

The East Anglian Foldcourse: Some Queries

By ALAN SIMPSON

DR K. J. ALLISON is to be congratulated on the account of the East Anglian Foldcourse which he furnished in Vol. V of this REVIEW. The characteristics of this peculiar institution, which were taken for granted by Tudor legislators and Stuart antiquarians, were almost forgotten until they attracted the attention of a few agrarian historians in modern times; and of these only H. L. Gray had made a serious attempt to explain the customs.¹ Dr Allison's account is altogether superior to Gray's, but it raises certain questions which it would be pleasant to have answered. The object of this note is simply to direct attention to them.

The first is a question of boundaries, which is only raised for the sake of tidiness. The foldcourse region extended over Norfolk, Suffolk, and Cambridgeshire, but contemporaries never felt it necessary to be precise. Dr Allison has provided a map for Norfolk showing the distribution of some 250 townships in which these pastoral customs have been found. It would be useful to have the same service done for the other two counties. So far as Suffolk is concerned, there is plenty of evidence among the customals of the monastery of Bury St Edmunds² and in the estate records of sixteenth-century families like the Bacons,³ that an area bounded by Bury St Edmunds,

¹ 25 Henry VIII, c. 13, has a special section on the management of foldcourses in Norfolk and Suffolk. Sir Henry Spelman commented extensively on the foldcourse system in his *Glossary*, his *Icenia*, his contribution to Speed's *Theatre*, and in the legal treatise mentioned in note 1, p. 89. Pioneer modern studies of East Anglian customs, such as W. J. Corbett, *Elizabethan Village Surveys* (1897), and F. G. Davenport, *The Economic Development of a Norfolk Manor* (1906), had nothing to say about the foldcourse. The first national writer to refer to it may have been G. Slater, *The English Peasantry and the Enclosure of Common Fields* (1907), whose curiosity was aroused by the terminology of the preambles to the Norfolk Enclosure Acts. H. L. Gray, aided by Holkham records, was the first to sketch its scope in *English Field Systems* (1915), pp. 325 *et seq.* From this date the consciousness that East Anglia had distinctive pastoral customs became fairly widespread (e.g. in the writings of D. C. Douglas, J. Saltmarsh and H. C. Darby, R. J. Hammond, and S. T. Bindoff), but no one, to this writer's knowledge, had attempted to dig deeper than Gray, or to clarify his inconsistencies.

² e.g. "The lord ought to have a foldcourse within the manor of Hinderclay;" "The lord may grant by copy to any of his tenants a foldcourse within the manor of Redgrave and none can be levied without the lord's license."—BM Add. MS. 31,970, ff. 78, 83, 88.

³ e.g. Bailiffs' accounts and acquittances for Ingham, Timworth, Culford, Rougham, Barnham, etc., in Bacon MSS., University of Chicago. See also Cullum, *History of Hawsted*, 1813, pp. 274–6.

Newmarket, Mildenhall, Thetford, Diss, and Ixworth was within the region; and it would be natural to expect the Cambridgeshire borders to be affected.¹

The second question is one of historical evolution, which this writer can do no more than state. The peculiarity of the East Anglian custom lies in the privileged position of the lord of the manor: only he, or his lessee, has the right to maintain a flock of sheep. A tenant flock, of the kind that Dr Kerridge described in Wiltshire,² is only possible in this region on the assumption that the lord has alienated his privilege. How does one explain the divergent development? Did similar customs once prevail in both areas? Or was Spelman's instinct sounder in supposing that these Norfolk customs, like some others which he knew in seventeenth-century England, had a local origin among the early English settlements?³ If we had to choose, most of us would probably incline to Spelman's guess, yet a casual examination of Wiltshire and East Anglian customs as late as the thirteenth century suggests there was very little difference between them.⁴ Is it possible that the East Anglian foldcourse simply represents the survival and special development of a seignorial monopoly which was once widespread, viz., the exclusive right to maintain a fold?

