Ralph Aulte), RB (Robert Ballington), HC (Humphrey Cowper), JE (John Edge), TR (Thomas Redgate)
(E134) JA (John Alton), RA (Ralph Aulte), JB (John Burgine), RB (Robert Burgine), RH (Robert Ballington), FH (Francis Hudson), TH (Thomas Hudson), VW (William Winson)

Appendix 9: Defendants in TNA: PRO: E134/1659/East27, Fleetwood & Cooke v. George Pole et al.

| Name | Place & Ward | Property | Hearth Tax | DL1/370? |
|----------------------------|-------------------------------|--|-----------------------------------|-----------------|
| Alton/Aulton, John | Idrichay & Ireton [HW] | diverse lands | Hulland: 1 (1662); 1c (1664) | named as rioter |
| Annobell/Annables, William | Belper [BW] | 1 cottage & lands | Belper: 1c (1664) | same surname |
| Barker, Richard | Belper [BW] | 1 cottage & diverse lands | not in | named as rioter |
| Barker, Robert | not given | not given | Belper; 1 (1662); 1c (1664) | named as rioter |
| Barker, Samuel | Duffield [CW] | diverse messuages, cottages, farms & lands | not in | same surname |
| Barker, William | Belper [BW] | 1 cottage & lands | not in | same surname |
| Bateman, Thomas | Belper [BW] | moiety of cottage & lands | not in | n/a |
| Berdmore, Elizabeth | Heage [BW] | 1 messuage & farm | Heage: 1 (1662) | same surname |
| Berdmore, Richard | Heage [BW] | 1 cottage & lands | Heage: 1 (1662); 1c (1664) | named as rioter |
| Bloodworth, William | Duffield [CW] | 1 messuage & lands | not in | named as rioter |
| Bradshawe, Henry | Belper [BW & CW] | 1 messuage, 2 cottages, half cottage & diverse lands | Holbrook: 2 (1662); 2c (1664) | same surname |
| Buckland, Walter | Heage [BW] | 1 messuage & lands | Heage: 1 (1662); 1c (1664) | named as rioter |
| Cates/Coles, Samuel | Hazelwood & Duffield [CW] | 3 messuages, 2 cottages & lands | not in | n/a |
| Coope/Cowpe, John | Windley [HW & CW] | 1 messuage & lands | not in | named as rioter |
| Cooper, George | Mercaston [HW] | 1 messuage & diverse land | Mercaston: 1 (1662); 1c (1664) | n/a |
| Cooper, Henry | Idrichay & Ireton Wood [HW] | 1 messuage & lands | not in | n/a |
| Cox, Thomas | Turnditch [HW] | 1 messuage & lands | Mugginton: 1 (1662); 1c (1664) | n/a |
| Durden, Richard | Mugginton [HW] | half messuage & diverse lands | Mugginton: 1 (1662); 1c (1664) | named as rioter |
| Everatt, Thomas | Hazelwood [CW] | part messuage & diverse lands | Hazelwood: 1(1662) | named as rioter |
| Fletcher, George | Heage [BW] | 1 messuage & farm | Heage: 2 (1662); 1c (1664, decr.) | same surname |
| Fletcher, Thomas | Heage [BW] | 1 messuage & farm | Heage: 1c (1662); 1c (1664) | same surname |
| Hallowes, Nathaniel | Mugginton & Windley [HW & CW] | several messuages, cottages & farms | not in | n/a |
| Halsey, Henry | not given | not given | not in | n/a |
| Hand, William | Turnditch [HW] | 1 messuage & diverse lands | Turnditch: 1 (1662) | named as rioter |
| Hanson/Harrison, John | not given | not given | Heage: 1 (1662); 1c (1664) | named as rioter |
| Harrison, Henry | Windley [HW] | 1 messuage & lands | Windley: 1 (1662) | same surname |

Appendix 9: Defendants in TNA: PRO: E134/1659/East27, Fleetwood & Cooke v. George Pole et al.

| | | | | |
|--------------------------|---------------------------------|---|---------------------------------------|-----------------|
| Heynes, William | Ireton Wood [HW] | 1 messuage & farm & 1 cottage & lands | Postern & Shottle: 1 (1662) | same surname |
| Holland, Robert | Heage [BW] | 1 cottage & lands | Heage: 2 (1662); 1c (1664, decr.) | named as rioter |
| Jepson, John | Heage [BW] | 1 cottage & diverse lands | Heage: 1 (1662); 1c (1664) | n/a |
| Jobitt/Jobbitt, William | Mugginton [HW] | 1 messuage & diverse lands | Mugginton: 1 (1662); 1c (1664) | same surname |
| Johnson, William | Hazelwood & Windley [CW] | 1 messuage, 1 cottage & lands | Hazelwood: 3 (1662) | named as rioter |
| Lauder, John | Belper [BW] | 1 messuage, 1 cottage & lands | Belper: 1c (1664) | same surname |
| Litchfield, Godfrey | Belper [BW] | 1 cottage & lands | Belper: 1c (1664) | same surname |
| Mabeley, Thomas | Mugginton [HW] | 1 messuage & fam | Mugginton: 1 (1662); 1c (1664) | same surname |
| Mason, Richard | not given | not given | Heage: 1 (1662); 1n (1664, decr.) | n/a |
| Mellor, Robert | Idrichay & Ireton Wood [HW] | 3 messuages, 7 cottages & diverse lands | Hulland: 4 (1662); 4c (1664) | named as rioter |
| Mellor, Thomas | Ireton Wood [HW] | 1 messuage & lands | not in | named as rioter |
| Moore, John | Windley [HW] | 1 messuage & lands | Hazelwood: 1 (1662) | n/a |
| Moseley, Henry | Mugginton [HW] | 1 cottage & lands | Mugginton: 1 (1662); 1c (1664) | same surname |
| Newton, Thomas | not given | not given | Duffield: 7 (1662); 7c (1664) | same surname |
| Newton, William | Turnditch [HW] | 1 messuage & diverse lands | Turnditch: 1 (1662) | named as rioter |
| Oldham, John | Duffield [CW] | 1 messuage, 2 cottages & diverse lands | [widow] Duffield: 1 (1662); 1c (1664) | n/a |
| Orme, Robert | Makeney [CW] | 1 messuage & farm | Duffield: 2 (1662); 2c (1664) | named as rioter |
| Peate, William | Hazelwood [CW] | diverse lands | Hazelwood: 1 (1662) | same surname |
| Pickard, Henry | Turnditch [HW] | 1 messuage & lands | Turnditch: 2 (1662) | same surname |
| Poole/Pole, George | Heage, Belper, Dalley [BW & CW] | several messuages, cottages & fams | Heage: 10 (1662); 8c (1664, decr.) | named as rioter |
| Poole/Pole, German | Mercaston [HW] | manor, several messuages, cottages & fams & lands | Mercaston: 5 (1662); 8c (1664, incr) | same surname |
| Rayner, Gervase | Duffield [CW] | 1 messuage, 1 cottage & diverse lands | Duffield: 5 (1662); 4c (1664, decr.) | same surname |
| Robertes/Robert, William | Duffield [CW] | 1 cottage & lands | [widow] Duffield: 1 (1662); 1c (1664) | n/a |
| Roome, William | Heage [BW] | half messuage & diverse lands | Heage: 2 (1662); 2c (1664) | same surname |

Appendix 9: Defendants in TNA: PRO: E134/1659/East27, Fleetwood & Cooke v. George Pole et al.

| | | | | | |
|----------------------|------------------------------|---|--|---------------------------------------|-----------------|
| Rossington, Ralph | Duffield [CW] | 1 messuage & lands | | Duffield: 3 (1662); 2c (1664, decr.) | n/a |
| Royley, Anthony | Heage [BW] | 1 messuage & lands | | Heage: 1c (1664) | n/a |
| Royley, German | Hazelwood [CW] | 1 messuage & lands | | Hazelwood: 1 (1662) | n/a |
| Rudgate, Thomas | Windley [HW] | 1 messuage & lands | | not in | n/a |
| Stables, John | Duffield [not given] | 1 messuage & farm & 1 cottage & diverse lands | | Duffield: 1 (1662); 1c (1664) | named as rioter |
| Stables, William | Windley [HW] | 1 messuage & diverse lands | | Windley: 4 (1662) | same surname |
| Stalman, Thomas | Duffield [CW] | 1 messuage & diverse lands | | Duffield: 1 (1662); 1c (1664) | named as rioter |
| Stephenson, Nicholas | Duffield [CW] | 1 cottage & lands | | Duffield : 1c (1664) | n/a |
| Stokes, Henry | Windley & Duffield [HW & CW] | 1 cottage & diverse lands | | Windley: 2 (1662) | named as rioter |
| Stone, Robert | Turnditch [HW] | diverse lands | | Turnditch: 3 (1662) | same surname |
| Storer, Anthony | Heage [BW] | 1 messuage, 4 cottages & diverse lands | | Heage: 1 (1662); 1c (1664) | named as rioter |
| Storer, Edward | not given | not given | | not in | named as rioter |
| Summers, Gilbert | Duffield [CW] | 1 messuage & farm & 2 cottages & lands | | Duffield: 6 (1662) | same surname |
| Summers, Joseph | Mercaston [HW] | 1 messuage & lands | | Mercaston: 3 (1662); 2c (1664, decr.) | named as rioter |
| Summers, Samuel | not given [CW] | half messuage & lands | | Hazelwood: 1 (1662) | same surname |
| Symms, William | Heage [BW] | 1 cottage & lands | | Heage: 1 (1662); 1c (1664) | same surname |
| Taylor, William | not given | not given | | Belper: 1 (1662); 1c (1664) | same surname |
| Toplis, James | not given | not given | | not in | n/a |
| Viccars, Richard | Mugginton [HW] | 1 messuage & farm | | not in | n/a |
| Wallis, Gilbert | Mercaston [HW] | 2 messuages & farms, 1 cottage & lands | | Mercaston: 2 (1662); 2c (1664) | named as rioter |
| Webster, Edmund | Duffield [CW] | diverse lands | | Duffield: 2 (1662); 1c (1664, decr.) | same surname |
| Webster, Robert | Idrichay & Ireton Wood [HW] | 3 messuages, 1 cottage & diverse lands | | Hulland: 1/2 (1662); 1c/3c (1664) | named as rioter |
| Williamson, Thomas | Belper [BW & CW] | 1 cottage & lands | | Belper: 1 (1662); 1c (1664) | named as rioter |
| Willmott, Nicholas | not given | not given | | not in | n/a |

Appendix 9: Defendants in TNA: PRO: E134/1659/East27, Fleetwood & Cooke v. George Pole et al.

| | | | | |
|-------------------|-----------------------------|--|--------------------------------|--------------|
| Willott, William | Hazelwood [CWJ] | 2 messuages, 1 cottage & diverse lands | Hazelwood: 3 (1662) | same surname |
| Wood, John | Idrichay & Ireton Wood [HW] | diverse lands | not in | n/a |
| Woodcock, William | Mugginton [HW] | 1 messuage & farm | Mugginton: 1 (1662); 1c (1664) | n/a |

Sources for Appendix 9

| | |
|---------------------------------|---|
| Column 1: Defendant's name | Name given in list of defendants in Exchequer case Fleetwood & Cooke v. Pole <i>et al.</i> (TNA: PRO: E134/1659/East27) |
| Column 2: Place & Ward | Place of residence of defendant as given by deponents and/or interrogatories. Ward in which common rights claimed in right of property. |
| Column 3: Property | Description of property held by defendant that gave entitlement to common rights in Duffield Frith. Information given by deponents and/or interrogatories. |
| Column 4: Hearth Tax assessment | Place in which defendant assessed for the tax. X (1662): number of hearths assessed at Michaelmas 1662 (TNA: PRO: E179/94/378, mm. 59-63 & E179/245/8) Xc (1664): number of chargeable hearths assessed at Lady Day 1664 (Edwards, <i>Derbyshire Hearth Tax Assessments</i>) (decr.): assessment decreased in 1664 not in: defendant not named in Hearth Tax returns for Duffield area |
| Column 5: DL1/370? | named as rioter: Edward Syddenham named the defendant as a rioter (TNA: PRO: DL1/370, information of Edward Syddenham, 16 May 1642) same surname: Syddenham named someone with the same surname as the defendant as a rioter (TNA: PRO: DL1/370, information of Edward Syddenham, 16 May 1642) n/a: neither the defendant nor anyone with the same surname was named by Syddenham as a rioter |

