

The availability of credit in the English countryside, 1400–1480^{*}

by Chris Briggs

Abstract

Credit was central to the peasant economy, but its supply varied over time. Using information from the records of three Cambridgeshire manorial courts and a church court, this article charts changes in the number of rural credit transactions initiated in the fifteenth century, and seeks explanations for them. It argues that new credit transactions declined in number in the period studied, though caution is required concerning the real extent of the decline. Legal and institutional changes arising from the decline of the manor courts and the rise of the church courts' debt jurisdiction were key. It is argued that these changes were as important as monetary difficulties in shaping the willingness of rural lenders to give credit.

Credit played a fundamental role in the agrarian economy of medieval England. In an era in which the supply of coined money was never sufficient to meet all the demands placed upon it, and in which the cash income of most rural households was concentrated at particular times of the year, the ability to obtain credit was essential. Most medieval English rural credit was extended by individuals rather than institutions or landlords, and usually flowed between villagers. In the countryside and more generally, later medieval credit took two main forms. The first was the straightforward loan of cash, grain or goods, while the second consisted of credit given in the form of a sale, most commonly in a deferred payment for goods or services. Such credit transactions served a variety of purposes, allowing villagers to buy or hire a range of commodities and to procure labour and services with a greater flexibility than would have been possible had an immediate cash transfer in full been the only way of making a payment.¹

^{*} Earlier versions of this article were presented the Economic History Society's annual conference 2006, and at meetings of the Seminar in Medieval Economic and Social History, University of Cambridge, and the Late Medieval Seminar, Institute of Historical Research, London. I am grateful to participants for suggestions and criticisms. I am grateful to Philip Stickler, of the Cartographic Unit, Department of Geography, University of Cambridge, for drawing the map. This article has benefited from discussions with Martin Allen, Matt Tompkins and Paul Warde, and from the comments of the *Review's* anonymous referees. The author bears sole responsibility for the arguments expressed, and for any errors.

¹ On the general importance of credit, see, for example, P. Nightingale, 'Money and credit in the economy of late medieval England', in D. Wood (ed.), *Medieval money matters* (2004), pp. 51–71; on rural credit, see P. R. Schofield, 'L'Endettement et le crédit dans la campagne anglaise au moyen âge', in M. Berthe (ed.), *Endettement paysan et crédit rural dans l'Europe médiévale et moderne: actes des XVIIes journées internationales d'histoire de l'abbaye de Flaran, Septembre 1995* (1998), pp. 69–97; C. Briggs, *Credit and village society in fourteenth-century England* (forthcoming).

Although it was crucial to the peasant economy, the supply of credit was not constant over time, and it depended in large part on the capacities and attitudes of individual peasant creditors. This article's first aim is to place our knowledge of changes in the number of credit transactions entered into in the fifteenth-century countryside on a firmer footing. Its second aim is to consider possible reasons for those changes. Over the very short term, the extension of new credit was likely to be interrupted by events such as harvest failure and exceptional mortality. Over the somewhat longer term, other factors are likely to have significantly influenced the numbers of credit transactions initiated. Three of the most potentially important factors shaping the longer-term availability of credit — demographic changes, monetary changes, and legal or institutional changes — are outlined later. Much of the remainder of the article is concerned with assessing the relative importance these three factors, especially the latter two.

Shifts in the quantity of new credit extended in the later middle ages are difficult to measure, owing to the problems posed by the available sources. Whether rural, urban, or mercantile, the majority of our evidence for credit describes unpaid debts, rather than the registration of new credit transactions. As will be described below, there are dangers in simply assuming that shifts in totals of defaulted debts can be regarded as a reliable indicator of changes in the amount of new credit extended. However, if for the moment we adopt the assumption that chronological shifts in defaulted debt and in the total amount of new credit followed roughly the same pattern, then it is clear from existing research that, in general, the fifteenth century, in comparison with the preceding century, saw a marked decline in the quantity of credit transactions. This point is made most explicitly in work on urban and mercantile credit.² However, a similar situation in the countryside is implied in studies of fifteenth-century manorial court records, which tend to reveal a substantial decline by the middle of the century in the number of suits for debt heard by those courts.³

If, as existing work suggests, the totals of new credit relationships begun in the countryside were much smaller in the fifteenth century than they had been in the previous century, what were the main reasons for this change? There is no one single explanation, and at least three main answers to this question may be suggested.

First, the decline in credit may have been a reflection of the demographic losses that had begun with the Black Death of 1348–9 and continued with subsequent outbreaks of epidemic disease. This would mean that the drop in the total of credit transactions witnessed in the fifteenth century was primarily the result of a collapse in the demand for credit. For example,

² P. Nightingale, 'Monetary contraction and mercantile credit in later medieval England', *EcHR* 43 (1990), pp. 567–74; P. Nightingale, *A medieval mercantile community. The Grocers' company and the politics and trade of London, 1000–1485* (1995), p. 572; R. H. Britnell, *Growth and decline in Colchester, 1300–1525* (1986), pp. 206–8.

³ C. Dyer, *Lords and peasants in a changing society. The estates of the bishopric of Worcester, 680–1540* (1980), pp. 264–9; E. Clark, 'Debt litigation in a late

medieval English vill', in J. A. Raftis (ed.), *Pathways to medieval peasants* (1981), pp. 247–79 (Writtle, Essex); M. K. McIntosh, *Autonomy and community. The royal manor of Havering, 1200–1500* (1986), pp. 191–200. J. Whittle, *The development of agrarian capitalism. Land and labour in Norfolk, 1440–1580* (2000), p. 52, notes that debt pleas in the manor court of Hevingham Bishops (Norfolk) declined between 1485 and 1558.

the existence of fewer people meant a reduction in the quantity of trade, and hence a smaller number of credit-based sales.⁴

A second possible explanation for a persistent fifteenth-century fall in levels of new credit, and one that is more fully articulated in the existing literature, lies in changes in the availability of coined money. The later medieval decline in mint output contributed to a coin shortage, reflected in contemporary petitions and legislation. There was also a growing preponderance of large denomination gold coins over the more useful small denomination silver ones. Together, this is widely taken as evidence that the money supply struggled to meet the demands placed upon it by the fifteenth-century population.⁵ According to some historians, there was a strong causal link between this shrinking money supply and the stagnation in prices and contraction in most aspects of trade which, while present from the last quarter of the fourteenth century onwards, was at its most intense in the middle decades of the fifteenth century.⁶ Some of those historians have also argued that it was not possible over the longer term to compensate for the late medieval contraction in money supply — that is, the shortage of gold and silver coins — through greater use of credit. Although credit transactions allowed a limited money supply to work harder, resort to credit was governed by the quantity of coined money available, since debt repayment would ultimately be made with coin. Credit use thus tended to expand and contract in line with the availability of coin, which was in turn determined by the supply of precious metals and the balance of overseas trade. Credit could not indefinitely ‘come to the rescue’ of a failing money supply.⁷

As well as explaining why the quantity of new credit transactions was smaller in the fifteenth

⁴ For the possibility that reduced trade explains the contraction in credit, see J. Kermode, ‘Money and credit in the fifteenth century: some lessons from Yorkshire’, *Business History Rev.* 65 (1991), pp. 481, 500; P. Nightingale, ‘England and the European depression of the mid-fifteenth century’, *J. European Economic History* 26 (1997), p. 639.

⁵ For mint output, see C. E. Challis (ed.), *A new history of the Royal Mint* (1992), pp. 680–5; on the increasing ratio of gold to silver in the later medieval money supply, see M. Allen, ‘The volume of the English currency, 1158–1470’, *EcHR* 54 (2001), pp. 607–8, and N. J. Mayhew, ‘Coinage and money in England, 1086–c.1500’, in D. Wood (ed.), *Medieval money matters* (2004), pp. 81–2.

⁶ See, most recently, Nightingale, *Medieval mercantile community*, pp. 482–3; Nightingale, ‘England and the European depression’, pp. 631–51; J. H. Munro, ‘Wage-stickiness, monetary changes, and real incomes in late medieval England and the Low Countries, 1300–1500: did money matter?’, *Research in Economic History* 21 (2003), pp. 214–16. Older influential statements concerning the importance of monetary factors in the late medieval depression include H. A. Miskimin, ‘Monetary movements and market structure – forces

for contraction in fourteenth- and fifteenth-century England’, *JEcH* 24 (1964), pp. 470–90; J. Day, ‘The great bullion famine of the fifteenth century’, *Past and Present* 79 (1978), pp. 3–54; M. Mate, ‘The role of gold coinage in the English economy, 1338–1400’, *Numismatic Chronicle* 18 (1978), pp. 126–41; P. Spufford, *Money and its uses in medieval Europe* (1988), pp. 358–62. On the ‘great depression’ of the later middle ages more generally, and its impact on the rural economy, see R. Britnell, ‘The economic context’, in A. J. Pollard (ed.), *The Wars of the Roses* (1995), pp. 41–64; J. Hatcher, ‘The great slump of the mid-fifteenth century’, in R. Britnell and J. Hatcher (eds), *Progress and problems in medieval England* (1996), pp. 237–72; B. Dodds, *Peasants and production in the medieval north-east: the evidence from tithes, 1270–1536* (2007), pp. 103–10.

