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**CUSTOM AND CONFLICT: DISPUTES OVER TITHE
IN THE DIOCESE OF CANTERBURY, 1501-1600**

**Paula Simpson
University of Kent at Canterbury**

**Thesis submitted for the degree of PhD in History
January 1997**

Acknowledgements

Thank you to Andrew Butcher for his expertise and constant encouragement and to Jean Hosking for her computing advice. Thank you also to Margaret Simpson, John Simpson and Ian Crocker.

This thesis is dedicated to Harry Mitchell.

Abbreviations

CCAL	Canterbury Cathedral Archives and Library
CKS	Centre for Kentish Studies (Maidstone)
CUL	Cambridge University Library
PRO	Public Record Office

Explanatory Notes

When quotation is used from deposition material, the footnote gives the names of the litigants involved, the date of the case and the folio reference for the quotation. Full references to all deposition material relating to tithe suits are given at the end of the thesis (pp. 335-55). The cases marked with an asterisk are those for which no corresponding entry in the Act Books could be found.

All maps are from the series of county maps for England, Scotland and Wales and appear by kind permission of Cecil Humphrey-Smith and the Trustees of The Institute of Heraldic and Genealogical Studies. The collection is available in *The Atlas and Index of Parish Registers* (Chichester, 1995) or individually

At the end of this thesis there is a map of Kent parishes with a numbered key. This is intended for reference throughout the thesis.

Abstract

This thesis seeks to explore custom and conflict in Kentish society through a study of tithing litigation in the diocese of Canterbury. It is based on an examination of ecclesiastical court material. The approach differs from most previous studies of tithing litigation in the emphasis on the practice of tithing payment as opposed to its statutory, legal or administrative aspects. An understanding of the everyday operation of tithing payment and tithing methods is regarded as an essential precursor to analysing trends in litigation. The transmission and negotiation of customary practice within local communities is examined in the second chapter. Chapter three focuses on conflict over tithing, particularly as evinced in verbal and physical confrontations between tithing collectors and tithing payers. These were confrontations which often revealed themselves in ritual and symbolic form. This chapter also considers the resistance evident in the tithing collection process. A statistical analysis of tithing litigation in the diocese for the period 1501-1600 is undertaken in chapter four. This examination draws particular attention to the prevalence of dispute throughout the period and to a geographical concentration of parishes experiencing a high number of disputes within certain areas of the diocese. Chapter five seeks to examine the local dynamics of dispute through case studies of four different parishes. These studies reveal the complexity of tithing payment and the way in which conflict over tithing very often informed interpersonal relationships in other spheres, notably in relation to religious practice and belief and in convictions about reciprocal behaviour.

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Chapter One: Introduction

Introduction

This thesis is an examination of custom and conflict in sixteenth-century rural society approached through a detailed qualitative and quantitative analysis of tithe litigation in the diocese of Canterbury. Qualitative detail has been drawn chiefly from the deposition material of the ecclesiastical courts and has been complemented by statistical analysis of the information contained within the Act Books of the same courts. The quantitative analysis has been computer-based, enabling a comprehensive analysis of trends in litigation throughout the century.

Perceptions of custom and customary behaviour are examined by focusing, in particular, on the transmission of custom and its negotiation within the parochial community. Here the work of Bourdieu and Thompson have been most influential.¹ Bourdieu's complex concept of the 'habitus', interpreted as the defining system within everyday life and as a means of understanding 'the mode of the generation of practices', has been of especial use.² He discusses dispositions, ways of thinking and feeling which, interacting with the environment, combine to produce the habitus, itself a system of durable and transposable dispositions. He characterises behaviour within the habitus as experienced, rather than formally taught; routine and habitual, lacking explicit codification, unconscious and ongoing. He distinguishes between the subjective nature of the habitus and the objective reality of everyday existence, though there is continual dialogue between the two.³

These ideas have been helpful in consideration of the role of custom and ritualised actions in relation to tithe. However, Bourdieu's emphasis on the homogenising and unreflective nature of behaviour and belief within the habitus invites criticisms similar to those often expressed in relation to structural functionalism, namely of

¹ Bourdieu, P., *Outline of a Theory of Practice*, trans. R. Nice (Cambridge, 1977); Thompson, E. P., *Customs in Common* (London, 1991).

² Bourdieu, *Outline of a Theory*, p. 72.

³ Bourdieu, *Outline of a Theory*, p. 283.

how to account for social change, other than as the product of the influence of factors external to the habitus. Bourdieu's contention is that habitus only operates in relation to a social field, which can produce very different practices and that the habitus is capable of being transformed by changed circumstances. Concomitantly the transformation of expectations within the habitus will take place.

The work of Thompson acknowledges the influence of the concept of habitus in understanding agrarian custom.⁴ He emphasises an interpretation of custom as culture, ambience and mentalité and he warns of the dangers of an over-consensual view. Thompson argues that culture takes form defensively in opposition to constraints and controls. It is a concept generated within a working environment of exploitation and resistance and he suggests that it can generate ritualised performances as a form of protest.⁵ Modern anthropological writing on community, especially the work of Cohen on the symbolic construction of community, has also been of use.⁶ Custom is related to meanings, but also to realities and it is quite clear that custom could become the focus, less for consensus, than for conflict. An understanding of the perceptions and operation of custom has been broadened, therefore, into a consideration of conflict and the resolution of conflict within sixteenth-century society.

Manning's work on popular disorder as expressed in enclosure riots is valuable for the attention it draws to symbolic expressions of protest.⁷ Although he emphasises the persistent and everyday nature of these disputes, he supposes that because of their reactive, as opposed to active, nature, they rarely posed a threat to established social and political order.⁸ Clark similarly argues, in his work on popular disturbance in Kent in the period 1558-1640, that riot was a regular phenomenon which was frequently influenced by economic factors. He characterises the disorder

⁴ Thompson, *Customs in Common*, p. 102.

⁵ Thompson, *Customs in Common*, pp. 6-8.

⁶ Cohen, A. P., *The Symbolic Construction of Community* (London, 1985).

⁷ Manning, R. B., *Village Revolts - Social Protest and Popular Disturbances in England, 1509-1640* (Oxford, 1988), especially pp. 25-30.

⁸ Manning, *Village Revolts*, p. 310.

as typically 'small-scale, localised and customary'.⁹ The writing of the anthropologist, Scott, which was based on field work in the Malaysian village of Sedaka in the 1970s, again highlights the everyday nature of conflict.¹⁰ He regards this conflict as profoundly class-based and emphasises the importance of understanding

'... what we might call *everyday* forms of peasant resistance - the prosaic but constant struggle between the peasantry and those who seek to extract labor, food, taxes, rents and interest from them. Most forms of this struggle stop well short of outright collective defiance.'¹¹

Disputes over tithe are especially rich in the evidence they provide of the routine of everyday life. This is recognised in an early and important thesis by Barratt which examines the condition of the parish clergy in the dioceses of Oxford, Worcester and Gloucester.¹² Barratt highlights the considerable corpus of material on tithe, ranging from medieval treatises to the work of economic historians who were her contemporaries: to contributions by lawyers, agriculturists, pamphleteers, ecclesiastical and local historians. She rightly draws attention to the fact that much of this secondary material, in its concentration on the origins of the system and its legal aspects, fails to address an examination of tithe as it reflected social and economic relationships within everyday parochial life. In her own study she emphasises the importance of the detail provided in the Deposition Books of the ecclesiastical courts and in diocesan terriers. She argues that the evidence of routine which these sources provide is a valuable basis for generalisation.¹³ Barratt, influenced by Tawney, also observes the importance of the complexity of custom in

⁹ Clark, P., 'Popular protest and disturbance in Kent, 1558-1640', *Economic History Review*, 29 (1976), p. 381.

¹⁰ Scott, J. C., *Weapons of the Weak - Everyday Forms of Peasant Resistance* (Yale, 1985).

¹¹ Scott, *Weapons of the Weak*, preface, p. 16.

¹² Barratt, D. M., 'The Condition of the Parish Clergy Between the Reformation and 1660, with Special Reference to the Dioceses of Oxford, Worcester and Gloucester' (DPhil: University of Oxford, 1949).

¹³ Barratt, 'The Condition of the Parish Clergy', pp. 211-4.

determining the relationship between tithe owners and parishioners. Custom is characterised as ‘rigorous in its precision’, a means of establishing workable relationships and defining rights.¹⁴

Later work on tithe has not really taken these ideas any further. Sheils’ study of tithe and the courts at York, for example, seeks to draw together a statistical analysis of disputes with the detail in sources which provide more qualitative data.¹⁵

While the statistical analysis indicates valuable lines of enquiry, work in this thesis suggests that sampling methods (such as those adopted by Sheils) are somewhat flawed in the conclusions they suggest.¹⁶ Sheils suggests, as does Barratt,¹⁷ that most disputes arose from dissatisfaction with the methods of collection and assessment of tithe, rather than with the principle of payment itself.¹⁸ He points to the recognised increase in litigation over tithe as a product of the greater involvement of the laity as tithe owners in the post-Reformation period. He further argues that their litigiousness was not hampered by considerations of pastoral care and neighbourliness which, he speculates, may have constrained clerically-inspired litigation.¹⁹ It seems, however, that this profile of tithe litigation is peculiar to the diocese of York which, after the dissolution of the monasteries, constituted a significant proportion of impropriated tithe. As will be discussed below, the patterns which emerge from the diocese of Canterbury are very different.²⁰ Sheils

¹⁴ Barratt, ‘The Condition of the Parish Clergy’, p. 215. Barratt also emphasises the dangers of generalised oversimplification in relation to methods of tithing: Barratt, ‘The Condition of the Parish Clergy’, p. 210.

¹⁵ Sheils, W. J., ‘The right of the church’: the clergy, tithe, and the courts at York, 1540-1640’ in Sheils, W. J. and Wood, D. (eds.), *The Church and Wealth - Studies in Church History*, 24 (Oxford, 1987), pp. 231-55.

¹⁶ Sampling obscures the crucially instructive fluctuation from year to year: for discussion see below chapter four.

¹⁷ Barratt, ‘The Condition of the Parish Clergy’, p. 215.

¹⁸ Sheils, ‘The right of the church’, p. 233.

¹⁹ Sheils, ‘The right of the church’, p. 252. Sheils’s work was guided in part by the earlier work of Gransby, D. M., ‘Tithe Disputes in the Diocese of York, 1540-1639’ (MPhil: University of York, 1966). This is a particularly detailed thesis in its study of the legal, administrative and statutory aspects of tithe litigation. Dispute over tithe in Leicestershire is examined in Tarver, A., ‘Tithe Disputes in the Archdeaconry Court of Leicester, 1560-1640’ (MA: University of Nottingham, 1989). This thesis is based on an examination of Cause Papers. Tithing litigation is also the subject of research in progress by D. Barker at the University of Reading.

²⁰ For discussion of cases instigated by lay plaintiffs see below chapter four, *passim*,

also relates his analysis of litigation in the period 1540-1640 to the considerable controversy over tithe during the Civil War and the Interregnum. He finds that this period was an entirely new climate for opposition to tithe, seemingly not informed by the attitude of the Church toward tithe in the preceding century.²¹ Tithe has been the subject, then, of only a limited corpus of article literature which has focused in the main on London,²² or on specialised or singular aspects of the tithing system.²³ There is also some literature concerned with the vehement opposition to tithe in the seventeenth century.²⁴

Tithe and its attendant issues have not before been examined in detail for the county of Kent. This thesis will not be concerned with the origins of the tithe payment system or with its legal, administrative and statutory aspects, other than incidentally. It is sufficient to say that tithes were theoretically distinguished in one of three ways: great or predial tithes on the direct products of the soil, as examples, corn, hay and wood; small or mixed tithes, as examples, livestock, wool and milk; and finally, personal tithes on the income, after expenses, from trades and crafts.²⁵ This thesis will be concerned primarily with predial and small tithes. There is little evidence in the Canterbury archive for the payment of personal tithe (which would in any case have constituted a greater significance in urban benefices). Canterbury itself had, by the sixteenth century, adopted a distinctive tithing system based on commutation at a rate of 2s 6d in the pound on the value of houses or rents.²⁶

especially p. 139 and for discussion of appropriated tithe see below p. 145.

²¹ Sheils, 'The right of the church', p. 255.

²² Brigden, S., 'Tithe Controversy in Reformation London', *Journal of Ecclesiastical History*, 32 (1981), pp. 205-381; Thomson, J. A. F., 'Tithe disputes in later medieval London', *English Historical Review*, 78 (1963), pp. 1-17.

²³ Adams, N., 'The judicial conflict over tithes', *English Historical Review*, 205 (1937), pp. 1-22; Little, A. G., 'Personal tithes', *English Historical Review*, 60 (1945), pp. 67-88.

²⁴ James, M., 'The political importance of the tithes controversy in the English Revolution, 1640-1660', *History*, 26 (1941), pp. 1-18; Reay, B., 'Quaker opposition to tithes, 1652-1660', *Past and Present*, 86 (1980), pp. 98-120.

²⁵ There were some exceptions to these categories. Hemp, for example, although a direct product of the soil was accounted as small tithe.

²⁶ Commutation was the substitution of the payment of tithe in kind by payment in money at either a fixed or negotiable rate.

Again, the singular nature of the tithing system in the city of Canterbury has not been directly considered.²⁷

In drawing together the ideas outlined above, it is intended in this thesis to emphasise throughout the *practice* of tithe payment and the defining role of custom and to broaden this into an understanding of conflict within sixteenth-century society. By emphasising the everyday and persistent nature of that conflict, it will be demonstrated that it was this very persistence and localism which is of especial significance. The thesis will also suggest a re-examination of what is meant by small-scale protest and consider its political nature.

The remaining part of this opening chapter will outline the structure of the ecclesiastical courts and the theoretical stages followed in the court hearing of a tithe suit, as well as providing discussion of sources and methods. Chapter two examines the perceptions and utilisation of custom in relation to tithe by considering ideas about its transmission and negotiation and chapter three considers conflict, as evinced by the court records, but which took place outside the courtroom and usually prior to formally instigated suits. Chapter four comprises two sections: the first is a statistical analysis of tithe litigation in the diocese throughout the sixteenth century; and the second examines, in more detail, the geography and chronology of dispute in distinct regions. Case studies of selected parishes are undertaken in chapter five. These studies draw on a wide range of sources in seeking to examine the particular religious, social and economic contexts in which disputes of tithe arose.

The Structure of the Courts

Records from the ecclesiastical courts survive in the Canterbury archive for both the Consistory Court and the Archdeacon's Court. The two courts exercised concurrent administrative and geographical jurisdiction with the exceptions outlined

²⁷ For discussion of two sixteenth-century cases concerning personal tithe in the city of Canterbury see Little, 'Personal Tithes', p. 77.

below.²⁸ The Consistory Court, under the direction of the Commissary General, was the diocesan court of the archbishop and had an administrative and judicial function. In the diocese of Canterbury this court alone heard all matrimonial business and it had sole jurisdiction over parishes exempt from the jurisdiction of the Archdeacon (termed 'exempt parishes'). These exempt parishes were in the archbishop's patronage and usually either contained archiepiscopal manors or provided archiepiscopal revenue. The Commissary General administered matters of probate and administration from the exempt parishes only and did not usually make routine visitations in non-exempt parishes. The Archdeacon's court presided over the city and the diocese of Canterbury. It could not hear matrimonial causes and it had no jurisdiction in the exempt parishes.²⁹ The work of this court was principally concerned with probate and administration and with the business arising from visitations.³⁰

The concerns of the ecclesiastical courts formed three relatively distinct areas: record, office and instance business. The record concerns of the courts were non-contentious, chiefly the routine handling of matters such as the granting of marriage licences or probate and administration. Office cases were of a disciplinary nature and could be promoted either by the judge alone ('*ex officio mero*') or by the judge at the instigation of a third party ('*ex officio promotio*'). Cases '*ex officio mero*' constituted the greatest volume of office business and usually arose from churchwardens' presentments or visitations. Instance causes were those heard between two contending parties and suits over tithe were almost always of this

²⁸ The following outline is derived from Woodcock, B. L., *Medieval Ecclesiastical Courts in the Diocese of Canterbury* (Oxford, 1952), pp. 6-29 which provides a thorough discussion of the development of the two jurisdictions.

²⁹ Although, in theory, matrimonial cases were not heard in the Archdeacon's Court occasional suits have been identified: O'Hara, D., 'Sixteenth-Century Courtship in the Diocese of Canterbury' (PhD: University of Kent at Canterbury, 1995), p. 8. A list of exempt parishes is given in Somner, W., *Antiquities of Canterbury*, 2nd edition, ed. W. Urry (Wakefield, 1977), p. 79.

³⁰ The evidence discussed in this thesis suggests, however, that in the sixteenth century the Archdeacon's Court was handling a considerable volume of instance business in relation to tithe: see Appendix 4.2, Figure 1 and for discussion below p. 129.

kind. For this reason, discussion hereafter will concentrate on the conduct of the courts with regard to instance suits.

Procedure for the Hearing of an Instance Cause

Instance suits could follow one of two procedures (plenary or summary) and because of their involved and detailed nature, tithe disputes usually followed the more complex plenary proceedings. The theoretical stages of plenary procedure in an instance cause are outlined below.³¹ The formal process was initiated by the plaintiff who would notify the court of the dispute and ask that the defendant be cited. The plaintiff would then appoint his or her proctor who would outline his client's case in the libel. The defendant would then be summoned by the judge to appear in court and a term would be assigned for hearing the evidence. If the first citation failed to produce the defendant, a second one would be issued, usually affixed to the door of either the defendant's house or his parish church. If both citations were ignored, in theory, the defendant could be declared contumacious and ultimately be excommunicated. Commonly, though, this penalty would be delayed in order to allow time for compliance.

The defendant, having appointed a proctor, would answer the libel point by point, generally under oath. The claims of the libel could be contested by drawing up an allegation specifying the defendant's position. A term would next be assigned for the production and examination of witnesses. These witnesses would be examined on oath, usually in private, as to their knowledge of the facts contained within the libel and/or the allegation. Either party could produce interrogatories. These were questions designed to elucidate the facts of the case or to expose bias or obligation. Written, verbatim copies of the witnesses' statements called depositions would be made available to both parties. During this stage of the suit, either party could introduce additional positions to strengthen the libel, additional exceptions to

³¹ This procedure is summarised in the diagram contained in Appendix 1.1 and is based on Owen, D. M., *The Records of the Established Church in England* (British Records Association, 1970), pp. 40-1. The diagram illustrates the documentation one might expect to find in relation to a dispute.

strengthen the allegation, exceptions to witnesses, or exhibits (documentary evidence).

The judge would finally assign a term during which all business should be concluded and a term for the sentence requested. The proctors would review all the evidence in consultation with the judge who would, on the assigned day, read the definitive sentence. The defeated party would be cited to appear in court and would ultimately have to provide certification that the terms of the sentence had been fulfilled. If the defeated party chose to appeal to a higher court, an inhibition would be issued to halt proceedings.

Yet in practice very few cases followed this procedure very strictly; for example, while the plaintiff's proctor had up to three terms in which to produce witnesses and documentation, this stage of the case usually took less time. In this way plenary procedure could be effectively condensed without a formal application being made for use of the more simplified summary procedure. The whole system was in fact very flexible and at any stage the parties might have referred to arbitration or have resolved their differences and discontinued the case. Indeed, they may have been encouraged to do so by the officers of the court. Clearly many disputes reached resolution outside the courtroom and never proceeded through to the later stages of the hearing or ultimately to the final sentence.³² Local clergy, gentry, parish officials and even neighbours might well have been involved in attempts to facilitate conciliation between contending parties.³³ A witness in the case *Turnor versus Wilmott* (1598), for example, described events which had taken place after evening prayer in the parish church of Hothfield. The parson, Mr Horsmanden, who was aware of a controversy between two of his parishioners concerning a sum of money 'did use some speeches tendinge to the makeinge of peece'. He allegedly declared,

³² For an analysis of the percentage of cases for which depositions were heard see below p. 149.

³³ For discussion of arbitration see Sharpe, J. A., 'Such disagreement betwix neighbours: litigation and human relations in early modern England' in Bossy, J. (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983), pp. 167-87.

‘Neighbours I understand that there are some controversies betweene you and suites are like to growe betweene you I would perswade you to be freindes ...’³⁴

Procedure in the Canterbury courts can be followed through a variety of documentation. Volumes known as Act Books are essentially a diarised account of each stage of the case. In the Canterbury archive there is a separate series of books for each court, usually comprising separate volumes for the three types of business outlined above. Miscellaneous papers relating to suits are catalogued under JJ for the Consistory Court and PRC 18 for the Archdeacon’s Court. These papers include citations, libels, allegations, interrogatories, sentences and taxation of costs.³⁵ Unfortunately, none of these miscellaneous papers survives in the Canterbury archive before the last decade of the sixteenth century. There is also a full set of Deposition Books dating from 1541 for the Consistory Court and from 1555 for the Archdeacon’s Court. Consequently, documents relating to individual tithe disputes may be distributed throughout three different sources: Act Books, miscellaneous papers and Deposition Books. For the purposes of this thesis, Act Books and Deposition Books have been consulted.

Entries in the Act Books were made under dated headings which in their fullest form included detail of the location of the court and the names of the presiding judge, the registrar and scribe(s). Sessions were also distinguished according to the Law Terms of Michaelmas, Hilary, Easter and Trinity. The date was recorded in the old style. It might be suggested that the regularity with which courts were held, as well as their location, might have had some bearing on their utilisation by litigants in the diocese. For this reason the first year of every decade has been sampled for both courts in order to determine when and where they were convened and whether any circuits were undertaken.

³⁴ Turnor *versus* Wilmott (1598): CCAL PRC 39/21 f. 76. For reference to ‘arbitrators’ in a testamentary case see also CCAL PRC 39/22 f. 90r. For discussion of the case Norton *versus* Murrell (1598) which also involved arbitration see below p. 18 and p. 23.

³⁵ Analysis of the taxation of costs is another means by which procedure in these cases can be understood. For a detailed taxation of costs relating to the tithe suit Cleater *versus* Rooke (1593) see, for example, CCAL PRC 18/4 f. 13.

For the first two decades of the century the Archdeacon's Court sat on a Saturday, usually bi-monthly (except for August), in either the Hospital of the Poor Priests in Canterbury, or the parish churches of St George or All Saints, also in Canterbury. There is some evidence that the court did leave the city, often for sessions in addition to the main session of the court. The additional session was usually held on another day during the same week.³⁶ The few entries for 1531 solely concern weekday sessions in the Sandwich deanery. In 1541 the court was still sitting on a Saturday, at this time in the Canterbury parish churches of St Mary Magdalene or St Margaret.³⁷ In 1551 the court was held in All Saints parish church, but from 1571 onwards the court settled its venue in the parish church of St Margaret in Canterbury.³⁸ The main session was held on a Wednesday. As the century progressed, there appears to have been an increasing need for extra sessions in which to conclude business. These were usually held on the days immediately following the main session. On occasion, litigants also resorted to the homes of officers of the court and the business conducted there would also be recorded in the Act Books.

The Consistory Court met on a Monday, again usually twice in a month and normally in the cathedral, probably under the north-west tower. A second session was often held on the following Tuesday, presumably to conclude business begun the day before. From 1541 until the end of the century, main sessions were held on a Tuesday, but with a less regular indication as to where. It is likely, though, that the usual venue remained somewhere within the cathedral precincts and by the end of the century it was probably the Chapter House.³⁹ The only evidence that the

³⁶ In 1521 the court met at Sandwich in May, October and November; at Ashford in January; at Ash in February, March, April and May; at Willesborough and Hothfield in July and at Selling and Kennington in October.

³⁷ One session was recorded at Newington (Hythe) in May and one in Lydden in September.

³⁸ One session was recorded at Faversham in October 1571 and one at Ash in April 1601. Some sessions were held in the parish church of St Alphege in Canterbury in 1591.

³⁹ In the sampled year of 1591 the location was merely stated to be the cathedral, though in some other years in the 1590s '*in loco consistorum*' was added. Woodcock determined that, from the early thirteenth century, the consistory court sat in the cathedral. He suggested that the venue was probably under the north-west

Consistory Court left Canterbury occurs in 1561 and again, as with the Archdeacon's court, this was for sessions in addition to the main ones held in Canterbury.⁴⁰ Again, as the century progressed an increasing need for additional subsidiary sessions is apparent.

Considering both courts together, there were around 44 main sessions of the ecclesiastical courts in any one year, most of which were held somewhere in Canterbury. There is little evidence that the courts undertook any circuits within the diocese, with the possible exception of one undertaken in the Sandwich deanery by the Archdeacon's Court in 1531. If courts were recorded as having convened outside Canterbury, this probably indicates that a special session had been arranged in order to hear evidence from deponents unable to make the journey into the city. It is very likely that choice of court in relation to a tithe dispute was quite arbitrary and governed primarily by convenience. This is with the rider that the Commissary General's sole jurisdiction in the exempt parishes would determine the choice of the Consistory Court if a plaintiff wished to cite a defendant who lived in one of these exempt parishes.

Sources and Methods

Act Books

The sources for the quantitative survey of tithe litigation are the Act Books of the Archdeacon's and Consistory Courts.⁴¹ As discussed above, the Act Books were

tower in the nave which was also the venue later in the seventeenth century: Woodcock, *Medieval Ecclesiastical Courts*, p. 31. The court's location under this tower is indicated on a mid-seventeenth-century plan, 'The Cathedral and adjoining buildings c. 1650' which is reprinted in Collinson, P., Ramsay, N. and Sparks, M. (eds.), *A History of Canterbury Cathedral* (Oxford, 1995), Plan 4. The evidence from the case *Office versus Kingsmill* (1593) suggests, however, that in the 1590s the location of the court may have been the chapter house. For discussion of this case see below p. 19.

⁴⁰ One session was recorded at Hythe in April, at Wingham in May and at Goodnestone and Eastchurch in June. There was also a session at Ashford in April 1591. An occasional venue is recorded at one of the Canterbury parish churches: St Alphege's, St Margaret's or St Mary Bredman's.

⁴¹ See the Manuscript Bibliography. Neither the Act Books nor the Deposition Books

used by notaries to record day-to-day activity in the courtroom. The volumes were internally divided into sessions called consistories with separate headings for each session, followed by a daily account of proceedings.⁴² Entries were made in abbreviated Latin and they recorded the detail pertaining to each stage in a case as it progressed. The first entry pertaining to a case usually describes the nature of the dispute: for tithe '*in causa subtractionis decimarum*'. It also provides detail concerning the parties in contention and the initial action taken in relation to the dispute. Subsequent entries relating to the suit in later sessions usually simply begin '*Quo die ...*' (referring to the date of that session). They do not tend to reiterate detail of the type of case or information about the parties involved, beyond a marginal indication of their surnames.⁴³

As stated, the entries relating to any one case will be distributed over a number of different folios and even volumes. In seeking to extract the detail of tithe cases from the Act Books for the purposes of this thesis, it has only been possible, therefore, to locate the first entry relating to a dispute. The details recorded include, at their fullest, the forename, surname, status, occupation and parish of residence of both the plaintiffs and the defendants. The month and year of this first entry have also been recorded.⁴⁴ In some respects the long time period considered does not lend itself to this systematic reduction of the information contained within the Act Books since different methods of record keeping were adopted throughout the century. The earlier volumes for both courts are much neater and subsequent stages of a

have been fully catalogued or calendared with the sole exception of volume CCAL X.10.4.

⁴² For the detail included in these headings see above p. 10.

⁴³ However, the system by which entries were made in the Act Books was not uniform. It should not be assumed, therefore, that the first entry records the issuing of the citation or the production of the libel, or that the last entry relating to a case will refer to the sentence. This may be the product of selective recording in the Act Books, although more likely, it provides further evidence that procedure in the courts did not follow the apparently rigid series of stages outlined in the above section. Now that the initial survey of tithe litigation is complete, it should be possible to find all of the entries relating to a particular dispute by tracing through surnames. This task is made immeasurably easier if the volume has been indexed, but unfortunately indexing was only undertaken in the later volumes.

⁴⁴ New style has been adopted for all dating.

case would often be recorded under the initial entry. After 1535 some deterioration in the standard of record keeping can be detected and a few volumes are very muddled; for example, office and instance business might be included in the same volume. In the later volumes, in particular, there is inconsistency in the recording of detail relating to the parties involved.⁴⁵

The extant volumes were probably those used in the courtroom. In the earlier volumes the opening lines of entries were pre-prepared by the notaries for the later inclusion of detail, probably in the courtroom. In the later volumes, the use of contraction, as well as the apparently hurried handwriting, signifies that these were working volumes. This supposition is also suggested by the way in which the information was compiled, that is, in not collating all of the entries to any one case. Evidently they were consulted again and again; many entries are annotated and, in the later volumes, indexed.⁴⁶

⁴⁵ In some instances personal detail concerning litigants may have been repeated in relation to later stages of a dispute already entered in the Act Book and therefore have been erroneously recorded by me as a second dispute. Where the personal detail relating to litigants in respect of a particular case is repeated in the records in either the same year, or the next year, this information has been discounted, unless it is specifically stated that it relates to a second, distinct dispute. This hopefully irons out some of the inconsistencies of the record keeping to provide a more realistic picture of the number of suits entered. The number of cases which have been excluded in this way is statistically insignificant.

⁴⁶ A possible exception which throws doubt on this premise of these being working volumes is a comparison of Consistory Court volumes CCAL Y.2.21 and CCAL Y.2.30. Volume Y.2.30 records instance business from 13th January 1573 to March 1574. The pages are numbered as far as f. 165, but, thereafter, the pagination finishes and there are further unpaginated gatherings. A comparison of the latter part of this volume with volume Y.2.21 reveals that one is an almost exact copy of the other. Volume Y.2.21 was begun at Michaelmas 1573 (27th October) and the cases recorded correspond with those recorded in Y.2.30 from f. 114. The correspondence continues until in the end of volume Y.2.30 (March 1574). Volume Y.2.21 was finished on 5th October 1574. It might be suggested, then, that the latter part of Y.2.30 was subsequently recopied into Y.2.21. It seems possible that, from f. 114 onwards, volume Y.2.30 was used as a draft or rough copy. Until f. 112 the record keeping is uniform, f. 113 is left blank and then from f. 114 detail is recorded in a different hand and there is a general deterioration in the standard of record keeping. Furthermore, pieces of paper have been inserted as markers and the entries have been crossed through, perhaps by the scribe of volume Y.2.21 after copying the details into this much neater volume. It seems that Y.2.30 may have been used in the courtroom. Some of the entries appear to have been pre-prepared and notes were added. If the latter pages of Y.2.30 are courtroom drafts then this throws some doubt on the status of the other volumes examined. Are they drafts or fair copies? Of

Deposition Registers

The qualitative evidence for disputes over tithe has been taken from deposition material.⁴⁷ This evidence includes detail of the answers provided by both parties and their witnesses to the contested case. Depositions would be recorded in English, with some formulaic use of Latin. Typically, they begin with a paragraph in Latin stating, in its fullest form, the name, occupation, parish of residence and age of the individual deponent. Within the same paragraph, additional detail such as the deponent's previous residence, place of birth and legal condition were often included. In the case of witnesses, detail as to how long they had known the plaintiff and defendant was also sometimes recorded. The fullest preambles also indicate which stage of the case was being answered. The comprehensiveness of this detail varies considerably. Some depositions, for example, merely give the name of the witness, with no indication of the case to which the testimony relates.

Depositions are an invaluable detailed source, especially for the evidence they provide about everyday exchanges between individuals in all spheres of life. However, a number of issues need to be considered. Depositions were made, usually in private, before one of the officials of the ecclesiastical courts who would

reassurance, however, is the fact that the copying appears to have been meticulous and accurate. Since these two volumes appear to be the only draft/fair copies amongst all those examined, it is suggested that rather than being a chance survival, this may in fact have been a particular method of recording adopted for whatever reason, from Michaelmas 1573 to March 1574. For discussion of draft and fair copies see also Vage, J. A., 'Ecclesiastical discipline in the early seventeenth century: some findings and some problems from the archdeaconry of Cornwall', *Journal of the Society of Archivists*, 7/2 (1982), pp. 85-105.

⁴⁷ Deposition evidence from the diocese of Canterbury has also been used in the work of O'Hara, D., "'Ruled by my friends": aspects of marriage in the diocese of Canterbury, c. 1540-1570', *Continuity and Change*, 6 (1991), pp. 9-41; O'Hara, D., 'The language of tokens and the making of marriage', *Rural History*, 3/1 (1992), pp. 1-40; O'Hara, 'Sixteenth-Century Courtship'; Hallam, E., 'Crisis and Representation: Gender and Social Relations in Canterbury, 1580-1640' (PhD: University of Kent at Canterbury, 1993). This thesis may not be consulted without the author's permission until October 1998; Hallam, E., 'Turning the hourglass: gender relations at the deathbed in early modern Canterbury', *Mortality*, 1/1 (1996), pp. 61-81; Butcher, A. F., 'onelye a boye called Christopher Mowle' in Grantley, D. and Roberts, P. (eds.), *Christopher Marlowe and English Renaissance Culture* (Aldershot, 1996), pp. 1-16. See also the introduction by A. F. Butcher to Urry, W., *Christopher Marlowe and Canterbury* (London, 1988), pp. 32-40.

record a near verbatim account of the events and exchanges recounted and the opinions expressed. Nonetheless, it is important to draw attention to the fact that deposition evidence was given in response to a series of articles framed by the plaintiff, to exceptions produced by the defendant or to interrogatories. There was then, in some senses, a pre-determined aspect to the responses. These responses would also have been informed, to some extent, by legal niceties in the transference of the deponent's words to the written records of the courts.

As discussed, interrogatories often sought to expose bias, reveal obligation or question the honesty of individual witnesses. In the case *Pettit versus Brooke* (1598), for example, one deponent declared that

‘... everie of them was and is commonlie accompted to be honest faithfull and true in all there actions & speeches, and of good conversacion credit and estimacion amongst there neighboures the inhabitauntes of Newington articulate and are commonly accompted and reputed for such persons as havinge taken an oathe before a competente judge will not for annie thinge forswere them selves by speekeinge contrarie to there oathe ...’⁴⁸

It is crucial to be sensitive to the affiliations and allegiances which might be revealed within the course of depositions. Pressure was often brought to bear on unwilling witnesses⁴⁹ and disputes were invariably informed by interpersonal rivalries and antagonisms.

For the twentieth-century reader detail pertaining to dispute can often be obscured; for example, deponents frequently agreed to the customary methods of paying tithe as outlined in a libel or an allegation without reiterating the detail in their answer to

⁴⁸ *Pettit versus Brooke* (1598): CCAL PRC 39/21 ff. 79v-81r.

⁴⁹ Consider, for example, the testimony of Thomasina Fisher who declared that that she had not come forward to testify in a case to be heard in the ecclesiastical courts ‘but stayed till she was forced by order of lawe’[CCAL PRC 39/17 f. 42]. For discussion of the pressure brought to bear on witnesses in the parish of Alkham see below p. 240. There was, however, a general willingness to bear witness in matters related to tithe: for discussion see below chapter three, *passim*.

the court. Thus, in trying to piece together the precise details of the dispute some inference is necessary. Deponents may have made no answer to other articles and this was usually recorded merely as '*nescit deponere*'. In other instances individual deponents appear to have made identical, word-for-word responses to the same article. It is unclear whether this represents pre-courtroom rehearsal or the influence of the scribe.

It is plain, notably in relation to tithe, that suits in the court were often the result of a lengthy history of dispute. The issues discussed may well have been at the forefront of community consciousness for a considerable period of time. They would have been discussed in the parish and its environs long before the issue reached court. Furthermore, much of the evidence concerned matters given ritual rehearsal within local communities, for example, details of perambulations. As shown, the court almost invariably sat at Canterbury which meant that litigants and witnesses were moving around the diocese and there must have been a considerable circulation of knowledge and gossip regarding these suits. The apparitor or summoner of the court had an important role to fulfil in this respect as he travelled the diocese citing people to court and, at the same time, probably disseminating information about current disputes.⁵⁰ Attention must also be paid to what Davis has termed the 'crafting of the narrative': the shaping choices of language, detail and order in presenting an interpretation or understanding of events which seemed meaningful or explanatory.⁵¹ Events were portrayed in such a way as to highlight certain elements and deponents (and court officials) tapped into shared discourses. This was perhaps most evident in matters of reputation, honour and shame. In a contested instance suit there was obviously a polarisation of positions between the

⁵⁰ For evidence of attitudes towards apparitors of the courts see below p. 23.

⁵¹ For discussion of narratives see Davis, N. Zemon, *Fiction in the Archives - Pardon Tales and Their Tellers in Sixteenth-Century France* (Oxford, 1988), especially the introduction; Gowing, L. *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford, 1996), especially pp. 54-8 and pp. 232-62. Gowing has also drawn attention to the influence of popular sources such as ballad literature in depositions arising from defamation suits: Gowing, L. 'Gender and the language of insult', *History Workshop Journal*, 35 (1993), pp. 1-21. This article has recently been given fuller consideration in Gowing, *Domestic Dangers*, pp. 59-111. For further discussion see also below footnote 252.

two parties involved. Witnesses probably did not deliberately present a fiction understood in the strictest definition of a lie (although there was a preoccupation with the honesty of witnesses and an awareness of the binding nature of the oath). The accounts undoubtedly reveal, however, conflicting interpretations and reinterpretations of events. Depositions might have been made months, or even years, after the events which they described: time for forgetfulness, pre-rehearsal, conference and collusion.

A notable and arguably unique exception is the testimony offered by Francis Topleie in the case *Norton versus Murrell* (1598).⁵² He described a meeting between the two parties to the case at a house in Canterbury. Topleie was present and attempted to act as arbitrator. He recounted an exchange between Norton and Murrell and then declared to the court that ‘fereinge least there would some question be made of the premisses did for his better memorye committ the same to writinge & thereto sett his hand ...’.⁵³ This note was subsequently exhibited at his examination and affixed to the Deposition Book after the record of his statement to the court. In the course of the interrogatories, Topleie was subsequently invited to comment on the remarks he had recalled and recorded. The note had reported that the defendant had accused the plaintiff of offering the Archdeacon of Canterbury a wether, with the implication that this was a bribe. Topleie recalled, besides, that on another occasion he had heard Norton say that he had intended to give the Archdeacon a ‘dishe of foules’ for Christmas, but because they were hard to obtain and very dear, he decided instead to offer him the wether.⁵⁴ As this testimony reveals, narratives were always informed by a complex web of individual and shared perceptions and were subject to continuous interpretation and reinterpretation.