Appendix 10: Allotments in TNA: PRO: E125/24, p.314, ff. 14v-25v to Whittlesey men named in HLMP

| Name | Status | Rôle in HLMP | Property and location within Whittlesey | Allotment | Comments |
|-----------------|-------------|---------------|---|--|---|
| James Boyce | of Eastrea | anti-improver | 1 half fulland (St Andrew's) (in right of his wife) | 10a | This man named James Boyce (probably) was the brother of Jeffrey. |
| John Boyce | senior | anti-improver | 1 messuage (Oldgate) (&Tm Wiseman) | 10a | 'John Boyce the elder' was an anti-improver and 'John Boyce was a surety for the rioters. It is likely that this was the same man. He did not sign the petition dated 31 July 1641 but did make 'false reports' about the House of Lords' response to it. |
| | yeoman | surety | 2 full & 2 half fullands (St Mary's) 1 cottage (Scaldgate) | 60a 10a | |
| Ralph Boyce | [no status] | anti-improver | 1 cottage (High Street) 1 half fulland (St Mary's) 1 cottage (Oldgate) 1 cottage (Newgate) 4 fullands (St Andrew's) (of Beales Farm) 1 half fulland (St Andrew's) | 10a 10a 10a 10a 80a 10a | Although only 1 man named Ralph Boyce was named as a complainant in E125, it is possible that there were 2 tenants of that name as 1 allotment was made to 'Ralph Boyce senior' and 6 to 'Ralph Boyce'. |
| | senior | anti-improver | 1 cottage next Elder Lane | 10a | |
| | [no status] | anti-improver | 1 cottage (Arnold Street) 1 cottage (Crabtree Corner) 3 roods (St Andrew's) 1 half fulland (St Mary's) | 10a 10a 3 roods 10a | |
| Robert Dowe | [no status] | anti-improver | no allotment | | ?related to William Dowe (below) |
| William Dowe | [no status] | anti-improver | 3 acres & 1 acre (St Mary's) | 4a | |
| | | | 1 half fulland (St Andrew's) | 10a | |
| | | | 1 cottage (Arnold Street) | 10a | |
| | | | 2 half & 1 quarter fulland (St Mary's) 1 cottage (Gracious Street) | 25a 10a | |
| Ralph Easeom | [no status] | anti-improver | 1 cottage (Little Crossegate) | 10a | |
| William Freeman | [no status] | anti-improver | 1 half fulland (St Andrew's) | 10a | |
| | | | 1 cottage (Delfe End) (& Wm Searle) | 10a | |

Appendix 10: Allotments in TNA: PRO: E125/24, p.314, ff. 14v-25v to Whittlesey men named in HLMP

| | | | | | | |
|---------|----------|-------------|---------------|---------------------------------------|------|--|
| Isaac | Gardner | [no status] | anti-improver | no allotment | | With John Boyce the elder & John Colls, made 'false reports' about Lords' order. |
| John | Henson | [no status] | anti-improver | no allotment | | son of Agnes Henson, widow (10a) |
| Adam | Kelfull | [no status] | anti-improver | 4 acres (St Mary's) | 4a | |
| Richard | Searle | [no status] | anti-improver | no allotment | | ?related to one of the six tenants named Searle (at least 10a) |
| Henry | Atkins | [no status] | improver | no allotment | | no surname match |
| Robert | Beale | gentleman | improver | 1 cottage (Briggate) | 10a | (?Lorde, ?Mede) no surname match |
| | | | | 1 cottage (Churchgate) | 10a | |
| | | | | 2 cottages [not stated] | 20a | |
| | | | | 1 cottage called Eldenwell | 10a | |
| | | | | 1 acre (St Mary's) | 1a | |
| | | | | ('St Peter's churchyard') | | |
| | | | | 1 free messuage (Briggate) | 10a | |
| | | | | no allotment | | |
| Robert | Birde | [no status] | improver | | | |
| Henry | Boyce | senior | improver | 1 half fulland (St Andrew's) | 10a | No qualifying description is given for either of the allotments to 'Henry Boyce'. |
| | | | | 1 fulland (St Mary's) | 20a | |
| John | Boyce | [no status] | ?improver | 1 cottage (Delfe End) | 10a | Two men named John Boyce were complainants in E125. Three (or 4) men named John Boyce received allotments. 'John Boyce' was an improver. |
| | | | | 2 acres (St Andrew's) | 2a | |
| | | | | 1 half fulland | 10a | |
| Thomas | Boyce | [no status] | improver | (St Mary's; 'parsonage hold') | | Four men named Thomas Boyce were complainants in E125. They may have had one allotment each, but may not. |
| | | | | 1 cottage next Goldens Lane | 10a | |
| | | | | 1 half fulland (St Mary's) | 10a | |
| Oswald | Bradford | [no status] | improver | 1 full & 1 half fulland (St Andrew's) | 30a | |
| | | | | 1 cottage (Baunce) | 10a | |
| | | | | 1 cottage (High Street) | 10a | |
| | | | | 0.5 acres (St Mary's) | 0.5a | |
| Oswald | Bradford | [no status] | improver | 1 cottage (Sedge Lane) | 10a | |
| | | | | (in right of his wife) | | |
| | | | | 1 cottage (Crossegate) | 10a | |

Appendix 10: Allotments in TNA: PRO: E125/24, p.314, ff. 14v-25v to Whittlesey men named in HLMP

| Robert | Coveney | junior | improver | 2 cottages (Churchgate) 1 full & 1 half fulland (St Mary's) | 20a 30a | Two, if not three, men named Robert Coveney received allotments. Only one was a complainant in E125. |
|----------|------------|-------------|----------|--|---|--|
| | | senior | improver | 1 cottage (Arnold Street) 1 cottage (Low Crosse Gate) 1 cottage called the Townehowse 1 cottage belonging to the Viccary 1 free cottage called Beales Farm 16a, 15a, 6a, 10a, 5.5a, 2a (St Andrew's) 3 messuages [not stated] 1 cottage (Highgate) 1 full & 1 half fulland (St Mary's) 4 acres (St Mary's) | 10a 10a 10a 10a 10a 53.5a 30a 10a 30a 4a | |
| Nicholas | Davys | [no status] | improver | 1 cottage (Oldgate) 1 half fulland (St Andrew's) | 10a 10a | |
| | | [no status] | improver | 1 cottage (Old Whittlesey) 1 cottage (Arnold Street) | 10a 10a | |
| John | de Lavall | steward | improver | no allotment | | steward of the manor of St Mary's; commissioner at the allotment |
| William | Gardner | [no status] | improver | 1 cottage (Coates) | 10a | not directly related to Isaac |
| George | Glapthorne | esquire | improver | 1 cottage called the White Horse, sometime William Marriott's | 10a | |
| | | | | 1 free messuage (Horsegate) | 10a | |
| | | | | 24 acres (St Andrew's) (belonging to Sharp's farm) | 24a | |
| | | | | 1 cottage called Maples Holt | 10a | |
| | | | | 1 cottage (Churchgate) (sometime Widow Ground's) | 10a | |
| | | | | 1 cottage called Pryors House 1 cottage (St Andrew's) (sometime Houghton's) | 10a 10a | |

Appendix 10: Allotments in TNA: PRO: E125/24, p.314, ff. 14v-25v to Whittlesey men named in HLM P

| | | | | | | |
|---------|------------|-------------|----------|---|---|--|
| [George | Glaphorne] | [contd] | | 1 cottage adjoining to the Beristed yard of St Andrew's (sometime Searle's) 1 acre (St Mary's) 3 cottages & a void messuage (Briggate) (sometime Sharp's) 1 cottage adjoining to the Beristed yard of St Andrew's (sometime John Higham's) the Capital Messuage or Manor House of Whittlesey St Andrew's, & the arable lands and leys thereunto belonging 1 cottage adjoining to the Beristed yard of St Andrew's (sometime William Marriott's the younger) 1 messuage called the site of Rectory of Whittlesey St Andrew's | 10a 1a 40a 10a 100a 10a 10a | |
| William | Haddon | [no status] | improver | 1 cottage (Gracious Street) (& Oswald Searle) | 10a | |
| John | Hill | [no status] | improver | 2 cottages (Crossegate) | 20a | |
| Thomas | Ives | [no status] | improver | 1 cottage (Crossegate) 1 cottage (Churchgate) | 10a 10a | |
| Robert | Kelfull | [no status] | improver | 1 half fulland (St Andrew's) | 10a | |
| William | Mason | vicar | improver | 4 acres (St Andrew's) (belonging to vicarage) 1 cottage called the Vicaridge House 1 acre (St Mary's) (belonging to the vicarage) | 4a 10a 1a | |
| William | Manastye | [no status] | improver | no allotment | | |

Appendix 10: Allotments in TNA: PRO: E125/24, p.314, ff. 14v-25v to Whittlesey men named in HLMF

| | | | | | | |
|----------|-----------|-------------|----------|--|--|--|
| George | Randall | [no status] | improver | 1 acre (St Mary's) 1 cottage (Little Crossegate) 1 cottage (Churchgate) (in right of his wife) 1 cottage (Little Crossegate 1.5 acres (St Andrew's) 1 half fulland (St Mary's) | 1a 10a 10a 10a 1.5a 10a | |
| John | Redhead | [no status] | improver | 1 cottage (Baunce) | 10a | |
| Robert | Rowell | [no status] | improver | no allotment | | |
| Robert | Searle | [no status] | improver | 1 cottage (Delfe End) 1 cottage (Churchgate) (& John Avelyn) | 10a 10a | |
| Humphrey | Speechley | [no status] | improver | 1 half fulland (St Mary's) 1 cottage (Delfe End) 0.5 acres (St Andrew's) 1 cottage (Hunters Town's end) | 10a 10a 0.5a 10a | |
| William | Speechley | tailor | improver | 1 cottage on the west of Parkinsons Lane | 10a | Two, if not three, men named William Speechley received allotments. |
| | | senior | improver | 1 half fulland (St Mary's) | 10a | |
| | | [no status] | improver | 1 half fulland (St Mary's) | 10a | |
| Francis | Underwood | gentleman | improver | 1 cottage (Barres Lane) 1 half fulland (St Mary's) 2 free messuages (Scalldgate) 3 acres (St Mary's) | 10a 10a 20a 3a | |
| William | Wardner | [no status] | improver | no allotment | | ?related to Thomas Wardner, gent (cottage and messuage in Churchgate) |
| John | Wilkes | [no status] | improver | 1 cottage (Old Whittlesey) | 10a | |