⁷ Nightingale, ‘Monetary contraction and mercantile credit’, pp. 560–75 and her ‘Money and credit’, pp. 59–62; N. J. Mayhew, ‘Money and prices in England from Henry III to Edward III’, *AgHR* 35 (1987), p. 121; id., ‘Population, money supply, and the velocity of circulation in England, 1300–1700’, *EcHR* 48 (1995), p. 254. For the limited capacity of credit instruments to add to the effective money supply, see Munro, ‘Wage-stickiness’, pp. 216–17.

century than in its predecessor, this monetarist theory of movements in credit has also been used to help explain shorter-term shifts in the credit supply after 1400.⁸ Most importantly, Nightingale has argued that lenders' concerns about their own future need for coin meant that in years of inadequate money supply they reduced the credit they offered, and were more likely to hoard bullion instead. Similarly, in periods of better money supply, lenders were less doubtful about their chances of future repayment, and accordingly increased their credit-based trade. A crucial part of this argument is that creditors did not usually respond to general shifts in the money supply, which was something about which they could not have had reliable knowledge. Rather, an especially significant stimulus was change in mint output, a factor on which lenders had reliable information.⁹ Much of the evidence that has been adduced to support this argument comes from the Statute Merchant certificates, and thus concerns credit that was largely mercantile, urban and relatively large-scale in character. However, a tentative attempt has also been made to extend the monetarist theory of money and credit to the rural world, albeit with the caveat that it generally took somewhat longer for shortages of money to affect the rural economy.¹⁰ Indeed it is reasonable to make such an attempt, since the uniformly high level of monetization that had been achieved by the fifteenth century, as revealed by data on rural coin hoards and single finds, suggests that changes in the money supply ought to have had similar effects upon credit availability in both town and countryside.¹¹

A third explanation for the late medieval pattern of new credit creation lies in the nature of the institutions and instruments used for recording, organizing and enforcing credit agreements, the most important of which was the system of law courts. Even commentators who have given particular emphasis to the importance of monetary factors in the movement of credit point to the need to establish the extent to which 'institutional changes in the organization of credit could offset the tightening of the money supply.'¹² By implication, it is equally possible that unfavourable alterations in legal structures could have made people increasingly unwilling to make use of credit mechanisms, even in the absence of variation in other factors like money supply. Can changes in the institutions governing the organization of credit and the recovery of debts explain the apparent fifteenth-century downturn in lending? Few have addressed this question directly. However, existing work does show that the institutional arrangements for enforcing rural debt obligations were in a state of flux as a result of the decline of the manor courts, which in this period were losing much of the authority and importance in village life that they had enjoyed in their early fourteenth-century heyday.¹³ The effect of this situation on the provision of credit was potentially significant.

⁸ Nightingale, 'England and the European depression.'

⁹ Ibid., pp. 637–9; Nightingale, 'Money and credit', pp. 60–7.

¹⁰ Nightingale, 'Monetary contraction and mercantile credit', p. 574; Nightingale, 'England and the European depression', pp. 639, 642–3; Nightingale, *Medieval mercantile community*, pp. 364–5, 483.

¹¹ On the monetization of the countryside, see C. Dyer, 'Peasants and coins: the uses of money in the middle ages', *British Numismatic J.* 67 (1997), pp. 30–47, and N. Mayhew, 'Money in the late medieval countryside:

Britain', in P. Delogu and S. Sorda (eds), *La moneta in ambiente rurale nell'Italia tardomedioevale. Atti dell'incontro di studio Roma 21–22 Settembre 2000* (Istituto Italiano di Numismatica, 2002), pp. 5–26.

¹² Mayhew, 'Population, money supply, and the velocity of circulation', p. 254, n. 61.

¹³ On the fifteenth-century decline in the manor courts, in terms of their authority, frequency, income and quantity of business, see J. S. Beckerman, 'Procedural innovation and institutional change in medieval English manorial courts', *Law and History Rev.* 10

The first section of this paper introduces the manor court records used here, and the debt and credit material they contain. Section II uses the manorial debt litigation in an effort to chart trends in the extension of credit, both by comparing the later fourteenth century with the fifteenth century, and by looking at decadal trends after 1400. Section II also assesses the extent to which the chronology of credit displays a pattern anticipated by the monetarist model. Section III then considers an alternative explanation for the trends in new credit, namely that they were influenced primarily by changes in the manor courts themselves as legal institutions. In Section IV, the consideration of the possible effects of changing legal structures upon credit activity is extended by examining the proceedings of a church court, and investigating the hypothesis that such courts were increasingly taking on the business of rural debt recovery as the fifteenth century progressed.

I

The core evidence used here comes from private lawsuits for debt brought in manor courts.¹⁴ The rolls of three courts have been studied in detail: Willingham, Oakington, and Swaffham Prior, all in Cambridgeshire (Figure 1).¹⁵ The lords of these manors were, respectively, the Bishop of Ely, Crowland Abbey, and Ely Cathedral Priory. They are all jurisdictions which in the second half of the fourteenth century heard substantial quantities of debt litigation. The Oakington court also dealt with business concerning residents of nearby Cottenham and Dry Drayton, villages in which the abbot of Crowland held further manors. All five villages were dominated by peasant proprietors of middling wealth. Many of the inhabitants of Willingham, Cottenham and Swaffham were involved in a pastoral economy based on the extensive grazing available to families living on the edge of the fenland.¹⁶ All five contained many households who made part of their living by selling their surplus produce on credit, and relied on credit for the purchase of equipment, livestock and labour.

Not all of the manorial debt cases contained in the court rolls reveal the nature of the disputed obligation. However, the more detailed cases reveal the characteristic mix of straightforward loans and sales credit. Of the total of 214 separate recorded debts claimed in the three manor courts from 1400 to 1480, 177 (82.7 per cent) are expressed as a sum of money, while

Note 13 continued

(1992), pp. 242–50; C. Dyer, ‘The political life of the fifteenth-century English village’, *The Fifteenth Century* 4 (2004), pp. 146–7; Whittle, *Agrarian capitalism*, 47–56, 83 (though Whittle notes that several important functions of the Hevingham manor court remained robust into the sixteenth century); M. Tompkins, ‘Peasant society in a Midlands manor, Great Horwood, 1400–1600’ (unpublished PhD thesis, University of Leicester, 2006), pp. 206–7.

¹⁴ The phrases ‘plaint’, ‘plea’, ‘case’, and ‘action’ are used interchangeably here for ‘civil lawsuit’.

¹⁵ Cambridgeshire Record Office [hereafter CRO], L1/177–9 (Willingham court rolls 1377–1458); Cam-

bridgeshire University Library [hereafter CUL], Queens’ College [hereafter Q] boxes 3–5, rolls 5–20, 24 (Oakington with Cottenham and Dry Drayton court rolls); CUL, EDC 7/13/5–6 (Swaffham Prior court rolls). There is a gap in the Swaffham rolls between 1377 and 1422.

¹⁶ For the economic characteristics of these villages, see VCH *Cambs*, IX, pp. 58–9 (Cottenham), 404–6 (Willingham); VCH *Cambs*, X, pp. 285–7 (Swaffham). For Cambridgeshire fen-edge communities, see J. R. Ravensdale, *Liable to floods. Village landscape on the edge of the fens, AD 450–1850* (1974); for a classic study of Willingham in a slightly later period, see M. Spufford, *Contrasting communities. English villagers in the sixteenth and seventeenth centuries* (1974).