Depositions are then a uniquely detailed but complex source which, it might be argued, overemphasise tensions. In relation to tithe disputes the especial value of the testimonies lies in the complexity of detail revealed about customary practice

⁵² For further discussion of this case see below p. 23.

⁵³ *Norton versus Murrell* (1598): CCAL PRC 39/21 f. 90v-1r.

⁵⁴ *Norton versus Murrell* (1598): CCAL PRC 39/21 f. 91r.

and everyday behaviour and it might be suggested that, rather than exaggerating tension, the courtroom provided a forum for examination and renegotiation of disoriented relationships within local communities.

The Database

The records of the ecclesiastical courts at Canterbury, notably the Act Books, have proved particularly susceptible to computer-based analysis. The data described above was transcribed directly onto computer at the archive. The thesis has been source-oriented and the records were such that their formulaic structure enabled a marshalling of the data into structured fields. The data was organised into a database comprising two main relational tables.⁵⁵ The database provides a suitable and effective means of storage and retrieval. Statistically, the *circa* 6000 cases heard throughout the century provided the basis for a viable study which would, nevertheless, have been too large a dataset to manage on a card index system. In designing the database, it was necessary to be aware, from the outset, of the lines of investigation which were to be pursued; although the database also provides a flexibility in allowing the later inclusion of additional data from other sources. Its use also permits the addition of new fields in order to facilitate analysis, for example, an appropriate coding system to enable a study of clerical and lay plaintiffs. The importance of the use of the computer lies in the way in which it has been possible to combine quantitative and qualitative analysis and in the potential for drawing together the diverse source material relating to individual cases.

Contemporary Perceptions of Ecclesiastical Justice

In February 1593 Anthony Kingsmill, the vicar of Milton (Sittingbourne), preached a sermon in the Chapter House of Canterbury Cathedral. The offence caused by Kingsmill's vehemently expressed opinions of ecclesiastical justice in the diocese of

⁵⁵ For a simplified data model diagram see Appendix 1.2.

Canterbury, asserted in the course of that sermon, prompted a disciplinary case heard against him in the Archdeacon's Court in July of the same year.⁵⁶

Christopher Reitinge, gentleman of the parish of St Mary Bredin in Canterbury, summarised the sermon in his testimony to the court:

'... The said Mr Kingesmill (among other doctrine) digressed to a bitter invective against the spirituall courte saying after this sorte It hath a good name & is lausible in the eares of me, but hath nothing in it that savoreth of the spirit of god, a courte without equitie or conscience, a carren courte, with such other rayling termes, giving generall admonicions, but chiefly to those that deale with testaments to take heed of that Courte lest they be betrayed therin as Judas betraied his master Christe...'.⁵⁷

How justified were Kingesmill's accusations and to what extent might they have been shared by others in the diocese of Canterbury?

Early work by historians on the ecclesiastical courts generally characterised them as corrupt, expensive and inefficient in the years preceding 1640.⁵⁸ Certainly, the courts were subject to contemporary criticism from the beginning of the sixteenth century and it is argued that their authority was significantly weakened during the years of the Reformation.⁵⁹ By the later years of the century the ecclesiastical courts were subject to strenuous and sustained criticism by Puritans who were unhappy that the pursuit of 'godly discipline' was overseen by lay bureaucrats. Puritans were also sceptical of the tendency they perceived amongst court officers to regard court

⁵⁶ For a detailed discussion of this case see Simpson, P., 'The Skin of the Unjust Judge' (Paper delivered at staff/postgraduate seminar at the University of Kent at Canterbury, 1995).

⁵⁷ Office *versus* Kingesmill (1593): CCAL PRC 39/15 f. 161.

⁵⁸ Hill, C., *Society and Puritanism in Pre-Revolutionary England* (London, 1964), pp. 298-343; Price, F. D., 'The abuses of excommunication and the decline of ecclesiastical discipline under queen Elizabeth', *English Historical Review*, 57 (1942), pp. 106-15.

⁵⁹ Houlbrooke, R. A., 'The decline of ecclesiastical jurisdiction under the Tudors' in O'Day, R. and Heal, F. (eds.), *Continuity and Change - Personnel and Administration of the Church of England 1500-1642* (Leicester, 1976), pp. 241-6.

business as a lucrative source of income.⁶⁰ Concern was also voiced over the ineffectiveness of methods of punishment, in particular, penance and the habitual use of excommunication.⁶¹ Furthermore, the work of the ecclesiastical courts had long been subject to tension arising from a conflict of interest with lay jurisdiction. This was evinced through the use of the statutes of *praemunire*, passed in 1353 and 1393, which threatened punishment for those who sued in church courts over matters considered to be subject to the King's authority. Another conflict arose through the use of prohibition which prevented judgement in a case by an ecclesiastical judge through removal to common law.⁶²

Testimony which reflects many of the criticisms outlined above can be found in the Canterbury archive. These criticisms included scepticism about the use of excommunication and objections to high fees. In February 1597 Salmon Boxer, vicar of Marden, chose, like Anthony Kingsmill, to use the pulpit to voice his criticisms of the ecclesiastical courts. Boxer was himself, at the time, the subject of a disciplinary case and was accused of pursuing vexatious litigation.⁶³ After complaining about the use of excommunication - 'like unto a foles dagger which is alwaies redie to be hurled at those which stand nerest unto him' - he exclaimed

'... against the officers of the courte ecclesiastical for or about the takinge of fees for wills and administrations recitinge in a most exclaiminge manner the statute provided in that behalfe and how that not withstandinge the said statute the officiers of the courtes ecclesiasticall did use to take far more recitinge the somes both set downe in the said statute and alsoe that which is now used to be taken by the said offecers ...'.⁶⁴

⁶⁰ Houlbrooke, 'The decline of ecclesiastical jurisdiction', p. 251; Ingram, M., *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge, 1987), p. 4.

⁶¹ Ingram, *Church Courts*, p. 4.

⁶² Houlbrooke, 'The decline of ecclesiastical jurisdiction', pp. 239-43; Ingram, *Church Courts*, pp. 5-7.

⁶³ *Office versus Boxer* (1597): CCAL PRC 39/18 ff. 260-70.

⁶⁴ *Gardener versus Boxer* (1597): CCAL PRC 39/20 f. 22. For discussion of Whitgift's Standard (1597) see Ingram, *Church Courts*, pp. 55-6.

Members of the laity were, it seems, equally virulent. Thomas Bull of Hothfield described in a case in 1592 how one Thomas Sharpe had declared from his seat in the parish church that ‘The popes Courte and the devilles courte and the comissaries courte ... are all one, and a plage on them all, for it hath cost me vis and ob mony there this weeke ...’. These were words which Bull could only attribute to Sharpe’s sense of grievance about the cost of litigation and which were made in such a ‘sodaime spitefull and violent manner’ that he had wished himself elsewhere.⁶⁵ A preoccupation with costs was also revealed in the testimony of Thomas Rich, a notary public in the Canterbury courts. His testimony also provided valuable evidence of the everyday workings of the court. On the occasion in question the court was held in the Canterbury church of St Margaret in the summer of 1599. James Newland of Hawkinge was called to make his compurgation and he allegedly expressed his dissatisfaction with the whole process declaring ‘you have made me spend fortie markes in this courte yf I should bringe a whole countrie to make my purgacion you would not receyve them’.⁶⁶

Resentment of the activities of court officials was also expressed in the Canterbury courts. A witness in a disciplinary case in June 1599 described a conversation which had taken place in Teynham among a group drinking together by a fireside. William Harris had declared

‘... tendinge to the disgrace & reproche of this worshipfull courte and of the ministers and officers therof viz he then and there said I did heare that the knave Sommner (meaninge and signifieinge John Cranford articulate one of the apparitors of this Courte) was at home at my house to cite me to the Courte, but if I had bin at home I would have sunnied the knave Somners pate with my dagger ... but said he I care not for his citinge of me for by god I scorne to goe into such a base courte as that is meaninge as this deponent

⁶⁵ Unidentified Plaintiff *versus* Sharpe (1592): CCAL PRC 39/14 ff. 110.

⁶⁶ Unidentified Parties: CCAL PRC 39/23 f. 79v. For discussion of the effectiveness of compurgation see Ingram, *Church Courts*, pp. 331-4.

tooke it that he scorned to appeare or goe unto Mr Archdeacons Courte of Canterbury articulate And further then and there in greate disdaine & reproche of the said Courte said that he would goe to a better Courte then Mr Archdeacons Courte articulate was as this deponent understoode him where he would have lawe for his monye ...'.⁶⁷

It is interesting here that, as in the Kingsmill case, it was the apparitor of the court who appears to have borne the initial brunt of the anger expressed. Ingram comments that of all the court officials it was these court messengers, faced with the relatively thankless task of summoning people to court, who may have been most tempted to take bribes.⁶⁸ Certainly they seem to have been unpopular figures in local communities.⁶⁹

One interesting instance, already noted above, is also to be found concerning an accusation of bribery of a court official.⁷⁰ In the closing years of the century a dispute ensued in the Archdeacon's Court between Richard Norton and William Murrell, both of the parish of St Mary in the Marsh. These two, together with Francis Toplie, husbandman of the same parish, met together in the house of George Aunsell in Canterbury.⁷¹ There, Francis Toplie 'knowinge of a controversie

⁶⁷ Office *versus* Harris: CCAL PRC 39/22 ff. 120v.

⁶⁸ For discussion of the qualifications and conduct of courtroom personnel, including apparitors, see Ingram, *Church Courts*, pp. 54-64. It seems that apparitors may have been popularly perceived as informers or as promoters of disharmony. For discussion of the legislation by Whitgift in 1597 which attempted to remedy this situation see Houlbrooke, 'The decline of ecclesiastical jurisdiction', p. 252.

⁶⁹ For a discussion of attitudes towards the apparitor in the case Office *versus* Kingsmill (1593) see the unpublished paper referenced above in footnote 56. The deposition of Jerome Cosbie, apparitor for the deanery of Lympne, given in June 1598, detailed the abuse directed at him in the street in Smeeth by one Thomas Morris [CCAL PRC 39/21 f. 69r].

⁷⁰ For earlier discussion of this suit see above p. 18.

⁷¹ George Aunsell was a grocer of Mercery Lane in Canterbury. That his house should have been the meeting place for the occasion of arbitration is very interesting. He had himself been involved with the Canterbury courts on a number of occasions, namely in a case regarding the inheritance of his ward, but also over a number of extra-marital liaisons. On another occasion he was also defamed by a neighbour as a 'drunken knave and whoremaster knave': Urry, *Christopher Marlowe*, pp. 18-20 and p. 36.

betwene them ... did perswad them to agreement'.⁷² Norton agreed that, if Murrell was weary of the case and would pay the charges, he would discontinue the suit. Murrell replied that he would pay only his own charges, an offer which Norton refused, maintaining that he had the stronger case. Murrell then accused Norton of presenting 'giftes', namely a wether worth 18s or 19s, to the Archdeacon of Canterbury, Mr Charles Fotherby. He declared 'give yow no more gyfftes then I dooe and my matter will be as goode as youers'.⁷³ Obviously, there are difficult distinctions to be made between gifts and bribes, but this testimony reveals that contemporaries believed the bribery of court officials (proved or unproved) to be a distinct possibility.

The work of later historians has tried to redress the bias of early work. They demonstrate that while inefficiency, high expense and malpractice were known in the work of the ecclesiastical courts, this was very much a matter which varied from year to year and from diocese to diocese.⁷⁴ If the courts were generally perceived to have been corrupt, expensive and slow in procedure, this does not appear to have deterred litigants from using the forum they provided. In the diocese of Canterbury, even allowing for the paucity of record in the late 1520s and 1530s, the trend of tithe litigation remains consistently upwards.⁷⁵

It could be argued that the opinions of those from the diocese of Canterbury discussed above and the incidents they described were isolated ones. Even so, dissatisfaction with the workings of the ecclesiastical courts (as indeed any other

⁷² Norton *versus* Murrell (1598): CCAL PRC 39/21 f. 90v. For discussion of arbitration see above p. 9.

⁷³ Norton *versus* Murrell (1598): CCAL PRC 39/21, note affixed to f. 91r. For discussion of this note see above p. 18.

⁷⁴ Ingram, *Church Courts, passim*, especially p. 9; Houlbrooke, R. A., *Church Courts and the People during the English Reformation 1520-1570* (Oxford, 1979), *passim*; Marchant, R. A., *The Church Under the Law: Justice, Administration and Discipline in the Diocese of York, 1560-1640* (Cambridge, 1969), *passim*. The work of Price, 'The abuse of excommunication', is now understood to describe an extreme situation. For a generally favourable assessment of the efficiency of the ecclesiastical courts in the diocese of Canterbury in the seventeenth century see Potter, J. M., 'The ecclesiastical courts in the diocese of Canterbury' (MPhil: London, 1973), especially pp. 207-13.

⁷⁵ See Figure 4.1 and for full discussion below chapter four.

courts) was probably expressed relatively frequently within everyday parlance. Often, though, these would have been remarks and attitudes which failed to reach the attention of local parish officials or court officers and did not merit further examination. Nonetheless, in the diocese of Canterbury the concentration in the 1590s of criticisms of the local courts is quite remarkable. It should be noted, furthermore, that it was in the 1590s that the two main foci of opposition, that is, Puritan criticism and common law encroachment, found shared ground in the controversy over the *ex officio* oath (by which defendants might incriminate themselves).⁷⁶

These criticisms surface at a time when the volume of business in the courts at Canterbury was at its highest. Of particular note is the high and rising number of cases instigated in the Archdeacon's Court from 1583 onwards.⁷⁷ Despite vociferous criticism, the courts were being increasingly utilised. The 1590s was a decade characterised by the depleting effects of financing war, chiefly by heavy taxation. From the mid-1590s poor harvests occasioned crises of food supplies, rife poverty and disease.⁷⁸ The fact that the most sustained use of the courts occurs in the latter decades of the century, specifically in the 1590s, suggests that in times of crisis - particularly economic crisis - the courts were increasingly regarded as the most effective means of settling grievance related to tithe which could not be resolved in any other way. Later in this thesis, the studies of selected disputes also reveal that it was in the 1590s, when communities were subject to many and various pressures, that old rivalries and antagonisms resurfaced.⁷⁹ Within local

⁷⁶ For further discussion see Ingram, *Church Courts*, pp. 4-6 and pp. 329-31.

⁷⁷ For full discussion see below chapter four. A comparison of Figure 4.1 with Figure 4.11 suggests that this was almost entirely at the behest of clerical plaintiffs choosing to use the Archdeacon's Court.

⁷⁸ For detailed discussion see Clark, P., *English Provincial Society from the Reformation to the Revolution: Religion, Politics and Society in Kent 1500-1640* (Hassocks, 1977), pp. 221-48.

⁷⁹ See below chapter five, especially the following sections: discussion of conflict in the parish of Herne beginning on p. 201; discussion of the case between the parishioners of St Nicholas at Wade and the vicar, Peter Simon, in 1598 beginning on p. 233; discussion of the Presentment against James Cadman in Alkham in 1593 beginning on p. 239; and finally, discussion of the Presentment of 1592 in St Mary in the Marsh beginning on p. 259.

communities levels of seriously unresolved conflict were rising. Straitened tithe collectors were probably less tolerant of a failure to pay at a time when tithe payers were less able to meet the demands. Certainly, contemporaries commented, in particular, on the prevalence of vexatious litigation.⁸⁰ Consequently compromise was no longer so readily found by more informal negotiation and an increasing willingness of litigants to pursue tithe in the courtroom is discernible.

⁸⁰ See, for example, discussion of the behaviour of John Cadman at Alkham below p. 250.

Chapter Two: Custom

Introduction

Tithe payment was defined primarily by custom. This custom took the form of habitual usage, established in practice as part of the workday routine. Thus, custom had a defining role within the local community and its basis in the nexus of everyday social and economic relationships. Customary practice related to tithe, including agricultural routine and the annual perambulations of the parish boundaries, in being repeated year after year had a tendency to become ritualised. This ritual in turn gave definition to the community. Custom is best understood, therefore, in terms of *ambience* and *mentalité*, as a surrounding, pervasive system at the heart of community consciousness.⁸¹ The centrality of custom in determining tithe payment and workday routine and rights was acknowledged by Barratt, but subsequent work on tithe has not addressed this subject in any depth.⁸² The custom discussed in this chapter should be understood as distinct from customary law, the body of unofficial laws by which society was regulated, in the emphasis on practice and tradition.

While in some parishes custom might be enshrined in written form, knowledge and understanding of custom, and the determination of custom, were usually reliant on memory and hearsay, informed by notions of tradition and time. Agreement based on habitual usage, recall and report was crucial in determining what was customary. It would be misleading, though, to over-emphasise the idea of consensus; critically ‘custom was a field of change and contest, an arena in which opposing interests made conflicting claims’.⁸³ Long established customary practice tended towards the status of privilege or right and, as such, often became the focus for vigilant defence

⁸¹ Thompson, *Customs in Common*, especially pp. 1-15. Thompson also borrows from Bourdieu’s concept of the ‘habitus’ which he summarises as ‘a lived environment comprised of practices, inherited expectations, rules which both determined limits to usages and disclosed possibilities, norms and sanctions both of law and neighbourhood pressures’, Thompson, *Customs in Common*, p. 102.

⁸² For discussion of previous work on tithe see above beginning on p. 3.

⁸³ Thompson, *Customs in Common*, p. 6.

in the face of encroachment. Indeed, custom was decisively characterised by its adaptability and was subject to continual discussion and negotiation within a working, day-to-day environment and, on occasion, within the courtroom.

In asserting the fundamental relationship between custom and community, it is necessary to examine the concept of community. It is intended to concentrate on contemporary perceptions of community as evinced in the practice of tithe payment and its attendant dispute. The work of Cohen on the symbolic construction of community is especially helpful here in the emphasis he places on symbolism and boundary.⁸⁴ He proposes a concentration on the meaning and interpretation of community, rather than on its structure or form and reveals community as an entity which relies fundamentally on the consciousness of its individual members. The notion of community is encapsulated in perceptions of boundaries: what renders one group of people similar to each other, but distinct from others. The symbolism of the boundary may be made explicit in ritual, although it is also part of intuitive meaning; the understood, the ambience, the experience of the everyday.

Yet, in a consideration of tithe payment, clearly the parish community did have some significance as a discrete entity. This is not to say that parish and community were synonymous. Evidently work patterns, courtship, ties of kin, perceptions of reputation and leisure activities could extend beyond the bounds of the parish and broaden the individual parishioner's sense of community. Tithe payment was manifestly defined by parochial custom and it is possible to refer to a tithe-paying community in terms of the maintenance and determination of that custom. It is intended to concentrate not so much on the detail of customary tithe payments in terms of rates and methods,⁸⁵ but rather on the transmission and the negotiation of custom. Consideration will be given to four main areas: the operation of collective memory (in particular through the veneration of the old), and how it was conveyed (through ritual performance); the correspondence between past and present; the

⁸⁴ Cohen, *The Symbolic Construction of Community*, *passim*.

⁸⁵ For detailed discussion of rates and methods see, for example, Barratt, 'The Condition of the Parish Clergy', pp. 219-49.

relationship between oral and written cultures; and, finally, the procedures whereby custom was negotiated within the local community. All of these aspects of custom and community were intimately informed by ritual and symbolic behaviour.

As a starting point, disputes concerning the tithe of fish will be considered. Although they occur relatively infrequently within the deposition material, when these disputes did reach examination in the courtroom they produced testimonies which were very detailed and distinctive in the complexity of custom governing the payment of tithe. In the case *Harman versus Aske* (1549) Thomas Harne, aged 40, of Deal, stated that he had participated in a 'heyrynge fayrynge' to Yarmouth. The 'fayrynge' had lasted until All Hallows (1st November) when the fishermen had returned home to Deal. He described the customary division of the profits as follows: after deducting expenses, the remaining money was shared equally and the parson of the Master's parish was given half of one man's share. The Master of the boat would be responsible for making the payment.⁸⁶ Division according to this custom had been made to previous vicars of Deal and John Robyns of Walmer confirmed that this was also the custom in Folkestone, Hythe, Dover and Walmer. He added that if fish, and not money, were divided then the parson was still entitled to half a man's share of fish.⁸⁷ James Aske was resisting the claims for tithe of Harmon, vicar of Deal. Aske maintained that he was not Master of the boat (though it was alleged that he was part owner of a boat which had been used on a herring 'fayrynge'). There were probably especial difficulties for tithe collectors in assessing the amount due for tithe in coastal parishes, much of whose income was derived from fishing. These arose from the collective nature of the industry, shared boats probably making it difficult to claim from individuals. Furthermore, the prolonged absences from home ports meant that it was difficult for the tithe collector to ascertain the precise details of the catch: perhaps there was some scope here for evasion. Statute had attempted to regulate payment by stating that it

⁸⁶ *Harmon versus Aske* (1549): CCAL X.10.4 f. 84r.

⁸⁷ *Harmon versus Aske* (1549): CCAL X.10.4 ff. 84v-5r. Some deponents stated that the same share was also paid to the 'boy of the boat' [*Harmon versus Aske* (1549): CCAL X.10.4 ff. 107r and 107v].

should be made according to the custom of the previous 40 years.⁸⁸ Harmon himself stated that his claim was not contrary to statute since tithe herring from Yarmouth, as well as from Deal, had been paid for the past 40 years.

Two other disputes, examined in 1578, concerned a claim for tithe fish in the parish of St Peter Thanet by the vicar, Simon Stone. One of the defendants, Edward Litherer, agreed that while Stone was entitled to small tithes, none was due from fishing on the high seas. Fishermen from St Peter's had fished the coasts of both England and Flanders. Richard Whyte testified that 'the sayd Mr Stone in right of his vycare hathe there all manner of smale tythes which they there call whyte tythes'.⁸⁹ He further stated that the custom, which he had known for 30 years and which concerned the tithe of fish from small fishing boats, had been to give the vicar one cod from every three:

'& so he hath knowen one Mr Lawson vycar there to have receaved & then the vycar there uppon good wyll dyd gyve a penny for the hooke to the fyssherman & the fyssherman lykewyse did gyve the fyshe to him and lykewyse the vycar there hath had whitynges of the fysshermen there for good wyll'⁹⁰

It could be said that these fishing communities had a very distinct identity. The fishing industry was relatively insecure and deponents seem to have been well aware of the uncertain nature of the trade. In confirming that Edward Litherer had been on a 'hearynge fayer', Richard Whyte stated that his share would be allocated

⁸⁸ *Statutes of the Realm*, 2 & 3 Edward VI, c 13.

⁸⁹ *Stone versus Litherer* (1578): CCAL PRC 39/8 f. 180r. See also *Stone versus Graunte* (1578): CCAL PRC 39/8 f. 167r; PRC 39/9 f. 2v. Small tithes were perhaps referred to as 'whyte' tithes because they usually included dairy products such as milk and cheese, as well as wool. However, Litherer listed the small tithes of the parish of St Peter as including the tithe of wool, lambs, calves, pigs, geese, eggs, fruit, wax and honey [*Stone versus Litherer* (1578): CCAL PRC 39/8 f. 167v]. For another reference, perhaps from the same origin, to payment with 'white money' in the satisfaction of tithe see also below footnote 245. For a references to tithe or 'whitesoule' brought to the chaunseler (chancel?) of the church see Taylor, Revd Canon (ed.), 'The Easter Book of St Just in Penwith 1588-1596', *Journal of the Royal Institution of Cornwall*, 20 (1915-21), *passim*. Taylor suggests that 'whitesoule' or 'whites' was milk in whatever form, butter and cheese.

⁹⁰ *Stone versus Litherer* (1578): CCAL PRC 39/8 f. 180r.

‘accordyng to the number of the nettes & accordyng to their luck that god sendes’.⁹¹ The bounty of the catch was perceived as dependent not only on human provision and organisation, but also on divine intervention. Indeed there was Biblical precedent for this belief in the story of Christ appearing to the disciples by the shores of Lake Tiberias. The disciples had not caught any fish and on Christ’s instruction they cast their nets on the right side of the boat and returned with a bountiful catch.⁹² It could be surmised that fishermen, especially those in the parish of St Peter (the fisherman and apostle), would have been sensitive to the religious associations surrounding their trade. Furthermore, the parson’s share described above as customary in the East Kent coastal towns was known as ‘Christes parte’.⁹³

This relatively rare detail of the customs surrounding the fishing industry also suggests that one aspect of the reciprocal nature of the relationship between the fishermen and the Church was materially-based, for example, in the provision of money towards the hooks in St Peter’s. Similarly in the case *Bulleyn versus Wilmot* (1581) a payment towards the provision of salt was described. The defendant, answering the libel of George Bulleyn, executor for Stephen Nevinson, the former rector of Saltwood, declared that he had sent a boat called the ‘Julian of Hythe’ to Scarborough during Easter 1580. The boat had returned to Hythe around Midsummer day in the same year. Division of the fish was made five or six days after her return and ‘the parsons dutye and tenthe therof was xxviii copples of codd fishe and cole fishe And the persons dutye to pay out of the same according to use towards salte and other charges was 10s 6d’.⁹⁴

⁹¹ Stone *versus* Litherer (1578): CCAL PRC 39/8 f. 180v.

⁹² John 21:1-14. There was perhaps a symbolic significance in the third cod given to the parson of St Peter’s in that the events at Lake Tiberias occurred on the *third* occasion that Christ appeared to the disciples after the Crucifixion.

⁹³ See above p. 29. Harmon *versus* Aske (1549): CCAL X.10.4 ff. 84v-5r. Similarly, on the East Anglian coast at Yarmouth a dole was assigned to ‘Christ and the haven’. From the half due to Christ, a further half went to the parson of Yarmouth and the other half to the clergy of parishes in which the mariners lived outside the town: Houlbrooke, *Church Courts*, p. 132.

⁹⁴ Bulleyn *versus* Wilmot (1581): CCAL X.10.20 f. 32v.

Thus, these disputes reveal a strong sense of the identity of the tithe-paying community, an identity which was intimately informed by symbolic resonances, especially in relation to religious belief. They also reflect expectations concerning the reciprocal relationship between the Church and the laity, both in material and spiritual terms. These ideas should be seen as informing all of the subsequent discussion. The following section will consider the transmission, maintenance and determination of custom and customary practice.

Transmission

In the determination of customary practice the passing of time was an essential consideration and in tithe suits deponents frequently referred to the views of their elders. Henry Clarke, curate of Lyminge, stated in a case regarding the custom of providing strawing for the church that 'he hath herd it xxx^{te} yere a gone of suche as were than iii^{xx} yeres oulde'.⁹⁵ This statement immediately conveys a sense of the longevity of knowledge. The ages of deponents involved in tithe disputes are especially distinctive in this respect.

Age was plainly regarded as an important personal identifier; it was a means of establishing identity and status. Figure 2.1 tabulates the stated ages of witnesses who testified in tithe suits in the period 1540-1600.⁹⁶ The age of the deponent was recorded in 67 per cent of the depositions made before the ecclesiastical court.⁹⁷ Of these, 569 depositions (48.5 per cent) were given by individuals who claimed to be aged 50 years or over. This included 24 depositions from persons aged 80 years and over. These people were clearly of exceptional age in a period when less than

⁹⁵ Cressey *versus* Young (1549): CCAL X.10.4 f. 41v.

⁹⁶ Unfortunately, it has not been possible to compare this analysis with the stated ages of witnesses in other types of dispute heard in the ecclesiastical courts at Canterbury in the same period. It is likely, however, that there would have been far fewer witnesses of exceptional age testifying in other kinds of dispute.

⁹⁷ For graphical representation of this data see Appendix 2.1. This figure is calculated from a total of 1752 depositions. The statistical analysis of cases proceeding to deposition is based on an examination of depositions from those cases for which an entry in the Act Books was also found. Some illustrative material elsewhere in this thesis has, however, been drawn from cases which, although it seems likely would have been tithe disputes, no entry to confirm this could be found in the Act Books.

Figure 2.1: Distribution of Stated Ages of Witnesses in Tithe Suits, 1540-1600

Age	Number of Witnesses	Percentage
Under 20	11	0.9
20-29	118	10.1
30-39	200	17
40-49	275	23.4
50-59	259	22.1
60-69	197	16.8
70-79	90	7.7
80-89	21	1.8
90-99	2	0.2
Over 99	1	0.1

ten per cent of the population were aged over 60 years.⁹⁸ Though the evidence of the depositions suggests that aged witnesses were more often men, evidence was also sought from women. A case from St Nicholas at Wade in 1598 referred, for example, to the testimony of 'old men and old women'.⁹⁹ Nevertheless, only two of the depositions in this sample from those aged 80 years or over were made by women.¹⁰⁰

The oldest witness in a tithe dispute was Chrispiane Castreet, aged 99, a widow of St Mary Northgate, Canterbury. She testified in the case Warryner *versus* Sandford (1596) which concerned the bounds between the parishes of St Mary Magdalene, Canterbury and St George, Canterbury. In this case the average age of the witnesses was 63 years. Many of the older deponents appeared as witnesses in more than one case, a fact which reveals their position within local communities as the valued custodians of knowledge.¹⁰¹ Thomas Foxley of Dover St Mary's, for example, appeared as a witness in three cases at the ages of 69, 72 and 75 years.¹⁰² His involvement in these cases probably stemmed from his specialised knowledge. He had been a clerk for the Priory of Dover before its dissolution.¹⁰³ Similarly, Thomas Lowe of the Hospital of Eastbridge appeared twice as a deponent at the ages of 69 and 71. Both cases in which he testified were concerned with the dissolved Priory of St Gregory.¹⁰⁴ John Tayler of Littlebourne testified in two cases

⁹⁸ Wrigley, E. A. & Schofield, R. S., *The Population History of England 1541-1871* (Cambridge, 1989), p. 216. In Cornwall, J., *Revolt of the Peasantry 1549* (London, 1977), p. 12, the author suggests that anyone over the age of 50 would have been regarded as elderly and this would appear to accord with the evidence in depositions from the Canterbury diocese. Consider, for example, the evidence of Richard Stranie who named participants in the perambulation aged over 50 years [Hurt *versus* Herd (1585-6): CCAL X.10.19 f. 250]. The general impression is, though, that it was more usual to draw attention to those aged 60 years or more and, in particular, to those of exceptional age, that is, those aged over 80 years.

⁹⁹ Office *versus* Emptage (1598): CCAL X.11.3 f. 20v.

¹⁰⁰ For discussion of the role of women in tithe disputes see below p. 96.

¹⁰¹ It should be noted, however, that there would also have been relatively few elderly in the population as a whole.

¹⁰² Bingham *versus* Toby (1566); Mynge *versus* Smythe (1570); Gryce *versus* Pepper (1574).

¹⁰³ For discussion of Thomas Foxley's involvement in the case Bingham *versus* Toby (1566) see below p. 54.

¹⁰⁴ Hawke *versus* Bonner (1592); Hawkes *versus* Hayes (1593).

concerned with the bounds of the parish of Littlebourne and the tithe of wood when he was aged 70 and 77 years.¹⁰⁵ Joana Pip appeared twice as a witness. As a 74-year-old from Teynham, she testified in 1576 in the Archdeacon's Court and, in the same year, she also appeared as a witness in the Consistory Court. On this occasion her stated age was 78 years.¹⁰⁶ This last example highlights the imprecision of deponents in declaring their ages. The tendency for witnesses to round their age to the nearest decade is quite marked (even arguably up until the age of 80 years).¹⁰⁷ This imprecision is in a sense, however, unimportant. The essential point is that older members of the community, regardless of their precise age, were valued as the guardians and repositories of knowledge.¹⁰⁸

The old had a valued role to play within the community as the trustees and custodians of the memory of past practice and their recollections subsequently became part of rehearsed community knowledge. Evidence of this kind was most vivid in the crucial discussions concerning parish boundaries and the annual perambulations to delineate areas subject to the payment of tithe. Deponents would invariably refer to the presence on perambulations of the old and ancient men of the parish. They emphasised their great age, the length of their residence in the parish (often from birth) and their expertise, and they stressed the value accorded to the knowledge passed from old to young. Consider, for example the testimony of William Allen, himself aged 60, who referred to a perambulation of 30 years previously in the parish of Milsted. On that occasion he had heard

‘Father Weldishe & Father Perin olde men of the age of lxxx yerres
a pece being parishoners of Mylksteade going a procession about

¹⁰⁵ Bennet *versus* Chilton (1594); Bennet *versus* Hawlet (1597).

¹⁰⁶ Bassett *versus* Goddyn (1576). It would appear that this was an exceptional case in that it was being heard in both courts in the same year.

¹⁰⁷ See Appendix 2.1. The tendency for approximating and rounding ages in the Florentine Castato of 1427 is discussed in Herlihy, D. and Klapisch-Zuber, C. (eds.), *Tuscans and their Families*, chapter six. They comment that ‘the very old were particularly prone to giving rough estimates of their ages’, Herlihy and Clapisch-Zuber, *Tuscans and their Families*, p. 163.

¹⁰⁸ For detailed discussion see also Thomas, K., ‘Age and authority in early modern England’, *Proceedings of the British Academy*, 62 (1976), pp. 205-48.

the said parishe of Mylkstede say unto the young foke that went with them when they came to Murston wood & had gone rounde about it that the said wood was in the parishe of Mylksteade & tithable places of the same'.¹⁰⁹

The use of the appellation 'father' conferred a special status on these men in recognition of their custodial role and conveyed a sense of their authority and responsibility within the community.¹¹⁰ The appellation also had religious associations which hinted at a more spiritual relationship in which the old within the community guided the young. There was also perhaps the resonance of 'old father time' with its connotations of seniority, authority and wisdom.

In the case *Thoms versus Peichard* (1595) Richard Roskell of Wootton deposed that when he first went on perambulation about 30 years previously

'one old Robert Jull a very old man and one that had bene always brought up in the said parish went ordinarily in the said perambulacion and used at every doubtfull place to declare and shewe the boundes of the said parish as they had bene time out of minde observed & kept'.¹¹¹

The reference to 'doubtfull' places is especially interesting since it indicates the need for the constant maintenance and continual rehearsal of these parochial bounds. Evidently it was the aged who were regarded as able to provide verification, particularly in the face of challenge from rival claimants. Silvester Dixon of Denton, who had at one time farmed Selsted Close, testified in the same

¹⁰⁹ Hurt *versus* Herd (1585): CCAL X.10.19 f. 246r.

¹¹⁰ In the case Stone *versus* Litherer (1578) one deponent referred to the reported recollections of the childhood of 'mother Wylde' [*Stone versus Litherer* (1578): CCAL PRC 39/9 f. 1v].

¹¹¹ *Thoms versus Peichard* (1595): CCAL PRC 39/17 f. 130v [f. 230v] This volume has been erroneously paginated by the original scribe after f. 199. Originally this was followed by a page numbered f. 100 and, thereafter, the pages were numbered consecutively until the end of the volume. This error has been corrected by later archivists so that the pagination runs continuously from f. 199. In this thesis the corrected page reference is given in square brackets.

case. He referred to events of about ten years earlier when the plaintiff, Thoms, had come to him claiming tithe pertaining to the south end of the close:

‘but this deponent never payd him any, notwithstanding to be further certified he this deponent went and talked with one old father Jull of Denton a very old man above lxxx yeares old before he died who was woodreeve to Mr Boys of all his landes thereabout and one that was commonly notified to knowe the true boundes of all the parishes thereabout, and the said Jull went along with this deponent and told him how the boundes of the said parishes viz of Wotton Denton and Swinfield were devided one from the other about the said Selsted Closse’.¹¹²

Jull was ‘commonly notified to knowe the true boundes’ by virtue of both his age and his expertise as a woodreeve and, moreover, his knowledge and opinion were specifically sought by Dixon in confirmation of his decision to refuse to pay the tithe. Presumably Jull was a man of some notoriety in the local community and one whose opinion was regularly sought in the event of contention.

Such knowledge was most often conveyed as part of traditional ritual performance, usually in connection with perambulations, but also perhaps in the rituals surrounding death.¹¹³ Robert Barrowe of Willesborough described how he had been ‘at the departing owt of this world of one Richard Spratt who in his death bedd declared that he had payde tythe hempe and that he knewe divers others which had like wise paid ...’.¹¹⁴ This recollection again confirms that the old carried a knowledge with them that it was important to pass on to succeeding generations.¹¹⁵ Spratt was declared to have been over 50 years old at his death. He

¹¹² Thoms *versus* Peichard (1595): CCAL PRC 39/17 f. 132r [f. 232r]. For discussion of the pagination in this volume see above footnote 111.

¹¹³ For discussion of deathbed practices and rituals in the diocese of Canterbury see Hallam, ‘Turning the hourglass’, *passim*.

¹¹⁴ Ireland? *versus* Hall? (1563): CCAL PRC 39/4 f. 20v.

¹¹⁵ It should also be remembered that tithe might well be an issue which would be discussed at the death bed, particularly if the last will and testament was drawn up at this time.

had been born and raised in Willesborough and had lived in that parish for all of his life. A deposition from the case *Byrry versus Harte* (1563) suggests that knowledge was also intimately bound up with the experience of the everyday. This knowledge could be passed on informally in a way which rendered the process of recollection of past practice almost anecdotal. In a suit concerning land known as Upper Shetes in the parish of Ruckinge, William Hale revealed how

‘he being boye with one Sir Henry Godfrey parson of Rocking did goo in the summer tyme with the said Sir Henry to gather strawberries in the said wood And at that tyme the said parson declared the boundes of the parishes and said that the said upper shetes be in the parishe of Rockinge’.¹¹⁶

Anecdotal evidence was also brought forward in the case *Thoms versus Peichard* (1595) which concerned disputed bounds between the parishes of Denton and Wootton.¹¹⁷ An inhabitant of the gatehouse at Denton described an incident which had occurred 40 or 50 years before his deposition. A soldier had been found dead by a dike on the south-east side of ground called Winter Lees. The group of men who found him had agreed that if the soldier had been found on the other side of the dike, then he would have been lying in Selsted Lees in the parish of Denton; but since his body lay on the south-east side of the dike, they determined that he had died in the parish of Wootton and he was, therefore, buried in Wootton churchyard.¹¹⁸

Recollections of this kind assumed an element of pronouncement. David Marshe recalled in his deposition relating to the case *Harrison versus Prickett* (1587) that

‘abowte or in rogation weeke laste hee this deponent together with divers other of the awncyente men of the parishe of East Langden were present at the saide parcell of grownde comonly called the

¹¹⁶ *Byrry versus Harte* (1563): CCAL PRC 39/4 f. 7r.

¹¹⁷ For earlier discussion of this case see above p. 36.

