

Conference Report: The Society's Winter Conference

2002

by Jeremy Burchardt

The Society's annual Winter conference, entitled 'Popular Politics in Rural England', was organised by Jane Whittle and John Broad and held, as usual, on the first Saturday in December at the Institute of Historical Research, Senate House, London. Stalwarts of previous winter conferences expressed some dismay at the drastic modifications made to the English Local History Room since last year but this was more than made up for by the quality of the papers which followed.

The first paper was by Dr Miriam Muller (University of Birmingham), who spoke on 'Freedom through the court of law: peasant protest and ancient demesne in a fourteenth-century Wiltshire manor'. Dr Muller's main concern was to explore the methods and motives of peasants who resisted lordly oppression by legal means, as opposed to those who engaged in acts of outright defiance. One of the most familiar strategies of peasants who wished to remain within the law was to claim that their manor was ancient demesne of the crown. This was what the tenants of the Wiltshire manor of Badbury did in 1348 when they proceeded against their lord, the Abbot of Glastonbury, in the Court of Exchequer. Such a peasant conspiracy clearly required a high degree of community solidarity and trust, although interestingly some of the Badbury tenants had pleaded against each other in the manorial court prior to 1348. It also required effective leadership, knowledge of the law and experience in handling money. A key figure here was John Stephenes, a large tenant and brewer who acted as treasurer to the conspirators. Although able to keep tally, Stephenes was probably illiterate. He had a good record of abiding by the law, which may have made him a suitable choice as treasurer. Furthermore, having served as reeve Stephenes possessed detailed knowledge of the manorial community. Despite the common perception of local officials as oppressive, Stephenes was not in fact unusual in siding with the peasantry: many local officials, for example, took part in the Peasants Revolt.

Like most other peasant attempts to claim ancient demesne status, the Badbury action failed. Why was it

that peasants so often made such claims when, in the event, it turned out that Domesday Book provided no support for them? Perhaps popular memory was harkening back to pre-Conquest ownership, when Badbury at least had been a royal manor. But there was little in Badbury that ancient demesne status could have remedied. Admittedly, entry fines fluctuated wildly, heriots caused discontent and the lord of the manor sometimes took tenants' animals in distraint. But rents were fixed and labour services were minimal. Perhaps the claim to ancient demesne status was really a claim to freedom and should be understood in terms of myth and popular aspiration rather than pragmatic economic goals.

Prof. Richard Hoyle, standing in at very short notice for the indisposed Andy Wood, then spoke on 'Popular politics and manorial custom in sixteenth-century England'. For many people in the sixteenth century, the defence of manorial custom and popular politics were one and the same thing. The importance of manorial custom varied with time: it was less important in the fifteenth century, when land was readily available. Some manors moved towards leasehold in this period. Those lords whose tenants were still copyholders were at a significant disadvantage during and after the inflation of the 1540s.

Customs might be recorded in one of four ways. Firstly, tenants might create customnals for their own defence. Secondly, the lord might draw together a jury of the manor and charge them to record their customs. But it is questionable whether documents arising in this way accurately record custom: stewards were anxious not to record anything which would be disadvantageous to the lord. Thirdly, customs were sometimes written down and ratified after having been negotiated between lord and tenant. Fourthly, custom was sometimes recorded in evidence in law suits.

From the point of view of the peasantry, custom was collective memory. In the sixteenth century, custom in this sense appears to have been chronologically shallow, rarely reaching back further than thirty or forty years.

This may have been because the fifteenth century witnessed such disruption to customary norms. For lords, however, custom was what was recorded in the court rolls. This is why tenants were so concerned about where the court rolls were kept and who had access to them.

Custom, Professor Hoyle argued, formed a rough-and-ready system of peasant equity but it was difficult to make it the basis of a generalized peasant politics because jurists insisted that there was no such thing as general custom, only the custom of individual manors. Despite this, custom did not in fact differ very greatly from manor to manor because tenants were by no means totally isolated from each other (they met at market places, inns, etc.). However, there were interesting regional variations in custom at least in the sixteenth century. West of a line from Reading through Oxford to Banbury, disputes were about trying to establish (or deny) a right of inheritance. In the east of England, the right of inheritance had been established much earlier and the main issue was the rate of fines and the right of tenants to use the assets of the manor as they wished. These concerns come through particularly clearly in 1549. The key demands of the peasants were that rents and fines should be reduced to the level they were at forty years earlier. They also wanted tenants to have the right to cut timber on their property and to 'make waste', i.e. to take down buildings. Strikingly, the peasants sought to exclude the gentry and clergy from their world, asking for example that landlords' animals should be excluded from commons.

Custom in the sixteenth century therefore provided in effect a peasant concept of property rights, one which could be defended by petitions and by individual legal actions. After 1548/9, however, there were no further general attempts to rally this peasant consciousness. This may have been because the attack on peasant customs occurred manor by manor, tenant by tenant. It was probably also the case that 1549 was a shattering defeat – many peasants were killed. After the mid-sixteenth century, the relationship between lord and peasant ceased at least in many places to be a major element of popular politics in England until the nineteenth century.