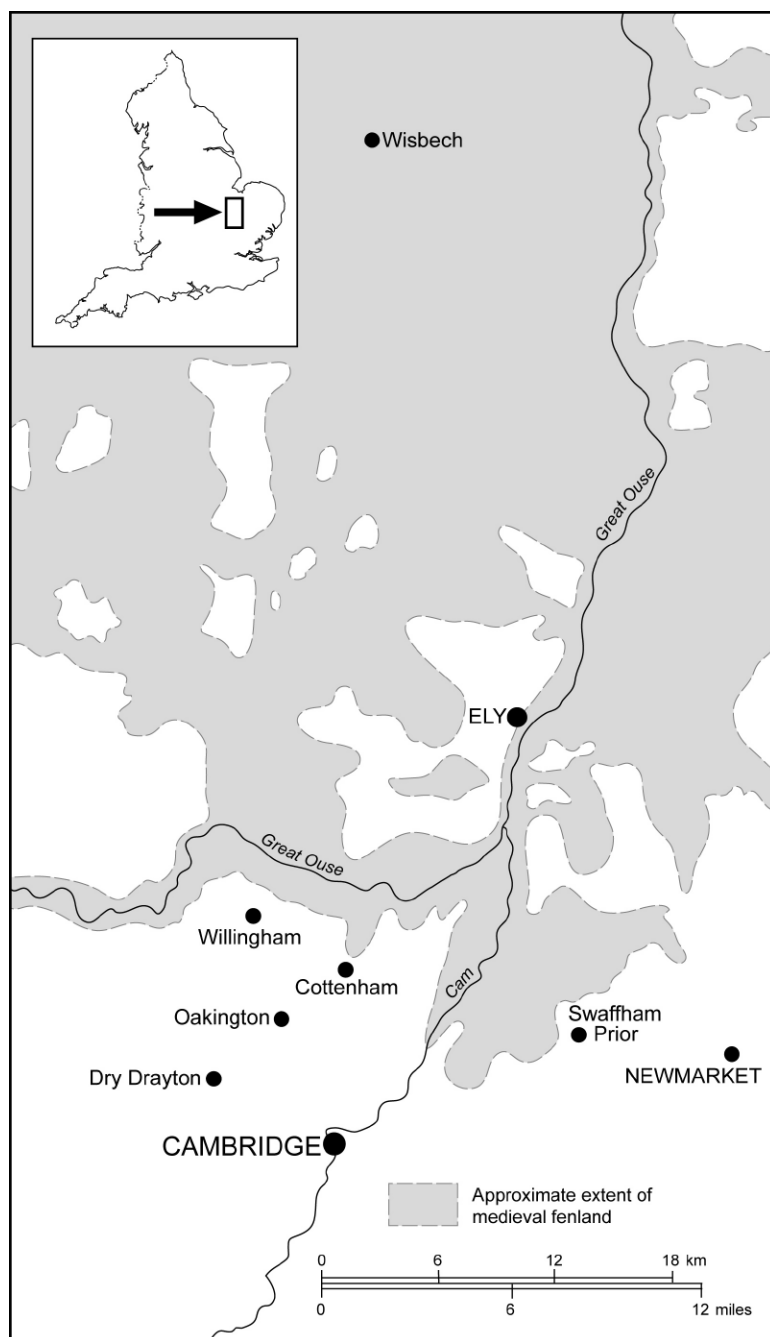


FIGURE 1. Cambridgeshire villages mentioned in this study

the remainder are a mixture of debts of grain, livestock and other goods. As far as one can determine, the debts expressed in money were expected to have been discharged with actual coin. Given this predominance of arrangements requiring repayment in money, it is likely that if change in the money supply was indeed a key determinant of the quantity of credit extended, then credit in these villages is liable to have been substantially affected by such change.

Some of the claims of money debts provide enough detail to allow one to determine whether a sales credit or a loan was involved. For a typical example of a sales credit, at Willingham in 1409 William Turrell senior was found to owe William Schetere 3s. 4d., which was part of the price of one ox purchased by the debtor from the creditor.¹⁷ The creditors and debtors were usually fellow residents of the case study village in question, though inhabitants of nearby villages, and of towns such as Ely and Cambridge, are occasionally found in one or other of those roles.

II

How do the number of debt actions brought in the three courts relate to changes in the volume of the currency? Here, we particularly compare the decades following the Black Death, when per capita coin supply was still relatively high, with the era of severe monetary contraction from c.1395. It is not possible to chart short-term changes in the total money supply of the late fourteenth and early fifteenth century reliably or exactly.¹⁸ In the absence of such information, we have to adopt Nightingale's assumption that those providing credit responded to changes in mint activity rather than the more abstract concept of the size of the money supply. Like their mercantile and metropolitan counterparts, the rural lenders of the Cambridge hinterland studied here had no obvious means of ascertaining aggregate money supply, either at a local or a national level. Like them, therefore, they are probably much more likely to have relied on news about activity at the mints when seeking to gauge the future availability of coin. For the purposes of the subsequent analysis, it is particularly important to note that the collapse in the output of the English mints was most marked in the years of 'bullion famine' which occurred between the mid-1390s and about 1412, and again in the 1430s and 1440s, but that the intervening years witnessed a notable rise in mint output (as may be seen in Table 1).

Unfortunately, manorial debt litigation does not provide a convenient chronological index of new credit contracts. Debts that came to court as litigation represent a minority of all credit. Instead, changes over time in the number of new debt complaints entering a court reflect a combination of three factors, which themselves shifted over time: the number of extant credit relationships; the rate of default by debtors; and the propensity of creditors to sue upon default. In principle, it is possible for there to have been a rise in new credit at a time when debt litigation was falling. Likewise, new credit could in theory have been entirely withdrawn at a time when litigation was going up. When there are a lot of short-term shocks to the economy, the problems in identifying the underlying trend in the extension of credit are acute. This is the case for the early fourteenth century. At that time, periodic subsistence crises and phases of heavy taxation frequently produced a pattern of litigation which fluctuated from year to year. This pattern masks the underlying trend in new credit creation.¹⁹ However, such shocks are less common for the later fourteenth and fifteenth centuries. On the whole, therefore, the data presented here will, to begin with at least, be treated as a relatively unproblematic picture of

¹⁷ CRO, L1/178 (11 Mar. 1409).

¹⁸ Allen, 'Volume of the English currency' estimates the size of the currency at particular dates in this period

(1351, 1422, 1470) and earlier.

¹⁹ For methods to deal with this problem, see Briggs, *Credit and village society*, ch. 6.

TABLE 1. Recorded English mint output, 1351–1480

	<i>Gold £</i>	<i>Silver £</i>	<i>Total output</i>	<i>Per cent silver</i>
1351–61	996,253	419,792	1,416,045	29.6
1361–69	612,627	29,201	641,828	4.5
1369–77	255,452	11,147	266,599	4.2
1377–99 ^a	389,770	21,567	411,337	5.2
1399–1408	60,744	1,748	62,492	2.8
1412–22	791,762	45,150	836,912	5.4
1422–31	670,783	275,443	946,226	29.1
1431–41	71,497	61,790	133,287	46.4
1441–50	33,686	13,328	47,014	28.3
1450–64	26,494	84,463	110,957	76.1
1464–1470	381,468	138,566	520,034	26.6
1471–1475	174,094	70,171	244,265	28.7
1475–1480	130,730	24,176	154,906	15.6

Note: ^a Includes Calais gold output, 4 Nov. 1375 to 7 Jan. 1384.

Source: Challis (ed.), *New history of the Royal Mint*, pp. 680–5.

changes in numbers of credit transactions. This is because, in the period under scrutiny, there is a relatively small risk of mistaking responses among litigants to dearth or heavy taxation for real changes in credit levels. That said, dearth did occur in the period under discussion, and it is referred to again briefly below.

The decadal totals of debt complaints after 1400 may now be compared with those prevailing beforehand. In general terms, the evidence collected here is like that presented in those earlier studies that discuss debt actions, in that it shows fifteenth-century levels of debt litigation that were low (and declining) by comparison with those of the fourteenth century. For Willingham, there is a massive drop between the 1380s and the 1450s in the decadal totals of suits from over 300 to less than 30 (Table 2a). After 1420, debt litigation is a negligible feature of the court record. This remains clear even if one adjusts the totals of suits upwards to allow for missing court sessions. Some phases of decline, such as the first decade of the fifteenth century, fit well with the monetarist theory of credit, because this was a period of low mint activity. However, the decline in suits — and hence in the amount of credit — intensified over the next two decades, even though there was a boom in mint output between 1412 and the late 1420s (Table 1). Importantly, that boom included a significant output of the smaller denomination silver coins: the farthings, halfpennies, pennies, groats (face value 4*d.*) and half-groats which are probably the coins most likely to have been used in village debt repayment.

The pattern for Oakington is not dissimilar (Table 2b). Here, closest attention should be given to the adjusted total of suits, in order to allow for loss of court records in the fifteenth century. As at Willingham, the zenith for debt actions came at the start of the final quarter of the fourteenth century. There are then two key periods of decline. The first is 1401–10 when suits roughly halved. This level was then more or less maintained until 1440. Thereafter, debt

TABLE 2. New debt complaints initiated in the manor courts of Willingham, Oakington (with Cottenham and Dry Drayton), and Swaffham Prior, 1351–1480

	<i>Court sessions with surviving records</i>	<i>New debt complaints^a</i>	<i>New debt complaints adjusted for missing court sessions^b</i>
a. Willingham			
1377–80	11	45.0	65.5
1381–90	37	363.0	392.5
1391–1400	34	295.0	347.0
1401–10	39	194.5	199.5
1411–20	35	102.5	117.0
1421–30	27	26.5	29.5
1431–40	19	15.5	24.5
1441–50	20	17.0	25.5
1451–58	10	6.0	14.5
b. Oakington			
1351–60	43	83.0	83.0
1361–70	52	117.5	117.5
1371–80	47	129.0	129.0
1381–90	48	101.0	101.0
1391–1400	40	92.5	92.5
1401–10	49	44.0	44.0
1411–20	40	45.0	45.0
1421–30	12	9.0	30.0
1431–40	39	44.0	45.0
1441–50	12	2.0	6.5
1451–60	17	1.0	2.5
1461–70	31	5.0	6.5
1471–80	25	3.0	5.0
c. Swaffham			
1351–60	28	48.0	51.5
1361–70	29	62.5	64.5
1422–1430	22	59.5	73.0
1431–40	24	97.0	121.0
1441–50	22	41.5	56.5
1451–60	21	17.0	24.5

Notes: ^a Totals include half of all ‘unknown’ complaints.

^b Totals reached by multiplying the average of complaints per session with surviving records by the estimated ‘complete’ total of sessions in a decade. Assumed minima of sessions held are as follows: Willingham, four sessions per annum to 1420, three sessions per annum thereafter; Oakington, four sessions per annum throughout; Swaffham, three sessions per annum throughout.

Sources: CRO, L1/177–9; CUL, Q boxes 3–5, rolls 5–20, 24; CUL, EDC 7/13/5–6.

litigation all but disappeared. As at Willingham, the increased mint output of 1412 to the later 1420s brought no upturn in credit, as indicated by debt litigation. Nor at either Oakington or Willingham is there any sign of an upturn in credit in the 1450s of the kind Nightingale found in the staple certificates and pardons for debt on the Patent Rolls. In accordance with monetarist theory, Nightingale attributed this upturn to the modest expansion of output at the London mint from 1449.²⁰ It is also generally recognized that in England the worst of the 'great bullion famine' was over by the 1460s, when there was high mint output associated with the recoinage of 1464–71.²¹ However, no upturn in the quantity of credit is reflected in the debt plaints of Oakington, the only one of our courts with surviving records for the 1460s and 1470s.