¹¹⁸ *Thoms versus Peichard* (1595): CCAL PRC 39/17 f. 104r [f. 204r]. For discussion of the pagination in this volume see above footnote 111.

twenty acres when one John Gardner whoe was above fowre score yeares of age who from his childhode as hee saide had been brought up under the parson of Bewxfeelde whose name was Sir Thomas which saide Sir Thomas dyed aboute a thre scoare yeares or therabowte agon & at at (*sic*) his death as this deponent hath hearde say was thought to bee ware neere an hundreth yeeres owlde And this deponent saith that the afforesaide John Gardiner beeing asked his opinion of the saide twenty acres and the bowndes of the same he saide in the presence of this deponent and divers other that hee the saide John Gardiner often tymes going in perambulacion with the afforesaid Sir Thomas Parson of Bewxfeelde herd him tell the parisheoners of Bewxfeeld that the three rooddes of grownde afforesaide was within the parishe of Bewffeelde But as for the rest the twenty acres the saide Sir Thomas saide hee had nothing to saye of that yt was within the parishe of East Langden'.¹¹⁹

There were thus multiple levels of instruction: that from Sir Thomas to his parishioners; from Gardyner to the assembled processionists; and, later, from Marshe to the court. This deposition again gives insight into the longevity of this knowledge, its careful maintenance and ritual rehearsal. Such knowledge became part of collective memory.

This kind of evidence allows some insight into the impact of the Reformation on these ritual performances. Testimonies in this case described the rogation week procession undertaken in East Langdon in 1587 and revealed that the processionists were acutely aware of the longevity of the activity. It is clear too that, prior to the Reformation, perambulations also involved festive celebration. Walter Henneker described how, while living in Borden, he did 'yearely gyve drynke [&] make other good cheare to the vycar & parishioners there then beyng when they came in

¹¹⁹

Harrison *versus* Prickett (1587): CCAL PRC 39/12 f. 26.

procession in gange week rogation or procession weeke'.¹²⁰ In a case brought by the vicar of Eastry in 1548, one deponent gave a vivid description of the annual procession encompassing the hospital of St Bartholomew and the houses belonging to it. The brothers of the hospital would meet the procession at a place called 'green cross' between St Bartholomew's and Sandwich where, together, the brothers and the processionists would read the gospel or sing. The brothers would then accompany the procession to the gates of the hospital where they would again read the gospel and drink together. The deponent recalled that a coffer with a hole on the upper side, a receptacle for various offerings from pilgrims, stood at 'green cross'. These offerings would be collected by the curate of Worth on behalf of the vicar of Eastry.¹²¹ A second deponent stated that the offerings included candles, cakes, money and a pair of 'shakilles or gyvers'.¹²² The custom persisted 'till the beatyng downe of the crose'.¹²³ These festivities are often represented as expressing the communal nature of the ritual, as a celebration of both the physical and mental identities of the community. This emphasis on consensus can, nonetheless, be overemphasised. Post-Reformation Injunction decreed that only the substantial men of the parish take part in the procession,¹²⁴ and even before the Reformation there was an innate tendency for conflict within such rituals.¹²⁵

An awareness of boundary and its transgression was very acute. Bounds would be compassed, even if it involved passing through houses. In the case *Pott versus Fayreman* (1584) a witness described how a house lay partly in the parish of Milton (Sittingbourne) and partly in Bobbing. He detailed how, on their perambulation, the parishioners 'allwaies comminge thorowghe the sayd house in at the backe dore

¹²⁰ Terenden *versus* Wyng (1576): CCAL PRC 39/7 ff. 140v-1.

¹²¹ Vicar of Eastry *versus* Unidentified Defendant (1548): CCAL X.10.3 f. 97r.

¹²² *Middle English Dictionary*, Shakel: a fetter, bond or shackle; Gives (pl.): fetters or shackles, especially leg bonds.

¹²³ Vicar of Eastry *versus* Unidentified Defendant (1548): CCAL X.10.3 f. 98v.

¹²⁴ For discussion see Thomas, K., *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth and Seventeenth-Century England* (London, 1971), pp. 71-5.

¹²⁵ For discussion of boundary and conflict see below beginning p. 42. Consider also the incidents described in Owen, D. M., *Church and Society in Medieval Lincolnshire* (Lincoln, 1971), pp. 107-9.

oute of the felde on the backside allwaies include that parte of the house where the hall standithe within the parishe of Milton being the greatest parte of the house'.¹²⁶ 'Tithable places' were territorially defined by precisely delineated physical space; for example, delineation might be made by naturally occurring boundary markers such as trees, bushes and 'home bushes'. Deponents in the case *Harrison versus Prickett* (1587) referred to a 'procession Bushe' where the three parishes of Beaufield (now Whitfield), East Langdon and Guston met. Witnesses also described hedges, linches,¹²⁷ ditches, dikes and soles.¹²⁸ Boundaries were also marked by constructions such as walls, or by boundary markers known as 'dools' or 'markestones', or by crosses, or by 'ringle' (iron rings set into doors and walls). Concerning the last, the deponent Isabella Evans of St Peter's, Canterbury, in the case *Warryner versus Sandford* (1596), while describing a 'great house' built 35 years earlier, recalled that

'in the wall of the said great house articulate there was a Ringle or iron set as it was comonly saydd ... to decide all controversyes that should happen to aryse touchinge the boundes of the parishes of St George & St Mary Magdalene'.¹²⁹

Here was a visible and material object, deliberately sited, providing for the inhabitants of the city irrefutable proof as to the bounds of the parish.

The deposition evidence relating to perambulations always conveys a strong sense of visual symbols within the landscape which delineated the parochial and tithe-paying area. Yet, the significance for the tithe-paying community lay in the meaning attached to the boundary, rather than to its physical manifestations. Again, the case *Thoms versus Peichard* (1595) provides valuable evidence in this respect.¹³⁰ When old Robert Jull showed Silvester Dixon the bounds of the parish he took him

¹²⁶ *Pott versus Fayreman* (1584): CCAL PRC 39/9 f. 222v.

¹²⁷ *Oxford English Dictionary*, Linch: (dial) an unploughed strip serving as a boundary between fields.

¹²⁸ *Oxford English Dictionary*, Sole: (Kent dial) a muddy or miry place.

¹²⁹ *Warryner versus Sandford* (1596): CCAL X.11.5 f. 117. At the time of the dispute the ringle was broken.

¹³⁰ For earlier discussion of this case see above p. 36 and p. 38.

‘to the oke with many hackes & crosses articulate which he said was a speciall bound betwene Swinfield and Wotton parishes and from that oke he said the true limittes and boundes of the said parishes did crosse & shutt streight over from thence to the hole in the lane articulate where a crosse had stode stretching along through a rough wood ioyning to the South end of Selsted Closse’.¹³¹

This awareness of natural bounds within the landscape was perhaps particularly strong in relation to trees which had long been used to delineate local boundaries and as meeting places. Thomas comments that ‘such trees were older than any of the inhabitants; and they symbolised the community’s continued existence’.¹³² There was a peculiar resonance in ‘*old Robert Jull*’¹³³ leading the younger man to the oak tree. This species was itself perhaps an especial symbol of strength and reliability which added credence and veracity to his assertion of the ‘*speciall bound*’ and ‘*true limittes*’.¹³⁴ This tree did not simply mark where one parish finished and another began, but was intimately related to the identity of the community. It emphasised eternity and perpetuity and encapsulated the parishioners’ relationship with their ancestors, symbolising their location within the continuum of time.

Meaning was specially resonant in relation to boundary. Consider again what the oak tree on the boundary between Wootton and Swingfield may have meant. Evidently, to the parishioners of Wootton it was a symbol of their enduring rights, a solid entity which demarcated the bounds of their separation from the neighbouring parish. They endowed it with special significance by marking it with identifying and meaningful cuts and by including it in their ritual procession. What, on the contrary, might this tree have represented to the neighbouring parish of Wootton? As presumably it must have represented a boundary for them as well, they too may

¹³¹ Thoms *versus* Peichard (1595): CCAL PRC 39/17 f. 132 [f. 232]. For discussion of the pagination in this volume see above footnote 111.

¹³² Thomas, K., *Man and the Natural World - Changing Attitudes in England 1500-1800* (London, 1983), pp. 216-7.

¹³³ My italics.

¹³⁴ My italics.

have marked it with symbols. Did it represent a point of conflict? If so, the meaning they attached to this aged tree may well have been as a symbol of protracted and historical dispute with their neighbouring parish.¹³⁵ The idea of danger inherent in external boundaries and margins has been explored by the anthropologist, Douglas, who comments:

‘Four kinds of social behaviour seem worth distinguishing. The first is danger pressing on external boundaries; the second, danger from transgressing the internal lines of the system; the third, danger in the margins of lines. The fourth is danger from internal contradictions, when some of the basic postulates are denied by other basic postulates, so that at certain points the system seems to be at war with itself.’¹³⁶

It is also crucial to note that such perambulations could encompass change within the landscape and that routes could be determined by the memory of landmarks no longer in existence. These changes would themselves become part of rehearsed memory. Again, in the case *Thoms versus Peichard* (1595) Robert Pilcher declared ‘he hath heard his predecessors report they should go through the sole for the very strickt observing & parting of the boundes but because they cannot, they compasse in the sam sole’.¹³⁷ It was also claimed that ploughing had necessitated changes to the accustomed route and that processionists now went ‘as neere as they can gesse along where the sayd way stode’.¹³⁸ This attitude encompassed a self-awareness in the pragmatic transgression of previously determined bounds. These were transgressions which were often guided by the instruction of the elderly:

¹³⁵ Some aspects of the evidence pertaining to this case also suggest, intriguingly, that despite the many references to the tree given in the course of this suit, this particular oak had actually been cut down by the time of the court case. John Pilcher of Wootton referred to ‘the oke at pays hill articulate which oke of late was cutt downe’ [*Thoms versus Peichard* (1595): CCAL PRC 39/17 f. 124r [f. 224r]]. For discussion of the pagination in this volume see above footnote 111.

¹³⁶ Douglas, M., *Purity and Danger - An Analysis of Concepts of Pollution and Taboo* (London, 1966), pp. 146-7.

¹³⁷ *Thoms versus Peichard* (1595): CCAL PRC 39/17 ff. 124v-5r [ff. 224v-5r]. For discussion of the pagination in this volume see above footnote 111.

¹³⁸ *Thoms versus Peichard* (1595): CCAL PRC 39/17 f. 124r [f. 224r]. For discussion of the pagination in this volume see above footnote 111.

‘when they came to the said hole that same Jull did tell them that then according to the trew & right boundes of the said parishe they should have gone from thence streight to the oke at pays hill with many crosses, but becaus it was then very rough and bushie, they went a litle further till they came to a drove way which crossed through the south end of the said Closse to the said oke leaving out almost an acre by estimacion of the very end of the said Closse which by the said Julls direction they should have bene sett in had it not bene rough as afforesaid ...’¹³⁹

This desire to continue perambulation in the face of landscape changes confirms that the ritual was not simply concerned with physical demarcation of territory. The meaning of the boundary also lay in asserting the rights of one parish as opposed to another. It is possible that a route diverted by one group of processionists (as a reasoned response to landscape changes and agricultural practices) provided another parish with a case for claiming territory and its attendant rights.

It is likely that the higher ages of deponents in these suits reflect the nature of the disputes themselves.¹⁴⁰ Tithe disputes could become long-running and deponents were prepared to pursue both disagreements and evidence over a number of years. In the case *Fontayne versus Jenkyn* (1574), for example, which concerned disputed boundaries between the parishes of Alkham and Ewell, Henry Jenkyn declared that although the lands were separated by a highway, there had been controversy between the vicars of the two parishes for at least 60 years.¹⁴¹ Another interesting case in this respect was that of *Enyver versus Forde* (1565-7). This dispute concerned the land known as ‘twenty acres’ or ‘Great Pysing’ in the parish of East Langdon. The parishes of Beaufield and Guston also habitually appear to have laid claim to this land, occasioning frequent dispute. Deponents referred to perambulations of 12 years earlier and to a lease for the manor of Great Pysing held

¹³⁹ *Thoms versus Peichard* (1595): CCAL PRC 39/17 ff. 130v-1r [ff. 230v-1r]. For discussion of the pagination in this volume see above footnote 111.

¹⁴⁰ For discussion of the age of witnesses see above p. 32.

¹⁴¹ *Fontayne versus Jekyn* (1574): CCAL X.10.17 f. 160r.

by David Forstall from the Abbey of Langdon. During this period, contention had arisen between the parsons of East Langdon and Beaufield because the land was not divided in any way. As a result of this dispute, the deponent believed that a partition had been made on the ground with the consent of both clerics.¹⁴² One piece called 'twenty four acres' (or 'twenty acres') remained in Forstall's occupation. The witness, John Gardyner of Ringwold, aged 46, had been in the service of David Forstall. He had carried tithe for him to the parson of East Langdon, but had not known any tithe paid to the vicar of Beaufield.¹⁴³

Most significantly, it transpires that in this suit, instigated in 1565, witnesses were asked whether they had any knowledge of the land having been in the ownership of one Philip of Pysing. Though none claimed to have heard of this man, the question indicates that, in framing the libel, the plaintiff had sought to trace the ownership of the land, and presumably rights relating to it, back to the thirteenth century. At this time the manor of Pysing, together with lands called Pinham, had been held by Sir Philip de Pysing.¹⁴⁴ The witness, Robert Prickett, declared that 'he never hard the said Philipp was owner of the said xxiiii acres of Pysing land or of anye other landes of the lordship of Pyneham'.¹⁴⁵ This was thus an attempt to draw evidence from over 300 years previously. Certainly such disputes need to be understood within the context of long traditions, rights and conflict over those rights. This facet of peasant ideology is also explored in an article by Faith. Here she describes the way in which fourteenth-century peasants sought to invoke the Domesday Book in support of their claims and were at times successful in citing pre-Conquest practices dating from the 9th and 10th centuries in seeking to establish areas of 'ancient demesne'. She comments: 'They were certainly quite capable of long feats of collective

¹⁴² Enyver *versus* Forde (1565-7) f. 16r.

¹⁴³ Enyver *versus* Forde (1565-7) f. 109v.

¹⁴⁴ Hasted, E., *The History and Topographical Survey of the County of Kent*, 9 (Wakefield, 1972), pp. 549-58 states that the manor of Pysing and the lands called Pinham in the northern part of the parish were held at Domesday by the Bishop of Bayeux. In the reign of Henry III (1216-72) two separate manors, each of the name of Pysing, were held by a family who took their name from their residence there. The last of this family was Philip de Pysing who died in this reign leaving two daughters as coheirs.

¹⁴⁵ Enyver *versus* Forde (1565-7): CCAL X.10.15 f. 15r.

memory where rights and duties were concerned and the idea that specific services could be traced back three centuries would not in itself have seemed at all out of the way'.¹⁴⁶

The same area of land was the subject of dispute between Harrison, parson of East Langdon, and one Prickett over 20 years later in 1587. David Marshe (probably the same man who had deposed in the earlier case) stated that the land commonly called 'twenty acres' was considered to be within the parish of East Langdon, apart from three adjoining rodds which were in Beaufield, presumably as a result of Forstall's earlier partition. The opinion of John Gardyner, by now considered an elder of the village, was cited as evidence.¹⁴⁷ Ten years later the tithable places of Beaufield were yet again in contention in the case Pickering *versus* Marlton (1597) when deponents described a perambulation encompassing Pysing Down.¹⁴⁸

The tithe of wood was another source of long contention. Customary rights pertaining to woodland were long-established.¹⁴⁹ Wood had been tithable from the mid-eleventh century, but had been a matter for marked dispute in the fourteenth century. It was then that distinctions were drawn between great wood from timber trees of 20 years growth and tithable underwood. When cut and prepared for sale, this underwood was subject to *silva cedua* and a tithe could be claimed by the clergy.¹⁵⁰ The definition of *silva cedua* was in dispute in Parliament from the mid-

¹⁴⁶ Faith, R. J., 'The "Great Rumour" of 1377 and Peasant Ideology', in Hilton, R. H. and Aston, T. H. (eds.), *The English Rising of 1381* (Cambridge, 1984), p. 17.

¹⁴⁷ Harrison *versus* Prickett (1587): CCAL PRC 39/12 f. 26. In the case Enyver *versus* Forde (1565-7) John Gardyner's stated age in 1566 was 46 years. Thus, at the time of the later case he should have been aged about 66 years. However, he was described by witnesses as above 'fowre score yeares'. Despite this discrepancy, it seems likely that witnesses were referring to the same man as, in both cases, it was stated that he had been brought up by the parson of Beaufield. For other references to this witness see above beginning p. 38 and p. 45 and for discussion of imprecision in stating age see above p. 35.

¹⁴⁸ Pickering *versus* Marlton (1597): CCAL X.11.6 ff. 204-9.

¹⁴⁹ For discussion see Birrell, J., 'Common Rights in the Medieval Forest: Disputes and Conflicts in the 13th Century', *Past and Present*, 117 (1987), pp. 22-49.

¹⁵⁰ Adams, 'The judicial conflict over tithes', pp. 20-2.

fourteenth century¹⁵¹ and a statute in 1371 exempted mature timber, 20 years old or more, from liability for tithe.¹⁵²

The deposition evidence reveals that the preponderance of cases concerned with great tithe were concerned, at least in part, with the tithe of wood. In the suit *Fymeux versus Seathe* (1569-70) Robert Seathe, gentleman, claimed that the parsons or their farmers in the parish of Herne were not entitled to the tithe of wood growing within hedgerows. This would seem to have been a direct challenge to the right of *silva cedua*. Matters were, moreover, complicated by considerations of the use to which the wood had been put. Discussion focused on whether a tithe on firewood was customary within the parish. Seathe himself claimed to have divided his tithes ‘iustelye accordinge to the Custome of the Cuntrye and statute’.¹⁵³ It is likely that deponents were uncertain as to whether a tithe on firewood, while it had been paid in the past, was due either by legal right or by custom. Witnesses were questioned as to their knowledge of Statute. John Allen, a husbandman (*agricola*), declared that he knew of no such statute being ‘a man unlearned’. He added that he did not know whether the parson or farmer was entitled ‘by Lawe, righte or continuall custome to have the tythe of fyre wood growing and yerely arising within the said parishe’.¹⁵⁴ Seven years previously he himself had cut and felled a hedgerow and had paid tithe for the firewood, but not for the timber.

The case *Cole versus Malam* (1598) concerned a claim by the vicar of Graveney, John Cole, for the tithe of wood. Witnesses agreed that they had known timber to be felled within the parish, but that no tithe had ever been paid. The defendant, Malam, was a shipwright who had felled a number of elm trees within the parish, sawed them into boards and planks and transported them to Faversham to be used

¹⁵¹ For discussion of *silva cedua* see Heath, P., *Church and Realm 1272-1461* (London 1988), pp. 137, 212-3, 249 and 287-8.

¹⁵² *Statutes of the Realm*, 45 Edward III, c 3.

¹⁵³ *Fymeux versus Seathe* (1569-70): CCAL X.10.11 f. 128v.

¹⁵⁴ *Fymeux versus Seathe* (1569-70): CCAL X.10.11 f. 146.

for the building of ships.¹⁵⁵ Defence rested on the fact that a tithe of wood was not customary. There was evidently hostility towards Cole in trying to assert such a claim. It was stated that the 'common fame' in the parish was that Cole was 'an unquiet man & verie troblesome'.¹⁵⁶ This attitude is interesting in the light of the fact that Malam was probably not a parishioner. More likely, he was a resident of Faversham. Obviously it was in the interests of the parishioners of Graveney that precedent for the payment of such tithes was not made on wood felled within their parish.

Although memory might be considered a personal ability, its use in tithe disputes indicates that while aged individuals played a valued role as the custodians of the memory of past practices, their recollections were given ritual rehearsal. In so doing these recollections became part of social or collective memory to be passed to future generations. It might be argued with Connerton that the operation of social memory, often conveyed and sustained through ritual performance, is to provide legitimation for the present social order.¹⁵⁷ In the operation of collective memory, perceptions and experiences of the present were intimately dependent on knowledge and interpretations of past practice to an extent where it becomes difficult to disengage the two. In relation to tithe suits, this is illustrated by the frequently used phrase 'tyme oute of mynde'. This signifies a practice which was so established and ingrained in everyday patterns of work that the precise date of its inception could not be recalled and, indeed, was in a certain sense not important.¹⁵⁸ The sense of timelessness was similarly evinced in the vagueness about the precise age of elderly deponents.¹⁵⁹ Cohen argues that this form of recall, which lacks

¹⁵⁵ Cole *versus* Malam (1598): CCAL PRC 39/21 ff. 111v-2r.

¹⁵⁶ Cole *versus* Malam (1598): CCAL PRC 39/21 f. 63r.

¹⁵⁷ Connerton, P., *How Societies Remember* (Cambridge, 1989), pp. 3-4.

¹⁵⁸ This expression implied any period beyond the memory of the oldest living persons. It should be noted, however, that statutes in 1275 and 1293 had sought to fix a legal limit to memory back to the date of the coronation of Richard I in 1189: Clanchy, M. *From Memory to Written Record* (London, 1979), p. 123. In fact, the inception of practices referred to as traditional could actually have been relatively recent: Hobsbawm, E. and Ranger, T. (eds.), *The Invention of Tradition* (Cambridge, 1983), pp. 1-14. It might be suggested that the formalisation of habitual routines only occurred when those routines were threatened.

¹⁵⁹ For discussion of the imprecision of witnesses in stating age see above p. 35.

historical rigour, emphasises the malleable nature of recollection and places emphasis on the interpretation of past practice, rather than on its substance. Recollection was far more than a simple comparison of past and present practices; it was recall of a way of life.¹⁶⁰

This sense of timelessness and eternity not only emphasised continuity and tradition, but also lent an authority and legitimacy to present practices. Indeed, there would seem to have been a very particular vocabulary associated with custom. It was often described as 'laudable'. This conveyed a sense of gravity and praiseworthiness.¹⁶¹ Other words which were frequently used in association with custom were 'ancient', with the attendant notion of venerability, and 'inviolable', which endowed the custom with associations of sanctity. There was also an attendant concept of 'duty', conveying the sense of a moral, religious, social and legal obligation. References to past and traditional practices were subject to continual reassertion. This reassertion was demanded in part by contemporary circumstances and exigencies, for example, in response to encroachments on parochial boundaries. The sense of rightness and legitimacy was derived from links with the cultural past. It attained a symbolic dimension in demonstrating the sense of valued antecedents and the continuity of tradition, arguably in the face of a much changed present.¹⁶²

At first sight it might appear that there is some contradiction here between the proposed malleability of custom and that which Barratt referred to as 'rigorous in its precision'.¹⁶³ However, deponents could at the same time be precise about practice, but unspecific about its inception and duration (unless statutory regulation meant that it was in their interests that they be so). Precision, then, was neither inflexible nor unchanging. The detail and complexity of customary arrangements pertaining to tithe cannot be understated and by understanding custom in terms of

¹⁶⁰ Cohen, *The Symbolic Construction of Community*, pp. 98-102.

¹⁶¹ The word laudable was used in association with custom at least as early as 1437: *Proceedings of the Privy Council*, 5, p. 65.

¹⁶² Cohen, *The Symbolic Construction of Community*, p. 103.

¹⁶³ Barratt, 'The Condition of the Parish Clergy', p. 210.

everyday practice, it is also clear that contemporary comprehension was founded in terms of ritual rehearsal of both behavioural and verbal forms. The committal of customary practices to paper appears to have been comparatively rare, at least in the diocese of Canterbury. Indeed, the evidence discussed in this thesis, drawn from written court records, could give a misleading impression of the extent of written codification which these customs were actually given.¹⁶⁴

As shown, there was a strong element of visual definition accorded to these customary practices.¹⁶⁵ It is intended now to consider the interplay between these traditions and written culture. In a discussion of the bounds of a lane in the parish of Brook in the case *Dence versus Lause* (1598), it was reported by Robert White that Philip Dence had recently dug a pit across the lane, effectively obstructing the perambulation route. Robert White, who had himself some title to that part of the lane lying in the parish of Brook, had sued Dence for trespass in digging the pit. A jury of 12 had subsequently ruled that half of the lane was, indeed, in the parish of Brook. White was awarded costs and damages from Dence for digging the ditch in this parish.¹⁶⁶ It was reported that on the most recent perambulation the ditch made by Dence was ‘so brod and soe full of water they the said Minister & parishioners could goe no further but returned backe againe’.¹⁶⁷ Plainly, the bounds of the parish were a source for ongoing contention.¹⁶⁸ Nicholas Adman was aware of a number

¹⁶⁴ See, as examples, the deposition of John Harrison discussed below p. 62 and the deposition of Reginald Smythe discussed below below p. 64. Both of these witnesses provided extremely detailed testimony relating to their agricultural practice. The detail concerning customary tithe payments in these cases, while related to the court and therefore committed to writing, was probably not formally codified in any other way.

¹⁶⁵ For discussion of the importance of visual symbols within the landscape see above p. 41.

¹⁶⁶ *Dence versus Lause* (1598): CCAL PRC 39/21 ff. 81v-2r.

¹⁶⁷ *Dence versus Lause* (1598): CCAL PRC 39/21 f. 82r.

¹⁶⁸ It is instructive to note that the boundaries between Brook and Wye were still in contention 100 years later when, in 1691, by the order of the churchwarden, a ‘Perambulation of the Precincts or Bounds of the Parish of Wye’ was compiled from a copy dated 1674. This text included the instruction to ‘cross that field to a marked stump in the corner of the hedge leading to a pond at the entrance of a lane called Greenfield lane so on the west to an ash on the ditch-side to a gate (the east corner of the field is in controversie between Brook and Wye and therefore not bounded by us)’. A transcription of the perambulation is printed in Morris, N., *The History and Topography of Wye* (Canterbury, 1842), pp. 190-7. For discussion of the longevity

of disputes between White and Lause, the defendant in this case, ‘and hath herd that bothe of the said parties at severall times have had the victorie in the said sutes touchinge the right of the lane articulate’.¹⁶⁹ When the matters between White and Dence had been put before a jury ‘for their evidence they had a booke called the parambulacion of the parishe of Wye beinge a verie ancient booke and made ... in the time of Kinge Henrie the seventhe’.¹⁷⁰ Again the witness emphasised age and antiquity, this time in relation to the physical object (the book) and, by implication, to the writing contained within it. Similarly, in the case Harper *versus* Asherste (1573) the defendant referred to a book of ‘incomings and outgoings’ which had belonged to his grandfather. He described it as ‘verry credible old a book of antiquity’.¹⁷¹ Here the witness was bringing to bear all the notions of veracity and authority attendant upon age, already discussed in relation to people, to the written record.

The case Saunders *versus* Cosby (1550) is an informative one in relation to the interplay between a visual and oral culture and a written, literate one. The case concerned the location of a windmill outside the Canterbury gate at Sandwich. Dispute arose as to whether it lay in the parish of Woodnesborough or in the parish of St Mary, Sandwich. John Cosby, who farmed the windmill in 1550, declared that it was in the parish of St Mary and that tithes were, therefore, due to the vicar of this parish.¹⁷² Deponents claimed in opposition that they had known tithes paid to the vicar of Woodnesborough and that the perambulation of this parish had included the mill. They referred to a case of four or five years earlier in which one Roger Cox, a miller, had been successfully sued for tithe by the vicar of Woodnesborough.¹⁷³ Richard Lamberd declared it to be the ‘common voyce’ of

of disputes see also above p. 44.

¹⁶⁹ Dence *versus* Lause (1598): CCAL PRC 39/21 f. 93r.

¹⁷⁰ Dence *versus* Lause (1598): CCAL PRC 39/21 ff. 93v-4.

¹⁷¹ Harper *versus* Asherste (1573): CCAL X.10.14 ff. 122v-4.

¹⁷² Saunders *versus* Cosby (1555): CCAL X.10.6 f. 92r.

¹⁷³ Parmenter *versus* Cockes (1550). There are no depositions extant for this suit. For another suit which may also have concerned this mill see the Vicar of Woodnesborough *versus* Mayle (1549).

Woodnesborough that the mill lay within that parish.¹⁷⁴ The mill had been included in the annual perambulation and had been a stopping point for ritual and festive note. A 70-year-old inhabitant of Woodnesborough recalled a procession of around 18 years earlier when the gospel had been read at the mill and the owner, Mr Engham, had offered the processionists drink.¹⁷⁵

Deponents from the parish of Woodnesborough utilised the evidence provided by hearsay and the memory of past practices. They referred to the time when tithes were paid to the vicar of Woodnesborough and to the ritual definition of the parish bounds. In contrast, those who supported the claims of Sandwich were able to draw on the town archive. John Sare, the serving town clerk, asserted that the windmill stood in the parish of St Mary and that Mr Engham, the present owner paid rent to the town. He also claimed to have seen rentals of the ground from 23 Henry VII (1507-8) and furthermore that

‘he being desired to hold a court at Wyndesborowe did see ther in the same bookes that a certain hill called Baldockes appertayning to theires of Baldocke which this deponent saith he herd say before was called Skinnershill and paid by the yere to the lord of the fee iiiid for the sam being within the parishe of Windesborow as it apperith by the bookes of the courtes their holden upon the which hill stode somtyme a myll as he hath hard say by thauntiantes of Sandwiche which is in the liberties of Sandwiche as it doth appeir to by their Custumall and liberties of the said towne of Sandwiche And is about xl foote by estymacion on thother side of the way from the myll that now standith in controversy And this deponent saith that the rent of xxd hath been paid yerely thies xvi yeres to the commonaltye of the said towne for ground wheron the said mill in

¹⁷⁴ Saunders *versus* Cosby (1555): CCAL X.10.6 f. 95v. Another inhabitant agreed that the mill lay within Woodnesborough, but that he had only known tithes paid to the vicar of St Mary's the previous Easter [Saunders *versus* Cosby (1555): CCAL X.10.6 f. 94r].

¹⁷⁵ Saunders *versus* Cosby (1555): CCAL X.10.6 f. 97r.

controversy standith and this he deposeth of his owne knowledge
And of any longer tyme he cannot depose but only by the sight of
Recordes of the said towne ...'.¹⁷⁶

It transpires that there had indeed been a mill on this site which was in the parish of Woodnesborough, but that this had burned down. John Boughton of Woodnesborough claimed that the present mill stood on the same site. This new mill had been built by Engham for which he paid 20*d* yearly to the authorities in Sandwich and in which he was obliged to grind the town's corn. It is not clear whether the dispute involved a claim for tithes pertaining to the mill, or to the hill on which it stood. John Salmon, a former town clerk of Sandwich, declared there to be 'a booke among the recordes of their liberties of iii^c yeres of antiquitye in the which it apperith the said mill to be within parishe of Saint Maries'.¹⁷⁷ He added that

'he hath herd say that ther hath been a mylle a litill from the mylle in controversy which mylle was within the parishe of Woodnesborow as it appeareth by thevidence of one Skynner of Sandwiche which this deponent hath seen and redd'.¹⁷⁸

The deponents from Sandwich who could draw on the archive still, notwithstanding, testified with a peculiar mix of hearsay and reference to the written record. They too referred to the 'common fame' within Sandwich and Henry Butler, a previous town chamberlain, deposed that

'he hath herd his father now deceased about xiiii yeres now past say and report that the wyndmyll before specified is in the parish of Saint Maryes of Sandwich and so the said wyndemyll is conteyned in the rentalles to be in the parishe of St Maryes'.¹⁷⁹

¹⁷⁶ Saunders *versus* Cosby (1555): CCAL X.10.6 ff. 100*v*-1*r*.

¹⁷⁷ Saunders *versus* Cosby (1555): CCAL X.10.6 f. 107*r*. It seems likely that he was referring here to the Sandwich Custumal.

¹⁷⁸ Saunders *versus* Cosby (1555): CCAL X.10.6 f. 107.

¹⁷⁹ Saunders *versus* Cosby (1555): CCAL X.10.6 f. 114*r*.

There had been a long and ongoing attempt in Sandwich to provide a comprehensive town archive. This was an archive that obviously remained in use: John Sare referred to his immediate predecessors ‘who used to make the like terrors as this deponent now useth in that office’.¹⁸⁰

Another case which involved written evidence was that of Bingham *versus* Toby (1566). This dispute concerned a lease held by George Bingham as farmer of the dissolved Priory of Dover. It was claimed that, by virtue of this lease, Bingham was entitled to all of the revenue which had formerly been received by the Priory. The dispute centred on the tithe of fish which Edward Toby, a fisherman from the town of Dover, was refusing to pay. Thomas Foxley, gentleman of the parish of St Mary, Dover, confirmed that as clerk and receiver of the revenues of the Priory for a period of ten years before its dissolution, he had known the fishermen pay tithe of cod and other fish. He named two men, one living and one now dead, who together with ‘dyvers other fysshermen, honest and substaunciall’ had brought cod, herring and whiting to the priory in satisfaction of their tithes.¹⁸¹ He maintained that the tithe was now Bingham’s right. Of the defendant, Edward Toby, Foxley claimed that he did not know what his profits from fishing had been. He testified that he had ‘herd the said Edward complaine divers tymes, of dives and sondry losses, that he hath susteyned by fysshinge’. Foxley confirmed that as clerk during the priorate of Thomas Stowell he had maintained a register of accounts, the same register which was now exhibited and read in the courtroom. During his employment at the Priory he stated that he had

‘... many and sundry tymes hath Redd over and perused many thinges in the said Booke, concerninge, the stated use and order of

¹⁸⁰ Saunders *versus* Cosby (1555): CCAL X.10.6 f. 101r. See also Croft, J., ‘An assault on the Royal Justices at Ash and the making of the Sandwich Customal’ (forthcoming publication in *Archaeologia Cantiana*).

¹⁸¹ Bingham *versus* Toby (1566): CCAL X.10.12 ff. 215-6r. It is interesting to observe that when detailing the payment of tithe 20 years previously, Foxley referred to ‘substaunciall’ men. If he applied this description in terms of wealth, then it could be contrasted with Toby’s complaints in 1566 about his lack of profit. For discussion of the particular nature of payments relating to the tithe of fish and the vicissitudes of the trade see also above p. 29.

the howse, and amonge other thinges in the said booke conteyned,
concerninge fysshinge and tythes of fysshinge ...'.¹⁸²

John Cockes of Nonington was Bingham's rent gatherer. He testified as to Bingham's regular recourse to this register, now in his custody, in order to ascertain what rents and rights were his (Bingham's) due. If Cockes queried specific rents, then 'Mr Bingham Resorted ymedyatly to the said Booke'. He also testified that a dispute between the mayor of Sandwich and Bingham about the keeping of court and law days at Deal had been swiftly resolved by consulting the privileges as outlined in the register. Cockes concluded, though, by stating that he was not himself able to read the book and, therefore, the text relating to tithe fish, since it was written in Latin.¹⁸³ Anthony Rogers, curate of Goodnestone and a former monk at the Priory, confirmed that he knew the register well. He had 'many times being of the house reed seen and perused in many partes thereof', specifically those passages concerned with fishing. He also stated that he had seen charters, grants and confirmations 'under seale' relating to the lands and houses belonging to the Priory.¹⁸⁴

In summary, the deposition material reveals that relatively few witnesses cited written evidence (although a number referred to leases). The evidence suggests that where the written record was referred to, this was usually in cases arising in towns. Deponents from these 'urban' centres could presumably draw on more established forms of record keeping, and they also referred to records generated by institutions such as religious houses. There is some indirect evidence of the use of more 'informal' written records in references to 'notebooks',¹⁸⁵ as well as to sequestration documents which include information pertaining to tithe.¹⁸⁶ However,

¹⁸² Bingham *versus* Toby (1566): CCAL X.10.12 f. 216v.

¹⁸³ Bingham *versus* Toby (1566): CCAL X.10.12 f. 218r.

¹⁸⁴ Bingham *versus* Toby (1566): CCAL X.10.12 f. 223r.

¹⁸⁵ See, as examples, Harper *versus* Asherste (1573): CCAL X.10.14 ff. 122v-4; Mason *versus* Paramor (1574-5): CCAL X.10.16 f. 21v; Carden *versus* Jancocke (1578): PRC 39/9 f. 88v.

¹⁸⁶ See, for example, discussion of a sequestration document from the parish of Herne below chapter five, section one. For a page of accounts relating to the collection of tithe in 1577-8 in the parish of Stalisfield see CCAL PRC 21/2 f. 187.

these records were generated as part of accounting systems, rather than constituting a codification of the customary payments. As already noted, it has not been possible to locate any written records relating to tithing customs for the diocese of Canterbury and on the basis of Kentish evidence it could be said that codification was uncommon.¹⁸⁷

Depositions are a product of the complex administrative system which constituted the ecclesiastical courts and, as such, testimonies which provide 'permanently recorded versions of the past and its beliefs'¹⁸⁸ can give a misleading impression of the extent of codification which customary tithe payments were actually given. This is especially so in relation to those depositions which provided detailed breakdowns of the complexities of tithe payment. The absence of written records confirms the nature of the 'habitus' in which the tithe payment system operated. There was little explicit or overt codification of practice. Tithing customs were part of the lived environment, usually conveyed between generations through oral discourse.

Negotiation

The basis for the payment of tithe was almost invariably a collective agreement of an established and time-honoured practice. Consider, for example, the suit brought by the Vicar of Newington (Hythe) against John Young in 1550 claiming a tithe of 2*d* per acre on pasture in the parish. John Young of Hythe stated that

'he hath enquired of the moste parte of the parishe nos[?] there bothe of the owners and farmers aswell of them that have occupied the same landes libelled of as other landes in the said parishe and

¹⁸⁷ For evidence from other dioceses see, as examples, the tithing-customs of Shipton on Cherwell transcribed by Barratt, 'The Condition of the Parish Clergy', pp. 278-80 and the tithing customs of Fleckney transcribed by Tarver, 'Tithe Disputes', pp. 18-20. The incumbent of West Farleigh in the diocese of Maidstone copied the tithe customary into the parish register in 1595. In the parish of Herne the tithing customs were recorded in a letter written in the seventeenth century. The information in this letter had allegedly been derived from books belonging to sixteenth-century incumbents: for discussion see below p. 199.

¹⁸⁸ Goody, J. and Watt, I., 'The consequences of literacy', *Comparative Studies in Society and History*, 5 (1962), p. 344.

they never paid it neyther was ever asked of them neither thei never
knewe any suche custome'.¹⁸⁹

He concluded his deposition 'he is instructed of the parisheners there that there ys
no suche custome'.¹⁹⁰ The impression given here is that consensus determined what
was customary, though clearly the determination of custom was a field for debate
and contention. Other deponents in the dispute, including those from Newington
itself, claimed that a customary tithe of 2*d* was indeed due from 'outdwellers' (such
as John Young). Furthermore, it had been 'custumablie paid' for the past 20
years.¹⁹¹ There would appear to have been some disagreement within the parish
between those who supported Young's contention that the tithe was not due and
those who were not prepared to support someone from outside the parish who they
regarded as seeking to change established parochial custom.