These two questions were outside the scope of Dr Allison's article. So far as the article itself is concerned, the most original and helpful feature was his explanation of what we may call the system of "shifts and exchanges" whereby the lord got the fullest use out of his foldcourse. Hitherto there was an almost insuperable difficulty in seeing how the East Anglian field system, as usually expounded, permitted the enjoyment of a foldcourse. How could the lord utilize his feeding privileges on the fallow ground and harvest stubble of the village if the villagers conformed to no system in their sowing? The region was supposed to be one of unlimited individualism, where cropping was neither by field nor by furlong but according to every individual's

¹ Sir Henry Spelman included Cambridgeshire in his description of the foldcourse region; *Glossarium*, 1687, pp. 210-11. The Elizabethan awards at Cottenham and Stretham, analysed by W. Cunningham, suggest that a similar system may have existed there: e.g. the tenants were set free to organize a town flock "and to erect as many sheep folds as they, or any of them, shall think good, at any time hereafter, within the arable fields of Cottenham."—*Royal Hist. Soc. Camden Series*, x, 1910, p. 202.

² E. Kerridge, 'The Sheepfold in Wiltshire and the Floating of the Water Meadows', *Economic Hist. Review*, Second Series, vi, 1954.

³ Add. MS. 27,403. For the attribution of this treatise to Spelman, see below, p. 89, n. 1.

⁴ e.g. 'Customs of the Four Manors of the Abbey of Lacock', *Wilts. Arch. Mag.*, xxxii, p. 311, compared with references in Redgrave Court Rolls, or Thornage Extents, Bacon MSS., University of Chicago.

choice, and where an individual's holdings tended to be concentrated in one part of the village. In short, there was supposed to be no tillage plan. But Dr Allison, while not disputing the inconsequence of field and furlong in the cropping pattern, insists that there was a plan: a pattern of 'shifts' (of winter corn, spring corn, and fallow) with compensations for the individual whose land might happen within a given year to fall disproportionately in a fallow shift.

This attractive solution for the puzzle is almost certainly correct. Dr Allison was assisted in reaching it by a contemporary treatise on the foldcourse,¹ supplemented by a few other references to the practice in estate records. More evidence can certainly be found.² Only two difficulties about accepting this theory exist at the moment. The first lies in the claim, which we find villagers making, that they have the right to sow where they please.³ This will have to be treated either as a deviation from the norm, or, as Dr Allison suggests, a symptom that the norm is disintegrating. The other difficulty is simply that we are far from having, at this moment, the volume of evidence which allows us to fix a custom on a whole region. When Dr Allison finds a shift-system in as many villages as he has found a foldcourse (viz. 250), the point may be considered settled.

Next, we must ask, who got the benefit of the fold (or, as it was called in Norfolk, the *tathe*) under this seignorial system? Dr Allison is ambiguous. At one point he remarks (rather inconsequentially, in the context): "But the tenants in some townships at least were obliged to make an annual payment for each acre that benefited from tathing by the lord's flocks." In another

¹ Add. MS. 27,403. Dr Allison does not point out that there is a marginal note attributing the authorship to Sir Henry Spelman, nor does his article refer to Spelman's observations about foldcourses in his other works, cited above. It may be, of course, that Dr Allison has mentioned these matters in his thesis, which this writer has not seen. There are striking correspondences between passages of Add. MS. 27,403 and passages in Spelman's *Glossarium*, and there are autobiographical references in the former which fit Spelman.

² The division of the town fields into 'shifts' is illustrated by the Stanford lease quoted below. Lists of exchanges are not uncommon—e.g. at Helloughton, a Townshend manor, a certain Thomas Fauconer had "laied of olde tyme" 18 acres and "newly laied for the Ladies course in the north fiede" a further 33 acres, for which he got 51 acres of demesne land in exchange.—Survey of Fauconers lands, 1 Sept. 1594, Safe 11 (16), Garsett House, Norwich.

³ e.g. verdict of a Harthill (Hunworth) jury, 1634: "Wee further say that wee have hard that the ancient use and custome of the seid towne hath bene for the tennants there to encloase there lands and to sowe there winter corne att there will and pleasuer Which wee believe to be true for anye thinge wee knowe or have hard."—N.R.S. 16,473, 32, D2, Norwich City Library. At the same time, the norm had probably been represented by the following item in a Bury St Edmunds' custumal for the manor of Ingham, Suffolk: "Sowing. All tenants and inhabitants within the said manor ought to forbear the sowing of there lands there every year where the lords sheep course or fold shall chance to be the same year."—Add. MS. 31,970, fo. 91.

case, he says that when tenants were able to enclose their lands, they "lost the benefit of tathing." But, on the whole, he seems to leave this important question unanswered.