Finally, we turn to Swaffham Prior (Table 2c). Here the pattern is different from those of the other two courts. Absolute quantities of new suits were greater there between 1422 and 1440 than in the two decades following the Black Death. This is not necessarily a sign that for some reason credit in Swaffham Prior expanded to 'fill the gap' left by a depleted money supply. However, there does at least seem to have been some positive response among Swaffham lenders to the greater amount of money presumably in circulation following the heightened mint activity of the 1410s and 1420s. In the 1440s, however, when mint output slumped again, quantities of credit at Swaffham Prior, as indicated by litigation, fell as monetarist theory would predict.

For two of the three courts, therefore, there is a picture of massive decline in the quantities of debt litigation and, correspondingly, the amount of credit underlying it. Decline of some sort in this period is what the monetarist theory of medieval money and credit would predict. Yet the most notable aspect of the Willingham and Oakington patterns of debt litigation is the relentless downward direction of the decline. It occurred in spite of the fact that mint output increased as well as fell in this period. Much of the coin issuing from the mints in these decades was minted at Calais, but it should be stressed that such coin circulated within England and thereby contributed fully to the kingdom's money supply, as hoard evidence demonstrates.²²

It should also be emphasized that it was not only the output of silver coin that mattered to would-be lenders within these Cambridgeshire villages when they were deciding whether or not to offer credit. Commentators have frequently drawn attention to the increasingly 'top-heavy' nature of the English coinage in the fifteenth century which arose because circumstances were much more favourable to the production and circulation of gold rather than silver coins. Allen has estimated that the per capita stock of the smaller denomination silver coins declined from

²⁰ Nightingale, 'England and the European depression', pp. 644–5.

²¹ N. J. Mayhew, 'The monetary background to the Yorkist recoinage of 1464–1471', *British Numismatic J.* 44 (1974), pp. 62–73; C. E. Challis, 'Lord Hastings to the great silver recoinage, 1464–1699', in Challis (ed.), *New history of the Royal Mint*, p. 190. For the Europe-wide end in the 1460s of the worst effects of the dearth of coin, see Spufford, *Money and its uses*, pp. 363–71.

²² See the proportions of Calais and London coins in the Fishpool (Nottinghamshire) and Reigate (Wray Lane)

(Surrey) hoards, which closely matched their relative proportions in the mint output of 1422–31, M. M. Archibald, 'Fishpool, Blidworth (Notts.), 1966 hoard', *Numismatic Chronicle* seventh ser., 7 (1967), pp. 133–46; ead., 'The Reigate hoard', *British Numismatic J.* 48 (1978), pp. 80–1; I am grateful to Martin Allen for information on this point. See also P. Spufford, 'Calais and its mint: part one', in N. J. Mayhew (ed.), *Coinage in the Low Countries (800–1500)* (BAR International Ser. 54, 1979), pp. 171–83.

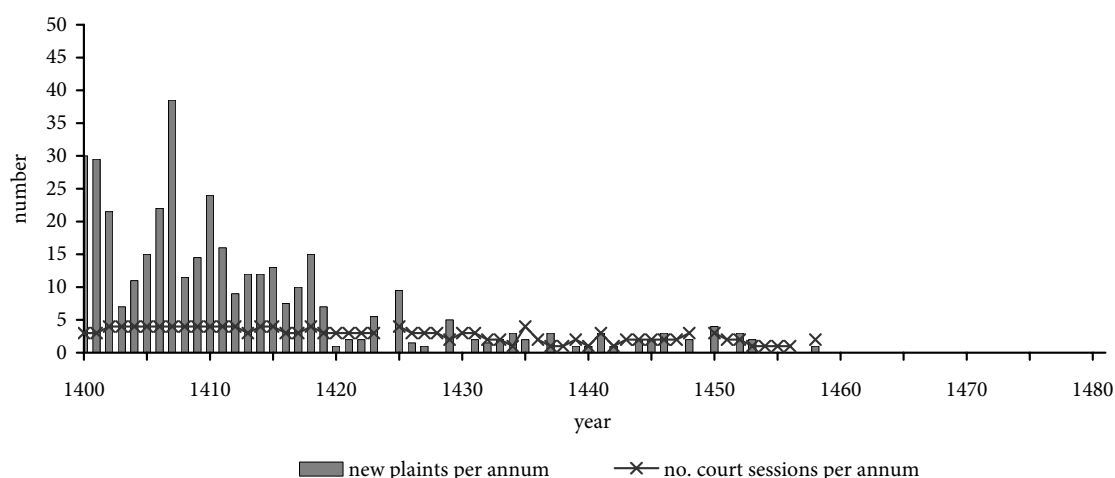


FIGURE 2. Willingham: new debt complaints per annum, 1400–1460

Note: Includes half 'unknown' plaintiffs.

Source: CRO, L1/177–9.

about 5s.–7s. in 1351 to 1s.–2s. in 1422.²³ With many everyday payments requiring the outlay of just a few pence at most, the shortage of silver had a potentially debilitating effect on retail trade, especially in the towns. The gold denominations comprised the noble with a face value of 6s. 8d. (80d.), and its divisions, the half-noble and quarter-noble, coins which are assumed to have been inconveniently large for many routine peasant payments.²⁴

It is significant, therefore, that 142 of the 177 money debts (80.2 per cent) claimed in the three manor courts from 1400 were of sums of 20d. or over. These were debts that could have been repaid partly or wholly in gold. In fact, 33.9 per cent of all money debts claimed could have been repaid entirely in gold coins because they involved sums of 20d., or multiples thereof. In other words, according to the monetarist theory of medieval credit, the extension of credit in these villages ought to have been stimulated at various points between 1400 and 1460 not only by upturns in the mint output of silver, but also by upturns in gold output. Given all this, why, then, did debt litigation not move consistently in an upwards direction at any point after 1400, apart from at Swaffham Prior?

Before addressing that question, we may note the annual totals of debt suits in the three courts from 1400 (Figures 2–4). Of particular interest are the years 1437–40, a time of severe dearth and high prices.²⁵ However, in those years there is no upturn in totals of Oakington or Willingham suits. Higher than average totals of suits might be expected in such years, because of increased default by debtors, and the fact that creditors would be especially likely to wish to recover outstanding debts at such times because they themselves were suffering the

²³ Allen, 'Volume of the English currency', pp. 607–8.

²⁴ Mayhew, 'Money in the late medieval countryside', pp. 21–2; see, however, Dyer, 'Peasants and coins', p. 40.

²⁵ D. L. Farmer, 'Prices and wages, 1350–1400', in

E. Miller (ed.), *The agrarian history of England and Wales*, III, 1348–1500 (1991), pp. 445, 504; Dodds, *Peasants and production*, pp. 98–100.

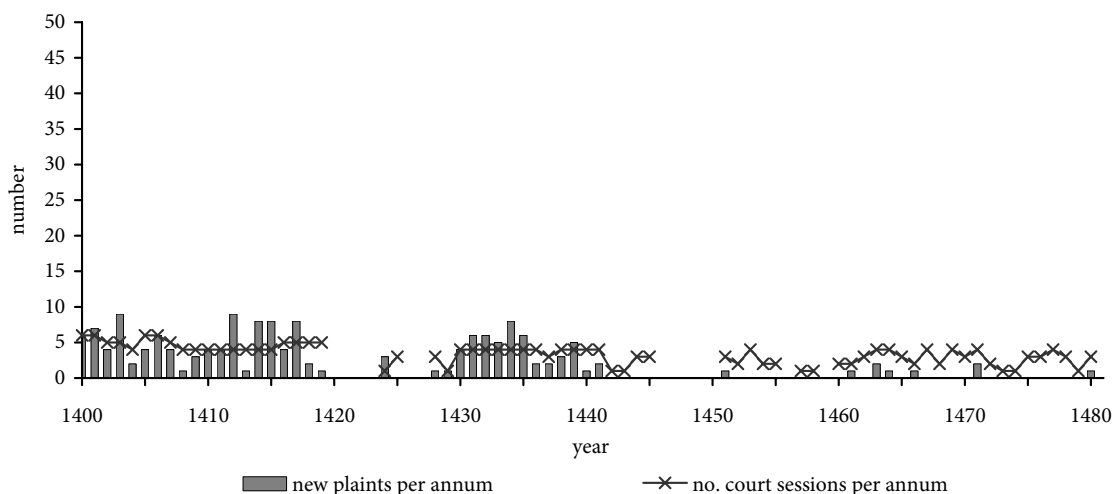


FIGURE 3. Oakington: new debt complaints per annum, 1400–1480

Note: Includes half 'unknown' complaints.

Source: CUL, Q boxes 3–5, rolls 10–20, 24.