Appendix 10: Allotments in TNA: PRO: E125/24, p.314, ff. 14v-25v to Whittlesey men named in HLM P

| Roger | Wiseman | [no status] | improver | 1 cottage (Newgate) 1 cottage (Arnold Street) 1 free messuage & 1 cottage (Coates) 1 half fulland (St Andrew's) ('the Town Land') 5 acres (St Mary's) 1 fulland (St Andrew's) in Eastrea Field 3 fullands (St Mary's) 9 acres, 4 acres & 3 roods (St Andrew's) 1 cottage (High Street) | 10a 10a 20a 10a 5a 20a 60a 13a 3r 10a | |
|---------|------------------------|--------------------|-------------------------|--|---|--|
| Thomas | Batteram (?Bartram) | weaver | rioter (Randall) | no allotment | | ?related to James Bartram (cottage in Scaldgate). |
| Henry | Boyce | carpenter | rioter (Randall) | 1 half fulland (St Andrew's) 1 fulland (St Mary's) | 10a 20a | No qualifying description is given for either of the allotments to 'Henry Boyce' |
| James | Boyce | carpenter (signed) | rioter (affidavit) | 1 half fulland (St Andrew's) (in right of his wife) | 10a | This man named James Boyce was (probably) not the brother of Jeffrey. |
| Jeffrey | Boyce | | | 1 cottage (Horsegate) | 10a | not the rioter |
| | | junior (signed) | rioter (affidavit) | no allotment | | rioter described as 'the younger' |
| William | Colls | [no status] | rioter (Randall) | 1 cottage (Little Crossegate) | 10a | 'of the High Causey' |
| Thomas | Dawby | [no status] | rioter (Lawe & Randall) | no allotment | | surname in 1662L & 1664M HT. |
| Thomas | England | [no status] | rioter (affidavit) | no allotment | | only mentioned in John Newton's affidavit |
| Ralph | Grewne | ?Ground | rioter (Randall) | no allotment | | at least 6 tenants surnamed Ground. |
| John | Haynes | [no status] | rioter (affidavit) | no allotment | | only mentioned in John Newton's affidavit |
| William | Haynes | (marked) | rioter (affidavit) | no allotment | | no surname match |

Appendix 10: Allotments in TNA: PRO: E125/24, p.314, ff. 14v-25v to Whittlesey men named in HLMP

| | | | | | | |
|---------|----------------------|------------------------|--------------------|---|------------|---|
| William | Layton | (marked) | rioter (affidavit) | 1 cottage (Coates) (demesne of Coquinary) | 10a | |
| Richard | Marsh | (signed) | rioter (affidavit) | no allotment | | son of Christopher Marsh (cottage in Briggate) |
| William | Marsh | (signed) | rioter (affidavit) | no allotment | | son of Christopher Marsh (cottage in Briggate) |
| Robert | Newman | [no status] | rioter (Randall) | no allotment | | ?related to John Newman (2 cottages in Horsegate and Churchgate) or to Widow Newman (cottage in Cley Gate). |
| Roger | Rentford | servant | rioter (Randall) | 1 cottage (Finkell Lane) 1 cottage (Little Crossegate) | 10a 10a | servant of Thomas Wiseman of Eastrea. |
| William | Richer (Richards) | (marked) | rioter (affidavit) | 1 cottage (Baunce) | 10a | |
| | | | | 1 cottage (Baunce) (with Richard Parker) | half 10a | |
| | | | | 1 cottage (Arnold Street) (in right of wife) | 10a | |
| | | | | 1 half fulland (St Mary's) 1 quarter fulland (St Andrew's) | 10a 5a | |
| John | Tassell | senior (marked) | rioter (affidavit) | no allotment | | ?related to William Tassell (cottage in Newgate and 3 acres in St Mary's) |
| Robert | Tassell | (marked) | rioter (affidavit) | no allotment | | ?related to William Tassell (cottage in Newgate and 3 acres in St Mary's) |
| John | Wells | (signed) | rioter (affidavit) | 1 cottage (Delfe End) | 10a | |
| William | White | (marked) | rioter (affidavit) | no allotment | | son of Nicholas White (one cottage in Delfe End) |
| Peter | Behague | [no status] Walloon | deponent | no allotment | | aged 35; related to Seigneur Peter Behague; put out the fire in the latter's property; ploughed land in the fen |
| Robert | Freeman | husbandman | deponent | no allotment | | aged 28; servant of Mr Geo Glapthorne; went with G to fetch soldiers; ?related to 1 of the 3 tenants named Freeman. |

Appendix 10: Allotments in TNA: PRO: E125/24, p.314, ff. 14v-25v to Whittlesey men named in HLMP

| | | | | | | | |
|---------|----------|------------------------|--------------------------------|--------------|--|--|--|
| James | La Roue | [no status] Walloon | deponent | no allotment | | | aged 30; had land, dikes and crops in the fen; threatened by rioters |
| Anthony | Lawe | carpenter | deponent | no allotment | | | aged 35; witnessed arson by Wm Heynes |
| Francis | Mossey | [no status] Walloon | deponent | no allotment | | | aged 44; at time of riots had only lived in Whittlesey for 2 months |
| John | Newcombe | yeoman | deponent | no allotment | | | aged 41; servant/tenant of Mr Francis Underwood |
| John | Newton | yeoman | initial affidavit; deponent | no allotment | | | aged 44; made affidavit; haystack near Lipney Holt destroyed by rioters; his enclosure was threatened with attack. |
| Lewis | Randall | carpenter | deponent | no allotment | | | aged 23; present at the rioting in Glassenmore on 16 May; ?related to 1 of the 4 tenants named Randall. |
| Thomas | Stuttlyn | husbandman ?Walloon | deponent | no allotment | | | aged 23; servant of John Signe [Walloon] ; ploughed fens; drove rioters' cattle out of the rape |
| John | Marsh | yeoman | surety | no allotment | | | |

Appendix 10: Allotments in TNA: PRO: E125/24, p.314, ff. 14v-25v to Whittlesey men named in HLMP

Notes to Appendix 10

| Column | Text in column | Explanation of text & reference |
|---|---|--|
| Column 1: Rioter's name | Name | name given (HLRO: HLMP: bundles dated 26 June 1643 & 31 July 1643) |
| Column 2: Rioter's status | status (signed) | status given (TNA: PRO: E125/24, p.314, ff. 1r-26r or HLRO: HLMP: bundles dated 26 June 1643 and 31 July 1643) signed recognisance dated 6 September 1643 (HLRO: HLMP: bundle dated 31 July 1643) |
| Column 3: Role in HLMP | anti-improver | signed/marked petition against enclosures to Lords, 31 July 1641 (HLRO: HLMP: bundle dated 26 June 1643) |
| | improver | signed/marked petition against rioters to Lords, 29 May 1643 (reference as above) |
| | rioter (affidavit) | identified as rioter in John Newton's affidavit, 24 May 1643 (reference as above) |
| | rioter (Randall) or (Lawe) | identified as rioter by Lewis Randall and/or Anthony Lawe, 17 June 1643 (reference as above) |
| | surety | stood surety to imprisoned rioters in recognisance, 6 September 1643 (HLRO: HLMP: bundle dated 31 July 1643) |
| Column 4: Property and location in Whittlesey | 1 fulland; 1 cottage etc (St Mary's; St Andrew's) (Gracious Street; Crabtree Corner; etc) | manorial property held by named person (TNA: PRO: E125/24, p.214, ff. 14v-25v) property in the manor of St Mary's or St Andrew's (reference as above) street in which cottage/messuage stood (reference as above) |
| Column 5: Allotment | 10a; 20a; etc | area of allotment (in acres) allotted to property in Column 4. |
| Column 6: Comments | [text] | where person did not receive an allotment, gives (possible) relationship(s) with manorial tenant(s) |

Appendix 11: Whittlesey men named in HLMP: offices; family and probate connections

| Name | Status in E125 or HLMP | Role in HLMP baptism | Total allotted | Surname in 1523 Lay Subsidy and/or 1603 Rental | 1641 Lay Subsidy; manor court or parish office | probate connections/will |
|-------------|------------------------|----------------------------|----------------|--|--|---|
| James Boyce | of Eastrea (signed) | anti-improver 4 April 1616 | 10a | LS 1 taxpayer Rental 6 tenants | (cannot distinguish) ale-taster (A 1642) homage juror (M x9, 1645-56) inquisition juror (M x7, 1643-56) h & i juror (A x4, 1648-56) churchwarden (M x1, 1641) | witness Geo Bearde (28/8/1658); wit Agnes Bradford (6/12/1659); brother John (will 3/1/1661); brother, exec, residual leg Jeffrey (will 14/8/1666) |
| John Boyce | senior, yeoman | anti-improver & surety | 80a | LS 1 taxpayer Rental 6 tenants | 1641: land £1 10s (probable offices) constable (M 1642) inquisition juror (M 1645) homage juror (A 1647) churchwarden (M x6, 1627-40) | witness & executor for several testators (father of James Boyce of Eastrea; Jeffrey, Henry and John junior) |
| Ralph Boyce | [no status] senior | anti-improver | 130a 10a | LS 1 taxpayer Rental 6 tenants | 1641: goods £3 accused of erecting illegal cottage (M 1650) | son of Richard (will 8/3/1632) |
| John Colls | [no status] | anti-improver | 30a 3r | LS 1 taxpayer Rental 6 tenants | inquisition juror (M x1, 1642) churchwarden (A x3, 1623, 1637, 1638) | son-in-law of Thomas Ground; witness x8 1624-42 inc Tm Gardner, father of Isaac; will JC 'labourer' (15/11/1653) (different person?) |
| Robert Dowe | [no status] | anti-improver | none | LS 2 taxpayers Rental 0 tenants | no office | brother & executor John (26/7/1658); will of RD 'yeoman' (9/8/1674) |

Appendix 11: Whittlesey men named in HLMP: offices; family and probate connections

| | | | | | | | |
|---------|---------|-------------|---------------|------|------------------------------------|---|--|
| William | Dowe | [no status] | anti-improver | 59a | LS 2 taxpayers Rental 0 tenants | 1641: land £2 senior: homage juror (M x1, 1645) inquisition juror (M x1, 1642) h & i juror (A x3, 1643-46) <i>[blank]</i> : constable (M 1649) homage juror (M x11,1645-53) inquisition juror (M x3,1648-53) h & i juror (A x4 1644-51) homager at special court re cottages (M 1650) churchwarden (M x1, 1642) | sons John, Thomas, William & Richard; will of WD [no status] (dated 18/11/1652; probate 11/01/1658) |
| Ralph | Easeom | [no status] | anti-improver | 10a | LS 0 taxpayers Rental 1 tenant | no office | son of Robert (Robert Easeom will 17/04/1633) |
| William | Freeman | [no status] | anti-improver | 20a | LS 1 taxpayer Rental 2 tenants | 1641: land £1 inquisition juror (M x1, 1642) | witness Thomas Noble (15/04/1631) |
| Isaac | Gardner | [no status] | anti-improver | none | LS 0 taxpayers Rental 3 tenants | homage juror (A x1, 1647) | son of Thomas (will TG 13/02/1645); inherited cottage & 10 acres from TG; IG 'husbandman' will (09/05/1676) & inventory (18/05/1676) |
| John | Henson | [no status] | anti-improver | none | LS 0 taxpayers Rental 1 tenant | homage juror (M x1, 1643) homage juror (A x1, 1643) inquisition juror (M x5,1643-47) | son of Francis of Eastrea (Francis Henson will 15/11/1630; widow Agnes) |
| Adam | Kelfull | [no status] | anti-improver | 4a | LS 8 taxpayers Rental 6 tenants | (1641: lands £1 10s) (?not him) inquisition juror (M x2,1651-53) homage juror (M x2, 1655-56) | son of John (JK will 11/08/1629); Adam Kelfull 'husbandman', will (19/09/1658) |
| Richard | Searle | [no status] | anti-improver | none | LS 1 taxpayer Rental 6 tenants | inquisition juror (M x1, 1644) | ?son of Henry (will c.1631); ?executor Hn Searle (will c.1674) |
| Henry | Atkins | [no status] | improver | none | LS 0 taxpayers Rental 1 tenant | no office | witness Oliver Astlyn (14/2/1636) |