Evidently custom was flexible and open to local negotiation. In the case *Barker
versus Gibbs* (1567) Nicholas Dane described the customary tithe of pasturage in
the parish of Westbere:

'the parsons of Westebear aforesaid shall be at ther choise to take
of everye parishioner that hathe and occupyethe anye pasture
grounde within the same paryshe viii^d of the noble, of the rent that
they paye for ther pasture grounde aforesaid or ii^d for everye acre
thereof or the fall and tythe of the Cattall that is or hath ben
pasturinge fedinge upon the same pasture grounde ...'.¹⁹²

He added that

'he never knewe anye thinge to the contrarye but that the Custome
of payinge of tythe pasturage hathe ben observed and kepte as is

¹⁸⁹ Beke *versus* Yonge (1550): CCAL X.10.4 f. 138*v*.

¹⁹⁰ Beke *versus* Yonge (1550): CCAL X.10.4 f. 139*r*.

¹⁹¹ Beke *versus* Yonge (1550): CCAL X.10.4 f. 150*r*.

¹⁹² Barker *versus* Gibbs (1567): CCAL X.10.7 f. 194*v*.

before expressed time out of mynde tyll of late that the parson
nowe beinge hathe demaunded more than ii^d for an acre ...'.¹⁹³

Curiously the defendant, William Gibbs, did not defend his case by reference to this custom and the recent assaults on it, but claimed that he had had no profit from the marshland in contention.¹⁹⁴ It is also interesting to note Nicholas Dane's apparent capitulation in the face of increased demands: he claimed that 'for avoydinge of troble' he had paid 3*d* an acre.¹⁹⁵

There is a sense in which the defence of customary practice might be interpreted as a conservative action whereby parishioners sought to defend traditional usages. As such, this could be considered a form of conservative resistance. However, the justification of customary practice could also represent a radical resistance to encroachment and innovation. Disputes were characterised by a deliberate refusal to meet any demands which did not accord with perceived customary practice. Consider, for example, the attempt to claim a tithe on coperas by Arnold Had, farmer of the parsonage of Minster (Sheppey), in 1586.¹⁹⁶ Clearly this involved seeking to establish a right to tithe within a relatively new industry. References to the use of coperas in Kent are documented as early as 1320, but the earliest known patent for making coperas was not granted until 1565 to Cornelius Stephenson at Whitstable.¹⁹⁷ The witness, Gregory Mondam, agreed that for the past 30 years farmers of the parsonage had been entitled to all tithes within the parish and its tithable places, except the tithe of coperas.¹⁹⁸ It would seem likely that the defence

¹⁹³ Barker *versus* Gibbs (1567): CCAL X.10.7 f. 195*r*.

¹⁹⁴ Barker *versus* Gibbs (1567): CCAL X.10.7 f. 225*v*.

¹⁹⁵ Barker *versus* Gibbs (1567): CCAL X.10.7 f. 195*r*.

¹⁹⁶ Coperas was used in dyeing and tanning processes as well as in the manufacture of ink. Coperas stones (iron pyrites) were found on the shores of Kent, particularly around Whitstable and on the Isle of Sheppey. Once the stones had been collected from the beach, they would be transferred to a coperas house where the coperas (iron sulphate) would be extracted. For further discussion see Melling, E. (ed.), *Aspects of Agriculture and Industry* (Maidstone 1961), pp. 147-50.

¹⁹⁷ Goodsell, R. H., 'The Whitstable Coperas Industry', *Archaeologia Cantiana*, 70 (1956), pp. 142-59.

¹⁹⁸ Had *versus* Pope (1586): CCAL X.11.1 f. 44*r*.

probably rested on the fact that the manufacture of coperas was sufficiently recent and that the tithe could not, at law, be claimed as customary.

Mondam had been employed for the previous five years by one Henry Pope to gather stones in the parishes of Minster (Sheppey) and Warden. He had also been employed to convey the barrels of coperas from Queenborough to London where Henry Pope lived.¹⁹⁹ It is likely that this was seasonal work. Another deponent, Robert Bonar, testified that he had been hired by Mr Pope between Shrovetide and Harvest to make coperas, during which time he made 40 barrels, each worth 33s 4d.²⁰⁰ The case was brought against a Londoner and perhaps an element of hostility towards remote entrepreneurial enterprise is perceptible, though curiously a case was also brought against Richard Hackett, one of the working party employed with Robert Bonar. This was possibly a claim for a personal tithe on his wages.

Many cases concern attempts to resist the collection (and usually the reintroduction) of tithe in kind. In the case *Finche versus Swanisland* (1587) John Everenden confirmed that the great tithe in the parish of Rolvenden, including that of hay or grass, had been paid in kind until around 30 years previously. At this time a composition had been agreed between the parson and parishioners for the payment of 2d per acre of upland and 2½d for marshland or lowland.²⁰¹ It was claimed that this customary agreement had been observed ever since. In a period of rising prices the value of tithe paid in money, as opposed to in kind, would have been progressively decreasing. Finch, the farmer of the parsonage, was attempting to revert to the payment of tithe in kind.

Other attempts to enforce the payment of tithe in kind centred on the tithe of barren cattle. In the case *Lane versus Cheeseman* (1598) Cornelius Matyr, who had lived in the parish of Burmarsh for 44 years, claimed that for all of this time the 'auncient and laudable' custom had been that every parishioner pasturing barren cattle

¹⁹⁹ Had *versus* Pope (1586): CCAL X.11.1 f. 44v. For another possible reference to Henry Pope see also the *Calendar of State Papers Domestic*, 90, p. 457.

²⁰⁰ Had *versus* Hackett (1586): CCAL X.11.1 f. 43.

²⁰¹ *Finche versus Swanisland* (1587): CCAL PRC 39/12 f. 103v.

(bullocks, steers, geldings, wethers, dry or barren cattle and sheep) should pay *2d* an acre: *1d* at the feast of the Annunciation (25th March) and *1d* at the Feast of St Michael the Archangel (29th September).²⁰² This custom had allegedly been ‘observed and kept inviolable’ and parishioners were released from paying any tithe in kind.²⁰³ Matyr believed the custom to be lawful ‘for otherwise he thincketh it would have bin abrogated & broken long ere this & not have byn suffered in the common wealth ...’.²⁰⁴ The suit was probably regarded as a test case since Matyr stated that if Cheeseman proved the custom he would pay his tithes accordingly.²⁰⁵

Another witness, Richard Symons, described how when occupying ten acres of marshland, he had compounded with Lane for the years 1593 and 1594, but in 1595 they could not agree and he was sued in the Consistory Court. He claimed to have paid *20d* (that is, at a rate of *2d* an acre) to Lane through the court. Lane had accepted this money thereby ending the suit. He concluded that the custom must be lawful since when he had been sued it was detailed in the libel and the case in 1595 had been brought against him for determining tithes contrary to custom.²⁰⁶ There is a perceptible disingenuousness here in that Symons, having previously attempted to deny the custom, now cited the vicar’s use of the custom in the earlier case against him in order to assert its validity in the later case.

Viewed from another angle, those cases which appear to originate in the resistance of tithe payers to claims for tithe to be paid in kind can also be viewed as attempts by the tithe collectors to resist the *modus*. The *modus* originated as a means by which tithe collection might be rendered more simple, as a practical and workable means of payment. A monetary sum would be substituted in place of tithe paid in kind. Usually this was on the least valuable products: garden produce; the young of

²⁰² The same custom was detailed in the case *Merricke versus White* (1586-9) which concerned the pasturing of barren cattle in the parish of Lympne.

²⁰³ *Lane versus Cheeseman* (1598): CCAL PRC 39/22 f. 58.

²⁰⁴ *Lane versus Cheeseman* (1598): CCAL PRC 39/22 f. 60r.

²⁰⁵ The outcome of this case was cited as precedent in the negotiations consequent upon the Petition of the Kentish Clergy of Romney Marsh in 1635 when a customary rate of *2d* was determined for the parish of Burmarsh. For a transcription of the petition see Appendix 4.8 and for further discussion of the case see below p. 165.

²⁰⁶ *Lane versus Cheeseman* (1598): CCAL PRC 39/22 f. 63r.

livestock where it was very difficult to collect a true tenth; perishable goods such as milk (for which the collector might have little use for large quantities and there were no market opportunities); and goods only due at certain seasons of the year, for example, the tithe of eggs at Easter. The impression given in the cases discussed above is that these were negotiations which might be conducted between individuals on a year-to-year basis. Nonetheless, these agreements very often became customary and achieved a certain permanence. Two types of *modus* were distinguished in law: the customary *modus* and the prescriptive *modus*. The distinction between the two is discussed at some length by Barratt.²⁰⁷ A customary *modus* was implemented on some tithable products (or very rarely on all products) due within a parish or district. A prescriptive *modus* related to a particular piece of land and was a single payment in lieu of crops grown there, or animals pastured.

Barratt submits that customary *modus* would never have provided the tithe collector with a large income and that, in the event of dispute, the expense of litigation would often have been more than the value of the tithe recovered. She acknowledges, nonetheless, that the customary *modus* generated a considerable volume of litigation in the dioceses of Oxford, Worcester and Gloucester.²⁰⁸ She argues that it was the prescriptive *modus* which represented the greatest loss of income for the tithe collector. This *modus* was more closely tied to changes in agricultural practice and its inception represented the successful implementation of an agreement intended to end the payment of tithe in kind. Barratt speculates that the prescriptive *modus* was most common on enclosed land, new park land or on former demesne land where the change of land use had provided the opportunity for composition.²⁰⁹ The change in land use usually also entailed the loss of the right to collect great tithe in kind which would mean a greater financial loss in a period of inflation.

²⁰⁷ Barratt, 'The Condition of the Parish Clergy', pp. 249-60.

²⁰⁸ Barratt, 'The Condition of the Parish Clergy', pp. 253-6.

²⁰⁹ Barratt, 'The Condition of the Parish Clergy', pp. 257-8.

It is not possible to provide fully quantifiable evidence for the extent of commutation in the diocese of Canterbury from the deposition material. However, the prescriptive *modus* featured in the case French *versus* Hill (1581) in which it was claimed that the parson of Stowting had no right to small tithes of Stowting Park ‘in ther proper kynd but the parson of Stowting for the tyme being hathe alwayes tyme out of mynd receaved and bene in possession of a certen some of mony yerely for and indischarge of the small tithes ...’.²¹⁰ Six other cases concerned claims for the tithe of park land, but it is unclear whether they were testing the right of a prescriptive *modus*.²¹¹ The case Minge *versus* Manwaring (1594) referred to an agreement made between one Dale and the defendant, Manwaring, compounding for the tithe of the manor of Swarling in Petham. A composition of 20s and four bushells of pippin apples had been agreed for all tithe except that of wood.²¹² As a general impression, it would seem that relatively few suits were concerned with the prescriptive *modus* and that most cases concerned with commuted tithe examined the customary *modus*.

The case Hutton *versus* Harrison (1584), for example, provides valuable insight into the complexity of tithe arrangements in the parish of Reculver. In answer to the libel of the vicar, Mr Hutton, John Harrison provided the Consistory Court in March 1583 with a detailed breakdown of his agricultural activities and interests in the parish. He outlined the customary tithing arrangements for the parish of Reculver and the arrangements he and the cleric had agreed upon. He declared that, by custom, the vicar was not entitled to a tithe on the milk of kine, but only to 2*d* yearly for each cow milked within the parish. He was not, moreover, entitled to either the tithe of wood or a tithe on labouring cattle. Harrison had pastured 12 milch kine in the parish of Herne in the years 1582-3 from the feast of St Andrew (30th November) until the feast of St George (23rd April). Thereafter, the calves had been pastured in Reculver. Each one was declared to be worth 5s. While he

²¹⁰ French *versus* Hill (1581): CCAL X.10.20 f. 8.

²¹¹ Hilles *versus* Collyar (1574); Hilles *versus* Darrell (1574); Coldwell *versus* Hawk (1574); Hawkinges *versus* Boughton (1576); Hayman *versus* Frankling (1579); Smith *versus* Campion (1585).

²¹² Minge *versus* Manwaring (1594): CCAL PRC 39/17 f. 64-9r.

was pasturing milch kine in the parish of Herne, in the same period he had two steers, a dry cow, two yearlings and three 12 monthlings in the parish of Reculver. The customary tithe for these he declared to be *2d* for each two yearling bullock and any barren cattle of that age, *1d* for each calf under the age of two years and *2d* for every steer and dry cow.

Harrison had pastured 35 sheep within the parish from which he had obtained 34 lambs. Of these, 12 had been born in Reculver and each lamb he declared to be worth *2s*. He had shorn 80 sheep and the fleeces were each worth *12d*. Harrison's two sows had borne 13 piglets, each worth *4d*, of which two had been given to Hutton for tithe. From two geese and a gander Harrison had 16 goslings, each worth *3d*. He had cut four or five loads of hay each worth *6s 8d* 'whiche he converted to his own use as he saith upon an agreement made and concluded betwixt Mr Hutton vicar there and this Respondent'.²¹³ He had harvested seven or eight bushels of apples worth *6d* each and a bodge of pears. He had retained for his own use, according to the terms of the composition, two or three pounds in weight of hops (worth *4d* for each pound). Finally, he had sown two or three perches of land with hemp and had harvested 20 'shots'. In that year a shot of hemp was declared to have been worth *2½d*.

The diverse activities of any one parishioner in any one year are revealed in this deposition and disclose the complexity of the tithe payment system. Harrison's response to the final points 31 and 32 of the libel summarised the issue of contention in the case against him:

'this Respondent saith that he is a mere lay man and therefore as he beleveth hath no right to the tithes libellate: And by reason and force of a composcion as he saith made and agreed upon betwixt tharticulate Mr Hutton then vicar of Reculver and this Respondent, he this Respondent payed none of the tithes libellated except such as he hath confessed to be paid by hym, But offred to pay and

²¹³ Hutton *versus* Harrison (1584): CCAL X.10.19 f. 50r.

satisfy the said Mr Hutton according to the composition predeposed but the said Mr Hutton refused so to be satisfied ...'.²¹⁴

The only tithe which Harrison had paid in kind was on tithe pigs. On other products (hay and hemp) he specifically referred to a composition which had been agreed between them. It can be assumed that the composition was one which the defendant felt to be advantageous to him and was quite prepared to be bound by. Hutton was, in contrast, seeking to resist the terms of the alleged composition.

Harrison's assertion 'he is a mere lay man and therefore as he beleveth hath no right to the tithes libellate' is most interesting. Here it would seem that, although Hutton had refused to collect tithe according to the composition which Harrison felt to be binding, an accusation of withholding tithe had been levelled at Harrison. His response was quite disingenuous. He claimed that, as a layman, he himself had no right to this produce. This in a sense turned things on their head, as his assertion was one typically levelled at lay plaintiffs: that as lay persons they had no right to claim tithe. As defendant, Harrison never denied that the right to tithe existed, simply that the retention of produce assigned as tithe was not *his* right. The issue in contention for him (however it may have been construed by the plaintiff) was the customary agreement relating to the manner of assessment and collection.

The responses of Reginald Smythe to the case brought against him by Robert Martyn, rector of the Dymchurch, were similarly detailed to those of John Harrison.²¹⁵ He asserted that tithe had never been paid in the parish of Dymchurch on wool, fishing, pigeons or honey, but that otherwise a tithe was due on all products and livestock within the parish. Until the feast of St Andrew (30th November) he had pastured 360 sheep in the parish and from then until the feast of St George (23rd April) he had pastured 140 sheep. From these flocks he had obtained 360 fleeces worth 16*d* each. From the feast of St Mark (25th April) he had pastured 100 ewes in Dymchurch. Eighty lambs (of which 60 belonged to

²¹⁴ Hutton *versus* Harrison (1584): CCAL X.10.19 f. 51v.

²¹⁵ Martyn *versus* Smythe (1576): CCAL PRC 39/7 f. 137v-9.

Leonard Smythe of Northbourne) had been pastured in the parish of Aldington from the feast of St Andrew (30th November) to the feast of St George (23rd April).

In 1575 he had pastured 18 kine in the parishes of Aldington, Burmarsh and Dymchurch. These cows bore six calves in the parish of Dymchurch each worth 6s 8*d*. The tithe due for the milk of kine while they had been pastured in the parish was 30s. Smythe's 20 pigs were each worth 8*d*. He had harvested a gallon of honey and stated that if tithe was due then the honey was worth 4*d*. The tithe for eight hens and 80 eggs was assessed at 2*d*. He had four pairs of pigeons and reiterated that if any tithe was due then it was worth nothing or a farthing at the most. Smythe had grown two bushels of beans in Dymchurch which produced 37 'cotes' of which Robert Martyn's man had received three cotes for the tithe worth 4*d*. Of 100 handfuls of hemp, the parson's servant had received 18 for tithe, again worth 4*d*. Smythe had occupied various pieces of land in the parish of Dymchurch: ten acres called Skerles land; 24½ acres known as Cottons land; five acres called Wynters land; a further ten acres; 20 acres known as 'Edolls owte landes' which comprised pasture and salts; and, finally, another 80 acres called 'commons owte landes'. The last two portions of land were worth 12*d* an acre and all of the other land was valued at 10s an acre.

Smythe's deposition concluded, as did Harrison's, with the statement 'he is a layman' and continued:

'howbeit he answereth that he hathe by the order of iiii indifferent men chosen by the said Mr Martyn and this Respondent agreed with the said Mr Martyn during the time that he shalbe parson of Dymchurche and this Respondent clerk of the marshe for vid by the acre of all his in landes (come only excepted) in full discharge of all his tithes and for the landes xs and for Mr Edolls owte landes iiis

iiiiid by the yeare according to which composition he hath duly
paied him'.²¹⁶

Here again it was the formulation of a *modus* (in this instance one which had been reached with the consensus of four 'indifferent' men) which was being challenged by the parson of the parish.

The case Rodes *versus* Glover (1589) concerned a customary *modus* in the parish of Cranbrook. Richard Goodman of Hawkhurst declared that all tithes, except those of corn and hay, were due to the vicar of Cranbrook 'but not in kinde as they were due or did growe as he saithe but they have allwayes beene compownded with all'.²¹⁷ This was declared to have been the custom for the previous 30 years and Goodman recalled a number of precedents for receipt by the terms of composition and not in kind. Goodman declared that he himself

'compownded everye yeare at Easter for his tithes aforesaide due to the vicar and hee did allwayes satisfye the saide vicars of Cranbrooke or their farmers everye yeare for his tithes sometyme more some tymes lesse as his tithes were woorth and not a certen some everye yeare by composicion'.²¹⁸

It is quite explicitly stated here then that tithes were paid according to customary *modus* which was reviewed from year to year.

John Wellar's agreement with the vicar was somewhat different. He claimed that he had paid Rodes' predecessor, Mr Fletcher, 7s yearly for the whole of his tithes and that he now paid Mr Rodes 10s, declaring that he 'knewe yearelye what to pay'.²¹⁹ He stated that he was unaware of the arrangements which other parishioners had with the cleric, but believed that both he and others now paid more than they had in

²¹⁶ Martyn *versus* Smythe (1576): CCAL PRC 39/7 f. 139v.

²¹⁷ Rodes *versus* Glover (1589): CCAL PRC 39/13 f. 4v. The parsons or proprietors of Cranbrook received the tithe of corn and hay, possessed the parsonage house and held glebe land.

²¹⁸ Rodes *versus* Glover (1589): CCAL PRC 39/13 f. 5v.

²¹⁹ Rodes *versus* Glover (1589): CCAL PRC 39/13 f. 7v.

previous years 'onely for benevolence and augmentation of his lyving and not bycawse hee owght in right or lawe to have soe muche ...' ²²⁰

A third parishioner, Richard Bowrman, confirmed the testimony of Richard Goodman, declaring that he had never before paid a fixed sum of money for tithe and that

'neither did hee this deponent knowe yearelie what to paye unto him till he came and reckined with him whiche was at Easter yearelie and then hee compowded with the saide Mr Fletcher for his tithes paying him sometymes more sometymes lesse according to the quantytye of his tithes ...' ²²¹

Since the arrival of Rodes, about two years previously, he had paid him 3s 6d for his tithes and oblations and commented that others paid more than they had done to Fletcher. The precise point at issue in this case is again difficult to extract, but it might be surmised that the new vicar, Rodes, was attempting to enforce a customary *modus* based on a fixed sum which would not be negotiable from year to year. The implication would seem to be that a relatively high sum had been demanded and that witnesses such as Goodman and Bowrman were seeking to resist this claim.

Conclusion

The centrality of custom in defining tithe payment and practice is manifest. This custom formed part of everyday habitual usage and knowledge and understanding of it was often conveyed through ritual performance. It was enshrined in attitudes to age and tradition, with the attendant notions of veracity and authority. The persistence of these customary modes of behaviour, even across a period of religious and social upheaval, is quite remarkable.

²²⁰ Rodes *versus* Glover (1589): CCAL PRC 39/13 f. 7v.

²²¹ Rodes *versus* Glover (1589): CCAL PRC 39/13 f. 9r.

In discussion of the transmission and negotiation of custom within local communities, attention was drawn to the role of the aged as the custodians and repositories of knowledge. It should also be noted, though, that half of the witnesses who testified in tithe suits were under the age of 50. Witnessing in relation to tithe disputes can definitely be considered to have been gendered: of a total of 1752 depositions only 43 (2.5 per cent) were made by women. If the evidence of aged deponents is regarded as being of especial significance in terms of the transmission of knowledge of past practice then, again, gendering is manifest. Overwhelmingly the evidence drawn from aged deponents was taken from male witnesses and of the 301 witnesses aged 60 years or over, only nine (3 per cent) were women.

The notion of boundary was also one of considerable importance. This notion did not only encompass the physical boundaries which delineated one tithe-paying community from another, but also the moral boundaries of reciprocal behaviour. These boundaries were often accorded ritual and symbolic definition. Especial attention was drawn to the symbolism embedded within the tithe-payment system, particularly in relation to the tithe of fish, which it might be proposed would in the future repay a detailed study in itself.

The nature of these disputes as long running and persistent is evinced in the pursuance of evidence over periods of years and the continual extra-courtroom reiteration of customs and rights. Dispute over tithe can certainly be regarded as a part of a continuum of activity in which dispute over the tithe of wood might be considered to have been of especial significance.

Having drawn attention to the importance of memory and hearsay and the persistence of oral and behavioural modes of transmission, it is perhaps not surprising that little evidence was found for the utilisation of documentary evidence in relation to customary tithe payment. Indeed, such evidence as there is reveals a tension between oral and literate modes of expression. This might perhaps be best

understood by re-emphasising the flexibility of custom, evinced in discussion of the *modus* in the latter part of the chapter.

Chapter Three: Conflict

Introduction

Historical consideration of popular protest in the sixteenth century has tended to concentrate on major rebellions, or on other social movements also characterised by collective action with a high degree of organisation and with firmly articulated and politicised grievances and aims.²²² Evidence from Kent for resistance to tithe indicates, however, that such activity does not appear to have resulted in riot and rebellion, although the issue of tithe could inform this mode of protest. Indeed, it featured in the demands of some of the more major rebellions of the sixteenth century such as the Pilgrimage of Grace (1536) and Kett's Rebellion (1549). Rather than manifesting itself in large-scale, co-ordinated confrontation, opposition to the payment of tithe was, instead, relatively unorganised, uncoordinated and not firmly articulated or overt. Resistance was usually characterised by individual acts of defiance resulting in petty gains. This resistance was more in the nature of the activities identified by Scott as 'a long-drawn-out, silent, and undeclared war of evasion, fraud, concealment, dissimulation, non-compliance, and quiet defiance answered by countermeasures, threats, and prosecutions.'²²³

The payment of tithe was just one aspect of the everyday social and economic relationships between individuals in this period. Evidence from the deposition material reveals that the constant negotiation of these relationships in many spheres employed ritual and symbolic behaviour. This form of behaviour was manifest in relation to tithe when considering strategies of resistance. These 'everyday forms of resistance' were apparent in relation to actual payment and to methods of tithe collection. They signify that ritual and symbolic behaviour was a means of exploring tensions and expressing resistance which, in relation to tithe, arguably might also have allowed the expression of more political issues.

²²² Clark, 'Popular Protest'; Manning, *Village Revolts*. For a comprehensive bibliography of work relating to the major rebellions of the period see also Fletcher, A., *Tudor Rebellions* (London, 1983), pp. 130-2.

²²³ Scott, *Weapons of the Weak*, p. 441.

Opposition to tithe payment demonstrated both compliance and non-compliance. Though tithe collectors were not specifically or overtly denied tithe, tithe payers were able to exert a range of strategies with which to resist the system. Thus, while the right to collect tithe was not challenged in principle (and arguably if it had been this would have provoked a determined reaction from those in authority), tithe payers found all kinds of means to oppose and cheat the system. Compliance also, therefore, in a sense became symbolic, minimised at the level of actual conduct. This form of behaviour has been characterised by Hobsbawm, in his discussion of the ideology of the peasantry, as 'working the system to their minimum disadvantage'.²²⁴

These strategies of resistance encompassed an element of self-interest, especially perhaps in periods of economic hardship. Yet, opposition towards the collection of tithe by lay persons and censure of the moral behaviour of the parochial clergy indicate that resistance also had its roots in convictions about the reciprocal nature of relationships between the individual, the community and the Church. These were relationships governed by mutual expectations and responsibilities. When resistance occurred, these relationships were perceived to have broken down or to have been transgressed in some way.

Dispute over customary rates, payment and collection may well have originated with individual acts of defiance, but the evidence suggests that these symbolic confrontations were very much a matter of community concern and even intervention. Furthermore, strategies of resistance which might be termed 'sharp practice', employed during tithing-out (setting aside the tithe owner's share), must have required an element of collusion, a kind of informal consensus amongst tithe payers. There is a way, then, in which this resistance did become collective, although not in the formally understood sense of the word. Such strategies were part of shared community knowledge which was passed between generations and

²²⁴ Hobsbawm, E., 'Peasants and Politics', *Journal of Peasant Studies*, 1/1 (1973), p. 12, quoted in Scott, J. C., 'Resistance without Protest and without Organization: Peasant Opposition to the Islamic Zakat and the Christian Tithe', *Comparative Studies in Society and History*, 29 (1987), p. 424.

employed using ritual and symbol within discourses shared and understood by the wider community. Much of this behaviour can be located within the continuum of everyday social and economic relationships as a constant and ongoing process of testing and negotiation. The persistence of such strategies argues for traditions of dispute and resistance reaching back prior to the sixteenth century as well as beyond it.²²⁵

Having stated that the issue of tithe was a facet of local social and economic relationships, clearly resistance to payment, or to collection, or to innovative attacks on customary modes must also have had some origin in the local balance of power. Resistance could be informed by interpersonal rivalries and antagonisms and the evidence provided in the course of suits in the ecclesiastical courts often reveals these tensions. While drawing attention to the everyday and persistent nature of this behaviour, the statistical analysis of tithe litigation reveals that there were concentrations of activity.²²⁶ When a court case ensued this was the result of a breakdown in customary norms and rules of behaviour (a breakdown which frequently revealed itself in symbolic and ritual form). Suits were brought by those who perceived themselves to have lost out, either materially or morally, in encounters which had perhaps taken place over a long period of time. The court case was the culmination of a series of petty confrontations and the courtroom provided a forum for re-examination as litigants sought workable ways of coexistence within local communities. The reasons lying behind disputes pursued in the courtroom were very complex. Suits were informed by traditions of dispute, local politics, collective concerns and interpersonal rivalries. Social and economic, and perhaps political and religious, circumstances may have encouraged a less tolerant or conciliatory attitude toward strategies of evasion and resistance. It was in response to these particular local circumstances that concentrations of tithe litigation can be identified.

²²⁵ For discussion of traditions of resistance see Hill, C., 'From Lollards to Levellers', in Cornforth, M. (ed.), *Rebels and their Causes* (London, 1978), pp. 49-69.

²²⁶ See below chapter four.

Arguably then, over a sustained period, such resistance could be far more effective than more overt forms of opposition. Consider, for example, the role of custom. If tithe payers could sustain, rather than attack, customary payments for a period of 40 years then they would be defensible at law.²²⁷ A customary *modus* could only be to the detriment of the tithe collector in a time of rising prices.²²⁸ Persistent resistance, in the cumulative effect of individual and petty acts of defiance, would leave the tithe collector with very little opportunity for redress. This again suggests that such resistance was firmly rooted within traditions of dispute and was informed by pragmatic everyday responses with an appreciation of long-term gains.

Confrontation

Opposition to tithe manifested itself in many ways. It is intended in this chapter to consider conflict as it revealed itself in the form of confrontation. Normally, this conflict took place outside the courtroom and was preliminary to the instigation of a suit (though of course the detail pertaining to the confrontation was revealed in the course of examination in court). These encounters may have been verbal clashes, some of which encompassed the threat of physical aggression, or they may have arisen from more indirect methods of opposing tithe. As discussed above, conflict in terms of petty disputation and minor expressions of opposition were a pervasive aspect of everyday relationships. Court cases were very often the result of the culmination of a series of small-scale actions and confrontations. The relationship between these forms of resistance and what might be termed more organised and collective opposition will also be considered. Whether the confrontations were direct or indirect, spontaneous or planned, at all levels these encounters seem to have been informed by a strong element of the symbolic.

The evidence relating to verbal confrontations over tithe comes from the deposition material. In describing these encounters, deponents were typically sensitive to matters such as where the exchanges occurred, the language employed, those who

²²⁷ *Statutes of the Realm*, 2 & 3 Edward VI, c 13.

²²⁸ For earlier discussion of resistance of the *modus* by tithe collectors see above p. 61.

participated and those who observed. Confrontation took place in houses, shops, streets and fields, but more often in churches or their immediate vicinity.²²⁹

The case *Carter versus Russell* (1595) was a dispute between two laymen over tithes. An exchange took place between the two men in the parish church of Goudhurst, on a Sunday, after evening prayer, before a large group of people. John Stephens, a 70-year-old yeoman of the parish, deposed that while sitting in his seat

‘he heard Mr Carter and the articulate Mr Thomas Russell talking about tithes & in their reasoning thereabout he heard Mr Carter tell the said Mr Russell that he did him iniury as this deponent remembreth wherupon the said Russell told the said Mr Carter he lied, and in further discourse of their talke the said Mr Russell in hot and angrie manner as he seemed to this deponent said to the said Mr Carter Thow liest yea thow liest in thie throte or the very like woordes in effect The said Mr Carter & Mr Russell being then together standing in the chauncell of the church afforesaid or quire there, hard by Mr Russell’s usuall seate which wordes were so offensive to this deponent that he reprovved and found falt with the seid Mr Russell for so speaking ...’²³⁰

Much attention was paid by the witness not only to the words which passed between the two, but also to the manner in which they were spoken. There are discernible notions of the appropriate here. Russell was perceived to have overstepped the bounds of acceptable behaviour, perhaps because the exchange took place in a church and certainly because of the discerned offensiveness of his words and demeanour. Indeed, the witness actively intervened in the quarrel. In no

²²⁹ With regard to the locations where negotiation over tithes took place, it is interesting to note that none of the depositions described the sealing of a bargain or agreements relating to tithes as having taken place in an alehouse or over a drink. Indeed, there seems to be none of the conviviality associated with the reaching of agreement which characterised other kinds of negotiation. See, for example, discussion of the commensality rituals associated with courtship in O’Hara, ‘Sixteenth-Century Courtship’, pp. 43-6.

²³⁰ *Carter versus Russell* (1595): CCAL PRC 39/17 f. 112 [f. 212]. For discussion of the pagination in this volume see above footnote 111.

sense could this altercation have remained private. It took place in the public domain and was, therefore, governed by codes of behaviour and invited intervention from bystanders.

The dispute over tithe was intricately bound up with rights within the church itself and dissension over Russell's seat in the chancel. Carter apparently warned Russell that he could have him removed from his seat there.²³¹ The implication here is that this verbal clash went far beyond a disagreement over tithe. It was informed by notions of office-holding and order, as well as a history of dispute and rivalry between the two men. John Stephens recalled a earlier occasion on which Carter had said of Russell that 'he had the spirit of the divill in him ...'.²³²

A suit in 1593 brought by Richard Laminge against John Starkye was probably a defamation case which had originated from a confrontation concerning tithe. Again the confrontation took place in the parish church. On this occasion the events took place at Ewell, after morning prayer, on St Stephen's Day (26th December). John Reason of Ewell, a weaver, aged 76, deposed as follows:

'as he remembrethe one Sayer Churchwarden of Ewell came unto Mr Sanders vicar of Ewell and offered unto him the sayd Mr Saunders 15^d as this deponent remembreth for tithe of certeine wood which John Starky articulate had felled, And the said Mr Saunders refused to take the same money sayenge he would have noe money but he would have his tythe of wood, Then said Starky articulate speaking unto the sayd Sayer if he ... will not take it then let him alone To whome said Laminge articulate you amonge you have made the poore man (meaninge the said Mr Sanders) spend a thirte or 32^s about brablinge, Then said Starky articulate (alloquend eund Laming) doe you take his parte, (cui dictus

²³¹ Carter *versus* Russell (1595): CCAL PRC 39/17 ff. 112v-3 [ff. 212v-3]. For discussion of the pagination in this volume see above footnote 111.

²³² Carter *versus* Russell (1595): CCAL PRC 39/17 ff. 112v-3 [ff. 212v-3]. For discussion of the pagination in this volume see above footnote 111.

Laminge) yea peradventure I have occasion to take his parte, Then said John Starkye to the said Laminge that he was a troublesom fellowe and a knave and a very knave with many other angry woordes.²³³

The first element to note here is the use of a go-between, the churchwarden of the parish. Presumably he was a man of some status and perhaps one perceived to have a closer relationship with the cleric. Starkye was possibly eager to avoid a direct confrontation with the vicar. The sense of events as portrayed in the deposition indicates that initially he remained in the background, but was inevitably drawn in to the dispute when Richard Laminge intervened. Much attention was paid in this case to the precise locations within the church at which these exchanges took place. John Reason stated that the conversation related above took place at the end of his seat and he detailed those who sat with him and near him.²³⁴

The vicar had refused to sign or seal a document relating to the tithe of faggots. Richard Laminge speculated that the reason for his refusal may have been that the faggots were worth more than he was offered for them. Robert Reeve, a butcher, added further detail:

‘... then John Starkie being with the said Laming as they were going out of the church right at the end of John Reasons pewe in the same church said to him the said Laming it is not well good man Laming to give Mr Sanders such crosse counsell for he is troublesome enough of him self without counsell, & so went out of the church’.²³⁵

The use of the word ‘crosse’ here suggests ‘opposing’ with the implication that the vicar needed no encouragement towards argument. Again the inference is that this

²³³ Laminge *versus* Starkye (1593): CCAL PRC 39/15 f. 119.

²³⁴ It seems that it had been claimed that Reason was too deaf to make a reliable witness. William Hugbone deposed, in response to one of the interrogatories, that ‘Reason hath not his hearing perfectly but cann [hear] what ys sayd if a man speake with a lowd voyce’, Laminge *versus* Starkye (1593): CCAL PRC 39/15 f. 152r.

²³⁵ Laminge *versus* Starkye (1593): CCAL PRC 39/15 f. 155.

confrontation took place against the background of a history of dispute. Laminge's reported use of the word 'brabbling' is instructive. It is indicative of petty wrangling which had probably already reached the courtroom.²³⁶

The disputes in 1584 between Laurence Parkinson, vicar of Ospringe, and Peter Grenestrete were based on a number of confrontations which had addressed dispute over tithe. These had again taken place in the parish church or nearby. John Amis deposed

'that aboute Easter laste paste ... this deponente beinge in the churcheyarde of Ospringe upon Sunday[?] a holidaye & after Evensonge was done ... the sayd Peter Grenestrete came unto this deponente & takinge him by the hand sayd come John come with me a little and then this deponente & the sayd Peter Grenestrete wente unto Mr Parkinson sittinge with Mr Mantle & Mr Stansbye in an other place of the sayd churche yarde & when they were come unto them the sayd Peter Grenestrete asked the sayd Mr Parkinson whie he did not fetche away his pigge cui ille what shoulde I doe with him tunc Greenstrete eate him cui Parkinson It was Lente tunc Grenestrete Then fetche him awaie nowe cui dictus Parkinson I will Tunc Grenestrete had it not bene as good for you to have taken your money here as at the corte cui Parkinson whie aske you that tunc Grenestrete did I nott offer it unto you at home cui ipse yea marie did you tunc Grenestrete my Mistress beare wittnes Then quothe the sayd Mr Parkinson I did sue you for noe suche thinge'.²³⁷

²³⁶ *Oxford English Dictionary*, Brabbling: a) cavilling, 'hair-splitting' (obs.), b) wrangling, noisy quarrelling; Brabble: a frivolous or paltry action at law (obs.).

²³⁷ Parkinson *versus* Grenestrete (1584): CCAL PRC 39/10 f. 237. The impression given in this particular deposition is one of hurried transcription of the details of the conversation as it was reported to the scribe. The Latin is suggestive of contracted courtroom parlance which perhaps allowed the scribe to record more swiftly and succinctly.

It is interesting to observe here the anticipation that witnesses may be required as to the expected exchange. This was especially important since it transpires that an earlier attempt to come to an agreement had failed and a suit had already been instigated in the courts at the time when this encounter took place. Yet again this indicates a history of dispute and another quarrel between the two protagonists was described by William Plott:

‘in the time of harveste laste paste This deponent beinge in a felde of his next adjoininge to the Churchyarde of Ospringe close under the wall of the churchyarde there theie herd the sayd Peter Grenstrete & his wiffe chidinge & bralinge verie outragiouslie in the churchyard of Ospringe with the sayd Mr Parkinson aboute the churchinge of one Cowlandes wiffe who was there presente with divers other women’.²³⁸

This encounter would appear to have been a deliberately staged confrontation, headed by Grenestrete, supported by a group of women. Plott further deposed that

‘... amongeste divers other shamefull & unsemelie wordes he herde the sayd Peter Grenstrete call the sayd Mr Parkinson prowde prodigall preaste & prowde prodigall foole ...’.²³⁹

Grenestrete had declared, moreover, that ‘priesstes ministers ever have bene from the beginnunge & soe will be to the latter end the distruction & over throwe of the common welthe’.²⁴⁰ Another deponent recalled an exchange of insults.²⁴¹ In the light of the controversy over tithe between Grenestrete and Parkinson, Grenestrete’s use of the word ‘prodigall’ is interesting. He compounded its use through repetition to emphasise wastefulness and extravagance, perhaps specially in relation to money. There would seem to have been a distinct element of anti-clericalism to Grenestrete’s accusations, but it is worth noting that on no occasion was he cited to court in a tithe dispute.