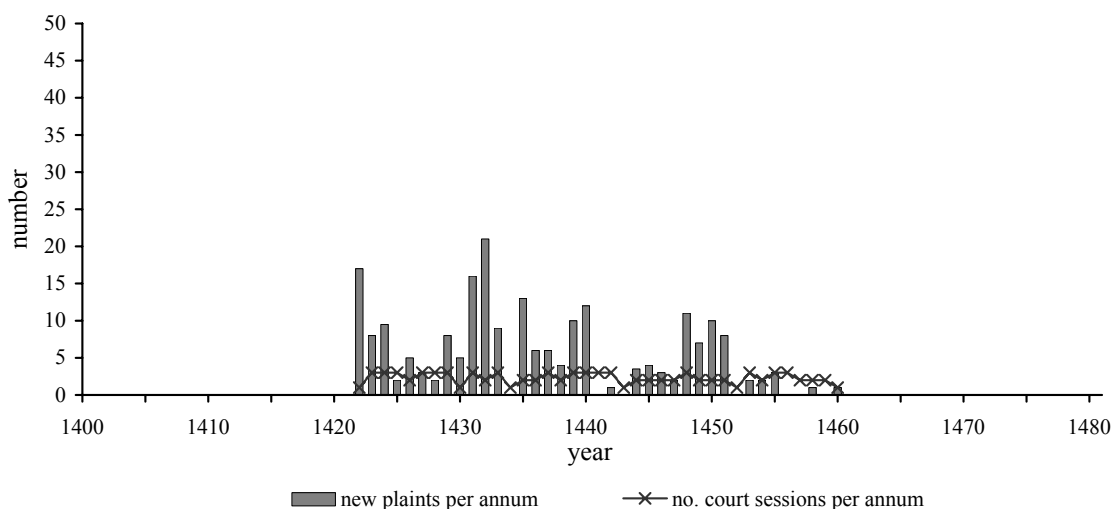


FIGURE 4. Swaffham Prior: new debt complaints per annum, 1422–1480

Note: Includes half 'unknown' complaints.

Source: CUL, EDC 7/13/6.

consequences of harvest failure. The absence of such an upturn for two of our three courts obliges one to reject any suggestion that in those locations the underlying level of credit was actually quite high after 1400, but remains hidden to the historian because the circumstances encouraging manorial litigation were generally low.

III

As noted in the introduction, existing studies have already drawn attention to a mid-fifteenth century decline in manorial debt litigation.²⁶ A particularly full consideration of this decline appears in McIntosh's study of Havering (Essex), in which the author showed that the number of personal lawsuits, including debt, dropped sharply between 1405–6 and the 1440s. McIntosh did not associate this pattern with monetary problems. She wrote instead that is likely that 'the reduction in private suits was caused primarily by changes within the court itself. By the 1430s and 1440s the court's ability to handle suits had weakened greatly. It was no longer able to enforce the appearance of defendants and jurors or to keep track of the progress of a case'. She also notes that in these years instructions to manorial officials to carry out court orders were repeated over and over to no avail. The officials ceased to be amerced (fined) by the court for their failures. By the 1440s suits usually took eight or more sessions before completion, by contrast with just one session in earlier periods. McIntosh concluded that 'because the court was unsuccessful in processing suits, fewer tenants bothered to bring their problems before it'.²⁷

Did something similar happen at Willingham, Oakington, and (perhaps) Swaffham? Did the pattern of debt litigation decline reflect in some way changes that were occurring in the manor courts? As a first step, one may reject any suggestion that changes in manor court recording practices might explain the mid-fifteenth century drop in debt litigation. It is true that in her study of Havering in a later period, McIntosh found that between 1500 and 1589 there was an increasing tendency for certain stages in the progress of a private lawsuit to be omitted from the final fair copy of the manor court roll and cases which reached a rapid termination without requiring a jury trial were not recorded at all. McIntosh also implies that at this date the preliminary stages of a case were also often not written up in the court roll. Instead, fuller records of private suits were kept by the court clerk in the form of loose notes, many of which were not carried onto the fair copy of the roll.²⁸ However, there is little to indicate that private suits were being entirely omitted from the formal record in the three court roll series studied here. For example, the Willingham rolls of the 1440s and 1450s and the Oakington rolls of the 1460s and 1470s continue to feature short memoranda recording the preliminary stages of suits, as well as cases that were terminated rapidly through the defendant's admission of liability. It is true that in the rolls of one of the courts — Willingham — there are 10 debt cases that indicate the presence of ancillary documentation through references to court 'papers'. However, the aim of these entries was clearly to refer the clerk to his papers for fuller details of each case, and there is no suggestion that cases would be detailed in the court papers but not noted, even in brief, in the formal roll.²⁹

A more fruitful course is to look at the functioning of the courts themselves. Although later medieval village credit networks featured many lenders and borrowers presumably well known

²⁶ Above, n. 3.

²⁷ McIntosh, *Autonomy and community*, pp. 199–200.

²⁸ M. K. McIntosh, *A community transformed. The manor and liberty of Havering-Atte-Bower, 1500–1620*

(1991), pp. 301–04.

²⁹ CRO, L1/178, 5 Feb. 1411 (three cases), 2 Dec. 1415, 24 Sept. 1417 (two cases), 11 Jan. 1419 (three cases); CRO, L1/179, 15 Jan. 1425.

to one another, it is clear that many rural creditors in this period had to contend with the economists' classic obstacles of adverse selection and moral hazard when deciding whether or not to give credit to a particular individual. In other words, a lender faced the dangers that his or her estimate of the borrower's capacity to repay would be inaccurate, or that the borrower would attempt to avoid repaying the debt. In order to deal with these problems of 'asymmetric information', contemporaries needed inexpensive and efficient local legal institutions, which had the power to force debtors to court, to reach authoritative and transparent judgements as to whether or not an obligation was outstanding, and to seize debtors' goods as payment if they did not meet an outstanding obligation. If such mechanisms were not readily available locally, potential lenders would probably have been less likely to lend. Any evidence of collapse in the machinery of our case study manor courts could thus explain the lack of any upturn in new credit extension across the period 1400–1480.

It should be stressed that the principal function of the medieval manor court was never to provide peasants with a jurisdiction for civil litigation. That function was always secondary to the control the court gave a lord over his villein (unfree) tenants and their land and obligations, and over the administration of his manor as an economic unit. Therefore, as villeinage disappeared during the fifteenth century, seigniorial demesne lands were leased, and manorial institutions declined, there was in general less business to be transacted by manor courts.³⁰ Also, juries of leading villagers came to dominate ever more aspects of court business through the spread of the process of presentment, whereby almost all matters other than debt and other forms of private litigation were reported and punished in highly summary fashion. The rise of presentment meant that the court's core business was dispatched increasingly quickly. Together, these factors meant that fewer manor court sessions needed to be held each year. The decline of manorial authority also affected the manorial officials who, in addition to their primary role of collecting revenues and enforcing services on behalf of the lord, were also crucial to the process of private litigation. These officials made the seizures of movable property — the attachments and distrains — that compelled litigants' appearances; they arranged the appointment of pledges (personal sureties) who were also used to secure litigants' appearances; they enforced the court judgements, again through seizures of property; and they also collected the amercements from debtors who did not turn up in court. From the later fourteenth century, manorial tenants were less willing than before to serve as officials, and became less inclined to perform effectively all aspects of their work.³¹ It was a standard rule of private litigation in manor courts that a judgement could not be reached in the absence of the defendant. The ability of a court to get defendants to appear was therefore crucial from the creditor's point of view, and consequently the fifteenth-century developments mentioned above, many of which lengthened the time taken to secure the presence of defendants, were

³⁰ For the developments described in the remainder of this paragraph, see Beckerman, 'Procedural innovation', pp. 242–50; M. Bailey (ed.), *The English manor, c.1200–c.1500* (2002), pp. 184–6.

³¹ See, for example, F. M. Page, *The estates of Crowland Abbey: a study in manorial organisation* (1934), p. 70; C. Dyer, 'The social and economic background to the

rural revolt of 1381', in Dyer, *Everyday life in medieval England* (1994), pp. 211–12. In Durham, men elected as officials rarely refused to serve, but this did not necessarily mean that their duties were carried out properly: P. L. Larson, *Conflict and compromise in the late medieval countryside. Lords and peasants in Durham, 1349–1400* (2006), pp. 137–9.

all obviously unwelcome for individuals who wished to use manor courts to recover unpaid debts.

There are various matters one can explore in order to reconstruct the speed and effectiveness of a manor court's civil litigation procedure.³² These include, the number of court sessions held annually; the number of court sessions for which a plaintiff ran before it was resolved; the court's policy on amercing defendants who failed to turn up in court, or the pledges who had promised to guarantee the defendant's appearance; and the monitoring and punishment of the manorial officials responsible for carrying out the orders issued by the court in private litigation. Only by looking closely at these and connected matters can one evaluate the extent to which a specific court was a speedy or efficient place in which to sue.

By exploring such issues it is possible to establish that many of the signs of degeneration of the court machinery highlighted by McIntosh are also evident in the three case study courts, especially Willingham and Oakington. Such degeneration was not primarily a consequence of reductions in the annual totals of court sessions. Only Willingham began routinely to hold fewer court sessions per annum in this period, when it shifted from four to three around 1420. At Oakington and Swaffham, it is clear that, respectively, four and three sessions per annum continued to be held throughout, though records do not survive for many of these. It is also clear that after 1400, all three courts continued to record amercements against parties who failed to turn up in court, just as they had done between 1350 and 1400, though one cannot be certain that such amercements were always successfully collected. Finally, no change can be found in the enforcement of debts and damages payments which had been awarded to the creditor in a court judgement. After 1400, as before, all three courts recorded in the court roll their undertaking to enforce repayment if necessary by levying these sums through seizure of the debtor's goods.