Appendix 11: Whittlesey men named in HLMP: offices; family and probate connections

| | | | | | | | |
|----------|-----------|---------------------------------|-----------|----------------------|--|---|---|
| Robert | Beale | gentleman | improver | 61a | LS 0 taxpayers Rental 4 tenants | 1641: land £2 homager at special court re cottages (M 1650) | witness x6 1663-1674; appraiser 1674 (?too late) |
| Robert | Birde | [no status] | improver | none | LS 0 taxpayers Rental: 1 x Bearde; 1 x Lord | no office | no connections |
| Henry | Boyce | senior | improver | 30a | LS 1 taxpayer Rental 6 tenants | homage juror (M 1651) | |
| John | Boyce | [no status] hempman junior | ?improver | 32a 10a 10a | LS 1 taxpayer Rental 6 tenants | [possibly some of the offices listed against John Boyce senior] | possibly witness & executor for several testators (cannot distinguish) |
| Thomas | Boyce | [no status] | improver | 50.5a | LS 1 taxpayer Rental 6 tenants | 1641: land £1 10s 31 entries 1642-56. TB 'of Eastrea', 'of Delph End', 'of Whittlesey', 'junior'. 'of Eastrea' constable (A 1643) churchwarden (A x1, 1642) | various connections 1626-1675; probably 1630s apply: 3x witness; brother of Richard (R's will: 8/3/1632) |
| Oswald | Bradford | [no status] | improver | 20a | LS 0 taxpayers Rental 1 tenant | homage juror (M x2, 1642-43; A x1, 1643) inquisition juror (M x5, 1643-45) sidesman (M x1, 1637) | Os Bradford will (18/4/1646); witnesses Wm Mason; Tm Andrews |
| Robert | Coveney | junior senior [no status] | improver | 50a 177.5a 20a | LS 1 taxpayer Rental 4 tenants | 1641: land £2 | son of Wm C (WVC will 7/3/1625); witness Jn Avelyne (25/2/1633); witness Rbt Bailey (11/2/1640); RC 'gentleman' will (31/12/1655) |
| Nicholas | Davys | [no status] | improver | 20a | LS 0 taxpayers Rental 1 tenant | inquisition juror (M x3, 1648-52) homage juror (M x13, 1642-53) | witness & appraiser Tm Wilkes (4/3/1650); ND 'yeoman' will (20/10/54) |
| John | de Lavall | steward; enc commissioner | improver | none | does not appear | steward of both manors | no connections |

Appendix 11: Whittlesey men named in HLMP: offices; family and probate connections

| | | | | | | | |
|---------|-----------|-------------|----------|-------|------------------------------------|---|---|
| William | Gardner | [no status] | improver | 10a | LS 0 taxpayers Rental 3 tenants | no office | not directly related to Isaac |
| George | Glaphorne | esquire | improver | 265a | LS 1 taxpayer Rental 2 tenants | 1641: land £5 no manorial or parish offices | no connections |
| William | Haddon | [no status] | improver | 10a | does not appear | no office | no connections |
| John | Hill | [no status] | improver | 20a | LS 0 taxpayers Rental 2 tenants | no office | no connections |
| Thomas | Ives | [no status] | improver | 20a | does not appear | homage juror (M x11, 1644-54) inquisition juror (M x5, 1646-56) homager at special court re cottages (M 1650) | will of Tl 'hosier' (21/05/1658); bequeathed 225 acres in total |
| Robert | Kelfull | [no status] | improver | 10a | LS 8 taxpayers Rental 6 tenants | h & inquis juror (A x1, 1646) | 3 men called Rbt Kelfull (sons of 2 fathers called John; 1 William) |
| William | Mason | vicar | improver | 15a | does not appear | vicar | wrote and witnessed many wills |
| William | Manastye | [no status] | improver | none | does not appear | 1641: land £1 | no connections |
| George | Randall | [no status] | improver | 42.5a | LS 0 taxpayers Rental 3 tenants | senior. homage juror (M x2, 1642) constable (M 1642) [blank]: homage juror (M x4, 1650-51) inquisition juror (M x6, 1646-56) | br-in-law & witness Tm Astlyne (Jan 1641) |
| John | Redhead | [no status] | improver | 10a | does not appear | no office | no connections |
| Robert | Rowell | [no status] | improver | none | does not appear | no office | no connections |
| Robert | Searle | [no status] | improver | 20a | LS 1 taxpayer Rental 6 tenants | ale-taster (A 1642) h & i juror (A x2, 1650-54) | ?son of Henry (will 31/05/1647); witness x15 (1647-1665) inc Thomas Ives, Roger Wiseman & Humfrey Speechley (improvers), & John Boyce & Adam Kelfull; RS 'woolcomber' will (18/02/1673) witnessed by Rbt Ives, son of Tm. |

Appendix 11: Whittlesey men named in HLMP: offices; family and probate connections

| | | | | | | | |
|----------|------------------------|---------------------------------|---|-------------------|------------------------------------|---|---|
| Humphrey | Speechley | [no status] | improver | 30.5a | LS 0 taxpayers Rental 7 tenants | constable (A 1642) driver of fields (A 1649) h & i juror (A x20, 1642-56) homager at special court re cottages (M 1650) churchwarden (A x1, 1639) | witness Wm Dowe (18/11/1652); HS 'yeoman' will (12/02/1663) |
| William | Speechley | tailor senior [no status] | improver | 10a 10a 10a | LS 0 taxpayers Rental 7 tenants | senior. homage juror (M x2, 1643-45) [blank]: homage juror (M x6, 1642-47) inquisition juror (M x2,1644-45) | ?son of Oswald (10/01/1628); witness brother Ralph (12/10/1632); WS 'husbandman' will (16/01/1648) |
| Francis | Underwood | gentleman | improver | 43a | does not appear | 1641: goods £3 | no connections |
| William | Wardner | [no status] | improver | none | LS 0 taxpayers Rental 1 tenant | no office | no connections |
| John | Wilkes | [no status] | improver | 10a | does not appear | 1641: land £1 homage juror (M x1, 1655) | witness John Searle (19/11/1638) |
| Roger | Wiseman | [no status] | improver | 158a 3r | LS 0 taxpayers Rental 1 tenant | 1641: land £2 | RW 'yeoman' will (07/03/1656) - wit by Robert Searle |
| Thomas | Batteram (?Bartram) | weaver | rioter (Randall) | none | LS 0 taxpayers Rental 3 tenants | no office | no connections |
| Henry | Boyce | carpenter | rioter (Randall) <i>unknown</i> | none | LS 1 taxpayer Rental 6 tenants | (cannot distinguish) ?homage juror (M 1651) | brother of John (d.1661); brother of Jeffrey & James of Eastrea; HB will (18/9/1665) |
| James | Boyce | carpenter (signed) | rioter (affidavit) <i>unknown</i> | 10a | LS 1 taxpayer Rental 6 tenants | (cannot distinguish) ale-taster (A 1642) homage juror (M x9, 1645-56) inquisition juror (M x7,1643-56) h & i juror (A x4, 1648-56) churchwarden (M x1, 1641) | related to other members of the Boyce family but NOT brother of Jeffrey and Henry or son of John senior. |

Appendix 11: Whittlesey men named in HLMP: offices; family and probate connections

| | | | | | | |
|------------------------------|--------------------------|--|------|--------------------------------------|-----------------------------|--|
| Jeffrey Boyce | junior (signed) | rioter (affidavit) 25 Dec 1614 | none | LS 1 taxpayer Rental 6 tenants | h & i juror (A x4, 1654-56) | wife Alice, daughter of John Oughtie of Eastrea (JO will 5/5/1648); brother of John (will 3/1/1661); brother of James of Eastrea & Henry (carpenter); son of John senior; own will (14/8/1666) |
| William Colls | of the High Causey | rioter (Randall) | 10a | LS 1 taxpayer Rental 6 tenants | no office | husband of sister of John & Edward Kelfull (wills of JK 1/3/1631; EK 8/6/1639) |
| Thomas Dawby | [no status] [married] | rioter (Lawe & Randall) | none | does not appear | no office | brother-in-law & executor Thomas Kelfull (3/5/1640) |
| Ralph Grewne (?Ground) | ?Ground | rioter (Randall) | none | LS 16 taxpayers Rental 12 tenants | no office | no connections |
| William Haynes | (marked) | rioter (affidavit) | none | LS 0 taxpayers Rental 1 tenant | no office | no connections |
| William Layton | (marked) | rioter (affidavit) | 10a | LS 0 taxpayers Rental 1 tenant | no office | WL 'labourer' will (proved 10/02/1658); cattle mentioned but no land. |
| Richard Marsh | (signed) | rioter (affidavit) 15 Jan 1617 | none | LS 0 taxpayers Rental 1 tenant | no office | son of Christopher; brother of William & John; mentioned in will of JM 'boatwright' (16/02/1674) |
| William Marsh | (signed) | rioter (affidavit) 12 Feb 1614 | none | LS 0 taxpayers Rental 1 tenant | no office | son of Christopher; brother of Richard & John; mentioned in will of JM 'boatwright' (16/02/1674) |
| Robert Newman | [no status] | rioter (Randall) | none | LS 1 taxpayer Rental 1 tenant | no office | no connections |
| Roger Rentford | servant | rioter (Randall) servant of Tm Wiseman | 20a | LS 0 taxpayers Rental 1 tenant | no office | witness Wm Coy (08/01/1639) |
| William Richer (Richards) | (marked) | rioter (affidavit) | 40a | LS 9 taxpayers Rental 6 tenants | no office | WR 'weaver' will (29/09/1650); bequeathed land in allotments |

Appendix 11: Whittlesey men named in HLMP: offices; family and probate connections

| | | | | | | |
|-------------------|---------------------------------|--|------|--|---|--|
| John Tassell | senior (marked) [married] | rioter (affidavit) | none | LS 3 taxpayers Rental 3 tenants | ?DEAD [inquisition juror (M x1, 1653)] [homage juror (M x2, 1654-55)] | not father of rioter Robert; witness Henry Ground (16/07/1638); JT [no status] of Eastrea will (08/05/1645) - witness John Boyce; had young son named Robert |
| Robert Tassell | (marked) | rioter (affidavit) <i>unknown</i> | none | LS 3 taxpayers Rental 3 tenants | no office | not son of John but related; ?witness x2 |
| John Wells | (signed) | rioter (affidavit) | 10a | does not appear | no office | no connections |
| William White | (marked) | rioter (affidavit) <i>5 March 1618</i> | none | LS 1 taxpayer Rental 1 tenant | no office | son of Nicholas |
| Peter Behague | [no status] | deponent | | Walloon | no office | no connections |
| Robert Freeman | husbandman | deponent | | LS 1 taxpayer Rental 2 tenants | no office | no connections |
| James La Roue | [no status] | deponent | | Walloon | no office | Walloon connections |
| Anthony Lawe | carpenter [married] | deponent | | LS 0 taxpayers Rental 1 tenant | no office | no connections |
| Francis Mossey | [no status] | deponent | | ?Walloon | no office | ?Walloon connections |
| John Newcombe | yeoman | deponent | | does not appear | no office | no connections |
| John Newton | yeoman | initial affidavit; deponent | | does not appear <i>?from Ramsey</i> | no office [?Ramsey] | no connections |
| Lewis Randall | carpenter [married] | deponent | | LS 0 taxpayers Rental 3 tenants | no office | no connections |
| Thomas Stuttyn | husbandman | deponent | | ?Walloon | no office | ?Walloon connections |
| John Marsh | yeoman | surety | | LS 0 taxpayers Rental 1 tenant | no office | related to Richard & William; witness Wm Maxey (23/05/1660) & John Bentley (c.1663); ?JM 'boatwright' will (16/02/1674) |

Appendix 11: Whittlesey men named in HLMP: offices; family and probate connections