²³⁸ Parkinson *versus* Grenestrete (1584): CCAL PRC 39/10 f. 257v.

²³⁹ Parkinson *versus* Grenestrete (1584): CCAL PRC 39/10 f. 257v.

²⁴⁰ Parkinson *versus* Grenestrete (1584): CCAL PRC 39/10 ff. 257-8.

²⁴¹ Parkinson *versus* Grenestrete (1584): CCAL PRC 39/10 f. 255.

In summary, these three encounters were characterised by the fact that the confrontations drew on a history of dispute and were informed by any number of grievances. They took place before specifically appointed witnesses and before bystanders. All of these witnesses shared a common perception of much of the language and behaviour used as transgressive. Finally, they all took place in, or close to, the church.²⁴² Indeed, the symbolic significance of the venue in which these exchanges took place is critical to understanding ways in which attitudes toward tithe payment may have been expressed. In the case between Partrich, vicar of Lenham, and Thomas Bray heard in 1597, Dunstan Adams, husbandman and sexton, described an exchange which had taken place between the two litigants:

‘... the said Bray after morning prayers were ended came up into the chauncell of the church of Leneham and talked with the said Mr Partrich and at last laid downe a summe of money, (how much this deponent cannot tell) upon the Communion table there but Mr Partriche refused to take it at the first and so they were both going away leaving the money upon the table, afterward the said Mr Partrich returned and went & tooke up the said money sayeing that he would take it hoping he should have a better neighbour and so went away with the money, then the said Bray requested this deponent to beare wittnes therof ...’²⁴³

As in the cases already considered, the detail provided was very specific. The encounter took place on a Sunday, after a service had ended. This ensured that, if Bray was anticipating or intending an altercation, there would have been a number of witnesses. Definitely, following the encounter he specifically requested that Adams bear witness to what had taken place. Most significantly, Bray chose to move into the chancel of the church in order to discuss tithe with Partrich. This was

²⁴² It should be noted that Royal Proclamation in 1552 threatened imprisonment for those who quarreled or rioted in church: Hughes, P. L. and Larkin, J. F. (eds.), *Tudor Royal Proclamations*, 1, no. 384. For a descriptive calendar of cases of assault in churches or their immediate vicinity in Essex in the same period see Emmison, F. G., *Elizabethan Life: Disorder* (Chelmsford, 1970), pp. 184-94.

²⁴³ Partrich *versus* Bray (1597): CCAL PRC 39/19 ff. 119v-20r.

a singularly symbolic move in that upkeep of the chancel was usually the cleric's responsibility as part of the reciprocal arrangements consequent upon the receipt of tithe.²⁴⁴ In a sense, moving into the chancel strengthened Bray's position in handing over money to Partrich. It constituted a subtle reminder to Partrich of his own financial obligation towards the church. Furthermore, Bray eventually laid the sum of money down on the Communion table.²⁴⁵ This would seem, again, to have been a highly-charged action since, had Bray persisted in withholding his tithe, Partrich could have resorted to denying him the Eucharist.²⁴⁶ In this deposition the use of 'Communion table' as distinct from 'altar' is also notable, a reflection of controversial Protestant influence on the externals of worship.²⁴⁷

Clearly this move into the chancel, which can also be observed in the exchanges discussed earlier between Carter and Russell²⁴⁸ and between Laminge and Starkey,²⁴⁹ represented resistance in the symbolic transgression which took place. The tithe payer would almost certainly have had some sense of crossing a physical boundary (where the rood screen would have stood) as well as a moral one. The chancel was probably regarded as the holiest part of the church, the especial domain of the priest who had exclusive access via the priest's door. It was also, in the later years of the century, normally where the parish elite had their seats. Moreover, it was the area within which the services were read and where communion was received. Perhaps there was an element of shock in bringing disputes into this part of the church, a signal that the tithe payer was determined to confront the issue.

²⁴⁴ If the tithes were leased then this would be the responsibility of the lay collector.

²⁴⁵ Adams later deposed 'it was all white money as far as he remembreth' [Partrich *versus* Bray (1597): CCAL PRC 39/19 f. 120r]. For discussion of the possible meaning of 'white money' see above footnote 89. It might also be suggested that this was 'Whit' money, that is, an offering due at Whitsun. The most likely explanation, however, is that it was silver.

²⁴⁶ For controversy at St Nicholas at Wade over the receipt of communion see, for example, below p. 233.

²⁴⁷ For discussion see Collinson, P., *The Religion of Protestants - The Church in English Society 1559-1625* (Oxford, 1982), pp. 31-2. In the case *Badcocke versus Gunnyll* (1550) deponents referred to the altar: see below p. 82.

²⁴⁸ See above p. 74.

²⁴⁹ See above p. 75.

A somewhat contrasting strategy was adopted by Issac Colf, the vicar of Herne, in his dispute with the 'wearemen' of the parish in 1594. Henry Browne, yeoman of Herne, testified that on a Sunday, after evening prayer, Mr Colf came down out of the chancel of the church to the parishioners who were still sitting in their pews. He reported the following exchange:

'heere is a contention betwene me & my neighbours the weare men for tithe fishe for I can get none for tithe nor for any money of them, And I am very lothe to trouble or sue them yf I could otherwise be satisfied, Then Stephen Smithe articulate stode forth and offred unto the said Mr colfe xviii^d saienge that yf Mr Colf could prove yt due unto him that then he should have yt of yf he would have tithe fishe then he must fetch it where it was, Then said Mr colfe yf it be not due unto me I will not have yt but yf you will pay it me for my tithes I will accept yt noe quod the sayd Smithe I will give it you uppon good will but not for my tithes Then said Mr Colfe I will not take it soe for yf I have noe right to yt I will have nothings'.²⁵⁰

It is notable that, unlike in the other disputes considered, here the vicar brought the dispute before the congregation. He moved out of the chancel into the body of the church and stood before the assembled congregation. In so doing he was moving into the part of the church most strongly associated with the parishioners and for which they had responsibility for upkeep. The description of the exchange in the depositions conveys an impression of conciliatory reasonableness on the part of Colf in laying the dispute before the congregation. He must, nevertheless, have been aware of the presence of some of the weirmen and the possibility of a defensive response. Certainly he asked those present to bear witness to what had happened. Edward Norwood added that Colf claimed that the weirmen would neither pay tithe, nor let him have fish 'soe good cheape as I may buy in the

²⁵⁰

Colf *versus* Smithe (1594): CCAL X.11.6 f. 255r.

market'.²⁵¹ Smithe's willingness to pay Colf, but only out of a sense of goodwill, and Colf's refusal to accept is instructive. It would seem that the vicar was trying to assert a right to the tithes of fish either in kind or as a money payment. Smithe, in contrast, was obviously eager to avoid any payment which might in the future have been construed as establishing a customary right.

As discussed, the venue could lend especial resonance to the actions which took place as part of the exchange. It was also in the church that some of the most theatrical gestures were used. In the case between Christopher Badcocke, vicar of Hollingbourne, and George Gunnyll in 1550, Thomas Raynolds described a confrontation which had taken place before a number of people:

'... upon Wenysday nexte after Easter day last paste upon an aulter in the paroch church of Hollyngborne called Sainte James Alter ... there and then the said George Gunnyll toke oute of his purse a handefull of silver the same by hys reporte xxv^s and caste it downe upon the Aulter; and said to the vycar take what thow wilte for there is ynoughe to pay the ...'.²⁵²

A second deponent stated that Gunnyll had declared 'take owte your deutye for your tithes', to which the vicar had replied, 'I will take none but gyve me my duetie'. At this point another parishioner had interjected, 'why master vycar will you not aske nor take your deutie I am ashamed'.²⁵³

²⁵¹ Colf *versus* Smithe (1594): CCAL X.11.6 f. 256r.

²⁵² Badcocke *versus* Gunnyll (1550): CCAL X.10.4 f. 105v. The language used in this deposition is particularly interesting in the light of the issues raised by Gowing who, as already noted (see above footnote 51), suggests that depositions have their source in certain kinds of popular narrative such as ballads and broadsides. It is interesting here, then, to consider Raynold's deposition in the light of Biblical verses concerning Judas Iscariot: 'Then Judas (whyche had betrayed hym) seyng that he was condempned, repented hym self and brought agayne the thyrty plates of sylver to the chefe preastes and elders, saynge: I have synned betraiynge the innocent bloud. And they sayde: what is that to us: Se thou to that. And he cast doune the sylver plates in the temple, and departed and went and hanged hymselfe': Matthew 27 quoted from *The Byble in Englyshe of the largest and greatest volume ...* (London, 1541). Perhaps it is possible to draw attention to the similarity of language in the casting down of the silver.

²⁵³ Badcocke *versus* Gunnyll (1550): CCAL X.10.4 f. 106.

As in the case Partrich *versus* Bray (1597) the money was placed on an altar or communion table.²⁵⁴ This suggests that the tithe payer did not want to make a direct payment to the cleric and it could be compared to the use of a go-between in the case Laminge *versus* Starkye.²⁵⁵ In a sense, this deliberate placing of the money moved the onus away from the tithe payer. The cleric had to decide whether to pick up the money and complete the transaction, or to leave the money and perhaps provoke a lengthy dispute. If the quarrel resulted in a court case the tithe payer could reasonably claim that he had been willing to make payment. There may have been a particular resonance or symbolism to exchanging money in a church. The original Old Testament injunction demanded that tithable produce or money be brought to places of worship²⁵⁶ and there was, of course, precedent for paying Easter dues²⁵⁷ or even rents in churches. Presumably, though, the story of Christ overturning the money-lenders' tables in the temple would also have been a familiar one. There was maybe a feeling, reflected in the fact that these disputes reached a court case, that such exchanges in a church were inappropriate.

In sixteenth-century society money had a value which extended beyond the purely economic. As courtship tokens, for example, money had a complex symbolic value. The interpretation of these tokens was influenced by the occasion, the timing, the manner of giving and by the intention and understanding of the parties involved.²⁵⁸ Placing money on the altar added a symbolic resonance to the transmission which had taken place. This was an action for which there was historic precedent. In the medieval period symbolic objects, and later documents, were often presented on altars in conveyancing ceremonies.²⁵⁹ Putting the money owed for tithe on the altar perhaps had a dual nature: it was the actual payment, but it also embodied a

²⁵⁴ See above p. 79.

²⁵⁵ See above p. 76.

²⁵⁶ Deuteronomy 16: 22-27.

²⁵⁷ At St Just in Penwith, for example, parishioners brought their small tithe to the 'vannte stone' in the church. For a discussion of the mechanics of the collection of Easter Dues see Wright, S. J., 'A Guide to Easter Books and Related Parish Listings', Parts 1 and 2, *Local Population Studies*, 42 (1989), pp. 18-31 and 43 (1989), pp. 13-27.

²⁵⁸ O'Hara, 'The language of tokens', *passim*.

²⁵⁹ Clanchy, *From Memory to Written Record*, pp. 203-8.

symbolic object or offering, signifying the reciprocal relationship between giver and receiver, the individual and God.

It is necessary to consider just how symbolically aware the protagonists in these exchanges might have been. It could be argued that confrontations inevitably took place in churches.²⁶⁰ Even so, as discussed, the evidence of exchanges over tithe indicates that venue, action and, arguably, language each had a special symbolic resonance, whether or not the protagonists were consciously aware of their actions and words at the time. It is certain that, in the later portrayal of events, deponents obviously felt it important to emphasise these aspects in order to explore the meanings of what had taken place and they structured their depositions accordingly. The use of word, gesture and space did not in themselves have an inherent symbolic meaning, but allowed participants and observers to make meaning in the light of their experiences and shared discourses.²⁶¹

In view of the influential work on the market place as an energetic, permissive, space²⁶² and noting the fact that market areas were very often located close to churches, it is perhaps surprising that only one case records detail of an encounter (or more accurately non-encounter) over tithe in the market place. In the case Palmer *versus* Beke (1552) Thomas Emyot of Newington (Hythe) deposed that on a Saturday before Michaelmas he

‘...was presente in the market place of Hythe at one Hokes stall there talking with the vycar of Newyngton by whom came the forsayd Thomas Palmer and bad this deponent god morowe, but where sayd the vycar seyng the sayd Palmer dyd say nothing to

²⁶⁰ See, for example, the comments of Emmison: ‘In a period when church attendance was compulsory nearly all parishioners met together for divine service, and their petty rivalries and smouldering jealousies occasionally broke out in the places where they all assembled - in the church or churchyard’: Emmison, *Disorder*, p. 184.

²⁶¹ Cohen, *The Symbolic Construction of Community*, pp. 14-7.

²⁶² Bakhtin, M., *Rabelais and his World*, trans. H. Iswolsky (Indiana, 1984), especially pp. 145-95; Stallybrass, P. and White, A., ‘The Fair, the Pig, Authorship’ in Stallybrass, P. and White, A. (eds.), *The Politics and Poetics of Transgression* (London 1986), pp. 27-79, especially p. 36.

him, dyd see the sayd Palmer and might have spoken unto him yf he wolde ...' ²⁶³

John Marche, also of Newington (Hythe), confirmed that he had heard that Beke had seen Palmer at Hythe. He added, furthermore, that 'Palmer doth dwell in the parish of Newyngton and ys comonly at home and he belevith that the vycar might have spokyn to him if he had lyste' ²⁶⁴

In this dispute it appears that there was a deliberate choice on the part of the tithe collector, Beke, to discourage an encounter. This attitude perhaps stemmed from an awareness that the liminal area of the market was one in which tensions could be exacerbated and it is especially interesting in that the market at Hythe was located next to the church which, as has been shown, was a frequent arena for confrontation.²⁶⁵ Perhaps Beke felt himself to be at some disadvantage; he was outside what might be termed his domain. Arguably, he may have felt that if a confrontation was to be initiated by him, the church or its vicinity was a more appropriate venue and, as such, would have strengthened his own position.²⁶⁶ The deponents in the case seem, in contrast, to have felt that the market was a space in which negotiation could have appropriately taken place.

Another probably deliberate 'non-confrontation' was described in the suit *Pettifer versus Bright* (1598). Clement Bright, tailor and freeman of Canterbury,²⁶⁷ had occupied half of a house in the parish of St Peter. For this property he paid a quarterly tithe of 15*d* to Pettifer, the vicar of the parish. Witnesses confirmed that payment had taken place without dispute for a number of years. One deponent described an exchange between the wives of both men which had taken place peaceably in the hall of Bright's house.²⁶⁸ On other occasions payment had again

²⁶³ Palmer *versus* Beke (1552): CCAL X.10.5 f. 53*v*.

²⁶⁴ Palmer *versus* Beke (1552): CCAL X.10.5 f. 54*r*.

²⁶⁵ I am grateful to Andrew Butcher for this information.

²⁶⁶ Consider, for example, the strategy adopted by Colf at Herne discussed above on p. 81.

²⁶⁷ Corpe, S. with Oakley, A. (eds.), *Canterbury Freeman, 1550-1649* (Canterbury, 1983).

²⁶⁸ The role of the women is interesting here. For discussion of the role of women in

been made at his house, this time 'at the stall of his shoppe within'. Dispute arose, though, when Bright took the whole of the tenement into his possession and offered payment of 2s 6d per quarter. Pettifer demanded 3s.

Nicholas Berrie, husbandman of Canterbury, stated that at the previous midsummer he and the Westgate butcher, John Bugget, had accompanied Bright on a visit to Pettifer in order to witness the tender of tithe:

'... they found him leaninge upon a stoole of a shomakers shopp nere the Church of St Peters Canterbury when and were the said Clement Bright did offer unto the said Pettifer the some of iis vid for the tithe of his the said Brights house for one quarter of a yere but the said Pettifer did at that time refuse to take yt & did not receyve yt'.²⁶⁹

Later, at the following feast of the Annunciation (25th March), the same three men went to Pettifer's house

'but when they came to the said Pettifers house & demanded of a madeservant of his whether he was within & told her what there busines was she the said made servant returned this Answere that her said Master meaning Mr Pettifer articulate was within but he would not speeke with them meaninge the articulate Clement Bright this deponent & his contest John Bugget for (said she) he meaninge the said Pettifer will not take yt meaninge the some aforenamed for the quarters tithes aforesaid.'²⁷⁰

This testimony describes first a deliberate refusal of tithe payment and, subsequently, a refused encounter conveyed through the intermediary of the servant. Unquestionably, this was an ongoing dispute and, faced with intransigence on both sides, the forum of the courtroom was finally resorted to in an attempt to restore relationships. By this time a dispute which had originated over the amount

negotiation over tithe see below p. 96.

²⁶⁹ Pettifer *versus* Bright (1598): CCAL PRC 39/21 ff. 34-5r.

²⁷⁰ Pettifer *versus* Bright (1598): CCAL PRC 39/21 ff. 34-5r.

of tithes to be paid now involved claims that Pettifer was not the lawfully instituted vicar.²⁷¹

These 'non-confrontations' hint at the difficulties of resolving dispute in small-scale societies in which individuals were bound by multifarious ties. It could be argued that the tithe payers in these situations had failed to discriminate between the many roles individuals assumed.²⁷² By confronting the cleric in the market place, in a shoemaker's shop or at his home, they were perhaps failing to recognise the multiplex nature of identity. Their dispute with the *cleric* was infringing on other aspects of his life, as examples, his role as a neighbour, perhaps on occasion as a scribe and perhaps even as kin. A similar confusion of roles probably occurred in the dispute between Partrich and Bray in which the cleric left 'hoping he should have a better neighbour'. This was presumably a wish for the future and inferred that Bray's attitude was perceived as inappropriate for those deemed neighbours.²⁷³ Disputes over tithes were not simply disputes between a tithe payer and a tithe collector (clerical or lay), but were informed by the multiplexity of roles and relationships within sixteenth-century society. Despite the observations above, it should be noted that deposition evidence often reveals that individuals were very aware of the multiplicity of relationships. This awareness was reflected in the wide range of matters brought to bear in these disputes.

While verbal confrontation may have remained within the sphere of contesting claim and counter-claim which sometimes involved the uttering of defamatory remarks, on occasion a latent threat of physical violence is apparent. A dispute which took place in 1593 between Henry Wayland, vicar of Hastingleigh, and John Halke centred around a disagreement which had taken place in the hall of Halke's house. This had occurred in the presence of the curate of Hastingleigh, Mr Parke.

²⁷¹ Simon Godfrie, an 86-year-old almsman at the Eastbridge Hospital, recalled in detail the induction ceremony of Pettifer which he had witnessed sixteen years previously. [Pettifer *versus* Bright (1598): CCAL PRC 39/21 f. 774].

²⁷² Cohen, *The Symbolic Construction of Community*, pp. 28-30.

²⁷³ See above p. 79.

Halke's servant Elizabeth Nicholson, who was spinning in the hall at the time of their meeting, described their exchange:

'... Mr Henry Waylande and the aforementioned John Halke were together sitting at the upper ende of the table in the saide hall talking together abowte certen reconinges of tithes beetweene them, to which this deponent gave noe greate awe a while till at the lenght shee heard them fall into highe & hott wordes and then their speache beeing lowder then beefore yt was shee herde her saide master John Halke in verye uncharitable angrie and owtragyows manner use thease woordes following unto the articulate Mr Henry Wayland ... Thow lyst Mr Parson or yow lye Mr Parson and thow or yow cannot speake a trewe worde and yow are a very quarrelling and a contentyows person ...'²⁷⁴

This testimony reveals some of the already noted constituents of what might be interpreted as a typical recollection of a verbal confrontation in relation to tithe: the presence of prearranged and involuntary witnesses; the exchange of angry words; and, later, the critical attention paid to the manner in which the words were uttered. Of especial interest in this case is the importance accorded to the servant's testimony. Elizabeth was later advised by Mr Parke that 'shee must prepare her selfe to speake the trewth of that shee heerde beetwixte Mr Wayland and her maister Halke'.²⁷⁵ This instruction hints at conflicts of loyalty and the involvement of Elizabeth Nicholson in this case is especially interesting. While it could be considered that the dispute took place in the private domain of the home, the presence of the servant (as did the presence of other parishioners in the cases described above) lent a more public aspect to the exchange. Although Elizabeth claimed to have paid no great attention to their meeting, she was quite clear about the speeches used. As had the witness in the case *Carter versus Russell*, she recalled

²⁷⁴ Wayland *versus* Halke (1593): CCAL PRC 39/14 f. 58.

²⁷⁵ Wayland *versus* Halke (1593): CCAL PRC 39/14 ff. 58v-9r.

the very direct accusation ‘Thow lvest’ and also perceived the cleric as being by nature quarrelsome and contentious, prone, it might be thought, to dispute.²⁷⁶

Parkes’ own deposition was more detailed, presumably because he had been in a better position to hear what was being said. He may, though, have been somewhat biased towards Wayland: he had been his pupil at Trinity College in Cambridge and was, at the time of the meeting, his non-stipendiary curate.²⁷⁷ According to Parkes, Wayland had been expressly invited to Halke’s house in order to discuss the tithe which Halke owed him. Doubtless because there had already been some disputation, Wayland asked his curate to accompany him, declaring his readiness to come to an agreement with Halke ‘for quietnes sake, and so contynue both together as frendes’.²⁷⁸

Having been made welcome at Halke’s house they began their discussion. Wayland asked Halke how many calves he had. Halke replied that he had seven, to which Wayland’s response was

‘then ... neighbour Halke there is one due to me out of these seaven, the articulate John Halke presently said no not so, for of the seaven there was one miscarried or as he remembreth the said Halke said drowned, and therefore he should have none, what said Mr Wayland thoughe one be drowned, that is not the parsons, for I meane by godes grace to have a calfe for one is my due ...’²⁷⁹

Parkes next stated that Wayland turned to Halke’s wife who was spinning in the same hall to demand tithe eggs from her ducks.²⁸⁰ She denied that she owed him

²⁷⁶ See above p. 74.

²⁷⁷ Wayland *versus* Halke (1593): CCAL PRC 39/14 f. 60v.

²⁷⁸ Wayland *versus* Halke (1593): CCAL PRC 39/14 f. 62r.

²⁷⁹ Wayland *versus* Halke (1593): CCAL PRC 39/14 f. 61r. Consider also the case described by Barratt, ‘The Condition of the Parish Clergy’, p. 228 in which the defendant claimed that, while his sow had originally borne a litter of eight and that one had been marked for tithe, the tithe pig and two other piglets had subsequently died and that, therefore, the tithe in kind was no longer due.

²⁸⁰ It should be noted that there is some discrepancy here since the maidservant, Elizabeth Nicholson, had claimed that no-one, other than herself and the three men, was present in the hall.

any and her denial occasioned the quarrel already described by Nicholson. Parkes continued his testimony:

‘...Then said the said John Halke thow lyeest and likewise in very hotte outrageous unreverent and unseemelie manner without any regard at all, before they departed, brake into these woordes followinge Thow lyeest or yow lye Mr Parson, and thow arte or yow are a quarrelinge and a contentious parson and doe not or dost not live peaceable with yours like a minister, nor canst not speake a true worde ...’.

Halke allegedly continued his tirade declaring that he

‘was fainte many tymes to come to the howse of the said Mr Wayland to make peace betweene the said Mr Wayland and his the said Mr Waylandes servauntes which wordes so spoken were uttered in very ill manner, and in hott & angry sorte some in his owne house & some without doors, in very contemptuous manner, & dispitefully, on a workinge day ... in the foore noone’²⁸¹

Wayland was not perceived to be fulfilling the conciliatory role expected of him and, extraordinarily, the suggestion was made that Halke also needed to make peace with Wayland’s servants (likely by virtue of their role as agents in tithe collection). The argument continued out of doors where, before the door of George Austen’s house, Halke

‘tooke uppe a stone and lifte it uppe to his head, & so held it a while in his hand, & lett it fall againe, what said Mr Wayland yow will not hurle it at mee, and spett at the said Mr Wayland as he was goienge out of a gate hard by the said Austens house homewardes but whither it light uppon his gowne or noe this deponent doth not well remember ...’²⁸²

²⁸¹ Wayland *versus* Halke (1593): CCAL PRC 39/14 f. 61.

²⁸² Wayland *versus* Halke (1593): CCAL PRC 39/14 f. 61v.

There is some confusion within the testimonies here. Elizabeth Austen, wife of George, stated that Wayland and Halke came to her house to ask her about an unspecified matter. Although she was sick, she came to her door and spoke to them. She claimed to have paid little attention to their conversation because of her illness, but reported that

‘at the lenght Mr Wayland turning himselfe abowte went awaye as thowghe hee woulde have departed but very suddenly hee turned backe againe and came freeilie towardes the articulate John Halke where hee stooode striking his picke in his hand and speaking unto him wheruppon shee saith the articulate John Halke stowped downe and tooke up a stone in his hande and asked Mr Wayland yf hee woulde stricke to whome Mr Wayland answered noe he meant yt not wherappon they departed ...’²⁸³

It is interesting to observe that while the protagonists remained inside the house, the confrontation was confined to the exchange of angry words, but that once they had moved outdoors, the significance of gesture and action became much greater. This could indicate again a move from the more private domain to a public one. Outside the dispute was taking place on a more obviously public stage. Arguably here there would have been a greater awareness of the presence of casual witnesses and the significance they would derive from gesture - gesture which had been more constrained indoors. Halke obviously interpreted Wayland’s actions as threatening, even aggressive, and responded by picking up the nearest missile at hand. In Parkes’ version of events, Halke, evidently having thought better of actual physical violence against Wayland, spat at him instead as he retreated.

There was much else lying behind this dispute. These matters were addressed during the course of the suit and were concerned with the letting of the parsonage to George Austen and the rent of the parsonage house. Another occasion was described when Halke had allegedly slept during a church service: ‘Halke settinge in

²⁸³

Wayland *versus* Halke (1593): CCAL PRC 39/14 f. 59v.

his seate as if he had beene a sleepe, Mr Wayland beinge then a preachinge ... willed one sittinge in the pewe or seate with him to awake the said Halke'.²⁸⁴ Six years later the two men were again in court, this time over an impounded ass. On one of the Whitsuntide holidays in 1598, William Hucksted, husbandman of Westhanger, went with his master (Mr Agar), Mr Wayland, and one of Mr Wayland's men to the pound in Hastingleigh. The pound stood on ground belonging to John Halke. Wayland was intending to reclaim an ass impounded by Halke. When they met, Wayland and Halke

'began to reason and talke about the aforesaide Asse till at lenght the sayd John Halke articulate began to use the said Mr Wayland verie unreverentlie and undecentlye in wordes and amonge manie this deponent well remembrethe that at the same time when the articulate Mr Wayland did say unto the saide Haulke that he the said Mr Wayland was a man of peace and came to make quietnes amongst his neighbours he the articulate John Hawlke did verie angerlie saye unto the said Mr Wayland as followethe viz thou lvest, thou arte no man of peace speakinge to and of the said Mr Wayland there present in such bitter and furious manner as that this deponent thought he would have stricken the said Mr Wayland'.²⁸⁵

Wayland's man, Thomas Colman of Hastingleigh, was more specific about the threat offered:

'John Halke did use the said Mr Wayland verie unreverentlye and undiscreetlye in wordes and behavior havinge agun in his hand and proferinge the nose therof unto the said Mr Wayland as thoughe he would have shott at him'.²⁸⁶

It is worth noting that the only two instances of anything approaching physical confrontation found in the Canterbury archive involve the same two people. This

²⁸⁴ Wayland *versus* Halke (1593): CCAL PRC 39/14 f. 62r.

²⁸⁵ Wayland *versus* Halke (1598): CCAL PRC 39/23 f. 42.

²⁸⁶ Wayland *versus* Halke (1598): CCAL PRC 39/23 f. 43r.

indicates that these disputes over tithe very rarely escalated into overt violence and were very much a matter of interpersonal antagonisms expressed through non-violent means.²⁸⁷

There was a distinctive vocabulary employed within the depositions in describing these confrontations. Much attention was paid to the demeanour and tone adopted by those involved, with an emphasis on intensity of feeling. Deponents referred to protagonists as being ‘in hott & angry sorte’ or to their ‘verye uncharitable angrie and owtragyows manner’. The manner of speech in these exchanges was variously described as ‘very ill’, ‘hot and angrie’, ‘very hotte outragious unreverent and unseemlie’, ‘very contemptuous’ and ‘bitter and furious’. In the attention paid to language, words were typically described as ‘highe & hott’ and as ‘shamefull & unsemelie’. Speech and behaviour were also described in combination as having shared characteristics. Events were portrayed as having taken place ‘verie unreverentlye and undiscreetlye in wordes and behavior’. Notions of shame were manifest.²⁸⁸ There is a sense in which these clashes seem to have been perceived as transgressive and offensive to neighbourhood norms of appropriate language, behaviour and venue. This notion of appropriateness probably also extended to a proper respect for office-holding, the clerical estate and notions of order. Physical

²⁸⁷ For two accounts of disputes which did escalate into violent confrontation see Barratt, ‘The Condition of the Parish Clergy’, pp. 272-3. The first took place at Dodderhill, Worcestershire in 1575 when the tithe payer struck the vicar’s servants who had come to claim the tithe and the second at Stoke Talmage, Oxfordshire in 1634 when the rector was attacked during tithe collection. This latter incident is particularly interesting in that the rector was refused access across certain land when he was going to collect tithe hay. It was alleged that Christopher Dodd, owner of the land, ‘tooke him about the middle violently withstanding him to passe that way. And hee further sayeth that a peece of the said Mr Barkers band about his necke was torne in the said opposicion’. It is perhaps possible to read a certain symbolism in the fact that the cleric’s neck band (perhaps the mark of his clerical office) was torn in the confrontation. Mrs Barker then intervened in the fight using a pitchfork and ‘bidding him (Dodd) lett her husband goe or else shee would runn him through ...’. The denial of access in this case can also be compared to that in the case *Minge versus Smythe* (1570-3) discussed below on p. 112. See also the incidents detailed by Emmison, referenced below in footnote 304.

²⁸⁸ *Parkinson versus Grenestrete* (1584): CCAL PRC 39/10 f. 257v; *Badcocke versus Gunnyll* (1550): CCAL X.10.4 f. 106.

confrontation, though, was confined to aggressive body language and latent violence.

These portrayals of events denote contemporary understanding of the role of gesture as the outward manifestation of inner emotions and the conviction that meaning could be derived from these outward manifestations. The frequent use of words such as 'unreverentlye' and 'undiscreetlye' helps to locate behaviour and events within the context of what was considered befitting or normal. They emphasise the sense of the violation of these norms in offending notions of appropriateness and decorum. This implies that where the use of gesture was employed, protagonists were consciously aware of the effect which they might have and the interpretation which might be ascribed to them. Violations of perceived norms could, therefore, be interpreted as deliberate and expressive acts of resistance and opposition.

In summary, evidence in the depositions of confrontation over tithe reveals that the confrontations very often took place in church, usually after a service and this generally ensured that there was a considerable audience of parishioners gathered to witness the encounter. Naturally, exchanges involving money or verbal agreements would have required witnesses, especially by those anticipating later disagreements or renegotiation. The notion of audience extended beyond specifically requesting individuals to bear witness to those who overheard exchanges as they happened to be around. Others may have deliberately manoeuvred themselves into positions to be able to do so. In general, confrontations over tithe were such that they invited audience and, on occasion, intervention.²⁸⁹ Certainly tithe payment was perceived as a matter of community concern by virtue of the defining role of custom and precedent. Any number of people could become involved in these confrontations and disputes. Agreements between individuals invariably set precedents for other negotiations and so involvement could also be motivated by individual self interest.

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It is also important to recognise, however, that affiliation and obligation may have encouraged some deponents to affect a lack of interest in the events, or to claim that they had not been close enough to events to be able to provide reliable testimony.

It is important to recognise that such disputes were deeply embedded within the nexus of interpersonal relationships. Those involved would be bound by multifarious ties: of kinship, friendship and neighbourhood; of religious allegiance; and of an economic nature. Indeed, the interrogatories issued in association with these cases often concentrated on trying to expose bias or obligation. In the case *Laminge versus Starkye* (1593), already discussed, depositions were taken from ten witnesses.²⁹⁰ All except one agreed that in his conversation with Laminge, Starkey had referred to Saunders, the vicar, as a troublesome man; but only John Reason testified that Starkey had gone on to slander Laminge. The depositions revealed that three other men also claimed to have heard the slander, although none of them appeared as witnesses. At least three of these four men (including Reason) were tenants of an Edward Merywether, whose daughter Mary was married to Richard Laminge. Evidently some pressure to testify had been brought upon Reason by Laminge.²⁹¹ The other deponents were agreed that Reason was an honest man, but stated that he must have been mistaken since there were so many present who would undoubtedly have witnessed such a slander if it had indeed taken place. However, John Smithe of Ewell, a smith, recalled the words of John Starkey who said

‘(being with Mr Saunders & the said Saire about the middle of the bodie of the church) it were good that how had a quittance, good man Sare, from Mr Saunders for yow knowe what a troublesome man he hath bene in his time, & so may be againe, & then this deponent seing them so talking together feared that there would be other wordes passing betwene them wherunto he might be required as a witnes, & therefore went backe againe unto his seat which is in the furthrest part of the chauncell from the said middle of the church where he sate till the said Mr Saunders, John Starkie &

²⁹⁰ See above p. 75.

²⁹¹ *Laminge versus Starkye* (1593): CCAL PRC 39/15 f. 119v.

Richard Laming & most of the parish were gon out of the church.'²⁹²

In this dispute there was, then, a definite anticipation that the conversation might well escalate into an argument which would require witnesses. Unusually, John Smithe had not been prepared to play such a role and removed himself to the furthest part of the chancel. Though he did eventually depose to the court he declared himself to be 'but a stranger in the said parish ...'.²⁹³ This is perhaps the explanation for his untypical reluctance to become involved.

Another notable feature of these exchanges over tithe is that they appear to have precluded the involvement of women. Since it was in the presence of witnesses after church services that protagonists often chose to make payment or discuss agreements over tithe, it seems likely that women would have been present and, therefore, able to testify. Yet, in none of the cases over exchanges in church did a woman do so.²⁹⁴ Does this mean that negotiation over tithe payment was not a field in which women habitually participated?²⁹⁵ If so, it could be argued that this again betrayed an attitude linked to notions of private and public and that the role of women in negotiation was restricted when it took place in the public arena of the church, while it was a role they might well adopt in the arguably more private domain of the household. In the cases detailed above Nicholas Pettifer's wife was described as having received tithe in the hall of her house²⁹⁶ and John Halke's wife was drawn into discussion of tithe eggs in the hall of her house.²⁹⁷ Even so, this

²⁹² Laming *versus* Starkye (1593): CCAL PRC 39/15 f. 159v.

²⁹³ Laming *versus* Starkye (1593): CCAL PRC 39/15 f. 160r.

²⁹⁴ It is also interesting to note that when a woman, the maidservant of John Hawke, did testify over matters of tithe, pressure was brought to bear by the curate that she depose the truth. The implication of this being that she do so, despite of the fact that it may have reflected badly on her master: see above p. 88.

²⁹⁵ In relation to defamation suits Sharpe suggests that males were far more likely to be subjected to wider types of defamation which reflected their more varied involvement in worldly affairs. Women were very rarely slandered as perjurers, cheats or usurers, which he attributes to the fact that they were not allowed to participate very fully in business or legal matters: Sharpe, J. A., 'Defamation and sexual slander in early modern England: the church courts at York', *Borthwick Papers*, 58 (1980), pp. 28-9.

²⁹⁶ See above p. 85.

²⁹⁷ See above p. 89.

observation to be balanced by the fact that women plainly did have an important role to play in public spaces. Indeed, ecclesiastical court material is one of the most valuable sources for this involvement, although the participation of women was very much confined to certain areas, notably the regulation of sexual reputation and life-crisis events of birth and death.²⁹⁸

As shown, the significance of the geographical setting of these exchanges is far more than a simple coincidence of the two protagonists meeting at church which, it could be argued, would be very likely.²⁹⁹ As discussed, the presence of parishioners in church ensured that there would be witnesses to what took place. This reflected the fact that the payment of tithe was very much a matter of community interest and self-regulation. Furthermore, by moving into the chancel of the church it appears that tithe payers deliberately engineered situations to give themselves advantage and that many of the actions and vocabulary used thereby became symbolically charged.

Finally, a dispute between John Turnor, farmer of the rectory of Whitstable, and Henry Lakes provides further evidence of confrontation over tithe. Thomas Gardener, curate of Seasalter, described the events of the afternoon of one Trinity Sunday. Mr Marshe, the vicar of Hernhill, had preached in the parish church of Seasalter and after the service he came to the vicarage house ‘to drynck and to make mery’. After a while, John Turnor came to the vicarage gate and asked to speak with Mr Marshe who came ‘yncontynentlye’ out of the house to meet him. Turnor had come to pay Marshe for half a year’s farm for the agistment of land called Courte Lees. It was reported that

‘... the saide Mr Marshe therupon takinge oute of his purse a pece of paper and after he had looked therupon a whyle then sayde that he did there fynde a mentyon of suche a dutye there specified the saide Turnor therupon offred him the saide Mr Marshe iis

²⁹⁸ The involvement of a group of women in an argument over a churching, for example, was described in the case *Parkinson versus Grenestrete* (1584): see above p. 78.

²⁹⁹ See, for example, the quotation from Emmison, *Disorder*, referenced above in footnote 260.

demaundinge iiiiid to be restored therof agayne for that he coulde not then pay him xxd in other money the saide Mr Vicar then answerynge that he had not a syngle iiiiid to deliver him And then presentlye the saide Turnor beinge on horseback did ryde unto Richarde Balser his precontestes house to change a pece of xiid for three grotes which thinge the saide Balser at his requeste did accomlishe After which thinge done the saide Turnor and Balser came unto this deponentes saide gate agayne when and where the said Turnor payde unto the handes of the saide Mr Marshe xxd in full dutye as he then sayde of halfe a yeres farme of egysmentes of a certen pece of grounde called courte Lees ...³⁰⁰

It can be conjectured that Turnor was seeking some moral advantage in calling Marshe away from a festive occasion. He waited at the gate of Gardener's house and it is tempting to imagine that he remained on horseback for the whole of their encounter, looking down on the tipsy cleric. There was some humour in the portrayal of events in the deposition. Marshe examined the piece of paper which detailed their agreement and it was hinted that he had not been particularly sharp (presumably as a result of drink). Though there was no actual dispute about the payment, it might be assumed that for the whole of the encounter Turnor was in the commanding role. He deliberately engineered a meeting at a time when Marshe was otherwise engaged and presumably not anticipating payment from Turnor. Marshe had no change,³⁰¹ so Turnor had to ride to another house to find some, probably with an air of righteous indignation. Thus, though the money was paid and received without dispute, the sense is that Turnor (or arguably both parties) might have looked back on the encounter with some satisfaction. It is these petty

³⁰⁰ Turnor *versus* Lakes (1571-2): CCAL PRC 39/6 ff. 125v-6. Another deponent, Richard Balser, made no mention of the need for change and stated that the discussion and payment had taken place before his house [Turnor *versus* Lakes (1571-2): CCAL PRC 39/6 f. 125].