Some sense of the declining efficiency of the court is gained, however, through examination of changes in the number of debt plaintiffs which were pending before the court for more than two sessions (Table 3). In most decades after 1400, a greater proportion of plaintiffs were before the court for three or more sessions than had been the case before 1400, in all three courts. This speaks of a deteriorating performance of court machinery, at least with respect to its success in getting defendants to court in order to effect rapid termination of debt cases. Clearly, there are exceptions to this trend, such as the decade 1401–10 at Oakington, and the decade 1441–50 at Swaffham Prior, decades in which the courts appear to have had more success in getting debtors to appear. At Willingham and Oakington there are also several decades after 1400 when no case appears to have lasted for more than two sessions. This feature, however, is primarily a function of record loss. The figures in Table 3 simply show the number of different court sessions in which a case appears in the surviving records. Where a substantial number of court rolls do not survive, which is frequently the case at Oakington and Willingham after 1420, it can appear as if particular cases were dispatched more quickly than they were.

However, it is really only by looking in more detail at the progress of the debt cases that

³² C. Briggs, 'Manor court procedures, debt litigation levels, and rural credit provision in England, c.1290–c.1380', *Law and History Rev.* 24 (2006), pp. 519–58.

TABLE 3. The percentage of debt complaints of duration in excess of two court sessions in the manor courts of Willingham, Oakington (with Cottenham and Dry Drayton), and Swaffham Prior

	Willingham			Oakington etc.			Swaffham Prior		
	<i>Total new plaints</i>	<i>Plaints lasting >2 court sessions</i>	<i>% of plaints lasting >2 sessions</i>	<i>Total new plaints</i>	<i>Plaints lasting >2 court sessions</i>	<i>% of plaints lasting >2 sessions</i>	<i>Total new plaints</i>	<i>Plaints lasting >2 court sessions</i>	<i>% of plaints lasting >2 sessions</i>
1351–1360	–	–	–	82	16	19.5	44	3	6.8
1361–1370	–	–	–	117	12	10.3	62	9	14.5
1371–1380	45	0	0.0	127	22	17.3	–	–	–
1381–1390	361	25	6.9	100	27	27.0	–	–	–
1391–1400	294	40	13.6	92	22	23.9	–	–	–
1401–1410	191	54	28.3	44	4	9.1	–	–	–
1411–1420	101	35	34.7	45	13	28.9	–	–	–
1421–1430	25	5	20.0	9	5	55.6	59	14	23.7
1431–1440	15	0	0.0	44	19	43.2	97	30	30.9
1441–1450	17	3	17.6	2	0	0.0	41	5	12.2
1451–1460	6	0	0.0	1	0	0.0	17	7	41.2
1461–1470	–	–	–	5	0	0.0	–	–	–
1471–1480	–	–	–	3	0	0.0	–	–	–
Total	1055	162	15.4	671	140	20.9	320	68	21.3

Note: Excludes 'unknown' actions.

Sources: See Table 2.

one can confirm that there were major changes afoot in these courts. At Willingham, in the period between 1395 and 1421, the court appears to have been under strain, less capable than before of handling the litigation coming before it. Thirty-eight of the total of 53 cases of the years 1377 to 1458 that lasted for five or more court sessions were begun between 1395 and 1421. There are also other telling signs of deterioration, this time concerning the performance of manorial officials. In 1402, in a debt complaint between William Bolle and John Bocher, it is noted that 'at the preceding court, order was made to the lord's hayward to attach John Bocher to respond to William Bolle, but he did not attach him, therefore he [the hayward] is in mercy [i.e. amerced]'.³³ This was the first occasion on which the amercement of an official for failing to attach in a debt case is recorded. The 1402 amercement is followed in 1407 by two further amercements of the hayward for the same offence — failing to obey an order to attach — in two separate debt complaints.³⁴ But there are no further proceedings against Willingham manorial officials.

³³ CRO, L1/178 (27 Feb. 1402).

³⁴ CRO, L1/178 (20 June 1407). The cases are Thomas Atte Persounes v. William Bolle, and Thomas Massy v.

William Bolle. The hayward who failed to attach was named in the latter case as Thomas Syward.

At Oakington, there is even stronger anecdotal evidence of the failure of the court machinery. There are five cases notable in this respect – all begun between 1415 and 1428 – all of which contain repeated failed orders to distrain, session after session. These cases were before the court from eight to a maximum of 25 sessions. Where a resolution is known, it is, in all cases, a failure by the plaintiff to prosecute further.³⁵ These are followed by eight very similar actions begun after 1430. These again all involve repeated orders to distrain which were not implemented. They lasted from a minimum of eight to a maximum of 13 sessions.³⁶ Local people would have been well aware of such ineffectiveness on the part of the court and its officials, and it would have been a strong disincentive to sue. Cases pending for such long periods involving repeated orders not acted upon were very rare in the Oakington court in the fourteenth century. It has been argued elsewhere that between c.1325 and c.1350 the Oakington manor court overhauled its procedures with seigniorial backing in order to improve the speed and efficiency of its litigation facilities, and thereby attract litigation.³⁷ What is evident after 1400 is almost exactly the reverse process, or an undoing of the earlier ‘reforms’. Finally, Crowland manorial officials ceased to be amerced after 1400 for failure to attach or distrain defendants in debt complaints. They had, however, been amerced for this reason at least twice between 1350 and 1380.³⁸ One very plausible implication is that the court steward, jurors and suitors were resigned to such official failings after 1400. In a period when litigation was rare, the absence of complaint against the performance of a court’s officials is probably best seen not as evidence of ‘customer satisfaction’, but as indicative of general apathy about the functioning of the court flowing from the fact that very few villagers were using it to bring lawsuits. Similar apathy in an era of declining litigation may also partly explain the absence, noted earlier, of complaints against the ineffectiveness of Willingham manorial officials after 1407.

At Swaffham Prior, there was also a general increase after 1400 in the proportion of suits pending for more than two court sessions (Table 3). However, it must be conceded that the time taken to settle a suit is not in itself an entirely satisfactory indicator of the effectiveness of a court’s procedure. A fifteenth-century court could have been fully exerting itself to secure a defendant’s appearance, without necessarily being successful in doing so quickly. As with Oakington and Willingham, a clearer sense of the Swaffham court’s performance is obtained by supplementing the statistics on delay in suit resolution times with the detail of particular suits. There is telling evidence which suggests that, even towards the end of the period, the Swaffham court was trying to modify the civil litigation process with the aim of improving conditions for creditors. The court roll for 31 October 1459 notes how at the previous court session Thomas

³⁵ CUL, Q roll 14, 25 Apr. 1415 (John Symond v. Simon Cole); 15 Feb. 1417 (Thomas Boydene v. Thomas Stanard smith); 29 July 1417 (Robert in the Field v. William Mas-sanger); roll 16, 27 Nov. 1424 (John Symound v. Simon Cole); roll 15, 12 Feb. 1428 (Robert Aylewene v. Simon Sperner). For all cases, only the date of first appearance is given.

³⁶ CUL, Q roll 16, 4 May 1431 (Robert Aylewene v. John Gleyve thresher); 13 Nov. 1431 (William Martyn v. John Roger); 15 Nov. 1435 (Simon Gylberd v. Henry

Martyn); roll 17, 19 Nov. 1437 (Simon Wryghte v. Thomas Warlok); 11 Feb. 1438 (John Haldene v. John Smyth); 5 May 1438 (Richard Katellene v. John Bevere, John Cosyn junior v. John Botown junior); 20 Apr. 1439 (John Cole v. Richard Porter). Again, only the date of first appearance is given.

³⁷ Briggs, ‘Manor court procedures’.

³⁸ CUL, Q roll 6, 9 Oct. 1364 (Robert Harger v. William Veys); roll 8, 17 Sept. 1380 (Andrew Phipson v. Robert Cademan).

Rede of Bottisham had been ordered to respond to Henry Terry in a plea of debt, but had not come to the present session. 'Therefore', it is stated, that since Thomas had made his fourth default, or had failed to appear to answer the plaintiff for a fourth time, 'according to the ancient custom of this manor it is adjudged by the lord's steward and the lord's tenants that the said Henry shall recover his debt together with 12*d.* damages, and the defendant amerced'.³⁹ In other words, in a move virtually unparalleled in medieval manor court evidence from any other location, judgement in the absence of the defendant was allowed. It appears that the court was reviving a pre-existing curial practice to deal with the problem of contumacious defendants. The surviving rolls show that this custom was invoked on at least one previous occasion, when in July 1436 judgement following a fourth default was given against Stephen Bacon in favour of John Atte Chaumbre with respect to a debt claim of 10*s.*⁴⁰ Given that in 1436 the Swaffham 'four defaults' rule was not described as the 'ancient custom' of the manor as it was in 1459, it is worth speculating that that rule was in fact introduced in the 1430s in order to shore up the confidence of litigants in the manor court machinery at a time when such confidence was decreasing here and more generally. Local awareness of such proactive curial policies may well have encouraged lenders to believe that they could continue to rely on the Swaffham manor court to assist in recovery of their debts.