Notes to Appendix 11

| Column | Text in column | Explanation of text & reference |
|--|--|---|
| Column 1: Name | name | name given (HLRO: HLMP: bundles dated 26 June 1643 & 31 July 1643) |
| Column 2: Status | status (signed) | status given (TNA: PRO: E125/24, p.314, ff. 1r-26r or HLRO: HLMP: bundles dated 26 June 1643 and 31 July 1643) signed recognisance dated 6 September 1643 (HLRO: HLMP: bundle dated 31 July 1643) |
| Column 3: Role in HLMP | anti-improver | signed/marked petition against enclosures to Lords, 31 July 1641 (HLRO: HLMP: bundle dated 26 June 1643) |
| | improver | signed/marked petition against rioters to Lords, 29 May 1643 (reference as above) |
| | rioter (affidavit) | identified as rioter in John Newton's affidavit, 24 May 1643 (reference as above) |
| | rioter (Randall) or (Lawe) | identified as rioter by Lewis Randall and/or Anthony Lawe, 17 June 1643 (reference as above) |
| | surety | stood surety to imprisoned rioters in recognisance, 6 September 1643 (HLRO: HLMP: bundle dated 31 July 1643) |
| | baptism | date of baptism recorded in bishops' transcripts (CUL: EDR 3/84, 3/85) |
| | 10a; 20a; etc | total area allotted to that person (in acres) |
| Column 4: Total allotted | | |
| Column 5: Surname in 1523 Lay Subsidy and/or 1603 Rental | LS 1 taxpayer | surname occurs in 1523 Lay Subsidy (TNA: PRO: E179/81/36) |
| | Rental 1 tenant | surname occurs in 1603 rental (CUL: Add MS 3826) |
| Column 6: 1641 Lay Subsidy; manor court or parish office | 1641: land £x / goods £x | assessed in 1641 Lay Subsidy (TNA: PRO: E179/83/406) |
| | homage/inquisition juror | acted as particular type of juror (CRO: 126/M1,/M2) |
| | churchwarden (A x1, 164X-Y) (M x1, 164X-Y) | churchwarden for the year from Lady Day (CUL: EDR 3/84, 3/85) number of appointments in St Andrew's (manor or parish), year(s) of office/appointment (CRO: 126/M1; CUL: EDR 3/84) number of appointments in St Mary's (manor or parish), year(s) of office/appointment (CRO: 126/M2; CUL: EDR 3/85) |
| Column 7: Probate connections/will | [text] | legatee or acted as witness, supervisor or appraiser (date of relevant will or inventory) (CRO or TNA: PRO: PROB11) |
| | no connections | (possible) will of person not mentioned in any available wills or inventories |

Appendix 12: Duffield Chronology

| Date | Event / occurrence | Source reference |
|--------------|---|--|
| 1581 | Detailed survey of Duffield Frith. Jurors described common rights claimed. | DL44/305, f. 13 (modern foliation). |
| 1587 | Petition to queen from more than 500 copyholders, freeholders and ancient cottagers and householders 'inhabitantes and borderers of Duffylde frythe' against the duchy's proposal to lease the underwoods. Rights claimed in the Frith described. | DL44/305, f. 5 (2 September 1587). |
| 1588 | Anthony Bradshaw wrote 'A Friends Due Comendacion of Duffeld Frith'. (Stanzas mentioning King James added later.) | Manuscript version in DRO: D2402 A/PZ 2/1, described as 'George Bradshaw's book on customs and liberties [of Duffield]' (1792) |
| June 1588 | Edward Stanhope, duchy surveyor, summoned representatives of the 'better sorte' of the tenants to discuss accommodating the duchy's and tenants' interests | DL44/305, f. 3 (27 June 1588), summons by Stanhope |
| June 1588 | Meeting between Stanhope and 7 men representing Duffield tenants: latter requested more time to consider and for customary fines etc to be fixed. | DL44/305, f. 1 (10 October 1588), report of meetings with tenants' representatives. |
| 20 July 1588 | Stanhope met with 6 tenants, this time including Bradshaw. Entry fines and other customs were not fixed. | DL44/305, f. 1 (10 October 1588), report of meetings with tenants' representatives. |
| 1592 | Duchy attempted to delineate boundaries of 'woodgrounds' within the Frith but local jury refused to co-operate. | DL44/484. |
| 1603 | Project to sell freehold to copyholders on crown estates first put forward. | Hoyle, "Shearing the hog", pp. 233-41. |
| May 1608 | Salisbury launched an initiative to increase fines on both copyholds for lives and copyholds of inheritance. On manors where tenants claimed entry fines were certain but could not prove it, onus was on crown's officers to prove otherwise, fines being respited in the interim. Duffield was targeted. Tenants claimed, but could not prove fines were certain so fines due there respited from 1608/9 onwards. | SP14/32, no. 76. DL44/1147 includes 'A Particular of such Fynes uppon Surrenders within the Mannours [at Duffield] as are due to his Maiestie [James] since the Sixte yeaere of his Raigne of England &c'. |
| 1608 | Commission to Sir John Bentley and others to survey and value woods in various part of the Frith. | Survey was recalled by later deponents e.g. DL4/79/14, deposition of Francis Bruckshawe (24 September 1629). |
| 1609 | Commission to Rock Church and others to sell king's woods in the Frith. Timber purchased by earl of Shrewsbury, High Steward of the Frith at reduced price. | DL1/319, answer of Robert Treswell & Thomas Jaye to the bill of William, earl of Newcastle (25 June 1629). |
| May 1609 | Church sent to investigate Shrewsbury's deal. Although Shrewsbury had purchased one felling of timber, he and his heirs continued to fell trees until 1629, using the timber for fuel and material in his various iron forges and works. | Cecil papers, vol. 132, no. 60, Rock Church to earl of Salisbury (17 May 1609); DL1/319, bill of earl of Newcastle against Robert Treswell and Thomas Jaye (23 June 1629); DL4/79/14, examination of Andrew Clayton (24 September 1629). |
| 1611 | Decision was taken to enfranchise copyhold tenants on the duchy of Lancaster's northern estates | Hoyle, "Shearing the hog", p. 241. |

Appendix 12: Duffield Chronology

| | | |
|---------------|---|--|
| 12 March 1611 | Thomas Fanshawe, duchy's Auditor, instructed to carry out general survey of duchy's copyholds thereby establishing the details of the tenants' customs. (Itinerary can be reconstructed from account of expenses.) | DL28/33/14A (unpaginated). |
| 3 June 1611 | Fanshawe was at Duffield for 'empanelling of Juries of Survey for the Mannors in Duffield frith' | DL28/33/14A (unpaginated). |
| 18 July 1611 | He and the other commissioners 'mett for the assessing of the Fines of the Tenautes of Duffield frith'. Jurors raised 21 points for clarification. | DL28/33/14A (unpaginated); DRO: D5195/1/1/1, catalogued as 'Duffield Frith Customs and Laws 1611', signed by Fanshawe. |
| 21 Aug 1611 | Fanshaw was 'at Duffield to meet with the Tenautes there'. (Only place he visited 3 times in entire itinerary.) Fanshaw answered their queries. | DL28/33/14A (unpaginated); DRO: D5195/1/1/1. |
| 30 Nov 1611 | Group of Duffield tenants at Duchy House in London; requested 'Composition for purchase of their Coppyholde estates in fee Farme together with such rite of Common as they now inioye'. Rejected duchy's purchase price of 50 years' rent. | DRO: D5195/1/1/1, Fanshawe's footnote to the document, dated 30 November 1611. |
| 1620 | Suit brought in duchy court between duchy and earl of Newcastle and commoners in Hulland wsrđ regarding copyholders' use of common and confirmation of entry fines. (Details unknown – papers missing from duchy's archive but referred to in 1665.) | DL1/410 (unnumbered), Sir Thomas Ingram, chancellor of the duchy <i>versus</i> William, earl of Newcastle <i>et al</i> (8 May 1665). |
| 1626 | Crown in debt to Corporation of City of London for over £150,000. Negotiations commenced to satisfy debt by advancing land to trustees for corporation. | Hoyle, 'Introduction', <i>Estates</i> , pp. 26-27; Ashton, <i>Crown and Money Market</i> , Chapter 6. |
| Dec 1627 | Corporation to receive manors, worth about £350,000 (calculated on 28-years' rent), in return for further advance of £120,000. Manors became known as the Royal Contract Estates. Held by 'free and common socage', upon payment of a fixed rent to crown. (Crown to receive rent from corporation or subsequent purchasers.) | Ashton, <i>Crown and Money Market</i> , p. 135. |
| Sept 1628 | Duffield was one of the RCE that passed to corporation's trustees in Sept 1628. | BL Add MS 6691, ff. 100-106, transcript of exemplification of letters patent by which 'Manors of Duffield, Beaureper, Holebrooke, Southwood, Highedge, Edrichey, Holland and Bigginge &c.' were granted to Corporation of London's trustees. |
| 1629 | During negotiations to purchase manors, Sir Edward Leech offered to sell copyhold tenants their freeholds in return for their support. | DL4/98/29, interrogatory number 5 on behalf of the plaintiffs. |
| 1630 | Sir Edward Leech, a Master in Chancery, purchased manors from corporation for £3902 3s 4d; annual value of manors to crown given as £138. | CLRO: Deeds RCE 45/9. |
| April 1630 | Crown sold timber in Frith sold to Thomas Jaye, regardless of tenants' claims to common of estovers. | DL5/30, ff. 300v-301r (4 May 1630). |
| 1631 | Duchy officials attempted to assess and collect respited fines in general. Problems arose because some manors had been sold in interim. | DL5/31, f. 78r (29 June 1631). |

Appendix 12: Duffield Chronology

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| 1632 | Suit brought by duchy's Attorney-General against William, earl of Newcastle, and others charging them with illegal intrusion in the Frith. Defendants claimed their landholding in the area entitled them to common of pasture. | Original document missing, only final decree survives. (DL5/31, f. 446r, decree by duchy court (21 November 1633).) |
| 12 July 1632 | Commission to 'treat, agree and conclude with the Commoners that Clayme right of Commoninge in our forest of Duffield' so that an area might be allocated for enclosure on behalf of the king. Each ward to be divided into three, one third for crown, other two-thirds for commoners. | DL44/1117. |
| 8 Aug 1632 | 34 leading tenants signed draft enclosure agreements for the 3 wards. | DL44/1117. |
| March 1633 | Thomas Challoner, steward, called meeting for copyholders to treat for composition for arrears due from them. Only about 20 some 200 tenants attended. They refused to co-operate. Spokesman, John Stanley was 'audatiously refractorius'. Duchy was trying to collect increased fines | DL41/876, report of Thomas Challoner (25 March 1633); DL4/155/43, examination of John Stanley (16 May 1633). |
| 27 Mar 1633 | Commission issued to define boundaries of enclosure in each ward. Wards to be divided into three equal parts, taking account of quality of soil. | DL44/1127, document 1 (27 March 1633). |
| summer 1633 | Commissioners and leading tenants met with surveyor, William Jordan, to agree the divisions. | DL44/1127, document 2 (20 September 1633). |
| summer 1633 | Jordan then surveyed the Frith, marking divisions with holes. Holes filled in by locals so had to set up stakes. | DL44/1127, document 4 (18 September 1633). |
| 18 & 19 Sept 1633 | Men setting out enclosures threatened and verbally abused by Richard Taylor and other commoners, including 4 women, from Hulland ward. The women removed the stakes marking the enclosures. | DL44/1127, document 4 (20 September 1633). |
| 20 Sept 1633 | John Lane senior reported these activities to duchy officials. | DL44/1127, document 4 (20 September 1633). |
| 21 Nov 1633 | Enclosure of Duffield Frith ratified by duchy court. Based on Jordan's map, divisions of three wards described in detail. Fencing to be erected by two-thirds by commoners and one-third by crown by Lady Day 1634. | DL5/31, ff. 446r-47v. |
| 29 Nov 1633 | Richard Taylor and William and Thomas Webster appeared at Westminster to answer for their actions. | DL4/85/64, 'Taylor et al Examined uppon a Contempt in Duffield Frith' (29 November 1633). |
| 10 May 1634 | Several inhabitants reported to duchy council for not contributing to fencing costs. | DL5/31, f. 567v. |
| 23 July 1634 | Commission to compound with tenants for arrears of entry fines. | DL44/1142, document 1. |
| 31 Aug 1634 | Charles I granted crown's third of each ward in fee-farm to Edward Syddenham. | DL12/31/86 (31 August 1634). |
| 1634/35 | Commissioners returned 3 copies of a rental of 261 copyhold tenancies (and 39 freehold) in manor of 'Duffield Frith cum membris' (included Duffield, Makeney, Tumditch, Windley but NOT Belper). Original value of manor about £134; actual value about £757. 17 of the better sort prepared to pay 1 years' rent as fine. No agreement reached. | DL44/1142. |