There is less evidence on this subject than one might expect, but the underlying principle must surely be that as the sheep belong to the lord, so also does the 'tathe'. No doubt there will be some advantage to tenant land from the treading and casual manuring as the sheep feed over it; but there is no reason why they should be folded over tenant land unless some special bargain has been made. Such a bargain was a regular feature of shepherds' contracts in the Middle Ages, when they were allowed to fold the flock over their holding for two or more weeks in the year; but no such concession has been encountered in the sixteenth century—perhaps because shepherds were no longer raising a crop. Nor was there any understanding that the use of tenant land—the feeding of the 'quilllets' that lay in the foldcourse—would be paid for in 'tathe'; the general practice was to pay for this either in money, or in land elsewhere, or by the admission of tenant sheep into the lord's flock. What the lord did with the tathe must have depended on how he was situated. If he, or his farmer, was combining sheep-farming with corn-farming, he would naturally use his flock to fertilize his own lands. But if he was a great flockmaster with a dozen or more foldcourses like the Fermours or the Southwells in the sixteenth century, we should expect the tathe to be the subject of a bargain with the owners, or farmers, of the manors on which the flocks were feeding. One type of arrangement is illustrated by a Bacon lease of the manor of Eccles (c. 1606) in which the farmer assumes many of the responsibilities for the care of the Bacon flock and enjoys, in return, a stipulated amount of tathe.¹ But whatever the variations, tathe was an asset which belonged to the lord and for which there was a customary price in sixteenth-century Norfolk. When, for example, Sir Nicholas Bacon bought the manor of Stiffkey in 1570, with its foldcourse and a stock of sheep, he asked his agents what the tathe was worth, to be told that the customary price of 1s. 4d. an acre was less than its real value.²

Another interesting question is the extent to which the foldcourse privileges were a source of oppression. While acknowledging that the system could be mutually beneficial to landlord and tenants, Dr Allison inclines to

¹ In addition to his money rent, the farmer contracted to give the shepherd of the Bacon flocks certain corn rents, to wash and clip 560 sheep, and to supply five dozen hurdles for tathing. In return, Bacon undertook that the flock would tathe the land that was being leased to the farmer for 73 nights in the year, with the understanding that a shilling would be paid to the farmer for any night omitted.

² Bacon Correspondence, Garsett House, Norwich.

the view that it was greatly abused in the sixteenth century. His evidence appears to be threefold: the complaints drawn up by Kett's rebels in 1549; a petition submitted to the Queen in the early years of Elizabeth's reign by certain "poor inhabitants of Norfolk"; and a number of legal proceedings against offending landlords. No one would gainsay that Kett's Rebellion was a crisis in rural relations, even after one has noticed that its history has been as consistently written by the enemies of the landlords in the past century as it was written once by their defenders. However, it is an interesting fact that in the twenty-seven complaints of the peasants, which cover everything from the price of land and the size of a bushel to dovecotes and rabbit warrens, the foldcourse is never once mentioned. The pressure of the big grazer on the small husbandman can indeed be seen in more than one clause, and radical demands are made for excluding him from town commons and reducing the size of his operations. Nevertheless, none of the draughtsmen seems to have felt that the foldcourse privileges, as a species of seignorial monopoly, were injurious *per se*, or that any of the several sources of friction associated with them were worth mentioning, apart from the offence of over-commoning (which was not, of course, confined to the owners of foldcourses).