³⁰¹ This could be interpreted, along with the slow and deliberate perusal of the piece of paper, as a countering attempt by Marshe to be awkward and cause equal inconvenience for Turnor.

confrontations and the gaining of trivial, but symbolic, advantage which it is now intended to explore.

Tithe Collection

The actual collection of tithe is revealed to be one of the areas of activity associated with tithing at which the potential for controversy and dispute between the collector (clerical or lay) and the farmer or parishioner was very likely.³⁰² For both parties, harvesting, tithing-out and tithe collection were important and highly organised operations. Not only was it crucial to ensure that the tithe was fairly set out in terms of both quantity and quality (though both were a less important consideration for the tithe payer)³⁰³ but also, in the case of crops, that they were promptly removed to the tithe barn. Corn left in the field was liable to theft, the ravages of the weather or to being trampled by cattle. Clearly, tithe collection could become a tense situation in which both parties sought to defend their customary rights and accustomed agricultural procedures. There are a number of interesting disputes concerned with the issues of tithing-out and tithe collection in the Canterbury archive.³⁰⁴ For those reluctant to pay tithe, the careful scrutiny of the officials called to oversee the tithing-out and the sight of the tithe owners' carts piled high with crops must have been a considerable affront, which, on occasion, provoked

³⁰² The ideas expressed in this section are at variance with the interpretation of Barratt. In her area of special study she found that suits over the collection of corn were relatively rare and suggested that with the support of statutory regulation in 1548, tithe corn was collected with 'comparative ease': Barratt, 'The Condition of the Parish Clergy', p. 219. She also suggested that since much of the evidence was drawn from judicial records, this would tend to exaggerate the prevalence of dispute attendant upon tithe collection: Barratt, 'The Condition of the Parish Clergy', p. 274.

³⁰³ See, for example, discussion of the case *Pett versus Plomer* (1570) below p. 110.

³⁰⁴ For two incidents of dispute over the collection of tithe see Emmison, *Disorder*, p. 3 and p. 170. In the first, Edward Torrell, rector of Mount Bures, was fined for removing five cartloads of corn and one of peas, from fields belonging to William Sidey, gentleman, a case Emmison believes to have been one of illegal tithe snatching. In another case dated 1595, Grace, wife of Garrett the curate of Great Tey, had allegedly sought to prevent George Sache from carrying tithe hay from a field. The issue was already a matter of contention between Sache and her husband and, infuriated by her actions, Sache allegedly threw her into the ditch, against his cart and then struck her with a pitchfork, before also attacking her maidservant and two sons.

resentment and dispute.³⁰⁵ Furthermore, the huge tithe barns probably provided an enduring symbol of the demands of the tithe payer within the local landscape.³⁰⁶

Tithing-out was an activity closely governed by customary practice, often given the additional sanction of a long history of continued use. Statute in 1548 laid down regulations for proper tithing practice and penalties for carrying away grain before it had been properly tithed.³⁰⁷ It was usual for appropriate notice to be given to the owner of the tithe in order that she/he, or his/her family or agents might be present to see that fair practices were adhered to.³⁰⁸ As already observed, this custom may have given rise to strained, highly-charged situations in which parishioners were working hard to harvest the crops while their activities were closely overseen by the tithe collector or her/his representative.³⁰⁹ It also seems that the overseeing of tithing-out was an area in which women might be directly involved.³¹⁰ A controversy took place in Lower Hardres, for example, between the farmer of the rectory, Walter Vaughan, and Alice Carleton. After notice had been given that harvesting was to begin

³⁰⁵ One of the Civil War tracts Lupton, D., *The Tythe-Takers Cart Overthrown or the Downfall of Tythes* (London, 1652) is interesting in this respect. The title of this work suggests a sense of the provocative sight a laden cart may have been. Carts were also the catalyst in a number of food riots in the period, for example, in St Dunstan's, Canterbury in 1596. In this year there was also rioting at nearby Hernhill. Clark points out the significance of the location of these two parishes on the main road for the transportation of grain between the markets in Canterbury and Faversham and those in London: Clark, 'Popular Protest', especially pp. 373-4.

³⁰⁶ Tithe barns in the north-west were pilfered during the Pilgrimage of Grace in 1537: Davies, C. S. L., 'The Pilgrimage of Grace Reconsidered', in Slack, P. (ed.), *Rebellion, Popular Protest and the Social Order in Early Modern England* (Cambridge, 1984), p. 30. These attacks are attributed by Sheils to religious and economic motivation and he suggests a significance in the fact that the barns belonged to monastic appropriators and lay owners of tithe, rather than to the clergy: Sheils, 'The right of the church', p. 232.

³⁰⁷ *Statutes of the Realm*, 2 & 3 Edward VI, c 13.

³⁰⁸ See, for example, Cloke *versus* Godwen (1584): CCAL PRC 39/11 f. 1. In this case it was claimed that notice was given to Cloke, farmer of the rectory, his wife and his son.

³⁰⁹ See, for example, Parramor *versus* Yonge (1574-5) in which servants of the defendant described setting out the tithe watched by the servants of John Parramor, farmer of the vicarage.

³¹⁰ See also the incidents detailed above in footnote 287.

‘bycause the said Walter was not at home ... the said Walter Vaughans wyfe came into the fyelde to the yntent to see the tythe pease sett out yndifferently And when she was come the said Vaughans Wyfe begane to sett out the tythe pease hyr self and after she had sett out one tythe coppe³¹¹ the said Alyce Carleton & Vaughans wyfe begane to contend together and when they had contended together in wordes the said Vaughans wyfe beganne to sett fourthe the tythe coppes of pease there beyng wherat the said Alyce Carleton dyd fynde faulte ...’³¹²

On another occasion at tithing-out ‘Vaughan came and sayd to the said Alyce this in effecte yow knowe that yow & I are allredy in controversye and I marveyle what yow meine to cary my tythe barlye away’.³¹³ As observed in cases discussed earlier, evidently there was a history of dispute governing this exchange and arguments might well have persisted even after a suit had been registered with the courts. The emphasis on fairness or ‘indifference’ in tithing-out as governed by customary practice was a crucial one and very often neighbours would be called upon to set out the tithe in order to ensure impartiality. In the case *Loose versus Vale* (1571), which concerned tithe wood in the parish of Bilsington, the defendant declared that he ‘gave the said loose worde & warentyng desyryng hym to come & see the tenthe parte or tythe therof to be sett forthe’³¹⁴ and that finally, in the continued absence of Loose, neighbours tithed out the wood.

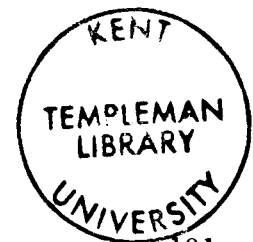
When these procedures were not followed the potential for dispute was very much greater. In the course of the case *Newman versus Austen* (1597) detail was given of tithing practice in the parish of Staplehurst. It was claimed that, prior to tithing-out, Thomas Austen had called at the parsonage house to request that Newman, the parson of Staplehurst, come to oversee the procedure and to fetch his tithe.

³¹¹ *Oxford English Dictionary*, Coppe: A conical heap of unbound barley, oats or pease, or of straw or hay (chiefly in Kent).

³¹² *Vaughan versus Carleton* (1573-4): CCAL PRC 39/6 f. 245.

³¹³ *Vaughan versus Carleton* (1573-4): CCAL PRC 39/6 f. 246v.

³¹⁴ *Loose versus Vale* (1571): CCAL PRC 39/6 f. 105r.



Despite allegedly knocking at the door of the parsonage for a quarter of an hour, Austen could find neither Newman nor any of his household. Austen asked those with him to bear witness that he had indeed come to the parsonage and then he went with two others to Marlinges wood to set out the tithe.³¹⁵ At this time the wood reeve was also present:

‘and there they tithed yt by numbering the loads of the said wood as they stood in rowes, & upon everie tenth load they set a grene boughe that it might be knowen that it was the tenth or tithe therof from the other loads ...’³¹⁶

The tithe remained uncollected for many days and, during the suit which ensued, claims were also made that Austen had carried away wood before any tithing-out had taken place.

Testimony was given by George May in the dispute *Peerson versus Hawks* (1592). He had accompanied the defendant to the plaintiff’s house in the Precincts at Canterbury to pay the tithe of hops for which Hawks was being sued. He claimed that Peerson responded by declaring

‘I sue yow ... for tith wood alsoe yf you will pay me for my tith wood to then I am contented ... the saide Hawkes answered that hee would never pay him the saide Mr Peerson the tithe wood as long as hee lived for that his men did duellie and indifferentlie as hee seide sett owte the same tith wood and yf the same tith wood were gone or stollen yt was by the negligence or defawlte of the saide Mr Peerson or his men ... Mr Peerson answered & seide that his man

³¹⁵ Newman *versus* Austen (1597): CCAL PRC 39/20 f. 71v. The wood tithed included ‘oke maple birch hasell epps and thourne’.

³¹⁶ Newman *versus* Austen (1597): CCAL PRC 39/20 f. 3v. The use of a green bough to mark the tithe is also described in the case *Mason versus Paramor* (1574-5): see below p. 103 and the case *Culpepper versus Brissenden* (1598): see below p. 111. This custom was also referred to in Culmer, R., ‘Lawles Tythe-robbers discovered who make tythe-revenue a mockmayntenance’ (London, 1655). For further discussion of this tract see below p. 106. In the parish of Rolvenden, the tithe was marked with a clod: see *Finche versus Lingham* (1598): CCAL PRC 39/21 f. 47r.

tolde him that the same tith wood was all of the woorst wood & not indifferently tithed & therfore they would not meddell with yt: But quod the said Mr Peerson neighbor Hawkes yf yow will pay mee for my tithe wood & my tith hoppes I will use yow well for I am loth to goe to law with any my neighbours³¹⁷

This reported conversation reveals very clearly the manifold possibilities for controversy and conflict already discussed: the issue of fairness and indifference; the quality of the tithed produce; the responsibility of the tithe collector for ensuring the security of his tithe; and the potentially provocative use of agents to oversee the activity.

One case in particular is very full in its detail of the customs associated with tithing-out. The case *Mason versus Paramor* (1574-5) was a complex one involving 19 depositions. The dispute was primarily concerned with changes to customary practice and was peculiar in that it was between two lay farmers of tithe, Thomas Mason, farmer of the parsonage of Monkton, and John Paramor, farmer of the rectory of Minster (Thanet). John Paramor detailed for the court his understanding of the accustomed methods of tithing-out in Monkton, namely that it was customary to set aside the tithe corn in shocks³¹⁸ and occasionally (usually if time or the weather imposed constraints) in dispersed sheaves³¹⁹ or heaps.³²⁰ The witness, Edward Laurence, testified that on the morning of St Bartholomew's day (24th August), Paramor and Mason were talking together in front of his house and they called on him to join them. The following conversation was reported:

'Neighbour Paramor you have not handled me well in my tithes, how have I handled you quoth Paramor to Mason, I know not how

³¹⁷ *Peerson versus Hawks* (1592): CCAL PRC 39/15 f. 63r. It is interesting to compare Peerson's attitude to litigation with the similar reluctance of Colf at Herne to take his parishioners to court: see above p. 81.

³¹⁸ *Oxford English Dictionary*, Shock: a group of sheaves of grain placed upright and supporting each other in order to permit the drying and ripening of the grain before carrying.

³¹⁹ *Oxford English Dictionary*, Sheaf: one of the large bundles in which it is usual to bind cereal plants after reaping.

³²⁰ *Mason versus Paramor* (1574-5): CCAL X.10.16 f. 30v.

to deale with you for I have caused my men to set out the tithe and grene Boughes upon it. Then said Mason to hym, yea, but you Inuend eund Paramor have not done with myne as you have done with your own yet quoth Paramor that I have, but I know not how to deale with you Inuend eund Mason But you quoth Mason to Paramor have left the sheves abrode on the grotton³²¹ Then said Paramor I have left you the tenth shef because I wold not have you deceived Then Mason said he wold not take this tithe after that sort but bad Paramor shock the tithe together³²²

Mason had not been prepared to collect the tithe for two reasons: he did not believe it to have been prepared with either fairness or indifference; or in the customary manner, that is, shocked together. He declared that Paramor ‘contrarye to all order, law, and custome (as he beleveth) did caste certen sheaves dispersed in the grotten’.³²³ Mason, accompanied by Richard Rainold, had asked Laurence to go with him to the field. There they counted 72 unshocked sheaves of barley and Mason noted the number in a book. When Laurence passed the field later in the day the sheaves had been gathered together into heaps.³²⁴ Similarly, eight coppes of peas had been set out for tithe with a green bough laid on each, but a week later one deponent found that three of the eight still remained in the field. On enquiry he found that Mason’s men had taken three other coppes instead.³²⁵

Ostensibly, this dispute concerned the manner in which tithed corn was customarily set out. Many of the early depositions agree that corn was gathered together in shocks or coppes, but seldom left scattered in sheaves. At harvest the tenth shock or coppe would be set aside for the farmer or parson. Vincent Jonson declared that the tithe might be inspected by the farmer or parson before the corn was carried away, but that sometimes ‘one trusting to eche others honestye’ the occupier would

³²¹ *Oxford English Dictionary*, Grotton or gratten: a stubble-field, stubble; also the after grass growing in the stubble (south dial).

³²² Mason *versus* Paramor (1574-5): CCAL X.10.16 f. 21v.

³²³ Mason *versus* Paramor (1574-5): CCAL X.10.16 f. 28v.

³²⁴ Mason *versus* Paramor (1574-5): CCAL X.10.16 f. 21v.

³²⁵ Mason *versus* Paramor (1574-5): CCAL X.10.16 f. 23.

carry away his corn, leaving the tithe for later collection.³²⁶ It was generally agreed that the only occasion on which the tithe might be left in sheaves or heaps was in anticipation of bad weather. In this situation it was the duty of the occupier to inform the farmer of his intent before he removed his own corn. Otherwise, the corn must be left shocked or copped, even if the farmer carried his own corn away unshocked.

The implication is that court action was anticipated early on. On the Sunday before St Bartholomew's day Simon Perry had been asked by Paramor to go with him, along with one Larkyn, to view the shocked barley. Paramor told him that the corn was originally set out for tithe in dispersed sheaves, but was afterwards shocked. Paramor asked that they 'testify of the shocking therof and of the goodnes of the barlie if they should chaunce to be called to testifie therein their knowledge hereafter'.³²⁷ It is notable that in the depositions given almost a year later in November 1575 deponents now agreed that though the tithe was *more usually* left in shocks or coppes, it was sometimes left in sheaves. Furthermore, if the occupier carried away his corn in sheaves, then it was also permissible to leave the tithe in sheaves. It appears that some extra-courtroom negotiation, persuasion or rehearsal had ensued and evidence from this case again confirms the flexibility of custom.³²⁸ It also suggests that partisan commitments in this long-running dispute assumed increasing importance; much attention was paid in the later depositions to the character and reputation of various witnesses.

Mason was represented by Hugo Bachelier as an honourable, if presumptuous, farmer. He described how, in their own dealings over tithe, he (Bachelier) had forgotten to set out a third shock for tithe. Seeing only two tithe shocks, Mason took a shock and two sheaves more than he was due, although he later returned this corn.³²⁹ On another occasion, Mason took shocks of corn from one Wyborn

³²⁶ This is perhaps surprising given the importance accorded to overseeing tithing-out and may represent an example of sharp practice on the part of the tithe payer.

³²⁷ Mason *versus* Paramor (1574-5): CCAL X.10.16 f. 33v.

³²⁸ See above chapter two, especially the introduction.

³²⁹ Mason *versus* Paramor (1574-5): CCAL X.10.16 ff. 105v-6r. This incident again

which had not been marked as tithe and when asked why he had done so he declared that he had been reluctant to go back to fetch the tithed shock which was so far off.³³⁰ Mason's second deposition was perhaps more telling. He claimed that Paramor had only shocked up the barley after the dispute had been entered in court. Paramor had offered him the tithe some 12 or 13 days after he had carried away his own corn (again after the process had been served). Mason also admitted that he had sometimes refused to collect when he 'iudged the tithes not to be truelye and indifferentlye sett out.'³³¹

Disputes were then informed by any number of issues. On the surface this dispute was concerned with customary routine, but so too it was informed by notions of correct agricultural practice, personal antagonisms and partisan commitments, as well as extra-courtroom negotiation. It is clear, too, that those cases which reached the stage of depositions in the ecclesiastical courts did so often after a lengthy history of dispute and petty disagreements. They often concerned issues which had been at the forefront of community consciousness for a considerable period of time.

Despite the rigours of the collection process, tithing-out offered ample opportunity to parishioners for defrauding the owner of the tithe; all kinds of ruses might be employed to swindle the tithe collector. A description of such practices was provided in the admittedly partisan tract by the Kentish cleric, Richard Culmer: 'Lawles Tythe-robbers discovered who make tythe-revenue a mockmayntenance' (London, 1655). In this tract he related fraudulent practices utilised by tithe payers before, during and after tithing-out.³³² These included practices such as belated,

hints at the petty squabbles and gains attendant upon tithe collection. Bachelor claimed to have *forgotten* to leave part of the tithe and Mason responded by taking more than he was entitled to, though he later returned the excess.

³³⁰ Mason *versus* Paramor (1574-5): CCAL X.10.16 f. 118v. Again there was perhaps evinced here an element of deviousness on the part of the tithe payer, seeking to create inconvenience for the tithe collector by removing the tithe corn as far away as possible and perhaps thereby creating the possibility of trespass. For discussion of trespass see below p. 111.

³³¹ Mason *versus* Paramor (1574-75): CCAL X.10.16 f. 120.

³³² Richard Culmer pursued an outrageous career as a cleric which began at Goodnestone in 1630 from where he was suspended by Archbishop Laud for refusing to read the *Book of Sports*. He subsequently moved to Canterbury and

vague or deceitful notice of tithing-out so that the collector missed the opportunity for overseeing the activity. Culmer also described intimidation or bribery of the collector's agents: 'they have a trick to threaten and affright the Tyth-receivers servant off their ground; And while he goes home to complaine, they carry their corn and leave what tythe they list'. This was inevitably the poorest quality corn.³³³ He detailed sharp-practice on the part of the tithe payers who marked heaps for tithe with a bough, but who, if it was not promptly collected, subsequently reclaimed it. Alternatively, in the absence of the collector's agent, tithe payers would mark all of the corn in the field for tithe and then themselves collect most of it. Culmer commented 'by this trick, though they steal half the tythe, they can swear that the tenth was set out & marked out: for if all were marked out, the tenth heap or tythe must needs be marked'.³³⁴ If tithing was overseen there was a further range of deceits possible including bribery of the parson's servants to 'winke at their unjust tything'.³³⁵ Another ruse was to load eight heaps of corn and then move to a part of the field with a lesser quality crop and load the ninth. The next sheaf (the tenth) would then be marked for tithe. In this way the tenth sheaf was always of the worst corn. A final ruse was putting more than ten sheaves in some shocks, but only ten in the tithe shock.

afterwards Chartham, before returning to St Stephen's near the city of Canterbury. He was among those appointed by parliament in 1643 to detect and demolish idolatrous monuments in the cathedral and the destruction of much of the stained glass is popularly attributed to him. In 1644 he published a collection of derogatory stories - *Cathedral News From Canterbury* (London, 1644) - defaming cathedral dignitaries. In the same year he was appointed to the living of Minster (Thanet), a period of his life which began inauspiciously with an abortive attempt on the borders of the parish by the 'loose' women of Minster to prevent him taking possession. In order to read himself in, Culmer had to enter the church by the window as all the doors had been locked against him. After the ceremony he was dragged from the church and beaten. Again, his iconoclastic zeal occasioned the destruction of much of the ornamentation of the church. Many parishioners in Minster withheld their tithes and Culmer refused an offer to pay him the whole revenues of the living for life, if he agreed to leave. He was finally ejected in 1660 and went to live in Monkton. He was later implicated in Venner's Conspiracy. He died in 1662. All of the above detail is drawn from the *Dictionary of National Biography*, pp. 284-6.

³³³ Culmer, *Lawles Tythe-robbers*, p. 3.

³³⁴ Culmer, *Lawles Tythe-robbers*, p. 4.

³³⁵ Culmer, *Lawles Tythe-robbers*, p. 4.

Furthermore, if the tithing-out had been overseen and agreed to have been fairly accomplished, the tithed shocks might be replaced by poor quality ones during the night. These activities were characterised by Culmer as ‘deeds of darkness’ and as ‘Black Art’.³³⁶

‘sometimes they carry away the good tythe in the night, and fetch poor lodged weedy mouse-ear’d corn out of another field, and lay it in their room of the good tythe-heaps, sometimes they keep trash in a corner of their barn, and fetch it out in the night, and put it in the room of the good tythe-heaps’.³³⁷

The tithe payer might encourage gleaners and others to steal the tithe corn ‘and they see it, nod, and laugh at, &c whereby, and by other causes, it is now grown to that pass, that Tythe-robbing is made a sport off ...’.³³⁸ Culmer continued by providing an anecdotal example:

‘One neer me was taken in the night by a Farmer, who saw him bundle up wheat-sheaves, and having them on his back; the Farmer came to him and laid hold on him, and said it was his corn. The thief answered, by my troth, I thought it was a tythe-shock, for it stood alone, else I would not have toucht it for 100 pounds. And the false doctrine and practice against this settled maintenance hath so far prevailed, that people do openly call those that gather the Tythes thieves and Rogues; and say, that they go thieving about to take mens corn, &c Thus we see into what times we are fallen, wherein wickedness is so advanced by doctrine and practice, that light is called darkness, and darkness is called light: honest men are called thieves, and thieves are justified.’³³⁹

Though this tract was written in 1655, it would seem that these were long known and practised, even traditional, ruses. Culmer himself declared in his preface:

³³⁶ Culmer, *Lawles Tythe-robbers*, p. 5.

³³⁷ Culmer, *Lawles Tythe-robbers*, p. 5.

³³⁸ Culmer, *Lawles Tythe-robbers*, p. 6.

³³⁹ Culmer, *Lawles Tythe-robbers*, p. 6.

‘But the truth is, Tythe-payers, as experience shewes in all places, are not now to learn any of those fraudulent practices, which are grown an Hereditary disease in many families being propagated from the unrighteous Father to the Son.’

As indicated, this form of everyday resistance has been analysed by Scott in this work on peasant society in modern-day Sedaka. He writes:

‘...it occurred to me that the emphasis on peasant rebellion was misplaced. Instead it seemed far more important to understand what we might call *everyday* forms of peasant resistance - the prosaic but constant struggle between the peasantry and those who seek to extract labor, food, taxes, rents and interest from them. Most of the forms this struggle takes stop well short of collective outright defiance. Here I have in mind the ordinary weapons of relatively powerless groups: foot dragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so forth.’³⁴⁰

Disputes over the collection of tithe from the Canterbury archive exhibit many of the characteristics of petty forms of resistance. These are apparent in the deposition material and saw later rehearsal in the tract by Culmer. Consider, for example, the action of Thomas Cloke of Kingsnorth who declared that ‘he thys respondent caried in the saide tithes the yere and tyme specified in the libel by cause they shulde not be loste for so moche as the parson would not fache them in tyme’.³⁴¹ Cloke claimed the he had subsequently laid money in the court for this tithe. Ostensibly he had complied with the system by preparing the tithe and, arguably, had even protected the collector’s tithe by removing it from the field. The sense is, though, that a court case was instigated because of his deviousness in reclaiming the tithe. Indeed, his later offering of money perhaps represented a recognition that the tithe was in fact due in one form or another.

³⁴⁰ Scott, *Weapons of the Weak*, p. 29.

³⁴¹ Rector of Kingsnorth *versus* Cloke (1549): CCAL X.10.4 f. 4r.

Similarly, in the case *Fymeux versus Hickes* (1574-5) John Haneld deposed that he and another servant of Hickes'

'did carry awaye the said vii sheaves of wheat so left out for the tithe unto Hicks barne, least the cattle should destroy it, for that Hicks did intend the next day to put in his cattle there But he said neither Mr Fynnys nor any of his servants saw the setting out of the said vii sheves nor had any knowledge of the settinge out therof ... But as soon as it was cut and bound up this deponent saith Hicks commanded it to be carryed awaie for feare of destroying'³⁴²

Again, the defendant had outwardly conformed with the demands of the tithe payer by leaving tithe and had, seemingly from the most altruistic of motives, even protected the tithe crop. Even so, the suggestion of an element of sharp-practice is apparent in the deposition. The tithe payer had not been notified of the intention to tithe out and the procedure had not, therefore, been overseen. Furthermore, the tithe had been almost immediately removed: presumably Hickes had hoped he could succeed in reclaiming the uncollected tithe.

The case *Pett versus Plomer* (1570) concerned allegations about the quality of the tithed corn. Robert Westwood described how, at the request of Pett, he had accompanied him to Plomer's field which was sown with barley. There

'theye found moste parte of the corn carried awaye saving certen barlie come whiche seemed to them to have byn lefte ther for tythe because yt was all alone The which parte whereof viz xvi^[ten?] sheaves was dispersed & scattered abroad & viii sheaves more laye yn a heape together & one sheafe & a half a lone The whiche said come was of the wurste come that grewe yn the feeld for yt was suche as was verrye thyn & slyghte, & full of weedes vizt wild tansye³⁴³, a gras & other sagges;³⁴⁴ And so was the pece of the

³⁴² *Fynnys versus Hickes* (1574-75): CCAL X.10.16 f. 9v.

³⁴³ *Oxford English Dictionary*, Wild tansy: a name often applied to silverweed or goose grass.

saide grounde full of the said weedes But the rest of the ground whose corne was cleane carried away was verrye good ground as appeared bye the grotten that was mowen, whiche was both free & void of weedes; & allso the grotten was verrye rancke & thicke yn that pece of the said ground verrye goode.’³⁴⁵

Thomas Poste confirmed that he ‘gatherethe that the corne before that carried away was better & purer then thother because the reasidue of the said pece was more fertill & better.’³⁴⁶ Neither deponent was sure whether the corn left was intended as the tithe due from the more fertile ground or from the weedy place. Again the implication is that as tithing-out had not been overseen, the tithe payer seized the opportunity to leave the worst corn and remove all of the best to his own barn.

The possibility of trespass was examined in the case *Culpepper versus Brissenden* (1598). The witness Robert Reader testified that Brissenden had notified Fullagard, deputy to Culpepper, that he had cut the grass in a nearby meadow

‘... & so willed the said fullagard to come see the tithes sett forth whereupon the said fullagard and this deponent went unto the said medowe where they founde threscore and foweretene cockes of grasse appointed & marked with grene bowes for the tithe of the said haye or grasse ...’³⁴⁷

However, Thomas Farrant confirmed that although the tithe had been laid out, the nine parts

‘so spreed about & compased the tenth or tithe afore deposed that noe mann could come unto the said tenth parte without the treadinge upon of some of the other nine partes & committinge some trespas unto the articulate Brissenden by meanes whereof the

³⁴⁴ *Oxford English Dictionary*, Sag: a variant of sedge (dial).

³⁴⁵ *Pett versus Plomer* (1570) X.10.11 f. 245r.

³⁴⁶ *Pett versus Plomer* (1570) X.10.11 f. 244r.

³⁴⁷ *Culpepper versus Brissenden* (1598): CCAL PRC 39/20 f. 162v.

said tenth parte was never yet fetched away by the said Mr Culpepper or his deputies'.³⁴⁸

These disputes reveal both compliance and non-compliance. No collector was specifically or overtly denied the tithe but the system of tithe payment was resisted in multifarious ways: by the prompt removal of uncollected tithe; by leaving the worst quality corn; or by manoeuvring the tithe collector into fear of trespass. Thus, though the *right* to collect tithe was not challenged in principle, tithe payers found many ways in which to oppose and cheat the system. This was not overt resistance in the sense of direct challenge, but given the emphasis and insistence on fairness at tithing-out *in theory*, compliance at the level of actual behaviour was minimal and thus became symbolic.³⁴⁹ While outward appearance suggested compliance, this helped to provide cover for multiform strategies for resistance.

The issue of trespass reveals the intrinsic relation between tithing practice and notions of boundary and transgression. Another fascinating dispute in this respect was the long-running case *Minge versus Smythe* (1570-3). This centred on the question of whether Smythe had denied Minge, farmer of the rectory of Buckland near Dover, access over his land and in so doing was liable for the damage to the tithe corn which had remained uncollected in the field. It was generally agreed by witnesses that the parson or his farmer was entitled to all manner of tithe. Richard Widdyt and John Palmer, harvesters employed by Smythe, described how they had set out every tenth sheaf for tithe 'justelye equallye & indifferentelye'.³⁵⁰ At the same time, Minge and his men had been present and had gathered sheaves into shocks. Minge allegedly visited the field daily to oversee the tithing-out and one of his men, Thomas Andrewe, was a customs officer from Dover and was presumably employed in the capacity of overseer.

The tithe eventually amounted to 15 shocks and seven sheaves which Richard Mines and Thomas Maylyn were employed to cart away, but Smythe would not

³⁴⁸ Culpepper *versus* Brissenden (1598): CCAL PRC 39/20 f. 164r.

³⁴⁹ Scott, *Weapons of the Weak*, p. 26.

³⁵⁰ *Minge versus Smythe* (1570-3): CCAL X.10.13 f. 36r.

permit the cart to pass over his land using the route he himself used. Thomas Maylyn deposed that ‘The said Smithe would not suffer this deponente to carry yt that way thorow his grounde where his owne cartes were to his barne warde he being then present & forbydding yt’.³⁵¹ Since the only other route was a long-unused droveway, they were forced to abandon the operation.³⁵² The two carters returned the next day and unloaded the tithe. Part of the abandoned corn was subsequently removed by an unidentified person and the rest was destroyed by cattle and the weather.³⁵³

The land occupied by Smythe had previously belonged to St Bartholomew’s Hospital and a number of deponents described the route leading from Dover to the Hospital. A series of gates was described, but the route was regarded as a customary highway commonly used by the parson or his farmer. Robert Long declared that the route from Smith’s land, via St Bartholomew’s, to the parsonage was ‘so common and beaten that he was never denied the carredge therof’.³⁵⁴ Other deponents, according to their allegiance, declared that the route was a private one which men might use only if they asked permission, which Minge had failed to do. Precedents were cited for access being variously permitted or denied. Thomas Pepper declared that he had known the way used by Smithe for forty years as ‘a privat & peculiar way & no comon used hye way, & to bee of lycence & good will & not free for everyone’.³⁵⁵ Those who had occupied St Bartholomew’s land had used the route for their own personal convenience. He then cited precedent for the denial of access stating:

³⁵¹ Minge *versus* Smythe (1570-3): CCAL X.10.11 f. 219v. For an assault which took place in Grove Land on a ‘chaseway’ for the carriage of timber see also Emmison, *Disorder*, pp. 107-8. The ‘chaseway’ was a private right of way or access route over another’s land and Emmison comments that, as such, the chaseway was a common venue for dispute.

³⁵² It is interesting to compare this incident with the one described by Barratt, ‘The Condition of the Parish Clergy’, p. 273 for which see above footnote 287.

³⁵³ Minge *versus* Smythe (1570-3): CCAL X.10.11 ff. 164-5 and ff. 219v-20r.

³⁵⁴ Minge *versus* Smythe (1570-3): CCAL X.10.11 f. 190v.

³⁵⁵ Minge *versus* Smythe (1570-3): CCAL X.10.13 f. 37v.

‘fourty yeare agoo that there was a gate yn the said waye leading therow St Bartholowmewes wheto adioyned an house, And the said gate was kepte shette withe locke & keye And so the said gate was kepte shut for the moste parte therow the hole yeare for the space of a dosen yeares together.’³⁵⁶

Many had asked leave for carriage and had been denied, including one Thomas Fag whose cart had been overturned and caused damage to the gate. On this occasion the farmer of the land had claimed that he should never have been using the route.³⁵⁷ Lest there be any doubt concerning the precedent set for the dispute in question in 1570, Pepper concluded this recollection with the bald statement that ‘the corne whiche the said Fag then carried was tythe corne belonging to the parsonage of Bucklande’.³⁵⁸

It was generally agreed that the only other available route was a highway which led out of St Bartholomew’s ground from a gate in Smythe’s field. The highway then joined a common lane which led up a hill and then down again to the common highway from Canterbury to Dover. Most agreed that this route was impassable and that the hill was far too steep for a laden cart. Minge had allegedly, on a previous occasion, used this alternative route to cart a wagon one quarter laden and had required eight or nine men to help the passage. Another deponent declared ‘yt was a marvell that the said Mynges hors did not breake ther neckes’.³⁵⁹ Stephen Coppyn, while agreeing that he had only seen the route used for driving cattle, declared that a cart could have passed that way if some mending was undertaken. He maintained that Minge might have saved his corn if he had used this route.³⁶⁰

In this dispute an argument over the collection of tithe expanded into one over customary rights of way and the question of whether the route through St Bartholomew’s was ‘a way of gentlenes or permission or to be used at the pleasure

³⁵⁶ Minge *versus* Smythe (1570-3): CCAL X.10.13 f. 37v.

³⁵⁷ Minge *versus* Smythe (1570-3): CCAL X.10.13 f. 37v.

³⁵⁸ Minge *versus* Smythe (1570-3): CCAL X.10.13 f. 37v.

³⁵⁹ Minge *versus* Smythe (1570-3): CCAL X.10.14 f. 110v.

³⁶⁰ Minge *versus* Smythe (1570-3): CCAL X.10.13 f. 14r.

of everye one'.³⁶¹ There were distinct notions of boundary and transgression. The gate leading from Smythe's land was kept locked with a key and the field was hedged all around. One deponent declared there to be no other route 'unles a man would breake hedges and mens boundes and go therow other mens groundes which have no wayes And so ... in Danger of the law'.³⁶² Thus, very often opposition or resistance was intricately related to notions of boundary, to trespass and to spatial as well as behavioural transgression. Again, this facet of resistance is examined by Scott:

'On both sides - landlord - tenant farmer - wage laborer - there is a never-ending attempt to seize each small advantage and press it home, to probe the limits of existing relationships. To see precisely what can be gotten away with at the margin, and to include this margin as part of an accepted, or at least tolerated territorial claim'.³⁶³

In the same way in which there was, perhaps, a latent sense of threat in the case discussed earlier when John Turnor remained at the gate,³⁶⁴ so too the resistance here had its focus in the gate which was kept locked with a key. Gates, set as they were at boundaries, could become symbolic foci for resistance in the same way in which breaking hedges was a feature of anti-enclosure riots.³⁶⁵

In this case it transpires there had been a distinct loss of goodwill, whether premeditated or not. While Smythe was declared not to have hindered the tithing-out, he was less than helpful when it came to carting it away. He himself regarded the alternative route - the common highway - as sufficient for a reasonable load.

³⁶¹ Minge *versus* Smythe (1570-3): CCAL X.10.13 f. 45r.

³⁶² Minge *versus* Smythe (1570-3): CCAL X.10.14 f. 111r.

³⁶³ Scott, *Weapons of the Weak*, p. 255.

³⁶⁴ See above p. 97.

³⁶⁵ For detail of an incident at Belchamp, Essex where nine men, armed with pitchforks and pick staves, broke the bars, locks and chain of a gate see Emmison, *Disorder*, p. 104. In the same area, in the following year, a cart laden with corn sheaves was overturned. For ideological conflict centred on the village gate in Sedaka see Scott, *Weapons of the Weak*, pp. 212-20. For earlier discussion of boundaries and conflict see also above beginning p. 42.

This, then, was an instance of passive non-compliance and evasion and it was a very ingenious one. Minge was not denied his share, nor was he allocated corn of a lesser quality or quantity than he was due and yet it was impossible for him to collect the tithe. Furthermore, Smythe's refusal to permit carriage had precedent which probably made it defensible at law. Smythe did not himself gain materially from his actions since the abandoned corn was destroyed, but he succeeded in denying Minge's claim.

Conclusion

In seeking to understand this important form of resistance, there are obviously complexities in the nature of the evidence. On occasion, detecting such activity must largely be a matter of inference, of 'reading between the lines'. Furthermore, there is the difficulty of gauging intent. How consciously were these strategies of resistance employed? As shown, tithe payment was very much a reflection of the everyday social, economic and religious relationships between individuals. These relationships were, in their very nature, dynamic with the inherent potential for conflict. The cumulative effect of petty acts of defiance and trivial gains might, on occasion, only have been resolved within the forum provided by the ecclesiastical courts. This was especially so over matters such as tithe payment and collection in which plaintiffs and defendants sought workable ways of coexistence following some breakdown in customary norms. In these instances the court provided a forum for the examination and regulation of these essentially localised conflicts.

In relation to resistance to tithe, there is little evidence in the Canterbury archive of what might be termed a collective response (in the usually understood meaning of the word 'collective' with its attendant notions of organisation and articulation), nor evidence of actions which could be construed as riot.³⁶⁶ There is, nonetheless, some indication of the establishment of 'common purses' in seeking to resist claims

³⁶⁶ Clark, 'Popular Protest', p. 365-6 terms activities involving five or more in voicing communal grievance, or seeking to remedy communal wrong, as riot.

for tithe. This implies a collective activity in terms of financing.³⁶⁷ The case *Pysinge versus Cloke* (1577), for example, is an interesting one for the evidence it provides of the preparedness of the major and jurats of Folkestone to resist the demands for tithe of Alexander Cloke, farmer of the rectory. Evidently there was a long and complex background of local politics relating to this case. Cloke had been farmer of the rectory since around 1563. In the period preceding this case he instigated a total of 34 suits after 1565. These included cases against various members of the Kennet family (a prominent Folkestone family) and one against Richard Elwood, town clerk and a deponent in the case of 1577.³⁶⁸ Some time in 1569-70, Cloke was committed to the borough prison for eight days for slandering the mayor and jurats.³⁶⁹ Moreover, the churchwardens' accounts reveal that 4s 11d was laid out in a dispute in 1575 between Alexander Cloke and the parish.