Having investigated the functioning of the three courts, one may advance the following argument. Debt litigation declined dramatically between 1400 and 1460 in two of the three manor courts studied. This is interpreted as reflecting a corresponding decline in credit in the relevant localities. This credit contraction is, in general terms, what one would expect following the monetarist model of medieval money and credit. However, the failure of the quantity of credit transactions to increase as well as decrease in this period, in spite of booms in mint output, confounds the monetarist theory, and requires further explanation. It seems probable that a deterioration in the powers of the Willingham and Oakington manor courts as debt recovery institutions exacerbated other factors leading to credit contraction. It did this by making potential creditors fearful of getting their money back, because they would not be able to harness the powers of the manor courts to force their debtors to stand by their obligations. At Swaffham Prior, by contrast with the other two courts, debt litigation and underlying credit creation remained at a higher level after 1400 relative to the immediate post-Black Death decades. There are signs that this continued credit extension at Swaffham in the 1430s and 1440s was also influenced by changes within the manor court, since there are highly significant indications in its rolls that that jurisdiction continued to exert itself to secure rapid and enforceable court decisions well into the 1450s.

It is not at all clear which of the two principal factors under consideration — coin shortage, and deterioration in manorial justice — should be given primacy as a cause of rural credit withdrawal. One should of course not forget other forces which were also almost certainly of importance in bringing about shrinkage in the number of credit arrangements. Significant among these, naturally, is the possibility of continued demographic decline in the decades around 1400. Yet although the effects of population change on numbers of credit ties are not easily charted in the records, it seems unlikely that any demographic effect could by itself account for the large

³⁹ CUL, EDC 7/13/6 (31 Oct. 1459).

⁴⁰ CUL, EDC 7/13/6 (5 July 1436).

reduction in credit reflected in the debt litigation figures in Table 2. Where the respective roles of monetary developments and deterioration in manorial justice are concerned, it can certainly be argued that the initial drop in credit extension and consequent debt litigation was a result of severe coin shortage in the first decade of the fifteenth century. Subsequent developments within two of the three manor courts may then have intensified the tendency to withhold credit in the relevant locations. This would have happened because, in spite of an upturn in mint output and perhaps also in coin supply around 1420, it would still have seemed excessively risky to extend credit owing to the removal of a reliable local debt recovery mechanism. At the very least, however, it is clear that the absence at Oakington and Willingham of upward movement in the number of credit arrangements can only be understood in the light of failure in the institutions that traditionally had enforced peasant debt contracts, even if the initial crisis of credit was not caused by that failure.

IV

This section raises a further question. If manorial courts were increasingly slow and unreliable locales for debt recovery, were they replaced by other institutions?⁴¹ If they were, then the manorial evidence could be giving us a misleading impression of the pattern of fifteenth-century change both in debt disputes, and in the underlying level of rural credit. Were there such alternative institutional means for recovering unpaid debts?

There are several potential candidates. Debt claims could be initiated in the ‘communal’ courts of county and hundred in the later middle ages. However, the lack of surviving records for these jurisdictions prevents any investigation of the possibility that the villages studied here were affected by a shift in debt jurisdiction from the manor courts to the county or hundred courts.⁴² Another potential alternative to the manor court was the religious gild, or fraternity. Gilds became increasingly common in rural parishes during the fifteenth century, and played a role in the settlement of disputes through arbitration.⁴³ The existence of at least one gild at a date after 1389 is documented for each of the five Cambridgeshire villages studied here.⁴⁴ However, although it is possible that these gilds assumed a role in enforcing debt repayment that had previously belonged to the manor courts, we are prevented from checking this because we cannot be certain exactly when each gild came into existence and by the lack of extant gild records. One explanation for the continued vitality of the Swaffham manor court as a forum in which to recover debts in the first half of the fifteenth century may lie in the absence of

⁴¹ For this possibility, see Dyer, ‘Political life’, p. 148.

⁴² No relevant fifteenth-century plea rolls relating to Cambridgeshire hundred or county courts appear to survive. For a discussion of debt and other personal actions in county courts, and an indication of the relatively sparse survival of records of their proceedings, see R. C. Palmer, *The county courts of medieval England, 1150–1350* (1982), pp. 220–62.

⁴³ Dyer, ‘Political life’, pp. 150–3. It is probable however, that gilds settled disputes and enforced judgements only among their members. For a discussion, albeit

in an urban context, see B. R. McRee, ‘Religious gilds and regulation of behaviour in late medieval towns’, in J. Rosenthal and C. Richmond (eds), *People, politics and community in the later middle ages* (1987), pp. 108–22.

⁴⁴ V. R. Bainbridge, *Gilds in the medieval countryside. Social and religious change in Cambridgeshire, c.1350–1558* (1996), pp. 30–1. Gilds are recorded at Dry Drayton, Oakington and Willingham in the early sixteenth century: VCH *Cambs*, IX, pp. 86, 206, 409. None of the manorial court roll series studied mentions gilds.

competition in the shape of a contemporary gild, but it is difficult to do more than speculate on this point.⁴⁵

The possibility also exists that litigants increasingly sought the royal courts of common law at Westminster in preference to the manor courts as a setting for debt proceedings. The most important of the royal courts in this context was the court of Common Pleas. 'Peasant' litigants are certainly known to have brought litigation in Common Pleas in the fifteenth century.⁴⁶ No search for Cambridgeshire peasant plaintiffs in the voluminous Common Pleas records has yet been undertaken. In spite of this, one may still argue that it is unlikely that village debt disputes formerly destined for the Cambridgeshire manor courts studied here shifted to Common Pleas to any significant degree in this period. The manor courts and Common Pleas did not compete directly with one another in a single pool of debt disputes. Instead, a division of jurisdiction existed which meant that the manor courts could only hear debt claims under 40s., while suits in Common Pleas were limited to debt claims of 40s. or more.⁴⁷ Common Pleas therefore did not constitute a genuine alternative to the manor court as a setting for disputes concerning the relatively small obligations that were typical of most peasant credit transactions. Nor is it clear that civil litigation in the royal courts was increasing at the time when it was falling into abeyance in manorial jurisdictions. Although litigation in the royal courts of King's Bench and Common Pleas appears to have experienced a significant upturn in the later fourteenth century, a sustained decrease, coinciding with the most notable period of litigation decline in the manorial courts, set in from the 1430s and lasted for up to a century. Thus the wider picture of litigation patterns does little to advance the claim that the fifteenth-century royal courts were taking debt business away from the manor courts on any significant scale.⁴⁸

A more likely alternative to the manor court as a tribunal in which to bring rural debt disputes in this period was the church court, and it is upon that institution that most attention focuses here. The church courts had the power to hear petty debt disputes in the form of private suits brought under the rubric *fidei lesio*, or 'breach of faith'. Helmholz has written of an 'explosion' in *fidei lesio* actions in the fifteenth-century church courts.⁴⁹ He has identified relatively large numbers of such suits in the courts of the dioceses of Hereford and Lichfield at various dates in the fifteenth century, and for numerous dioceses by the early sixteenth century.⁵⁰

⁴⁵ No gild explicitly connected with Swaffham itself is recorded, but a gild of St John associated with a chapel in the hamlet of Reach (partly within Swaffham Prior parish) is known from a will to have existed c.1490–1525: VCH *Cambs*, X, pp. 228, 297, and references therein. (This, presumably, is the gild counted as belonging to Swaffham Prior in Bainbridge, *Gilds*, pp. 30–1.)

⁴⁶ R. C. Palmer, 'England: law, society and the state', in S. H. Rigby (ed.), *A companion to Britain in the later middle ages* (2003), pp. 256–7 (in Trinity term 1465, plaintiffs were explicitly described as 'husbandmen' or 'yeomen' in one per cent of instances).

⁴⁷ S. F. C. Milsom, *Historical foundations of the common law* (sec. edn., 1981), pp. 244–5; J. A. Galloway, 'Urban hinterlands in later medieval England', in K. Giles

and C. Dyer (eds), *Town and country in the middle ages: contrasts, contacts and interconnections, 1100–1500* (2005), p. 121.

⁴⁸ C. W. Brooks, 'Litigation and society in England, 1200–1996', in Brooks, *Lawyers, litigation and English society since 1450* (1998), pp. 66–70. McIntosh found that suits in Common Pleas involving Havering residents were extremely rare in the first half of the fifteenth century: *Autonomy and community*, pp. 69–70, 200.

⁴⁹ R. H. Helmholz, *The Oxford history of the laws of England*, I, *The canon law and ecclesiastical jurisdiction from 597 to the 1640s* (2004), pp. 229–30, 359–60.

⁵⁰ *id.*, 'Assumpsit and *fidei laesio*', in Helmholz, *Canon law and the law of England* (1987), pp. 263–4.

TABLE 4. Debt (*fidei lesio*) actions in the court of Wisbech deanery, 1460–72

	<i>n</i>	%
<i>Inter vivos</i> actions	418	79.2
Testamentary actions:		
Decedent is ‘creditor’	74	14.0
Decedent is ‘debtor’	30	5.7
Not known whether decedent ‘creditor’ or ‘debtor’	6	1.1
Total	528	100.0

Source: Calculated from Poos (ed.), *Lower ecclesiastical jurisdiction*, pp. 271–592.

Woodcock also noted a large increase in breach of faith actions in the fifteenth-century courts of Canterbury diocese.⁵¹ In several Cambridgeshire manor courts of the 1430s to 1460s one finds a heightened frequency of bylaws and presentments on the problem of manorial tenants suing one another in civil actions in a jurisdiction other than their own manor court, often specifically in an ecclesiastical court.⁵² Is it then possible that there was some sort of transfer of jurisdiction over rural debt disputes from manor court to church court in the middle decades of the fifteenth century?