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| 23 June 1635 | Second commission to collect arrears: now to be paid at 'haife a yeares full valewe for the said Fynes'. | DL44/1147 (23 June 1635). |
| 1635 | Commissioners listed all properties for which fines had been respited between 1608 and 1627 (some 571, totalling about £1790). A few fines were paid, some paid at reduced rate, most remained unpaid. (Fines only listed until 1627 because manors sold that year.) | DL44/1147 (undated return by commissioners). |
| 28 Nov 1635 | Edward Syddenham tried to recover fencing costs from commoners in Hulland ward. | DL5/32, f. 133r (28 November 1635). |
| 3 July 1639 | 47 named commoners ordered to pay previously unpaid legal costs of enclosure. (Dispute had dragged on for 6 years.) | DL5/33, f. 227v (3 July 1639). |
| 1640 | Possible that Duffield commoners sought help of Sir John Coke the younger MP in their resistance to the enclosures. (Many had voted in the election.) | E134/1659/Easter 27, interrogatory 6 for the plaintiffs. |
| Feb 1642 | Rioting broke out in Hulland and Chevin wards. Some fencing around Syddenham's land destroyed; cattle driven into enclosures. | HLMP, 20 March 1647, depositions of Humphrey Cowper & Robert Alsopp (Chevin ward); Thomas Redgate (Hulland ward); Ralph Aulte (Hulland ward). |
| Mar 1642 | Rioting in Belper ward. Syddenham's lands attacked; cattle driven in to enclosures. | HLMP, 20 March 1647, depositions of Robert Ballidon & John Edge (Belper ward). |
| 7 Mar 1642 | Syddenham petitioned Lords for order for quieting his possession. Lords granted Syddenham a copy of the general order dated 13 July 1641 and a specific order relating to Duffield. | <i>Lords' Journal</i> , 4, p. 629 (7 March 1642), 'Mr Syddenham concerning Lands in Derbyshire'; HLMP, bundles dated 4 February and 20 March 1647, 'petition of Sir Edward Sidenham'. |
| 15 Mar 1642 | At Derby, Assize Judge read both orders in open court in the hearing of those named as leading rioters, thus binding them to refrain from further attacks on the enclosures. | HLMP, bundles dated 4 February and 20 March 1647, 'petition of Sir Edward Sidenham'. |
| 18 May 1642 | Syddenham presented an information in duchy court against the rioters which outlined events before and after the enclosures. 94 rioters identified initially, 123 names added subsequently. Leading rioters summoned to London. | DL1/370. |
| 20 May 1642 | Both sides attended discussions in duchy chamber. | DL5/34, f. 141v. |
| 20 May 1642 | Duchy court issued injunction against named rioters to comply with Lords' order for quieting Syddenham's possession. | DL5/34, ff. 141v-42r (20 May 1642). |
| 26 May 1642 | 5 defendants presented answers to Syddenham's information. Stated objections to enclosures. | DL1/370 (unnumbered piece), answer of Robert Mellor <i>et al.</i> |
| 1 July 1642 | Several commoners reported for contempt of court's injunction of 20 May. | DL5/34, ff. 191v (1 July 1642). |
| 4 July 1642 | Commission issued to examine more of the offenders at Derby. | DL5/34, ff. 195v (4 July 1642). |
| Nov 1642 | Answers presented to duchy court. | DL1/372 (unnumbered piece), answers of John Stanley <i>et al.</i> |

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| 1642-1645 | Further rioting in Chevin ward in summer of 1642, in Hulland in February and summer of 1643 and in Belper in May 1645. Fences pulled up and wood cut down; removed to prevent re-erection. Cattle turned into cornfields and meadows. Syddenham's property 'utterly waste'. Estimated £1,000-worth of damage caused in each ward. | HLMP, bundle dated 20 March 1647, various affidavits. |
| summer 1642 | William Johnson said 'he cared not for the Lords orders hee would throw downe the fences'. | HLMP, bundle dated 20 March 1647, depositions of Humphrey Cowper & Robert Alsopp (Chevin ward). |
| Feb 1643 | Rioters in Hulland ward armed 'with guns Bills and other weapons' when they destroyed the enclosures. Ralph Aulte's property attacked by arsonists. | HLMP, bundle dated 20 March 1647, affidavit of Ralph Aulte (Hulland ward); E134/1659/East27, deposition of Ralph Aulte of Hulland ward, yeoman. |
| 4 Feb 1647 | Sydddenham petitioned Lords to summon the 12 'cheife Leaders & Incendianies' to answer for their contempt of the orders issued in 1642. | HLMP, bundle dated 4 February 1647, document 1. |
| 4 Feb 1647 | Lords ordered him to obtain affidavits to confirm his accusations. | <i>Lords' Journal</i> , 8, p. 706 (4 February 1647), Sir Edward Syddenham's petition. |
| 20 Mar 1647 | Sydddenham presented a second petition together with four affidavits. | HLMP, 20 March 1647, document 1. |
| 20 Mar 1647 | House summoned named men to answer for their disobedience. | <i>Lords' Journal</i> , 9, p. 90 (20 March 1647). |
| 12 May 1647 | Having heard Syddenham's case, Lords bailed Duffield men to reappear three weeks later. | <i>Lords' Journal</i> , 9, p. 187 (12 May 1647), Sir Edward Syddenham's cause. |
| 2 June 1647 | Sydddenham's suit foundered: defendants' counsel noted he had not compounded for his delinquency. Case postponed to 15 June. Rioters freed on bail to appear then. | <i>Lords' Journal</i> , 9, p. 230 (2 June 1647). |
| 3 June 1647 | Petition by king's messenger to keep Duffield rioters in custody until his costs paid rejected by Lords. (No more about Duffield riots in Lords' papers.) | HLMP, 3 June 1647, petition of Michael Baker, king's messenger. |
| July 1650 | Parliamentary survey of Duffield Frith. According to the commissioners, the destruction of the fences had been fully justified 'considering the great wrong done to the Commoners'. | E317/Derb/18, 'A Survey of the Royaltie of the late disforrested Forrest or Chase called Duffield Frith'. (DL32/4 is an exact copy.) |
| 15 Feb 1651 | Lieutenant General Charles Fleetwood and Colonel Edward Cooke purchased the 'king's thirds' from Syddenham. | DL41/608/35, report by Bartholomew Hall, Attorney-General to the duchy of Lancaster, May 1651. |
| 9 May 1651 | Duchy court awarded an injunction for quieting Fleetwood and Cooke's possession of their third of each ward. | DL5/35, f. 58r (9 May 1651). |
| 13 June 1651 | Robert Mellor, on behalf of commoners, claimed they had been in possession for previous 9 or 10 years and so injunction would alter, not quiet, possession. Court withdrew injunction; ordered commissioners to investigate the matter. | DL5/35, f. 73r (13 June 1651). |
| June 1651 – June 1652 | Witnesses and defendants examined in London and Derbyshire. | DL5/35, ff. 73r-v (13 June 1651); ff. 86v-87r (23 June 1651); f. 95r (3 July 1651); f. 106r (24 November 1651); f. 119r (28 November 1651); f. 126r (2 December 1651); f. 189v (30 June 1652). |

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| after June 1652 | Commission, headed by Major General Whalley, met at Ashbourne in an attempt to settle the matter between the two parties. | Commission referred to in E134/1659/East27; DL1/410, (unnumbered), information of duke of Newcastle and <i>et al</i> (8 May 1665). |
| 1652 | George Pole, Gervase Rayner and Thomas Newton, acting as spokesmen for over 200 commoners then present, agreed king's thirds be re-enclosed. | E134/1659/East27, depositions of Arthur Lowe, Francis Hudson and Thomas Thacker. |
| mid-1650s | Duchy court (temporarily) dissolved by Commonwealth regime. Commoners therefore argued they were no longer bound by court's decree confirming agreement brokered by Whalley and that they were free to pursue their former rights and claims. | DL1/410, (unnumbered), information of duke of Newcastle <i>et al</i> (8 May 1665). |
| before June 1657 | Fleetwood and Cooke commenced two suits against the commoners: in duchy court in 1657, following its reopening, and in Exchequer. | DL5/35, f. 336v (17 June 1657). |
| 17 June 1657 | Duchy court ordered Fleetwood & Cooke to withdraw one of their suits. Suit in duchy court subsequently withdrawn. | DL5/35, f. 336v (17 June 1657). |
| 12 Feb 1659 | Commission issued by Exchequer to establish legality of Fleetwood and Cooke's possession of the thirds. Boundaries of their property needed to be ascertained as no hedges or fences remained standing. | E134/1659/East27. |
| Feb 1659 | Seventy-seven named inhabitants accused of 'confederating together' to defraud plaintiffs of their thirds, cutting down wood, depasturing all manner of animals and defacing boundaries. | DL1/410, (unnumbered), information of duke of Newcastle <i>et al</i> (8 May 1665). |
| after Feb 1659 | Defendants demonstrated that they were all legal commoners and therefore entitled to common in the whole of the Frith; claimed that those who had consented to the enclosures had only done so under duress. | E134/1659/East27, interrogatories for the defendants. |
| 18 Nov 1659 | Exchequer decree ordered that Fleetwood and Cooke be permitted quiet possession of the enclosures in the Frith. | E126/7, ff. 128v-29v, Exchequer Decree and Order Book (18 November 1659). |
| Nov 1659 | Commoners given leave to appeal, which they did. | DL1/410, (unnumbered), information of duke of Newcastle <i>et al</i> (8 May 1665). |
| July 1660 | Appeal dismissed. | DL1/410, (unnumbered), information of duke of Newcastle <i>et al</i> (8 May 1665). |
| ?1660 | Fleetwood and Cooke sold their interest in the Frith to William Smith esquire (later Sir William) and Sir Thomas Hooke. (date uncertain) | BL Add. MSS. 6691, ff. 49r-68r, transcript of a later sale. |
| 21 Nov 1662 | Smith and Hooke sought injunction from duchy court against the commoners. Some had thrown down Smith and Hooke's fences and had entered the enclosures. | DL5/36, ff. 198r-98v (21 November 1662). |
| 10 Feb 1663 | Commoners appealed against injunction. | DL5/36, f. 230v (10 February 1663). |
| 4 June 1663 | Court decreed that enclosure agreements made in 1632 were binding on the signatories and all who claimed under them. Smith and Hooke should enjoy 'full, quiet and peaceable possession' of the enclosures. Injunction issued. | DL5/36, ff. 256v-57v (4 June 1663). |

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| before April 1664 | Injunction breached by several commoners, who claimed they were entitled to common anywhere in Frith, because were not bound by original enclosure agreements. Openly contemptuous of court. (political speech) | DL4/108/36, interrogatories & depositions (latter dated 30 April 1664). |
| April 1664 | Robert Mellor, George Pole, German Pole and Gervase Rayner held meetings with commoners of each ward to persuade them to authorise them to reach a settlement. Soon after, began negotiations with Smith and Hooke to compose their differences. | DL4/110/1666/11, interrogatories & depositions returned into duchy court on 24 November 1666. |
| 11 May 1664 | 'Fynall end and conclusion' signed. Smith and Hooke to hold four-fifths of each third; Mellor <i>et al</i> , as trustees for legal commoners, to hold other fifth. Shortly after, thirds surveyed and re-enclosed (less one-fifth). Other two-thirds left open. | BL Add MS 6691, ff. 49r-68r. |
| 1665-1672 | Disagreement amongst commoners: some objected to agreement with Smith & Hooke, others supported it. Actions brought in duchy court by duke of Newcastle <i>et al</i> versus Sir John Curzon <i>et al</i> . | DL5/37, ff. 153r, 158r, 162v, 168v, 257v, 259v, 361v; DL5/38, ff. 67r, 224v, 238r, 460v. |
| 25 June 1666 | Agreement enrolled in Chancery. | BL Add MS 6691, ff. 87r-98r. |
| 6 Mar 1671 | Agreement confirmed by Act of Parliament (22 & 23 Car. II, c.18). | BL Add MS 6691, ff. 87r-98r. |
| 13 June 1672 | Newcastle and Curzon and their supporters mutually agreed to end proceedings. | DL5/38, f. 460v (13 June 1672). |
| 1674 | Fifths in each ward sold to Sir John Curzon, with proviso that land lay open and in common, except for plots already leased to local men. | BL Add MS 6691, ff. 64r-65r. |
| 1742 | Parallel suits in duchy court and Exchequer between Peter Davenport esquire and Reginald Lygon esquire regarding whether tithes were payable by tenants of lands in the Frith. Deponents described the Frith in the 1660s and the characters of Smith and Hooke. | BL Add MS 6691, ff. 30r-40r; DL4/144/1742/1; E134/18Geo2/Mich1. |
| 1771-3 | Hulland ward enclosed by act of Parliament | DRO: Q/AR 1/44 (act); M72 (award and plan on microfilm) |
| 1786-91 | Belper and Chevin wards and parts of Duffield parish enclosed by act of Parliament | DRO: D3772/T11/2/1 (act); D1564/1a, 1b (award and plan). |