The dispute in 1577 involved Cloke's challenge to the customary tithe of 1d for each milch kine. Cloke was, it transpires, at this time the subject of writs issued by the Queen's Exchequer. He had been called before the mayor, Henry Kennet, and the town clerk, Richard Elwood, to discuss the matter. After this meeting Cloke left the court hall to go to fetch money in order to discharge these writs. While he was doing so he met George Pysinge who offered him payment for his tithes. Cloke, though, refused to accept it. Elwood and Kennet, on their way to Kennet's house, passed Cloke and Pysinge talking in the street. Henry Kennet later deposed that after he had reached his home, George Pysinge followed within minutes. He had with him the 12d which he had offered Cloke for tithe and asked Kennet to bear witness that the offer of payment had been made. Kennet had replied 'I can not for I did not see yt' and he then went on to depose that he and other jurats intended that

³⁶⁷ Barratt also drew attention to the raising of finance to defray the expenses of cases which nominally involved a single individual, but where the outcome would affect customary parochial practice: Barratt, 'The Condition of the Parish Clergy', p. 216.

³⁶⁸ Cloke instigated a further 16 disputes between 1577 and 1586 and he died in October 1588 (for his will see CCAL PRC 17/47 f. 198). I am grateful to Lynda Jones for this reference.

³⁶⁹ Mackie, S. J., *A descriptive and historical account of Folkestone and its neighbourhood* (Folkestone, 1883), p. 318.

‘yf the said Cloke should attempt any suyte agaynst any poore body for such tithes as by custome they ought not to pay, that then the said poore persons shuld be borne out at the common charges of the parishe lest that some paying other wyse than custome might preiudyce them all’,³⁷⁰

A much earlier instance, recorded in visitation material, suggests similar activity in the parish of Chilham. Here, in response to a defiant withholding of tithe by parishioners in Faversham, it appears that the parishioners of Chilham united to defend their parson’s right:

‘Item that Richard Dryland of Feversham is a supporter of his neighbours that they shuld paye noo tithes & specially of mast and saiethe that the lord of the towne shalle defende theym.

Item that the parisshones to defend the right of the parsone ley there heddes togider and make a commen purse to striffe for thesaid tithes’,³⁷¹

Examples of collective actions of this kind are relatively rare. The lack of overtly articulated objection to the principle of paying tithe is somewhat surprising, especially given the legacy of Lollard belief in the diocese. It is possible that this form of resistance may have been tried as an office case and time has not permitted a thorough examination of this form of suit. The element of anticlericalism attendant upon some of these disputes, notably in the case *Parkinson versus Grenestrete* (1584),³⁷² suggests the way in which local politics could have national implications. Consider, for example, Grenestrete’s alleged declaration ‘priestes ministers ever have bene from the beginninge & soe will be to the latter end the distruction & over throwe of the common welthe’. This was an almost millenarian outlook arguably found in national rebellion in the period. Furthermore, as already

³⁷⁰ Pysinge *versus* Cloke (1577): CCAL PRC 39/8 ff. 19v-20r.

³⁷¹ Wood-Legh, K. L., *Kentish Visitation of Archbishop William Wareham and his Deputies, 1511-12* (Maidstone, 1984), p. 176.

³⁷² See above p. 78.

observed, the issue of tithe payment featured in the demands issued during some of the more major rebellions of the sixteenth century.

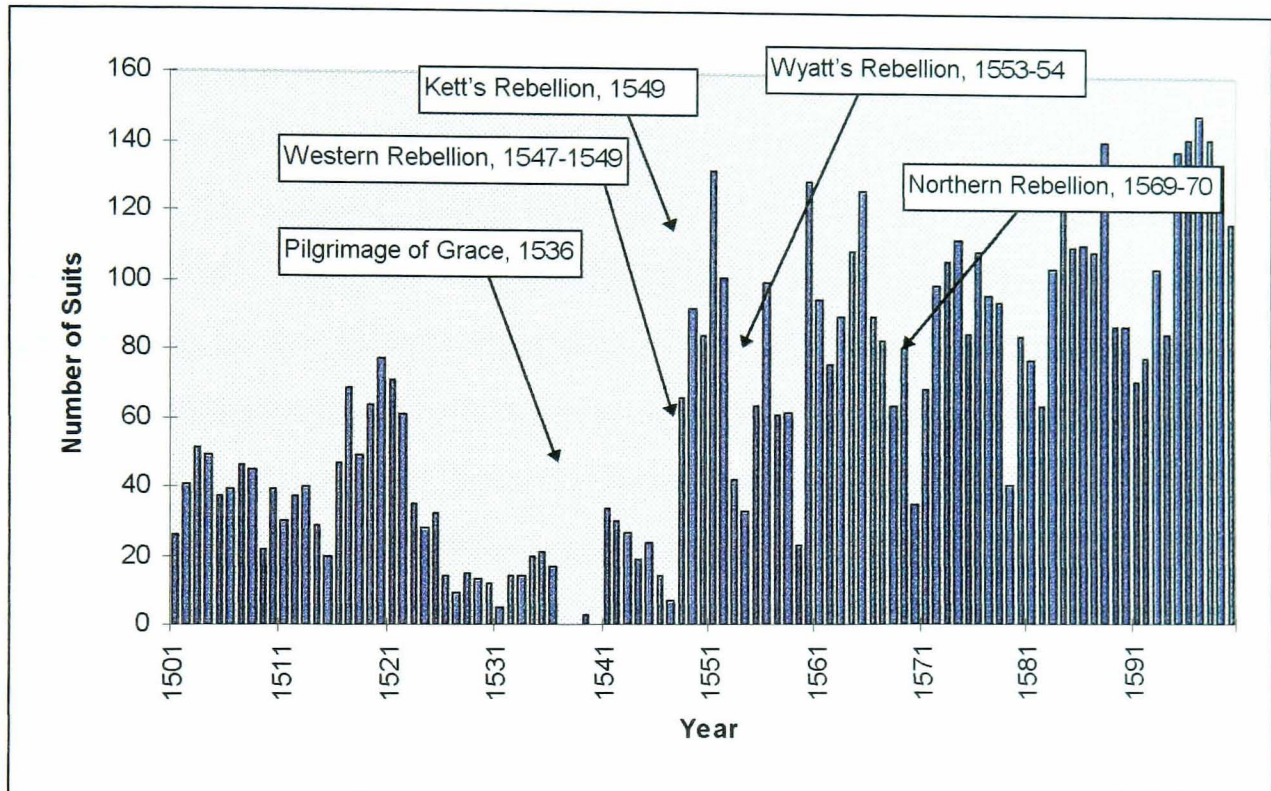
It is instructive to examine the chronology of conflict as revealed through the ecclesiastical court material with the outbreaks of major rebellion in the sixteenth century. This is illustrated in Figure 3.1. Opposition to tithe formed one part of the articles drawn up at Pontefract during the Pilgrimage of Grace, but this rebellion coincides with a paucity in the records of the ecclesiastical courts at Canterbury. The Western Rebellion had its genesis in opposition to religious policies and personnel in Devon and Cornwall. It did, nonetheless, coincide with a number of enclosure riots in the midlands and the south-east. It will be argued below that the legacy of these disturbances saw some reflection in tithe litigation in the ecclesiastical courts in terms of the notable upswing in litigation after 1547, sustained until 1551 (Kett's Rebellion also occurring in this period). Interestingly, Wyatt's Rebellion which was initiated by members of the Kentish gentry and which saw a significant level of participation in the parishes around Maidstone, began during a period of decline in the number of tithe suits instigated in the courts.³⁷³ Similarly, the Northern Rebellion occurred during a downturn of tithe litigation, though of course this rebellion was geographically far more remote from Kent.

The relationship between the small-scale resistance as evinced in tithe disputes and major outbreaks of rebellion is a complex one. However, both phenomena represent different manifestations within the wide spectrum of activity which can be identified as popular protest. Later in this thesis it will be demonstrated that dispute over tithe was part of a continuum which was, nonetheless, punctuated by periodic concentrations of activity.³⁷⁴ In the light of this observation, a culmination of tithe litigation in the late 1540s and early 1550s might be examined in particular. A noticeable upswing in the number of disputes was coincident with Kett's Rebellion,

³⁷³ It is worth noting, however, that Thomas Wyatt, gentleman instigated five tithe disputes in 1551 as possessor of the rectory of Maidstone and one dispute in 1552.

³⁷⁴ For full discussion see below chapter four.

Figure 3.1: Numerical Incidence of Tithe Suits With Major Rebellions



a rebellion which took place predominantly in Norfolk, but which also occurred against a background of more widespread unrest.

Houlbrooke examines tithe litigation in this same period for the diocese of Norwich (as well as Winchester) and similarly detects a rise in the number of disputes.³⁷⁵ He argues that, while the leasing of benefices to the laity was already common practice before the Reformation, the climate of religious and social upheaval in the 1540s further discouraged the incumbent clergy from collecting tithes themselves. This, coupled with the increasing number of lay proprietors of monastic benefices, led to a rise in the levels of litigation instigated by the laity. He finds, therefore, an especial significance in the fact that the demands of Kett's rebels focused on lay collectors of tithe.³⁷⁶ Furthermore, this was a period of economic hardship, dearth and price rise. All of these factors may have stimulated dispute. Again, Houlbrooke draws attention to the rebels' demands for commuted tithe. Legislation in 1536, 1540 and specifically in 1549, which sought to regulate payment according to customary practice, probably also stimulated litigation.

For Houlbrooke this increased activity in the courts over tithe signifies that the parochial clergy were acting defensively, further evidence of the 'declining authority of the church'. He adduces his comments on this declining influence by reference to the statute of 1536 which complained of unprecedented boldness in withholding tithe. Despite this observation, he believes that a determination to exploit the clergy's weakened position was subsidiary to the deprivation being endured by tithe payers as a result of economic hardship. Similar problems were experienced in the county of Kent in the same period.³⁷⁷ Dearth in the years 1549-51, combined with price inflation, debasement and heavy war expenditure, exacerbated economic hardship. Dearth, furthermore, aggravated the demand for corn from the fertile growing lands in East Kent which, in turn, put pressure on resources. The Weald probably also suffered as a result of the collapse in the foreign demand for English

³⁷⁵ Houlbrooke, *Church Courts*, pp. 143-50.

³⁷⁶ These demands are printed in Fletcher, *Tudor Rebellions*, Document 17, pp. 142-4.

³⁷⁷ The following paragraphs draw on Clark, *English Provincial Society*, pp. 69-107.

cloth in 1551. It was also the area most susceptible to the outbreak of disease, specifically influenza, in this period. In the same period the prospect of invasion from France resulted in a determination to fortify the Kent ports and muster troops. Religious matters also exacerbated tensions. The move towards reform was apparent in Kent from the mid-1540s and the accession of Edward VI in 1547 gave this movement official sanction. In the Canterbury diocesan courts under the direction of the radical commissary, Christopher Nevinson, offensive policies towards religious conservatism were increasingly pursued.

The influential work of MacCulloch on the Kett's Rebellion in Norfolk and Suffolk emphasises the localism of the East Anglian risings, but also their relationship with coincident risings elsewhere in the country, notably in the Thames Valley and Kent.³⁷⁸ These eastern and southern disturbances were characterised by the static nature of the protest in the setting up of camps. This was in contrast to the activities of rebels from the west of the country who were, at the same time, marching towards London. Camps were formed at Canterbury and possibly also around Boxley. MacCulloch argues, on the basis of the East Anglian evidence, that these camps represented systems of 'alternative government'. Their members, led by substantial men with experience of local administration, did not seek to pose a direct challenge to the state, but to achieve justice.³⁷⁹

MacCulloch also addresses the problem of assessing the extent of co-ordinated action and suggests that by outlining the similarities of the risings in Norfolk and Suffolk a context is provided for work on elsewhere in the country.³⁸⁰ The county of Kent experienced intermittent problems of public disorder in this period.³⁸¹ In the summer of 1548 enclosures made by Sir Thomas Cheyney (probably on Sheppey) were destroyed and seditious bills were also circulated around Canterbury. As

³⁷⁸ MacCulloch, D., 'Kett's Rebellion in Context', in Slack, P. (ed.), *Rebellion, Popular Protest and the Social Order in Early Modern England* (Cambridge, 1984), pp. 39-62. See also MacCulloch, D., *Suffolk and the Tudors - Politics and Religion in an English County 1500-1600* (Oxford, 1986), especially chapter ten.

³⁷⁹ MacCulloch, 'Kett's Rebellion', p. 47.

³⁸⁰ MacCulloch, 'Kett's Rebellion', p. 43 and p. 48.

³⁸¹ Clark, *English Provincial Society*, pp. 78-81.

already noted, in the spring of the following year a large number gathered in camps outside Canterbury causing considerable alarm to the city authorities. The camps broke up in early August. Parallels should certainly be drawn here with the simultaneous camps set up by Robert Kett and his adherents outside Norwich, as well as similar camps elsewhere in East Anglia.³⁸² At the same time there were disturbances, again related to enclosure, around Boxley. In June 1551 a congregation at Sittingbourne estimated to number 10,000 was dispersed by cavalry and in the years 1550-1 there were also problems of disorder in the towns of Sandwich and New Romney.

Thus, though the evidence for localised unrest in the diocese of Canterbury is limited, it does appear that, on occasion, more overt manifestations of popular protest did correspond with a rise in the level of tithe litigation and that, in particular, the high number of disputes in the years 1548-51 coincided with the outbreak of Kett's Rebellion and the attendant unrest elsewhere in the country. In the Canterbury courts, as at Norwich, the level of tithe litigation certainly rose in this period. Between the years 1548 and 1551, 475 disputes were initiated. This figure is just under eight per cent of the total number of disputes instigated during the entire century.³⁸³ Particular attention might be drawn to the high number of disputes instigated by plaintiffs in New Romney (19) and Canterbury, St Dunstan's (13). Seventeen disputes were initiated by plaintiffs from the parish of Newington (Hythe). A deponent testifying in one of these suits made reference to the destruction of a 'shelve of Ostres' destroyed by 'rebelles in the tyme of the last commotion ...'³⁸⁴

³⁸² MacCulloch, D., 'Kett's Rebellion', *passim*; Fletcher, *Tudor Rebellions*, pp. 64-8.

³⁸³ See Appendix 4.1 and for full discussion of the numerical incidence of disputes see below chapter four. It should also be noted that this figure is almost certainly an underestimate as no Act Books for the Archdeacon's Court survive for the years 1547-49: for discussion see below p. 126.

³⁸⁴ CCAL x.10.5 f. 78r. This instance was also cited by Clark, *English Provincial Society*, p. 79, though it appears that he wrongly attributed it to Newington (Sittingbourne) rather than Newington (Hythe).

Theoretically, another influence on the rising levels of dispute might be understood in terms of the climate of widespread popular protest. In discussion of the Suffolk camps, MacCulloch points to the rebels' intervention in long-running, local, legal disputes and their continued pursuit of justice after the rebellion itself was over. Given the long-running nature of much dispute over tithe, discussed earlier, it seems quite reasonable to suggest that the issue of tithe might well have been the subject of this intervention, thereby occasioning a rise in the number of suits instigated.³⁸⁵ Furthermore, study of the local dynamics of dispute later in this thesis reveals that conditions of crisis often prompted the resurfacing of grievance.³⁸⁶ It might also be suggested, then, that the upheaval of more major outbreaks of protest created circumstances in which individuals thought it propitious to demand redress of old grievances. One instance, cited by MacCulloch, was of the Aldeburgh merchant, a member of the Melton camp, who demanded compensation for an old trespass declaring, 'Naye, I wyll have yt now or [ere] I go or ells I wyll complayne, for I know I shall have remedye here'.³⁸⁷ The discernible rise in the number of tithe disputes in the Canterbury courts may have been prompted by similar motivation and the expectation of a favourable outcome.

Figure 3.1 attempts to illustrate graphically the relationship between major national rebellion and the numerical incidence of tithe disputes in Kent. It is, however, somewhat misleading in the implication that there is a direct correlation between the two. Yet, having drawn attention to the overall volume of tithe litigation and the concentrations of activity in specific years, it is reasonable to submit that the continuum of popular protest evinced by dispute over tithe was a factor in the build up to more major outbreaks of rebellion. As disputes over tithe were very much a reflection of everyday concerns within local communities, this also goes some way towards explaining some of the seemingly localised concerns of the demands relating to tithe in major rebellions.

³⁸⁵ MacCulloch, 'Kett's Rebellion', p. 48. For discussion of the long-running nature of tithe disputes see above p. 44.

³⁸⁶ See below chapter five.

³⁸⁷ MacCulloch, 'Kett's Rebellion', p. 48.

This chapter has demonstrated the importance of understanding traditions of dispute, located within a continuum of resistance in Kentish rural society. Dispute over tithe was characterised by modes of conduct which were governed by custom and tradition and frequently expressed through symbolic and ritual behaviour. Clark's definition of riot as a collective action undertaken by five or more to express a communal grievance is derived from contemporary definitions.³⁸⁸ This terminology issued from a concern for the control of public order and thus emanated from the top downwards. In this thesis, however, concerns are with popular protest and resistance, reading, as it were, from the bottom upwards. Analysis of dispute over tithe suggests that it is necessary to re-examine what is meant by regular and small-scale protest. Rather than seeking to identify a collective voice and a high degree of organisation, attention might be drawn to the informal consensus of everyday resistance. Even so, earlier discussion in this thesis has revealed an element of staging in much of the protest which took place, especially within churches. There were also 'leaders' of certain kinds of action; for example, the role adopted by older members of the community in relation to tithe. While drawing attention to the informal consensus of resistance in the harvest fields, it might be considered that this too involved an element of staging in the strategic outdoor manoeuvres adopted. Thus, there are links between the different levels of resistance and elements of one found reworking in others. Finally, the persuasiveness and persistence (both geographically and chronologically) of individual acts of defiance and petty gain can be asserted. Far from confirming hierarchic structures, the symbolic and ritual forms which this resistance often took demanded a constant evaluation of interpersonal obligations and responsibilities.

³⁸⁸

Clark, 'Popular Protest', p. 366. He notes that, at law, the term riot could encompass trespass, poaching and communal action over food, as well as unlawful meetings of three or more persons.

Chapter Four: Tithe Litigation in the Diocese of Canterbury

Numerical Incidence

In the period 1501-1600, 6304 tithe disputes were instigated in the ecclesiastical courts of the diocese of Canterbury. Moreover, this figure is certainly an underestimate because of the partial survival of Act Books in certain years.³⁸⁹ In the Archdeacon's Court for the period 1521-36 it appears that a separate volume (Y.4.4) was kept for the hearing of cases usually instigated by plaintiffs originating from within the Sandwich deanery. A separate volume (Y.2.7) was also kept for sessions of the same court in the period 1516-29 in the north-west deaneries. These are the only two volumes for either court in the entire century which were geographically prescribed and this would seem to accord with the fact that the court may have been itinerant in this period.³⁹⁰ The earlier parts of these two volumes complement the data found in volume Y.2.4 (1511-24). However, a paucity of record occurs after 1524 since no volumes are extant for any other part of the diocese until the commencement of volume Y.4.8 in 1541.

Data from the Archdeacon's Court is, therefore, incomplete for the period 1525-36; the only recorded cases are those from the volumes covering the north-west deaneries and the Sandwich deanery and there are no volumes at all extant for this court in the period 1536 to 1540. Furthermore, there are no surviving volumes for the Archdeacon's Court for isolated years later in the century, namely 1547-9, 1553-4 and 1563. The only paucity of record in the Consistory Court occurs in the years 1537-40. Since this corresponds with a similar paucity in the Archdeacon's Court, there is no data at all for these four years.³⁹¹ It is plain that, for these periods, the figures discussed below and tabulated in the Appendices will be under-

³⁸⁹ For a list of the volumes consulted see the Manuscript Bibliography.

³⁹⁰ For discussion of circuits of the courts see above p. 11, noting that this discussion is based on sampled years only.

³⁹¹ It should be noted, however, that three tithe disputes apparently dated 1539 were recorded in Consistory Court volume Y.2.16 (1546-49), a volume which was very muddled and disorganised.

calculations. An awareness of this paucity of record should inform all of the following analysis.

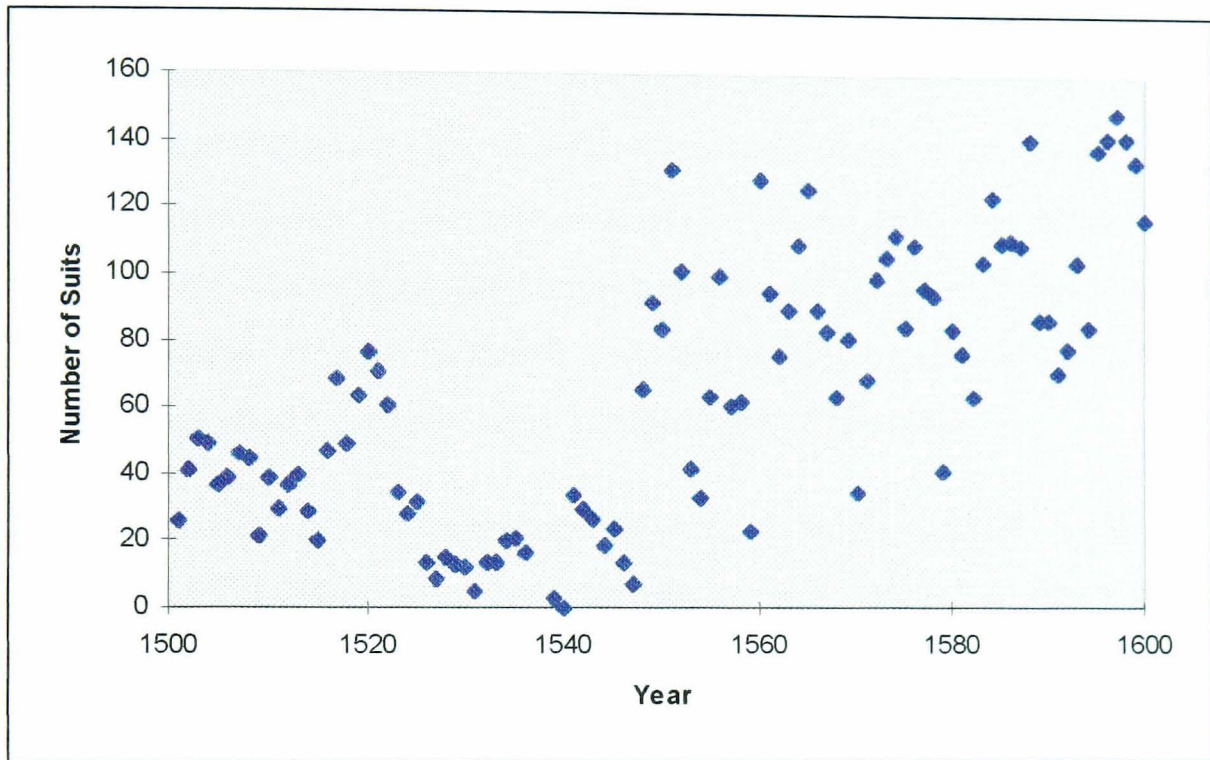
Figure 4.1 plots the year against the total number of suits entered in both courts. In the first 25 years of the century, the number of suits instigated was relatively high, with a noticeable peak of activity in the years 1517-22. After this date, there was a considerable drop in the number of suits and this low level of dispute was maintained until the year 1548. The reduction in the number of suits recorded after 1525 can, to some extent, be explained by the paucity of record from the Archdeacon's Court. From 1548 until the end of the century, the level of dispute fluctuated quite notably and there was considerable variability from year to year, in contrast to the more sustained levels of the first half of the century. There was a continuous period of high levels of dispute in the years 1595-1600. It is possible, then, to point to three distinct periods of litigation: a sustained term of relatively high dispute until the mid-1520s; then a period of low level activity until 1548; followed finally, by years of fluctuating incidence, but during which the overall trend was upwards. It might be noted, moreover, that had the evidence survived in full for the period 1525-40, the overall trend upwards might have been much clearer.

If the number of suits entered into the two courts are analysed separately the results are quite distinctive.³⁹² Of the total of 6304 disputes, 2654 (42 per cent) were heard in the Archdeacon's Court and 3650 (58 per cent) in the Consistory Court. The gaps in the records of the Archdeacon's Court probably account for the lower percentage of cases when the century is considered as a whole and it seems probable that both courts handled a fairly equal volume of business.³⁹³ Nevertheless, both courts experienced distinctive and separate fluctuations in the number of suits entered. In the Archdeacon's Court the number of suits instigated was relatively sustained in the period up until 1515 and, following this, there was a

³⁹² See Appendix 4.1.

³⁹³ Other than the stipulations outlined above beginning p. 6, there is no reason why one court would have been regarded as more favourable than another when instigating a tithe suit.

Figure 4.1: Numerical Incidence of Tithe Suits, 1501-1600



noticeable peak of activity between 1516 and 1522 (see Figure 4.2). The levels of dispute in the period 1525-50 were very low. Thereafter, there was considerable variability in the number of suits entered, but from 1583 until the end of the century the number of disputes rose quite steeply, with a concentration of high level activity in the years 1596-8. The only occasion on which the number of disputes in either court rose above 100 in any one year was in 1597 in this Court. In the Consistory Court, levels of dispute arguably exhibited a downward trend in the early years of the century, particularly in the period between 1521 and 1532 (see Figure 4.3). There was some low level recovery in the years immediately prior to 1536. After 1548 the number of suits fluctuated considerably from year to year with no noticeable periods of sustained activity of either high or low incidence.

If the data for both courts is plotted together on the same graph, then it can be seen that, prior to 1583, cases entered in the Consistory Court equalled or outnumbered those in the Archdeacon's Court with some regularity (see Figure 4.4). This occurred in 55 of the years out of the 67 for which there was data for both courts. From 1583, though, a notable rise in the use of the Archdeacon's Court in tandem with a decline in the use of the Consistory Court is discernible. Indeed, the discrepancy between the figures for the two courts is far greater than in the preceding period. This may represent an overall decline in the use of the Consistory Court or even a transfer of tithe litigation to the Archdeacon's Court and suggests that the volume of tithe business needs to be understood in terms of the total work of the ecclesiastical courts. Time has limited what can be achieved in examining the total volume of work, but an analysis of the types of case heard as instance business has been undertaken by sampling the first year of each decade.³⁹⁴ Types of case have been classified following Woodcock's categorisations, distinguishing between

³⁹⁴ See Appendix 4.2. This data in this table records the total volume of instance business and takes no account of the record or office business that the courts would also have been handling. The sampling method has marked inadequacies in that variation from year to year will not be detected.

Figure 4.2: Numerical Incidence of Tithe Suits (Archdeacon's Court)

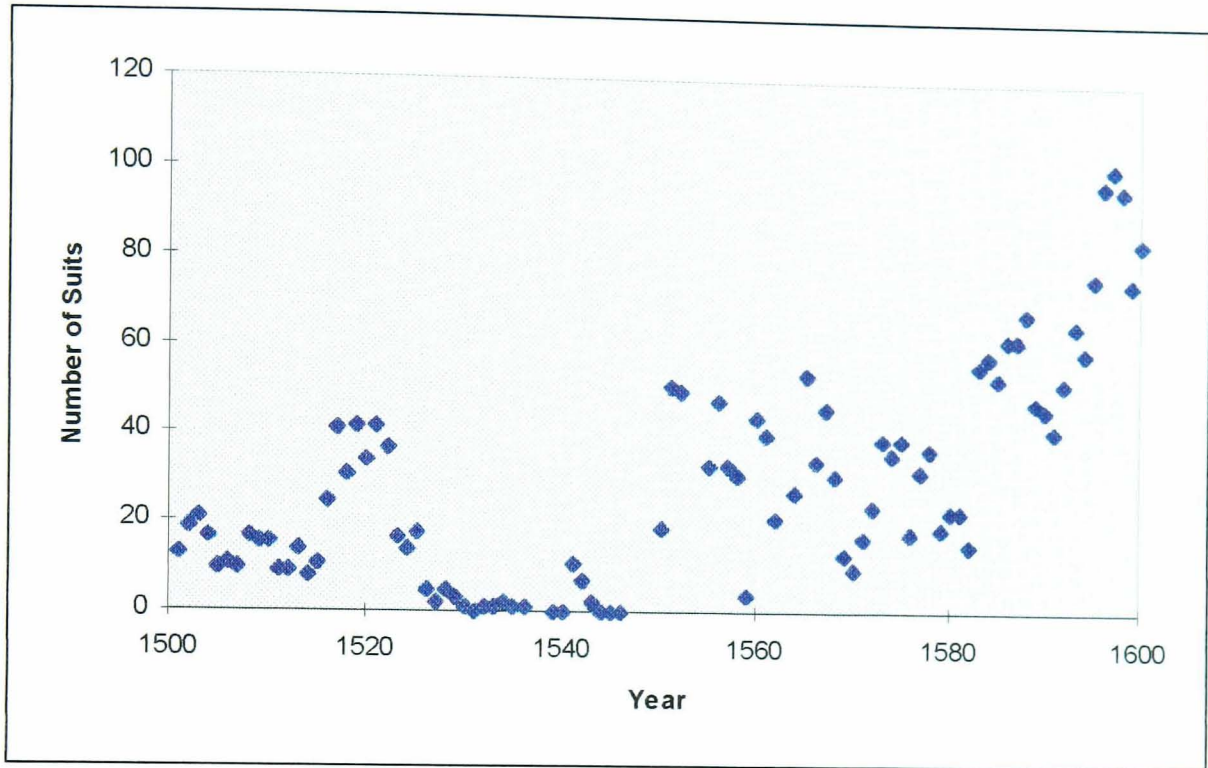


Figure 4.3: Numerical Incidence of Tithe Suits (Consistory Court)

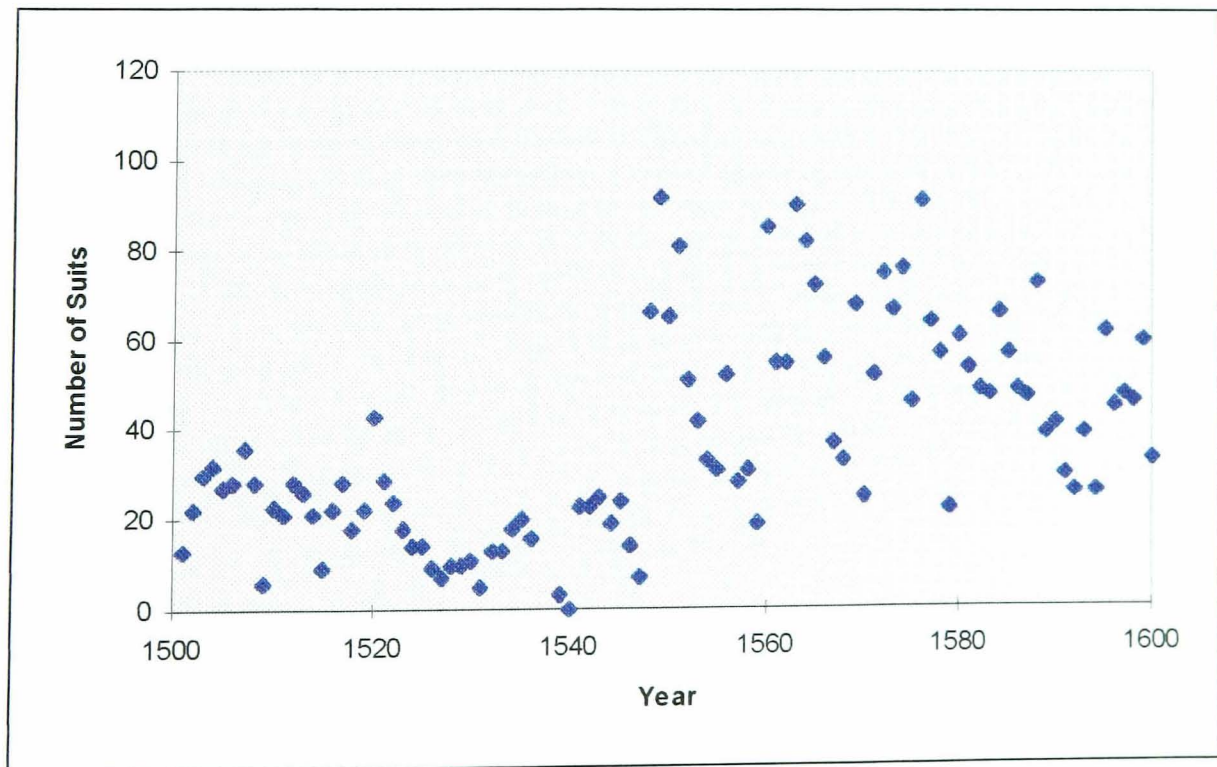
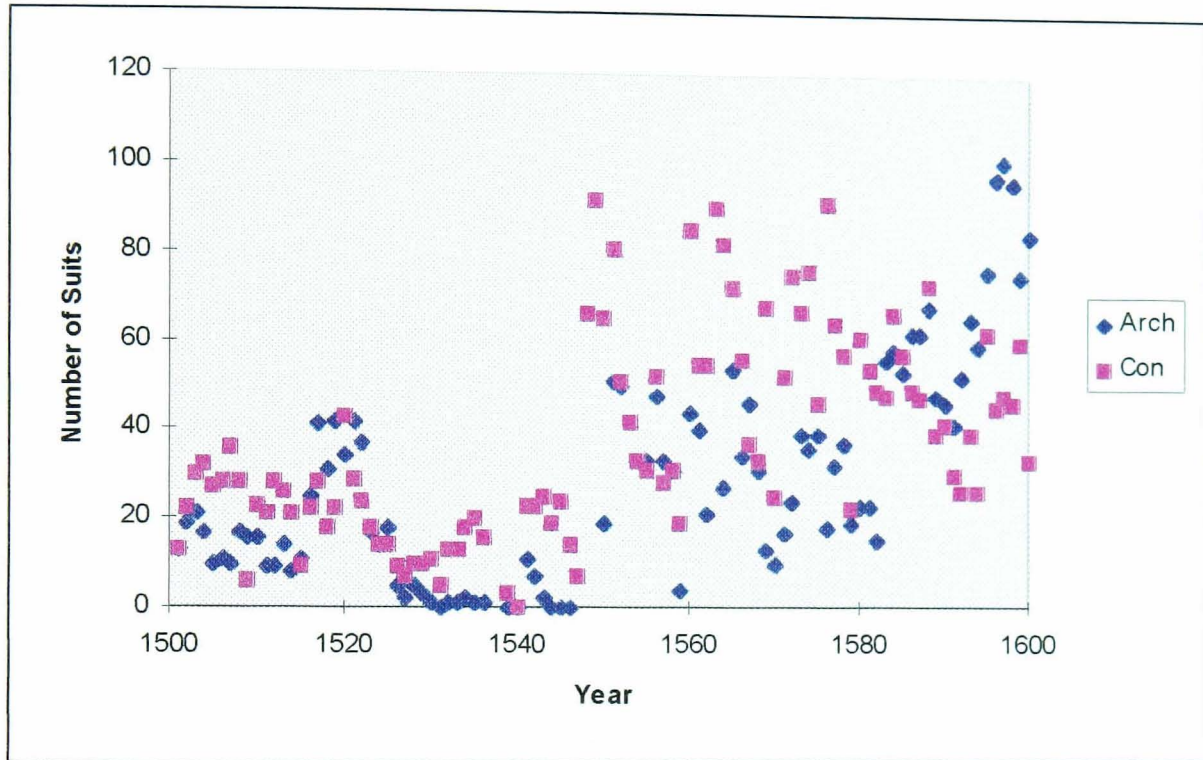


Figure 4.4: Numerical Incidence of Tithe Suits (Both Courts)



suits for tithe, perjury, defamation, ecclesiastical dues, matrimonial and testamentary matters.³⁹⁵

For the first two decades of the century perjury cases were the most numerous in both courts; but the general trend of dispute was downwards and there were no perjury cases brought in either court after 1531. Defamation and testamentary cases exhibited a steady rise in this early period in both courts. Testamentary cases fell away quite significantly in both courts from 1551, although there was a recovery in the Archdeacon's Court in 1591 (to 18 per cent). The figures for defamation cases were, on the whole, maintained throughout the century (the peak for both courts in terms of the actual number of cases was in 1521). Matrimonial cases could only be heard in the Consistory Court; even so, the proportion of cases only once rose above 20 per cent (in 1531). Suits for ecclesiastical dues were brought in both courts up to 1541, but stop almost entirely after that date (except for two cases brought in 1581 in the Consistory Court). Viewed in this context, the proportion of tithe cases in relation to other types of instance business would again seem to be fluctuating. In the Archdeacon's Court the figure rises until 1561, but falls away again, until a significant recovery in 1601 which exceeded any of the previous levels. In the Consistory Court the proportion of tithe disputes arguably fluctuated much more and the peak proportion of tithe disputes occurred in 1571 (although the peak of actual number of disputes was 1551).

If the data for both courts is examined together, it can be seen that the proportion of instance business devoted to tithe rose steadily up to 1551 (with the exception of 1531). It remained fairly constant for the next 20 years and dropped slightly in the following two decades before recovering to constitute well over half the instance cases entered in 1601. Only defamation cases, which consistently constituted between 20 and 30 per cent of the volume of business (again, with the exception of 1531), come anywhere close to the figures for tithe. Tithe litigation accounted,

³⁹⁵ Woodcock, *Medieval Ecclesiastical Courts*, pp. 82-92. Separation and divorce suits have been included with matrimonial suits. All cases, including those for which opening lines were drawn up but no subsequent detail added, have been included.

therefore, for an increasing proportion of the court business in a period when the overall volume of instance business was falling. The 135 disputes recorded for both 1551 and 1601 represented 49 per cent and 61 per cent of the total volume of business respectively.³⁹⁶ If the percentage of cases related to tithe had remained as a constant proportion of the total volume of business in the court, along with a rise in the actual number of cases, this would have suggested the operation of factors such as, a growing efficiency in the working of the court, or an increasing general litigiousness on the part of the Kentish population. However, as tithe suits constituted an increasing proportion of a decreasing volume of overall business, this data reveals that the sixteenth century saw an increasing determination by litigants to pursue tithe suits in the courtroom.