This silence is not found in the second piece of evidence, the "Petition"—a very interesting sidelight on Norfolk's agrarian history which ought to be published in conjunction with the records of Kett's Rebellion and the legal treatise on the foldcourse. This was another protest by independent peasants against rural capitalists, which covered a good deal of ground. The grievances included the subversion of copyholds on the grounds that they were old demesne; the abuse of foldcourse privileges; the engrossing of stock and farms; the encroachment on commons; the insistence on rents in kind; the withdrawal of land from common use by emparking; dovecotes; rabbit warrens; and the dissolution of the abbeys, with their hospitality and their old rents. The paragraphs on the foldcourse privileges dealt with some of the typical sources of friction—the denial of as many "cullet rights" as the tenants thought they ought to have (i.e. rights to put a certain number of sheep in the lord's flock), the tendency of the flocks to feed on the tenants' winter corn (a practice which had caught Tusser's disapproving eye),¹ the length of time which the flocks spent in the "shack" (i.e. the harvest stubble), and

¹"The flocks of the Lords of the soile
do yerely the winter corne wrong:
The same in manner they spoile,
with feeding so lowe and so long.
And therefore that champion feeld
doth seldome good winter corne yeeld."

—*Five Hundred Pointes of Good Husbandrie*, 1878, p. 142.

the withdrawal of demesne from the "shack" with no compensating reduction of the lord's stock. Much the same complaints as these, with the addition of one or two others such as depopulation, were involved in the handful of cases which formed Dr Allison's third class of evidence.

Now the point is that when we have read this material we are still without any basis for a firm opinion about the scale of the abuses and the depth of the feeling engendered by them. Dr Allison believes that there was an "intensification of oppression" in the second half of the sixteenth century. How can he be sure? The evidence is surely too fragmentary to admit of anything that can be called proof. We may be confronted by nothing more serious than the perennial bickering of the countryside or the petty tyrannies of a few bad landlords. And if we assume, for the sake of argument, that the foldcourse privileges had been a source of oppression in the first half of the sixteenth century, why should we imagine that the hardships were intensified later? The ballooning of flocks, with the temptation to strain privileges, seems to have gone on before the mid-century, not after it. We know that several of the flockmasters subsided into *rentiers* after 1560; that others reduced their flocks below the top capacity of the foldcourses, or moved over from sheep-farming to cattle-grazing. We can study the records of Norfolk manors in the second half of the sixteenth century without discovering any symptom of friction, and we may wonder why, if the institution had a bad social history, Sir Henry Spelman felt precluded from hinting at it in all his interesting comments.

Other doubts may be expressed on the subject of landlord oppression. It is possible, for instance, that in a conflict between landlord and tenant there may be something to be said for the landlord, though the historians of the last generation have not always been eager to say it. The petition, which has been quoted, is far from being an unanswerable document. The object of the first two paragraphs seems to have been to prevent landlords from claiming that certain copyholds had been created out of demesne and were thereby less "free" than ancient copyhold. But it seems to have been a well-established principle in Norfolk that such copyholds (which had been created on a large scale by the heads of religious houses on the eve of the dissolution) were liable to double fines on alienation or descent, and not entitled to treat the timber on the copyhold as the property of the tenant.¹ Similarly, there is another clause in which the petitioners objected to the lords' demand of substantial corn rents (of course, as a hedge against inflation) for land which once had rented at 6d., 8d., and 1s. an acre. But was it oppression to insist on legal rights in the one case, and a higher rent in the other? Perhaps we can

¹ Townshend MSS., Garsett House, Norwich.

sympathize with hard-pressed peasants without believing that their lords were greedy cormorants.

Finally, it must always be a question who is behind a petition. The art of finding stooges in a warfare of giants is ageless. Often the victim of a fold-course monopoly was not the little man with a dozen acres and a few common rights, but the big man who had piled up two or three hundred acres of copyhold and freehold land and found himself prevented from keeping a flock of sheep. Judging from the evidence of surveys and field-books, there were not many independent smallholders in the 'champion' villages of Elizabethan Norfolk: the more typical structure was one where there were two or three big holders at the top and a lot of very little people at the bottom (shopkeepers, craftsmen, and labourers).¹ Of the big people, one would be the lord, or farmer of the manor, and cases are not unknown where the others, from some motive of rivalry or resentment, took it upon themselves to organize a petition against his "oppression." Until all the facts are known in any given case, it is only prudence to observe a little caution.