Appendix 13: Whittlesey Chronology

| Date | Event / occurrence | Source reference |
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| Domesday to Dissolution | Manor and parish of Whittlesey St Mary held by Abbot of Thorney; manor and parish of Whittlesey St Andrew held by Prior of Ely. | VCH Cambs, 4, p. 127 |
| Dissolution to about 1598 | Both manors leased to different men. | VCH Cambs, 4, p. 127 |
| 1596/97 | Petition to Privy Council from inhabitants complaining of disastrous effects of floods during previous 3 winters on 400 or more households. | BL: Add MS 33466, f. 282, petition to Privy Council by inhabitants of Whittlesey (datable to winter of 1596/7). |
| 1598 | By 1598 both manors held in trust by Thomas Cecil, earl of Exeter, for his daughter Lady Elizabeth Hatton. They formed part of her dowry when, on 6 November 1598, she married Sir Edward Coke of Godwick. | VCH Cambs, 4, p. 127; ODNB entries for Edward Coke, Thomas Cecil and Elizabeth Hatton. |
| 17 January 1600 | Deponents in suit concerning right to mow parcels of common grass provide details of common rights claimed in the manors & definitions of legal commoners | E134/42Eliz/Hil2 (17 January 1600) |
| 1603 | In 1603 the manors were formally entrusted to Cecil. A detailed joint terrier, rental and survey of both manors was then made, including a survey of over 4,000 strips in the common fields. There were 329 commonable cottages/messuages in the manors. | CUL: Manuscripts Room, Add MS 3826. |
| May 1626 | Agreement of 22 articles between Lady Hatton's trustees & 136 named tenants, acting on behalf of the rest of the inhabitants: (small) area of common fen exchanged for fixed entry fines and other benefits. | C78/294/3 (12 May 1626) |
| Jan 1631 | 'Lynn Law' passed by commissioners of sewers. Francis Russell, earl of Bedford, to drain fens. 95,000 acres of drained fen to be allotted to adventurers, including 12,000 acres in Whittlesey and Thorney to Charles I. | Text in Wells, <i>History of Great Level</i> , 2i, Appendix XII |
| 10 July 1631 | Bedford and Richard Weston, earl of Portland, purchased manors from the Cokes. | Indenture dated 8 May 1633 records sale 2 years earlier. (copy held by trustees of the Whittlesey charities.) |
| 1630s | Vermuyden, working for the adventurers, carried out 2 major works in the Whittlesey area: to the north, Morton's Leam, running from Peterborough to Guyhim through Whittlesey Fen and Bassinmore, was improved and remade; to the south, Bevill's Leam, running from Whittlesey Mere to Guyhim through Glassmore and Eastrea Fen, was cut. | Darby, <i>Changing Fenland</i> , p. 5. |
| 1632 | Earls and leading tenants discussed plans to enclose fens when drained. | Summarised in C2/CHASI/W104/53, doc. 1 (17 February 1633). |
| Oct 1632 | Articles of agreement drawn up between earls and leading tenants, including allocation of 10-acre plot in drained fen to each commonable cottage and 20 acres per fulland. | Summarised in C2/CHASI/W104/53, doc. 1 (17 February 1633). |

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| Feb 1633 | Articles due to be ratified in Chancery. Complaints from some tenants: many were not party to agreement | C2/CHASI/W104/53, doc. 3 (20 February 1633). |
| 16 Mar 1633 | Articles revised with consent of earls & 114 named tenants ratified in Chancery | C2/CHASI/W104/53, doc. 4 (7 March 1633); C78/355/1 (16 March 1633). |
| 1633? | Commissioners began setting out allocations and tenants used them. | Implied in C3/418/177, doc. 3 (27 November 1635). |
| May 1633 | Earls divided the property and lands in the Whittlesey manors between them. | Indenture dated 8 May 1633. (copy held by trustees of the Whittlesey charities.) |
| 27 Nov 1635 | Chancery suit by 126 named tenants - enclosure agreement had been brought about without knowledge of majority. | C3/418/177, doc. 3 (27 November 1635). |
| Feb 1637 | Commission to examine original signatories to agreements. | C3/418/177, doc. 2 (16 February 1637). |
| Easter term 1637 | Replies of 75 of the signatories (in 2 doc.s) returned to Chancery. | C3/418/177, docs 1 & 4 (undated). |
| 12 Oct 1637 | St Ives Law of Sewers: 'late surrounded grounds' pronounced drained according to the 'purport and intent' of the Lynn Law. 95,000 acres had already been allotted to adventurers; 5,716 acres within Whittlesey given to king BUT some this had already been allotted to various tenants by the decree of 1633. | Text of St Ives Law in Wells, <i>History of Great Level</i> , 2, Appendix XVI. |
| 11 Sept 1637 (date is correct) | (Allocations made before St Ives Law published.) Over 200 named tenants asked 12 leading inhabitants to treat again with the earls concerning the division of the drained fens amongst the commoners and the earls. | Summarised in E125/24, p. 314, f. 2v. |
| 3 Oct 1638 | Tripartite articles of agreement between the earl of Portland, the earl of Bedford and the twelve representatives on behalf of the tenants and commoners. Subsequently 216 named tenants exhibited an 'English bill' to ratify agreement. | E125/24, p. 314, ff. 3v-8r. |
| 28 Nov 1638 | Commission issued to apportion former common fens between earls and tenants. | E125/24, p. 314, ff. 11v-14r, commission & articles 'to be enquired of and executed'. |
| 6 Jan 1639 | Commissioners' report returned to Exchequer. | E125/24, p. 314, ff. 14v-25v. |
| 6 Feb 1639 | Articles of agreement and division of fens of Whittlesey ratified. 10-acre plots allocated to 381 commonable cottages/messuages. | E125/24, p. 314, f. 26r. |
| before Apr 1641 | Earls complained to House of Lords that 'some tumultuous, & troublesome people' had attempted or threatened to break down the enclosures and to put their cattle into the former common fens. | <i>Lords' Journal</i> , 4, p. 4 (22 April 1641); HLMP, bundle dated 26 June 1643, doc. endorsed '22 April 1641, order pro E[arls] B et P'. |
| 22 Apr 1641 | Lords issued order for 'peaceable and quiet possession' by earls. | HLMP, bundle dated 26 June 1643, doc. endorsed '22 April 1641, order pro E B et P'. |
| May / June 1641 | Spasmodic rioting. | HLMP, bundle dated 26 June 1643, doc. endorsed 'Order 9 ^{no} Junij 1641'. |

Appendix 13: Whittlesey Chronology

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| 9 June 1641 | Earls again petitioned Lords: earlier order had been 'disobeyed in a tumultuous and a riotous manner'. | <i>Lords' Journal</i> , 4, p. 269 (9 June 1641); HLMP, bundle dated 26 June 1643, doc. endorsed 'Order 9 ^{no} Junij 1641'. |
| 9 June 1641 | Lords ordered sheriff, under-sheriff & JPs to calm the situation and prevent further disturbances. | HLMP, bundle dated 26 June 1643, doc. endorsed 'Order 9 ^{no} Junij 1641'. |
| mid-July 1641 | Ramsey inhabitants put cattle in enclosures, alleging grounds lay in Ramsey. Cattle impounded; lawsuits followed. | <i>Lords' Journal</i> , 4, p. 312 (13 July 1641). |
| 13 July 1641 | Lords issued further order for quieting earls' possession. | <i>Lords' Journal</i> , 4, p. 312, (13 July 1641). |
| 13 July 1641 | General order for quieting landowners' possession of enclosures. | <i>Lords' Journal</i> , 4, p. 312 (13 July 1641). (Next entry after specific Whittlesey order.) |
| 31 July 1641 | Petition to Lords by eleven 'poore Inhabitants of the Towne of Wittlesea': had submitted to April order but since then several tenants had enclosed over 1,000 acres of former common land. | HLMP, bundle dated 26 June 1643: petition of some Whittlesey inhabitants (31 July 1641). |
| 31 July / 2 Aug 1641 | Lords ordered alleged enclosers to prepare answers to accusations but also inhabitants not to disturb possession | <i>Lords' Journal</i> , 4, p. 312 (31 July 1641); HLMP, bundle dated 26 June 1643, Lords' order (2 August 1641). |
| Aug 1641 | John Colls, Isaac Gardner & John Boyce senior falsely reported Lords' order in Whittlesey, encouraging 'diverse idle and illaffected persons' to disturb the possession of the earls and their tenants in the divided fens. | HLMP, bundle dated 26 November 1641, petition of the earls of Bedford and Portland (26 November 1641). |
| 26 Nov 1641 | Lords summoned the three to appear in February 1642. | <i>Lords' Journal</i> , 4, p. 453 (26 November 1641). |
| 24 May 1642 | Due to 'weighty Affaires' of the kingdom, hearing postponed from February postponed to 6 October; order for quieting earls' possession reissued. | HLMP, bundle dated 26 June 1643, Lords' order (24 May 1642). |
| before May 1643 | Whittlesey enclosures improved: houses built, woods planted, 2000 acres sown with cole, rape, flax, barley, oats and other grain worth £10,000. | HLMP, bundle dated 26 June 1643, petition of the earls (29 May 1643). |
| 15/16 May 1643 | Large-scale rioting in parts of Whittlesey fens. (100–160 rioters.) Summoned by tolling bell, armed with agricultural implements, they dug up crops and broke dikes. Also drove cattle into growing crops, destroyed new houses in enclosures and threatened Walloon settlers. Destroyed over £1,000-worth of crops and £4,000-worth of tilth (fallow i.e. drained but uncultivated land). | HLMP, bundle dated 26 June 1643, petition of the earls (29 May 1643); various depositions (June 1643). |
| 15 May 1643 | George Glapthorne attempted to disperse rioters but they refused. Accused by Jeffrey Boyce of being 'all for parliament'. | HMLP, bundle dated 26 June 1643, deposition of Robert Freeman, servant of George Glapthorne (17 June 1643). |
| 16 May 1643 | Glapthorne rode to Wisbech to summon assistance from parliamentary army. | HMLP, bundle dated 26 June 1643, deposition of Robert Freeman, servant of George Glapthorne (17 June 1643). |
| 17 May 1643 | Francis Underwood failed to disperse 400–500 assembled rioters. Prevented from entering fens by 80–100 troops from Wisbech under Colonel Sir John Palgrave. | HMLP, bundle dated 26 June 1643, various depositions (June 1643). |