After lunch, Dr Jane Pearson spoke on 'Conflict and Community in eighteenth-century Essex: the case of Great Tey'. In 1727, a group of young men trampled down a crop of oats belonging to John Ley on the village play field in Great Tey and threw fireworks into an adjacent property also owned by Ley. Ley had indicted the men for riot but they insisted that they had not been rioting and were eventually found not guilty. But what lies behind this bare outline of events? Great Tey had experienced significant economic change in the early eighteenth century as wealthier landowners increased the size of their holdings and let a higher proportion of their

land in leasehold. The remaining copyhold tenancies were held predominantly by small farmers. Tenurial divisions therefore corresponded to and reinforced social divisions.

Ley was especially active in the land market in Great Tey in the years leading up to 1727 and appears to have been challenging the traditional manorial system. The day of the riot was in fact the first time he had appeared in the manorial court homage. By then he owned and tenanted more than 300 acres in Great Tey. The value of the single acre of oats destroyed in the play field 'riot' would hardly have been important to a man farming on such a scale. It seems more plausible to see Ley's indictment of the young men as part of a wider struggle between him and the small farmers and labourers of the village. Certainly Ley was an objectionable neighbour. Not only had he refused to enter into dialogue with the young men over the play field before the 'riot', but he seems also not to have maintained his ditches and hedges properly, allowing animals to stray onto the land of other farmers, and to have underpaid his workers. Potentially, Ley was vulnerable to popular pressure, in that the large acreage of land he had assembled locally required a correspondingly large labour force. On the other hand, the high density of population in and around Great Tey weakened manorial control and put Ley in a stronger position than he would otherwise have enjoyed.

Ley's decision to plant oats on the play field, the only public space in the village apart from the guildhall and the church, seems to have been designed to precipitate a conflict over custom. If so, Ley may have underestimated the strength of the forces he was pitching himself against. The witnesses produced by the defendants were a cross-section of the Great Tey community, ranging from gentleman to clergyman, yeoman, village builder and labourer. Ley was evidently taking on the village community as a whole in order to break down custom in pursuit of his own financial interest. Perhaps belatedly recognising the extent of opposition his actions had generated, Ley apparently offered to withdraw his prosecution of the young men if the parish agreed not to raise his poor rates, an offer which was rejected. Ley's subsequent legal defeat at the hands of the village community of Great Tey demonstrates the capacity of eighteenth-century farmers and smallholders to organize in defence of custom at a local level.

Prof. Alun Howkins then gave the final paper of the day, with the title 'The fight for the Headington Magdalens 1850–1900: work in progress'. Prof. Howkins explained that his title was chosen advisedly. He had begun research on the Headington Magdalens with Raphael Samuel in 1968. This was to form part of a collaborative project on 'proletarian Oxfordshire'.

Historians have agreed on one aspect of enclosure more than any other, Prof. Howkins argued. This is the slightness of opposition to it. Insofar as opposition has been acknowledged, it has been largely the middle-class activism of the Commons Preservation Society (CPS). Whilst the achievement of the CPS should not be underestimated, it was not unproblematic: many of the rural poor objected to having productive waste turned into unproductive park. The Headington Magdalens, an area of open scrub let as part of Wood Farm, near Oxford, by Magdalen College, were not commonable but the villagers of Headington Quarry were nevertheless quite clear that they had the right to extract resources from the land. In the third quarter of the nineteenth century this brought them into conflict with Richard Pether, the new tenant of Wood Farm. Pether brought court cases against villagers trying to exercise common rights. In 1862 he fenced the Open Magdalens and in 1869 began to cultivate them, planting them with oats. In response, the poor of Headington broke down the gates and amid scenes of celebration and festivity trampled half a field of oats and took potatoes and peas. Five people were arrested. The aftermath highlighted a division between the small proprietors and the poor of Headington: the former urged the latter not to go back onto the land until the trial of the five arrested men had been completed. In the event, the magistrates concluded that no common rights existed over the Open Magdalens, but levied only a very small fine. Henceforth the small proprietors attempted to work through the courts, but the poor continued to take direct action, moving back onto the land

on the day after the verdict had been announced. The small proprietors turned their animals onto the Open Magdalens throughout 1872 but Magdalen College then threatened to take the case to Chancery. It is unclear if it ever reached the court but in 1877 the college gave the parish of Headington four acres of land in exchange for a piece of land in the Slade. It seems possible that this exchange of land formed part of an out-of-court settlement between the college and the small proprietors. Whether this was so or not, however, it did not stop the poor of Headington from continuing to gather wood, nuts and so forth from the Open Magdalens, and being prosecuted for doing so. In 1878–9, a very bad winter, there were many prosecutions for wood stealing and disturbances reached a new pitch. Pether impounded cattle turned out onto the Magdalens and in 1880 there were fires on the Magdalens. On the last occasion a huge crowd of about 2000 people gathered. The Open Magdalens were again burnt by the poor of Headington in 1889 and 1892, presumably as a manifestation of the ill-feeling engendered by Magdalen College and Richard Pether's attempts to prevent popular usage of the land. Prosecutions for wood stealing continued until at least 1895, but the use of the Headington Magdalens by Quarry villagers went on much longer than that: even in the late 1960s older people in the Quarry continued to take wood, nuts and rabbits from the land, which still remained barren waste.

The day's proceedings closed with thanks expressed to all the speakers and to John Broad and Jane Whittle for organising a stimulating and successful conference.