None of the foregoing remarks is intended to imply that Dr Allison has been guilty of recklessness. Their only object is to draw attention to other possibilities than those he has seen. In the same vein, it may be permitted to raise a doubt about one last topic: his interpretation of the history of infield-outfield practices in Norfolk. If I understand his position, he believes that these practices were "the creation of the later seventeenth- and eighteenth-century improvers" and "of an entirely different nature" from the infield-outfield systems which had existed from time immemorial in other parts of the country for the cultivation of infertile soils. When he looks at Norfolk's history, he seems to distinguish between three phases: (1) the traditional open-field system, persisting in the main until the seventeenth century, where there was simply one, or more, permanently cultivated field, surrounded by commons and sheepwalks; (2) an intermediate phase, where an infield-outfield system was introduced without any essential change in the husbandry. He would regard this phase as typified by the practices which H. C. Darby and J. Saltmarsh described at West Wretham, where seven outfield 'brecks' were tilled in rotation (after fertilization by the flock) while the infield was intensively cultivated. This situation at West Wretham seems to be the earliest detailed example which Dr Allison knew, the earlier references to an infield-outfield system which he found at Great Massingham and elsewhere being very vague and elusive; (3) an "improved" infield-outfield

¹ This impression is based on samples which include Stiffkey, Stody, Hunworth, and Little Ryborough. Admittedly, the surveys and dragges are only concerned with *ownership* and it is quite impossible to discover what sub-letting went on.

system, characterized by many more brecks, new rotations, the elimination of summer fallow, and, ultimately, complete enclosure. "In the late seventeenth and early eighteenth century, both heathland and open fields were completely enclosed, and the terms 'infield' and 'outfield' were widely used for the permanently cultivated closes and the periodically tilled brecks."

I have no quarrel with the description of Phase 3. My only question is, did not Phase 2 have a much older history? So old, indeed, as to have been always combined, in some instances, with Phase 1? In other words, is it not possible that places like West Wretham had had an infield-outfield system as long as there had been flocks to make periodic cropping possible?

The difficulty is in detecting an infield-outfield system in the days before adequate map-making. Surveys provide us with a tenurial map, but how much do we ever learn about the tillage map? Even after map-making had begun, it was very common to produce an excellent tenurial map without the slightest hint of the tillage arrangements: a map on which, for instance, there would be nothing to indicate whether a furlong, or a part of a furlong, lay in the infield or the outfield. Dr Allison cites a Holkham map of 1590 and North Creak map of the early seventeenth century as illustrations of Phase 1. But how can he be sure there was no infield-outfield plan which the map-maker ignored? There is a sixteenth-century map of the manor and foldcourses at Timworth in the West Suffolk Record Office which is as innocent of any boundaries between infield and outfield as Dr Allison's maps, but the ornamental legend at the foot of the map contains a reference to "infields." And there are cases of maps as late as 1690 which are purely tenurial, though we know that an infield-outfield system had existed there for over a century.¹

Though the evidence is fragmentary, we can hardly doubt that an infield-outfield plan was in full swing in many of these villages at least as early as the first half of the sixteenth century. The evidence used by Darby and Saltmarsh for West Wretham was taken from a terrier of 1611;² but a lease of about 1560 of the neighbouring manor of Stanford shows exactly the same system; the farmer undertakes to crop six outfield shifts in rotation (with no more than two crops off each shift at one time) while dividing the infield into four shifts, one of which will be fallow.³ At Ingham, near Bury St Edmunds, a farmer contracts to leave forty acres of infield in summertill at the end of his lease and as much in the outfield as shall happen in the course of rotation.⁴

¹ e.g. at Ringstead, uncatalogued L'Estrange MSS. (Box E.H.8), Norwich City Library.

² H. C. Darby and J. Saltmarsh, 'The Infield-Outfield System on a Norfolk manor', *Economic History*, III, 1935, pp. 30-44.

³ Townshend MSS., Garsett House, Norwich.

⁴ Bacon Leases, Bacon MSS., University of Chicago.

Other instances could be given,¹ but perhaps it will be enough to use the L'Estrange records of the manor of Ringstead to show how an eighteenth-century organization of brecks may have an old history behind it.