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| May – July 1643 | Soldiers remained billeted in Whittlesey. | HLMP, bundle dated 26 June 1643, deposition of Lewis Randall. |
| 20 May 1643 | Royalist sympathisers in Ely had recently seized ordnance in the city; quelled by troops from Cambridge. | <i>Certain Informations from severall parts of the Kingdome, for the better satisfaction of all such who desire to be truly Informed of every weekes Passage</i> , no. 18 (15-22 May 1643), p. 143 |
| 29 May 1643 | Petition to Lords by earls and 29 leading Whittlesey inhabitants to summon before them 13 named men, 'the Cheife Ringleaders and stirrers upp of the said Riotts and disorders'. | HMLP, bundle dated 26 June 1643, petition of the earls of Bedford and Portland and tenants (29 May 1643). |
| 29 May 1643 | Lords responded by summoning the 13 rioters before them. | HMLP, bundle dated 26 June 1643, petition of the earls of Bedford and Portland and tenants (29 May 1643). |
| 6 June 1643 | 11 of the 13 arrived in London and sent to the Fleet. Hearing set for 10 June. (Missing 2 were not mentioned in later doc.s.) | <i>Lords' Journal</i> , 6, p. 83 (6 June 1643). |
| 10 June 1643 | Ringleaders brought to bar of House; pleaded not guilty. Interrogatories to be posed to witnesses; hearing set for 26 June | <i>Lords' Journal</i> , 6, p. 88 (10 June 1643). |
| 26 June 1643 | Depositions read. Men found guilty of committing an 'outrageous Ryott' and of 'contemptuous disobeyinge of the orders of this House'. Bound over but to remain in Fleet until sureties produced. Earls to continue in their possession; permitted to seek damages. | <i>Lords' Journal</i> , 6, p. 107 (26 June 1643); HLMP, bundle dated 26 June 1643, draft order and judgement (26 June 1643); HLMP, bundle dated 10 July 1644, copy of order dated 26 June 1643. |
| July 1643 | Orders read out and published in churches of Whittlesey and neighbouring markets and churches forbidding people to disturb possessions of the earls and their tenants, including houses and enclosures in the fen divisions. | HMLP, bundle dated 26 June 1643, Lords' order (26 June 1643). |
| 18 July 1643 | Royalist troops appeared outside Peterborough. Palgrave's forces, 'lying about Whittlesea, ready to defend Peterborough', were ordered to march to the latter and hold it at all costs. | A. Kingston, <i>East Anglia and the Great Civil War</i> (London, 1897), p. 116. |
| 31 July 1643 | Convicted rioters, being 'poore labouringe men', petitioned Lords to reduce their outstanding costs (over £265). | HLMP, bundle dated 31 July 1643, petition of Jeffrey Boyce <i>et al.</i> (31 July 1643). |
| 6 Sept 1643 | Rioters released, having made recognisances not to engage in, or even foment, any unlawful assemblies in the earls' land | HLMP, bundle dated 31 July 1643, recognisances (6 September 1643). |
| 10 July 1644 | Nicholas Weston (Portland's brother) complained to Lords that 'some ryotous persons' had entered his lands. Requested assistance of troops or justices. | HLMP: bundle dated 10 July 1644, petition of Nicholas Weston (10 July 1644). |
| 10 July 1644 | Lords confirmed orders for quieting possession; ordered JPs to act. | <i>Lords' Journal</i> , 6, p. 625, Lords' order (10 July 1644). |
| 4 April 1646 | George Burnham & 3 others drove cattle & horses into Weston's lands in contempt of Lords' former order. | HLMP: bundle dated 17 April 1646, affidavit of Robert Turbutt, gentleman. |

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| 17 April 1646 | Offenders appear before parliament to answer for their contempt; governor of Isle ordered to assist Weston in quieting his lands. (Nothing further recorded.) | <i>Lords' Journal</i> , 8, pp. 275-76, Lords' order (17 April 1646). |
| 25 June 1646 | George Glapthorne and others gave evidence to Bedford Level adventurers regarding profitability of drained fens around Whittlesey. e.g. Some 10,000 acres which were previously worth less than 2d per acre, were now worth between 5s and 10s an acre. There were about 5,000 acres of ploughed land growing crops of wheat, oats, barley and cole-seed, which were worth £10,000. | CRO: R59.31.9.3, Proceedings of the Adventurers, The Third Journal, 15 November 1649 – 8 March 1651, entry dated 25 June 1646 inserted at back of book. |
| late 1640s | Isle of Ely notorious for 'malignancy'. '... generally they are disaffected as [at] Wisbish, March, and Whittlesey, whome I purpose to disarme, and to arme honest men if they may be found. ... I cannot see how that part of the Ile can be secured without a troope of horse upon their frontieres' | <i>HMC, Report on the Manuscripts of the Duke of Portland preserved at Welbeck Abbey</i> , 1 (London, 1891), pp. 464-65, letter from Colonel Valentine Walton, dated 21 June 1648 at Lynn, to the Committee at Derby House. |
| May 1649 | Parliament passed an 'Act for the draining the great Level of the Fens', which authorised the transformation of summer grounds into winter grounds. | <i>Darby, Changing Fenland</i> , p. 72, quoting Wells, <i>History of the Bedford Level</i> , 1, pp. 367-68. |
| Jan 1650 | Vermuyden, appointed Director of Works. Two projects in Whittlesey area. Firstly, built a bank along the Nene from Peterborough to Guyhirn: between this and Morton's Leam a wash was formed 'for the water to bed in' during times of emergency. Secondly, created the Twenty Foot River: an improved stretch of Bevill's Leam to the north of Whittlesey Dyke | William Dugdale, <i>The History of Imbanking and Drayning of Divers Fenns and Marshes, both in Foreign Parts, and in this Kingdom; and the Improvements thereby</i> (London, 1662), pp. 415-16; Darby, <i>Changing Fenland</i> , p. 75. |
| July 1654 | By various devious means, Glapthorne elected MP for the Isle. | SP18/75/6 & 75/7. |
| August 1654 | Voters petitioned Council of State for Elections; committee enquired into their allegations but ruled in favour of Glapthorne. | <i>A brief Relation of the Proceedings before his Highness Councel concerning the Petitioners of the Isle of Ely against George Glapthorne Esquire ...</i> (London, 1654). |
| 1655 | Samuel Hartlib reported seeing willows planted at Whittlesey. | Samuel Hartlib, <i>His Legacy of Husbandry</i> , (London, 1655), p. 233. |
| May 1657 | William Dugdale noted 'a fine plantation of fruit Trees, willows, and other vegetables' made by Colonel Underwood. | H. C. Darby, <i>The Draining of the Fens</i> (Cambridge, 1956), Appendix III, Sir William Dugdale, 'Things observable in our Itinerarie begun from London 19 May 1657', p. 279. |
| early 1660s | Vermuyden's network of cuts and sluices was causing difficulties in the Bedford Level | <i>Darby, Changing Fenland</i> , p. 96. |
| 1663 | General Drainage Act: formed a new corporation for the Great Level. | <i>Darby, Changing Fenland</i> , p. 96. |
| 12 Feb 1675 | Depositions in suit between named commoners & Sir Bernard Gascon re tithes and boundaries with Ramsey. | E134/27CarlII/East28 (12 February 1675) |

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| late 17 th century | Order books and minutes of Bedford Level Corporation recorded countless floods, damaged banks, blocked sewers and navigation difficulties. | CRO: Bedford Level Corporation archive, series R59.31.11, <i>passim</i> . |
| May 1696 | Some Whittlesey inhabitants objected to erection of a windmill in a particular part of the Whittlesey fens. | CRO: R59.31.11.15, Bedford Level Corporation Order Book, London Series, f. 8r (28 May 1696). |
| winter 1698/9 | Bad weather caused damage to river banks resulting in flooding. | CRO: R59.31.11.15, Bedford Level Corporation Order Book, London Series, <i>passim</i> . |
| 13 Jan 1699 | Report from Whittlesey of great ruine that has lately happened by Breaches made in the South banke of Moretons Leame'. | CRO: R59.31.11.15, Bedford Level Corporation Order Book, London Series, f. 40r (13 January 1699). |
| early 1699 | At session of sewers, 1699 local juries made numerous presentments against windmills and the damage they caused. | CRO: R59.31.10.7, Conservators' Proceedings, Book G, 7 April 1696 - 7 April 1699 (Ely), f. 45r (7 April 1699). |
| January 1699 | 1,100 rioters attacked drainage works and enclosures in Deeping Level, just north of Peterborough. Originally gathered 'Under Colour & pretence of Foot ball playing'. Privy Council ordered sheriff of Lincolnshire to raise <i>posse comitatus</i> to suppress riots. | PC 2/77, p. 293, letter from Privy Council to High Sheriff and Justices of Lincolnshire (19 January 1699; CRO: R59.31.11.15, Bedford Level Corporation Order Book, London Series, f. 43v (7 March 1699). |
| March 1699 | Notice affixed to March bridge inviting locals to attend 'a Foot Ball play & other sports' at Coates Green in Whittlesey on Tuesday 14 March. | CRO: R.59.31.11.15, Bedford Level Corporation Order Book, London Series, f. 43v (7 March 1699), affidavit of David Fovergue (3 March 1699). |
| March 1699 | Two manuscript poems encouraged rioting at Coates Green. | CRO: R59.31, Box 2, Bundle 4, 'Miscellaneous papers without dates', 'Song against Corporation' & 'Poetic Address to the Marshmen'. |
| 7/8 March 1699 | Bedford Level Corporation composed & presented petition to king. | Original petition is in CRO: R59.31, Box 2, Bundle 4, 'Miscellaneous papers without dates'; copied in CRO: R.59.31.11.15, Bedford Level Corporation Order Book, London Series, f. 43v (7 March 1699). |
| 9 March 1699 | Privy Council wrote letters to lords lieutenant, sheriffs, justices & bailiff of Isle of Ely | PC 2/77, p. 309, 'Letters to some Lords Lieutenant to suppress Riots &c about Bedford Level, Cambridge' (9 March 1699); 'Letters to the Justices of Peace and Sheriffs of some Countys to suppress Riots &c about Bedford Level' (9 March 1699). |
| 11 March 1699 | Letters carried from London by Harry Evans, king's messenger. | CRO: R.59.31.11.15, Bedford Level Corporation Order Book, London Series, f. 45r, report by Harry Evans (16 March 1699). |
| 12 March 1699 | Mr Wiseman, 'then present in March' suspected of encouraging riotous meeting, bound over in £500 to appear at Assizes. | CRO: R.59.31.11.15, Bedford Level Corporation Order Book, London Series, f. 45r, report by Harry Evans (16 March 1699). |

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| 12 March 1699 | From Wisbech, bailiff of Isle sent copy of Privy council's letter to Whittlesey. He and local justices agreed with 30 or 40 'Substantiall Inhabitants that they could trust' that on Tuesday they would be present 'some where near Coates Green'. | CRO: R.59.31.11.15, Bedford Level Corporation Order Book, London Series, f. 45r, report by Harry Evans (16 March 1699). |
| 14 March 1699 | 'Football match' did not take place. | CRO: R59.31.10.7, Conservators' Proceedings, Book G, 7 April 1696 - 7 April 1699 (Ely), ff. 45r-46r, record of session of sewers at Ely (7 April 1699). |
| 7 April 1699 | Corporation's surveyor general ordered to prepare list of charges incurred in preventing the 'late intended Riotours from destroying the Corporacions Workes of Draining'. Thanks to be conveyed to the bailiff, justices and 'Gentlemen of Wisbeach'. Surveyor general to advise on the removal of mills set up in the Level 'to the end the Countrey may be satisfied therein'. | CRO: R59.31.10.7, Conservators' Proceedings, Book G, 7 April 1696 - 7 April 1699 (Ely), ff. 45r-46r, record of session of sewers at Ely (7 April 1699). |
| Feb 1703 | George Goulding and 18 other named Whittlesey inhabitants accused of attacking windmill of Francis Keate. At Cambridge assizes, found guilty of unlawful assembly and of destroying Keates's property. | KB28/6, m. 20. |
| May 1803 | 365 commonable cottages/messages in Whittlesey. | CRO: 126/M 91, 'Copy of Decrees and other Doc.s relating to the Parishes of Whittlesey', made by John Boyce (27 July 1829), pp. 177-90. |