To test this one needs contemporary church court material covering the case study villages discussed here. None survives, which is unsurprising given the generally patchy survival of the records of pre-1500 church courts. However, material is available from a location reasonably close in spatial terms to the villages studied. This is the record of sessions of the court of Wisbech deanery from 1460. This court heard debt and other matters subject to ecclesiastical jurisdiction arising in the seven rural parishes of the deanery.⁵³

In turning from the manorial courts rolls of the 1450s to the deanery court book of the 1460s, one moves from a world of almost no rural credit to one in which it appears to have been very common. Most of the church court disputes were of the type familiar from the manor courts, namely sums of money usually of less than 10s. arising from loans or credit sales. There were at least 528 debt actions brought before the deanery court between 1460 and 1472 (Table 4). For proper comparison with the manor courts, the figures are restricted to cases between individuals. A much smaller number of debts owed by and to institutions, primarily the guilds and parish churches, are excluded. Of the 528 actions, four-fifths are pleadings between living persons (the remainder relate to the settlement of testator’s estates) and they represent an average of over 75 disputes from each parish in the deanery in just over a decade. That is a much higher total than came before any of the three manor courts in the 1450s, which is the latest decade for which data from all three manor courts is available. It must also be remembered that these 528 *fidei lesio* actions were just the suits begun at the deanery level. Additional debt disputes from the

⁵¹ B. L. Woodcock, *Medieval ecclesiastical courts in the diocese of Canterbury* (1952), pp. 90–1.

⁵² C. Briggs, ‘Seigniorial control of villagers’ litigation beyond the manor in later medieval England’, *Historical Research*, forthcoming.

⁵³ L. R. Poos (ed.), *Lower ecclesiastical jurisdiction in late-medieval England. The courts of the Dean and Chapter of Lincoln, 1336–1349 and the Deanery of Wisbech, 1458–1484* (British Academy Records of Social and Economic History, new ser. 32, 2001).

seven parishes could also have been begun in jurisdictions at the archdeaconry and diocesan level, courts whose contemporary records are now lost.

The Wisbech court book dates from after 1460, when mint output had risen and the general monetary situation improved. One could therefore argue that the substantial quantities of debt revealed by the deanery court book might also be evident in local manor court records from the 1460s, and that what one therefore sees is not a transfer of jurisdiction, but a general upturn in credit of a kind that the monetarist model would anticipate. However, Poos searched the available Wisbech manorial court rolls from the same period as the deanery court book and found little debt litigation there. He concluded that the deanery court had become the normal place for such lawsuits by the 1460s.⁵⁴ It is clear that this was not the case in the fourteenth century, as debt litigation was at that period a significant component of Wisbech manor court business.⁵⁵ The Oakington evidence in Table 2b also shows that only a tiny quantity of debt litigation was initiated in the 1460s and 1470s. There is therefore sufficient evidence to suggest that some time between 1400 and 1460, as the manor courts failed as civil jurisdictions, creditors started increasingly to look to the potential of the church courts as a forum in which to sue non-paying debtors. The church courts may perhaps have adapted their procedures in response to attract litigants. It is notable that the Wisbech court used the relatively quick *ex officio* procedure, rather than the more convoluted 'instance' procedure that was more usual in civil suits in medieval church courts.⁵⁶ This is analogous to the practice in the courts of mid-fifteenth century Canterbury diocese, where most of the *fidei lesio* actions were heard by a rapid summary procedure, not 'instance' procedure.⁵⁷

If fifteenth-century would-be creditors did indeed come to believe that the church courts represented a viable alternative to the failing manor courts as effective debt recovery institutions, then their propensity to lend would presumably have increased accordingly. Of course, caution is required when making the argument that by the mid-fifteenth century the ecclesiastical jurisdictions had gone a considerable way towards supplanting the manor courts as the courts of first resort for rural lenders. The medieval church courts could suspend a contumacious defendant's right to enter the parish church, and could excommunicate anyone who refused to obey an order to repay a debt. Crucially, however, they do not appear to have ever shared the manor court's power to seize the property of debtors in order to effect repayment once a judgement in the creditor's favour had been made.⁵⁸ In practical terms, indeed, in terms of the speed and effectiveness of its debt recovery procedures, the services that the church courts offered to creditors were almost certainly not as good as those offered by a fully-functioning manor court. On the other hand, as the manor courts increasingly failed to enforce their procedures, the ecclesiastical jurisdictions may have appeared relatively attractive as a setting in which to initiate proceedings in spite of their lack of powers of compulsion. Further detailed

⁵⁴ Poos (ed.), *Lower ecclesiastical jurisdiction*, p. lvi.

⁵⁵ K. Parkin, 'Courts and the community: reconstructing the fourteenth-century peasant society of Wisbech Hundred, Cambridgeshire, from manor court rolls' (unpublished PhD thesis, University of Leicester, 1998), pp. 49, 80–6.

⁵⁶ Poos (ed.), *Lower ecclesiastical jurisdiction*, pp. xlv–l;

for 'instance' procedure, see Helmholz, *Oxford history of the laws of England*, I, pp. 312–43.

⁵⁷ Woodcock, *Medieval ecclesiastical courts*, pp. 53, 89.

⁵⁸ R. N. Swanson, *Church and society in late medieval England* (1989), pp. 179–80; Helmholz, *Oxford history of the laws of England*, I, pp. 345–8.

research is necessary in order to determine how the two types of jurisdiction compared in this regard by the middle of the fifteenth century.⁵⁹ At any rate, it is clear that between 1400 and 1460, responses to coin shortage were taking place against a background of fundamental changes in the landscape of rural legal institutions.

V

This article has brought new local evidence to bear on the question of changes in the availability of rural credit in fifteenth-century England. The debt litigation data from the three manor courts studied suggests that the numbers of new credit transactions underlying the litigation were much lower by the mid-fifteenth century than they had been a century earlier, though it is important to note that lending activity in Swaffham Prior did rally in the 1430s. This new manorial evidence therefore concurs with existing studies of manor courts, in pointing to a substantial late medieval decline in debt litigation, and hence in real levels of credit.

Caution is required, however, since for this period it is not sufficient simply to examine the pattern of manorial debt litigation relating to a particular village, and then to conclude that that pattern is equivalent to trends in the extension of credit within that village. This is because, almost as a by-product of the wider decline in the importance of villeinage and the manor, the fifteenth-century manor courts were losing their previous near-monopoly on the resolution of peasant debt disputes. Other institutions, most importantly the church courts, were taking an indeterminate but increasing share of the debt litigation business of the countryside. As a result, the dramatic drop in debt suits and in the corresponding level of credit revealed by the records of at least two of the three manor courts studied here does not necessarily tell the whole story, since in theory a growth in the church courts' debt jurisdiction could to some extent have compensated for the decline in manorial suits. Unfortunately, the surviving sources are such that they rarely, if ever, allow one to study simultaneously all the records of contemporary debt disputes arising within a particular village. For the villages studied here, for example, the lack of church court material is especially problematic. Because the records of debt dispute are incomplete, it is difficult to comment with complete confidence on the direction taken by quantities of new credit in such villages. One must also consider the possibility that there was an increase in the fifteenth century in the number of debt disputes that escaped the written record entirely, because they were settled informally, for example by arbitration.⁶⁰ Had there been such an increase, one could in principle argue that fifteenth-century credit networks remained very active, even if documentary references to debt become increasingly rare. Given all these uncertainties, it is perhaps safest to conclude that rural credit transactions became less numerous in the fifteenth century by comparison with the latter half of the fourteenth century, but that the decline was probably not as a precipitous as is suggested by looking solely at the figures on manorial debt litigation.

Although uncertainty therefore remains about the direction and degree of chronological change in numbers of new rural credit transactions, this by no means prevents a conclusion

⁵⁹ I intend to publish a more detailed study of this issue.

⁶⁰ Dyer, 'Political life', p. 154.

being reached on the second concern of this article, which is to establish the reasons for those changes. A number of interconnected factors evidently shaped the frequency with which villagers came together to form credit contracts. An important part of the reason for the fifteenth-century fall in the extension of credit is surely demographic. Thus to some extent, demand for credit simply lessened as a consequence of population decline. However, variations in monetary and institutional conditions also played a major role in governing the amount of credit given, by persuading creditors to rein in their lending activity at certain times, even when demand for credit remained strong, while at others encouraging those creditors to step up their lending activity once more.

The evidence presented in this article confirms the findings of previous studies in showing that in the first half of the fifteenth century, the institutions which for over a century had been primarily responsible for enforcing rural debt contracts — the manor courts — began to fail as tribunals of civil justice. As the evidence from Willingham and Oakington shows most dramatically, by the middle of the century, people had almost completely ceased to take their private suits to the manor courts. This failure of manorial justice intensified the problems posed by an inadequate money supply, providing a further reason for individuals to withhold credit on the basis of doubts about their prospects of repayment. The effect of institutional changes like the decline of the manor courts was therefore to restrict economic activity, since where few were willing to offer credit, either in the context of a sale or via a loan, trade in agricultural commodities was unlikely to flourish. However, this article has also suggested the possibility that by the second half of the century the church courts had taken over a growing share of the work of enforcing rural debt contracts. The most difficult further questions raised by this article are therefore as follows: to what extent did any transfer of jurisdiction over rural debt business to the church courts compensate for the demise of the system of civil justice that had previously been provided by the manor courts? Did this institutional change boost lenders' confidence, stimulate the availability of credit, and help to bring its supply back into line with demand? However, to address such issues fully requires a broad-based study which integrates the analysis of mint output, prices, and evidence of rural trade into a more comprehensive examination of the manorial records and surviving church court material than has so far been attempted.