If we open a survey-book for this manor of the period 1720-30, we find Dr Allison's Phase 3 beautifully and meticulously illustrated—permanently cultivated closes and periodically tilled brecks. The brecks are numbered 1-11, in each of the two fields (North and South) that make up the village, and the furlongs composing each breck are plainly marked on the maps. Sometimes a breck includes more than one furlong, and sometimes a furlong is partly in the infield and partly in a breck. There are also tables to show when the brecks are in tilth and how tenants are compensated whose land has to be kept in grass for sheep feed. With this picture in mind, we can work our way backwards through the field books, maps, and surveys of the previous century and a half to see how far we can find traces of the infield-outfield system. It becomes quite inconspicuous in the sixteenth century, so far as the outward appearance of the records is concerned, but the basic features can still be found. There is, for instance, an early survey of Elizabeth's reign which precedes the earliest maps, in which we can read the following entries:

"Sheepspasture Smeeth	}	Another furlong more north voc Smeth between Shepeling on the east and the infield ground on the weste. . .
Shepespasture Lingestyhill	}	Another furlong more north called Lingstyhill: heading south upon the former: sydinge on the weste upon the aforesaid haulfe acre of Mrs Reade where the shepescourse and the Infield parts. . .
Shepespasture Middlefurlonge	}	. . . south upon Longestyhill sydinge on the west upon the Infield. . .
Shepespasture Greengate	}	. . . between the Infield on the west and Thornham mire. . ." ²

These are furlongs in the outfield, just beyond the limits of the infield, which are fertilized by the sheep and periodically tilled. In later field books and maps they are called brecks, and they can be identified, in the survey of 1720, with the 4th, 5th, 7th, and 8th brecks, respectively, in the South Field.

This is as far back as the evidence takes us. But is there any reason, apart

¹ Thus we find the following entry in a survey for Great Massingham: "Arrable in the field in divers small pieces—lxxiiij acres. In breks in the shepes pasture yerely xxv acres for somerly, xxv for rye, xxv for barley, xxv for otes—v^{xx}".—MS. 126X6: 20417, Norwich City Library.

² Uncatalogued L'Estrange MSS. (Box E.H.2), Norwich City Library.

from the present silence of the records, for wondering if the system had not existed long before the sixteenth century? The farmers at Stanford and Ingham seem to have been accepting customary obligations. There is nothing in the Ringstead survey, just cited, to suggest that an outfield was a recent novelty. Spelman, who certainly knew his Norfolk, took it for granted that some kind of infield-outfield system had existed from time immemorial.¹ It would be interesting if Dr Allison, in his further researches, should stumble on its tracks.²

¹ See, for example, the description of Norfolk contributed to John Speed's *Theatre of the Empire of Great Britain*, 1611.

² A survey of Redgrave, Suffolk, for 17 Edward I, refers to more than one 'wong' as being "in the breck" (Bacon MSS., University of Chicago). The term is ambiguous, but it is not improbable that the furlongs in the breck were being periodically tilled with the aid of the flock.

NOTES AND COMMENTS (*continued from page 86*)

Scott Watson wished to retire from the Presidency at the next Annual General Meeting.

Mr George Ordish in presenting the report of the Executive Committee said that membership of the Society had risen from 461 at the last Annual General Meeting to 516. He also reported that at a meeting of the Executive Committee held earlier Dr H. P. R. Finberg had been unanimously reappointed Editor of the Society's publications.

In presenting the Treasurer's Report, Professor Thomas pointed out that the accounts showed an improvement over the previous year, there being a profit of £55 13s. 6d. as at 31 January 1958, as opposed to a loss of £57 18s. 6d. the previous year. The balance at that date was £224 6s. 7d.

At a meeting of the Executive Committee

held later in the day, Mr George Ordish was re-elected Chairman.

FUTURE CONFERENCES

The Annual General Meeting and Conference for 1959 will take the form of a joint meeting with the Economic History Society. It will be held at Wye College (University of London), near Ashford, Kent, from the evening of Friday 10 April till breakfast time on Monday 13 April. There will be a wide and varied selection of papers on agrarian topics and it is hoped that there will also be a tour of the College farms and an expedition to Romney Marsh.

The One-Day Joint Conference with the Association of Agriculture will be held at the Institute of Education, University of London, on Saturday 6 December 1958.