In summary, the number of tithe suits in the Canterbury courts rose as the century progressed, though with noticeable fluctuation and peaks and nadirs of activity. It remains to consider why this may have been so. It has been argued that an increased incidence of tithe disputes might be closely related to years of dearth.³⁹⁷ A superficial examination seeking to detect a correlation between harvests classified as bad, deficient or dearth and an increased incidence of tithe suits is possible using Hoskin's classification of the general quality of harvests.³⁹⁸ No appreciable increase

³⁹⁶ With reference to sampling techniques, it is worth noting that the sampled years do not suggest that the actual number of disputes increased significantly throughout the century which, as shown, was clearly not the case. Some comparison is possible here with the work of Sheils, 'The right of the church', *passim*. He detects a steady increase in the actual number of tithe suits entered into the Consistory court of the diocese of York in the period 1541 to 1601, but his analysis of these suits as a percentage of the total business of the court suggests, however, that tithe disputes remained a fairly constant proportion of the total business of the York courts for the last three decades of the century. Sheils' analysis is based upon Cause Papers and he did not examine Act Books. Moreover, for comparative purposes, though he also sampled the first year of each decade, he adopted the old style years.

³⁹⁷ Hill, C., *Economic Problems of the Church, from Archbishop Whitgift to the Long Parliament* (Oxford, 1956), pp. 90-1; Houlbrooke, *Church Courts*, pp. 147-8. However, for discussion of the dangers of oversimplification in terms of equating dearth or downturns in trade with social disturbance see Thompson, E. P., 'The Moral Economy of the English Crowd in the Eighteenth Century' in Thompson, *Customs in Common*, pp. 185-258. Thompson emphasises the notions of legitimisation, defence of customary rights and consensual support, factors all of which constituted a moral economy which had a significant influence on dispute.

³⁹⁸ Hoskins, W. G., 'Harvest Fluctuations and English Economic History, 1480-1619', *Agricultural History Review* (1964), pp. 28-46.

in the number of disputes was apparent after three poor harvest years between 1501 and 1503, or around the bad harvests between 1527 and 1529. The poor harvests of 1519-21 did, though, correspond with a slight upturn in the number of disputes, as did the years of deficiency in 1549, 1550 and 1551. The two years of dearth in 1555 and 1556 also coincided with increased incidence of tithe suits, as did bad harvests in 1560 and 1565. The high incidence of disputes in the 1570s (1573 and 1576) and 1590s (1594-7) also corresponded with years of deficiency and dearth.³⁹⁹

Despite these correlations, the analysis is somewhat unsatisfactory. The quality of harvests was obviously a matter of considerable regional variation, while Hoskin's classifications are based on national figures. Arguably, the effects of a poor harvest on tithe litigation need not necessarily have been manifest in the same year. The effects of eating the next year's seed corn and the consequent fall in yields would probably have had a delayed effect. It is worth considering what is implied by the expectation of a correspondence between dearth and increased levels of tithe dispute: a more urgent need on the part of the tithe owner to collect tithe in kind (occurring at a time when tithe payers were less able or willing to meet the demand); privation resulting in the withholding of tithe; or attempts by tithe owners to raise the value of customary *modus*. Presumably it would have been those great tithes which were still paid in kind which would have been most susceptible to the effects of dearth, but it is possible that in years of poor harvest the actual tenth of the crop was so meagre that any gain was hardly worth the time and expense of bringing a case to court. A pluralist rector, for example, might have chosen instead to recover crops from a less impoverished region.⁴⁰⁰

A full analysis of the effects of dearth would need to consider what proportion of the tithe litigation concerned great tithes and to what extent commutation had taken place. This information is, however, impossible to quantify for the diocese of

³⁹⁹ However, the relatively high number of disputes in the 1580s corresponded with years of good or average harvests.

⁴⁰⁰ For discussion of the financial situations of the Kentish parochial clergy see below p. 143.

Canterbury. If such an analysis were possible it would, in turn, inform discussion of just how intimately tithe owners' fortunes were related to those of tithe payers. Where great tithes had been commuted to a money payment the collector would be less susceptible to the effects of a poor harvest, provided that he/she could continue to exact money payments in times of privation. It could also be claimed that good harvests did not diminish the resolve to bring cases to court, as the tithe owners may have been more determined to exact their share of an abundant crop.

The sixteenth century is generally acknowledged to have been a period which experienced steadily rising prices and it has been proposed that the pressures of inflation may have prompted an increase in litigation over tithe.⁴⁰¹ The average price of all agricultural products (using a price index derived from average prices in the period 1450-99) is plotted against year in Figure 4.5.⁴⁰² It can be seen that prices were sustained at a fairly constant level until 1543. Thereafter, they exhibited more fluctuation until 1560, from which year they rose steadily until the end of the century (although there was some variation in levels from year to year towards the end of the period). The price data and the number of tithe disputes entered into the ecclesiastical courts at Canterbury can be examined together to see whether any relationship between the two can be detected. As shown in Figure 4.6, it is clear that there is a positive link between the average price and the number of suits entered in the courts in any one year; even so, it would be unwise to designate this as a relationship of cause and effect. It can, however, be demonstrated that both increased over time and that the relationship between the two is a positive one. It would be wrong, though, to assert that the pressures of rising prices *prompted* increased tithe litigation and, indeed, in looking for a dependence between inflation and dispute, short-term change from year to year would need to be examined. A broad conclusion is that there was positive relationship between prices and tithe

⁴⁰¹ For the suggestion that the pressures of inflation contributed to the growth in the number of tithe suits in south Lancashire in the 1530s and 1540s see Haigh, C., *Reformation and Resistance in Tudor Lancashire* (Cambridge, 1975), p. 26.

⁴⁰² This analysis is based on Bowden's figures for the annual average price of all agricultural products in Thirsk, J. (ed.), *The Agrarian History of England and Wales 1500-1640* (Cambridge, 1967), Statistical Appendix, Table 6, pp. 846-50.

Figure 4.5: Average Price of all Agricultural Products

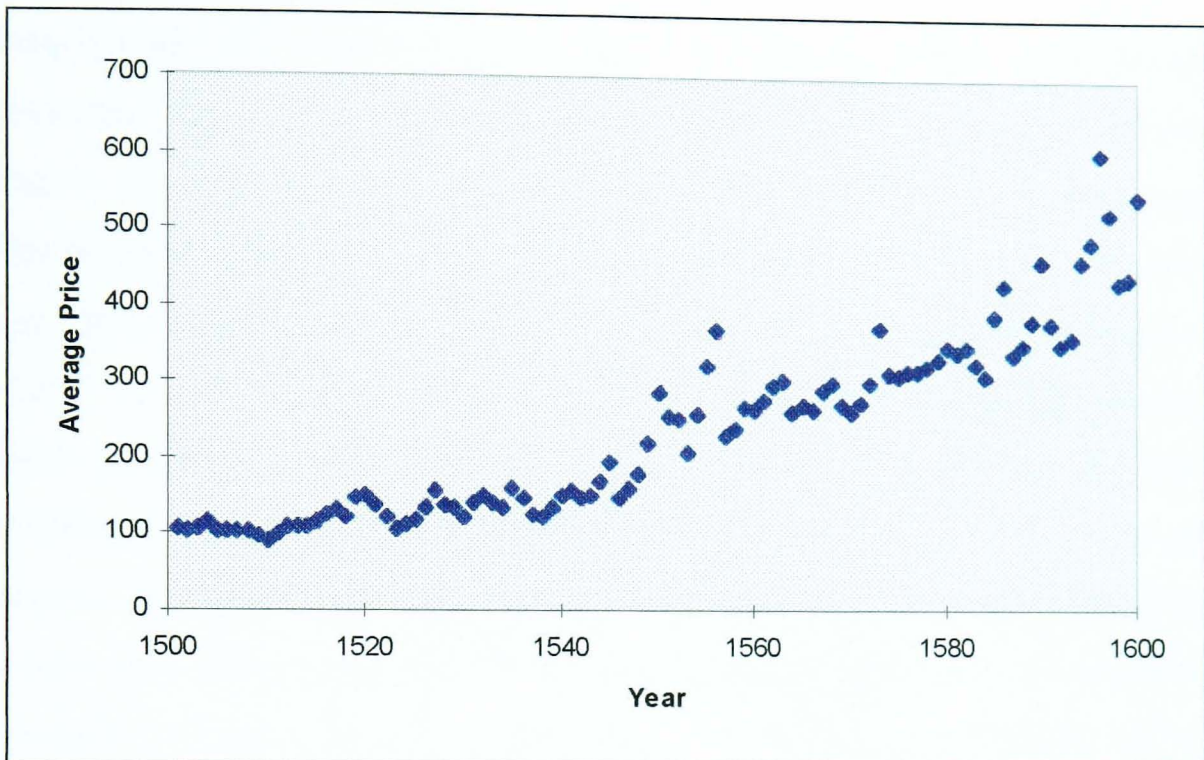
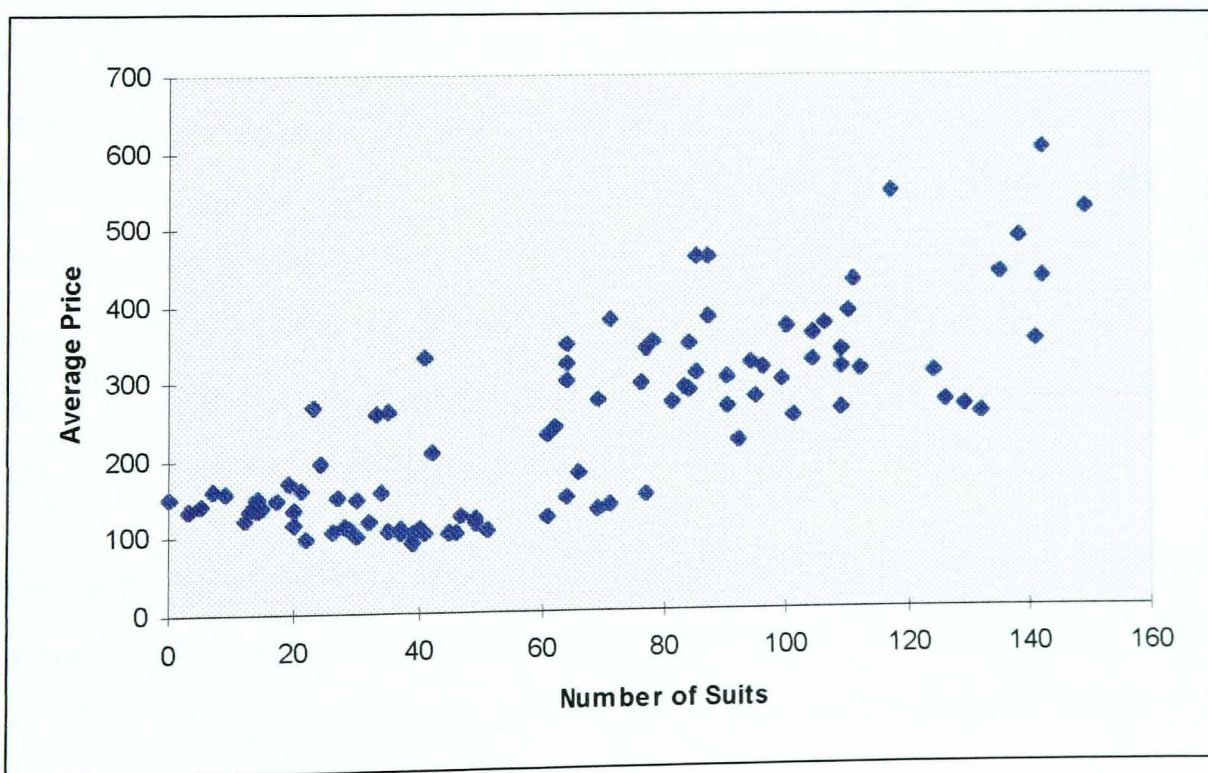


Figure 4.6: Average Prices/Number of Tithe Suits



disputes which implies that rising prices may have induced conditions in which dispute over tithe was more likely.

Tithe collectors who would have been most immune to the effect of rising prices would have been those who farmed their own glebe or who collected their tithes in kind. It was these individuals who might also have benefited from the increased demand for products. For rectors (clerical and lay) the great tithe was the most important source of income and this was more likely to have remained a payment in kind.⁴⁰³ Vicars, in contrast, rarely received any great tithe and were consequently more susceptible to the vicissitudes of collection attendant upon small tithes. Furthermore, if these small tithes had been commuted, the value of the money payment would have fallen in a time of rising prices. The vicar's dependence on income from offerings and fees would also have rendered him more susceptible to the effects of high prices. The holders of urban benefices were probably among those most affected by rising inflation and the decreasing value of commuted personal tithe. In Canterbury itself a fixed payment in place of tithe on the rental income from urban land and houses would have decreased in value as the century progressed. Figure 4.7 distinguishes between those disputes initiated by rectors and those initiated by vicars to provide a crude indication of the division of disputes between great and small tithes.⁴⁰⁴ The number of cases instigated by vicars after 1540 exhibited considerable variation though, overall, the tendency was upwards. By contrast, after a peak in 1552, the cases instigated by rectors revealed a downward trend until the last two decades of the century. It transpires, then, that after 1540 the number of suits instigated by vicars was substantially higher than those instigated by rectors and of particular significance are the very high levels of dispute in the 1590s undertaken by vicars.

With regard to the effect of price rise on income from tithe, it should be noted that, in theory, the laity would have been as susceptible as the clergy, although it might be presumed that lay persons had alternative sources of income. Figure 4.8

⁴⁰³ For a discussion of the prescriptive *modus* see above p. 61.

⁴⁰⁴ See Appendix 4.3.

Figure 4.7: Great and Small Tithe (Clerical Plaintiffs)

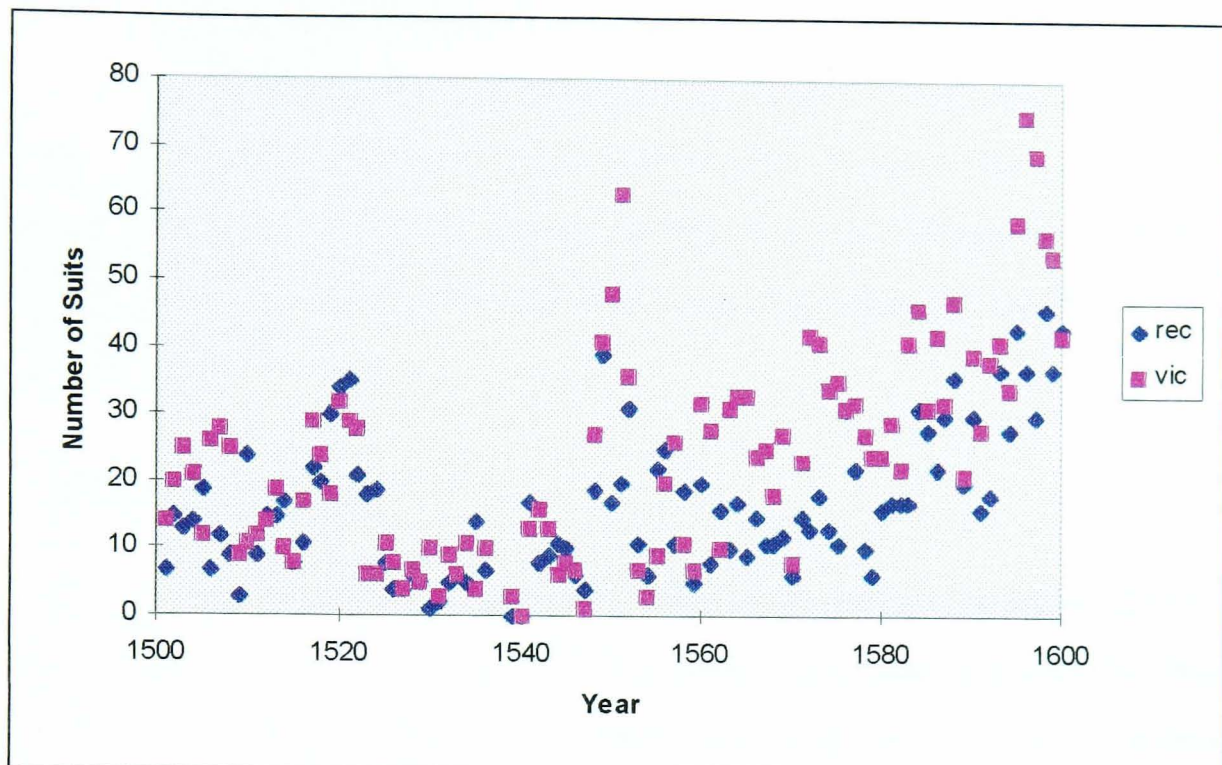
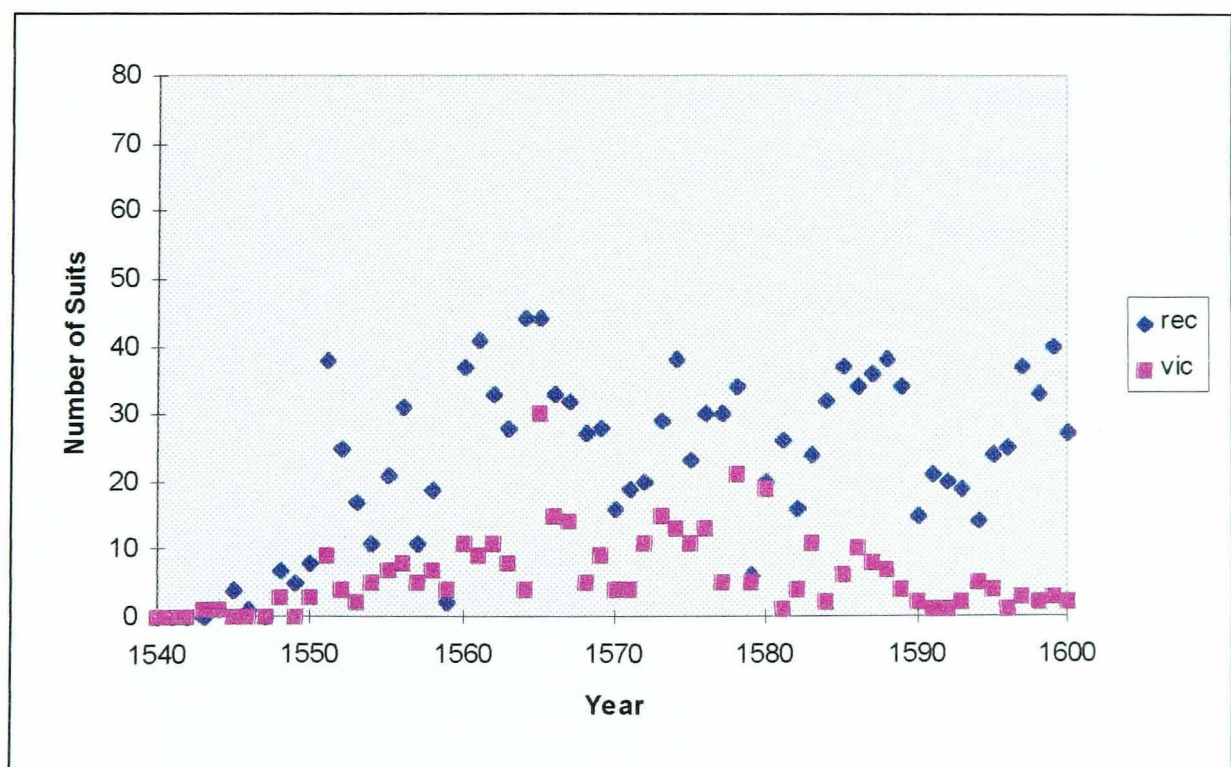


Figure 4.8: Great and Small Tithe (Lay Plaintiffs)



illustrates the division of lay litigation over tithes between collectors of rectorial and vicarial tithes. It is immediately obvious that not only were the levels of dispute much lower than those brought by clerical plaintiffs, but that among lay collectors, the lay rectors instigated a greater number of disputes. The evidence suggests, as might be expected, there was less lay ownership of small tithes and that tithes disputes instigated by lay plaintiffs were chiefly concerned with great tithes acquired as a result of the purchase of monastic possessions after the dissolution of the monasteries.⁴⁰⁵

Status of Plaintiffs

An analysis of the number of disputes in terms of the status of plaintiffs (clerical or lay) also provides distinctive results.⁴⁰⁶ The number of disputes instigated by clerical plaintiffs is illustrated in Figure 4.9. An early peak of activity occurred in the period 1517-21 and another in the period 1549-51. This was followed by a marked drop in the number of suits in 1553 and 1554. Thereafter, the steady rise in clerically-inspired suits in the latter half of the century after 1560 is most notable. In this period the number of disputes often exceeded the pre-Reformation peak of 68 disputes in 1520 and attained an overall peak of 112 disputes in 1596. The analysis of cases instigated by lay plaintiffs reveals an entirely different profile, as shown in Figure 4.10. Prior to 1548 the number of cases brought by lay plaintiffs in any one year was always under five.⁴⁰⁷ In 1548 there was a sudden upsurge and the trend continued upwards until a peak year of 77 disputes in 1565. Thereafter, the number of suits exhibited considerable variation, but was relatively sustained in the period until 1589, though with a downward tendency. There were low levels of dispute in

⁴⁰⁵ For discussion of appropriated tithes see below p. 145.

⁴⁰⁶ See Appendix 4.4. Clerical plaintiffs included the archbishop, chaplains, curates, vicars and rectors. Lay plaintiffs included those described farmers, possessors, proprietors and sequestrators of chapels, vicarages, rectories and tithes, as well as churchwardens. It should be noted that this is an analysis of status as reported to the ecclesiastical courts in relation to each individual case. For example, it was not unknown (though rare) for a cleric to declare himself farmer of the rectory.

⁴⁰⁷ This would seem to imply that, prior to the Reformation, religious houses who owned land in Kent were not farming the tithes out to members of the laity.

Figure 4.9: Tithe Suits Instigated by Clerical Plaintiffs

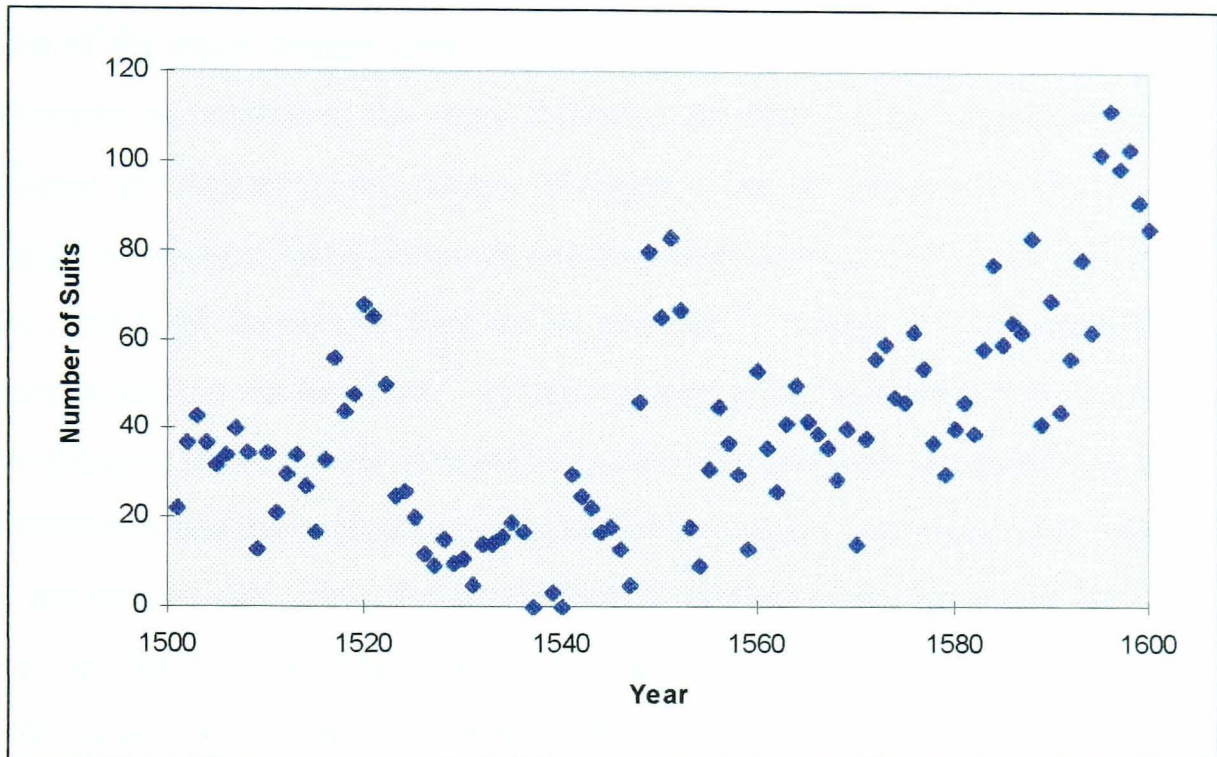
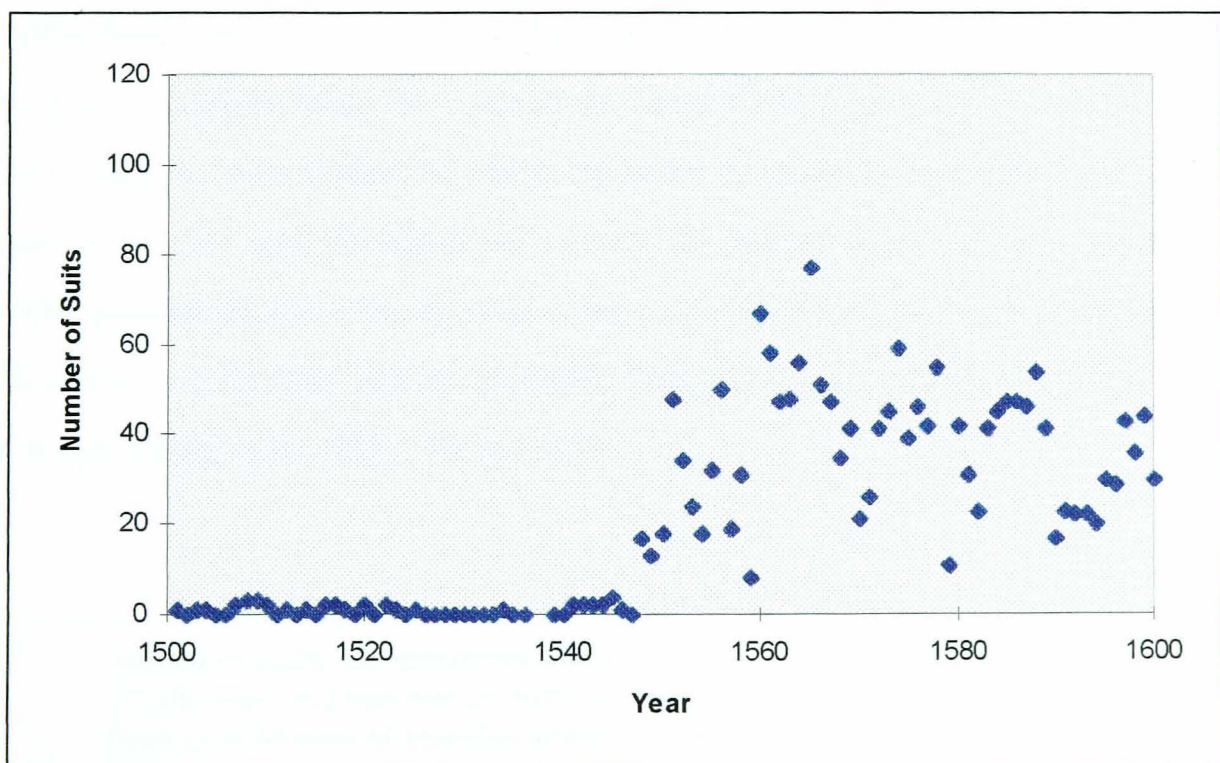


Figure 4.10: Tithe Suits Instigated by Lay Plaintiffs



the years 1590-4 while, debatably, some recovery was beginning to take place at the end of the century.

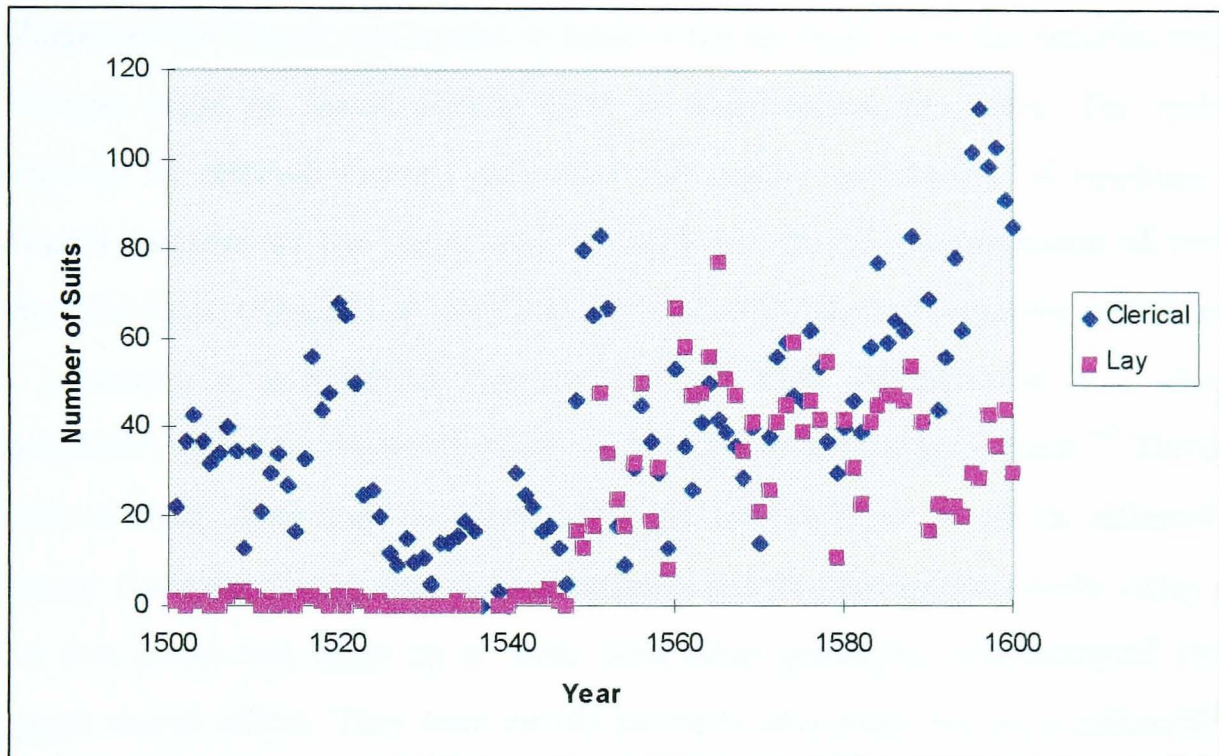
One of the major truisms concerning tithe disputes is the claim that they greatly increased in number in the years following the Reformation. Certainly for the diocese of Canterbury, this pattern of litigation can be detected (as illustrated in Figure 4.1 above). These claims are usually adduced by reference to the increase in the number of disputes brought by lay plaintiffs.⁴⁰⁸ Statute in 1540 legislated to allow laymen to sue for tithes⁴⁰⁹ and the upsurge in lay litigation is often explained by reference to the transfer of monastic lands to the laity after the dissolution of the monasteries and the contention that parishioners would be markedly more reluctant to pay tithe to a lay owner. For the diocese of Canterbury, the issue is far less clear-cut (see Figure 4.11). The number of cases brought by clerical plaintiffs prior to 1537 constituted the major proportion of tithe disputes and clerical cases exceeded lay in every year until 1553.⁴¹⁰ However, from 1546 onwards it is certain that not only did the total number of tithe cases begin to rise, but also that an increasing number of these cases were brought by members of the laity. Lay-inspired cases consistently exceeded clerical ones in the 1560s and the number of cases initiated by lay plaintiffs also peaked at 77 cases in 1565. Despite this observation, lay plaintiffs outnumbered clerical in only 18 of the years after 1540, usually by a fairly narrow margin (as already noted, the exceptions being 1560-2 and 1565-7). In fact, the 1560s was the only decade in which lay cases consistently outnumbered clerical, while from 1581 until the end of the century, the reverse was true. Most significant is the apparent decline in the number of lay-inspired cases in the last two decades of the century, in tandem with an especially high incidence of clerical disputes. This was specifically so in 1595, 1596 and 1598.

⁴⁰⁸ See, for example, the comments of Purvis: 'one very marked feature of the incidence of tithe suits, and that was the great increase after about 1540 of suits brought by lay Rectors or farmers of rectorial tithes': Purvis, J. S., *Select 16th Century Causes in Tithes* (London, 1949), introduction, p. 7.

⁴⁰⁹ *Statutes of the Realm*, 32 Henry VIII, c 7.

⁴¹⁰ See Appendix 4.4.

Figure 4.11: Status of Plaintiffs Instigating Tithe Suits (Clerical and Lay)



These findings are in direct contrast with the data from York where it was found that lay plaintiffs were always in the majority after 1541 and that this majority was often a substantial one.⁴¹¹ It is interesting that in the busiest years in the diocese of Canterbury the percentage of clerically-inspired cases remained especially high. The dominance of clerical cases is striking. It should also be remembered that the influence of the Church was implicit in many of the lay cases, since the rectories and vicarages might be leased directly from an ecclesiastical proprietor. The high incidence of clerically-inspired suits and the implicit assumption of resistance towards payment to the clergy may be attributed to the predominance of the Church in Kent, especially as landowner. It is possible, then, to argue for traditions of resistance to ecclesiastical dues in whatever form. Furthermore, it is also instructive to consider the condition of the parochial parish clergy in Kent.⁴¹² Three levels of clergy have been identified within the church structure of the sixteenth century: the upper clergy, beneficed incumbents and the unbeneficed secular clergy. The first group was made up of men, most often graduates, who occupied the highest church offices. They were usually pluralists who could rely on considerable income. The beneficed clergy (rectors and vicars) enjoyed a similar security of position, although fewer were graduates. Most beneficed clergy held one, possibly two, livings. At the bottom of the hierarchy were the unbeneficed clergy (stipendiary priests, curates, chantry priests and chaplains) who had no living and whose careers were usually characterised by instability, geographical mobility and relative poverty.

⁴¹¹ Sheils, 'The right of the church', p. 325. Gransby comments: 'The litigation before the York consistory court was largely on the initiative of the gentry class who re-enforced their purchase of church lands by the complementary purchase of tithes. Clerical activity in tithe cases was peripheral, it only existed outside this secular litigation, at least until the end of the sixteenth century.': Gransby, *Tithe Disputes*, p. 14. In the Chester Consistory court it was found that while twice as many cases were heard in the 1540s as in the 1550s, the number involving lay farmers increased six fold: Haigh, *Reformation and Resistance*, pp. 58-61.

⁴¹² The following paragraphs are based on Zell, M., 'The personnel of the clergy in Kent, in the Reformation period', *English Historical Review*, 89 (1974), 513-23.

Study of the diocese of Canterbury in the sixteenth century indicates that there were around 285 parish churches. In the period 1538-41 there were 225 incumbents and a further 293 unbeneficed clergy. By 1550 the number of clerical posts had decreased significantly and it was the unbeneficed clergy who suffered most: there was a significant reduction in the number of serving curates.⁴¹³ Most curates were usually paid by either the incumbent or the farmer of the rectory and, only occasionally, by their parishioners. Hence, for the clergy, matters of tithe chiefly concerned the beneficed, parochial clergy and, to a lesser extent, members of the upper clergy who held livings in the diocese of Canterbury. All clerical income for the beneficed clergy was theoretically provided through the endowment of parish churches with revenue derived from tithe, offerings, occasional fees, a house and glebe. The value of this revenue was by no means uniform and could vary greatly from parish to parish.

Data from the *Valor Ecclesiasticus* reveals that in the 1530s in the diocese of Canterbury, 13 per cent of the livings were worth less than £6 per annum and a further 21 per cent were worth between £6 and £8. This points to the fact that around 35 per cent of livings in the diocese of Canterbury were worth less than £8 and it is likely that these figures were underestimates. This sum was probably considered the minimum income with which an incumbent could discharge his duties. Furthermore, urban livings were more likely to be poorer. Five of the livings in the city of Canterbury were valued at £5 per annum or less.⁴¹⁴

Prior to the Reformation, in practice, much of this parochial revenue was diverted either to monasteries, hospitals or colleges who possessed or owned the parish church. In these instances the tithe was said to be appropriated. Initially, religious houses who appropriated benefices were only required by law to provide an ordained priest and were not charged with ensuring that the priest was provided

⁴¹³ Zell, 'The personnel of the clergy', p. 517. The number of unbeneficed clergy is a slight underestimate since it does not include those from the exempt parishes.

⁴¹⁴ Zell, M., 'Economic problems of the parochial clergy in the sixteenth century', in O'Day, R. and Heal, F. (eds.), *Princes and Paupers in the English Church, 1500-1800* (Leicester, 1981), pp. 19-41; Zell, 'The personnel of the clergy', pp. 528-9.

with sufficient income. To remedy this unsatisfactory situation Canon Law in the late fourteenth century required that part of the parochial income be set aside as a permanent endowment for the priest, in which instance he or his deputy would become possessed of the vicarage.⁴¹⁵ There was no strict requirement by which this division of income took place, but commonly the appropriated tithe was the great tithe and was retained by the appropriator (the rector or parson) along with the glebe; while the vicar would collect the small tithe and the income from offerings, as well as being provided with living quarters. Other appropriators collected all of the parochial revenue and merely paid the incumbent a cash stipend. By the sixteenth century it has been calculated that about a third of livings in the diocese of Canterbury were appropriated.⁴¹⁶ Parish churches which were not appropriated were usually known as rectories in which the incumbent was entitled to the whole of the endowed revenue. Many monasteries farmed the rectorial tithes and glebe to members of the laity prior to 1536. After the Reformation ex-monastic livings were transferred by the Crown to the laity and became known as impropriated livings. In reality this did not entail a significant change for vicars in terms of income. It simply denoted a change of legal ownership.⁴¹⁷

Appropriated Tithe

Prior to the Reformation, tithe was appropriated in 94 parishes in the diocese of Canterbury.⁴¹⁸ This appropriated tithe was owned by institutions from within the diocese, as well as from further afield. Institutional plaintiffs (those instigating suits either in the name of the institution or as the head of the house, presumably on behalf of their institution) account for only 110 of the 6304 cases instigated

⁴¹⁵ Heath, *Church and Realm*, pp. 264-5.

⁴¹⁶ Zell, 'Economic problems', p. 33.

⁴¹⁷ For an analysis of presentations to livings by owners of advowsons see Zell, 'The personnel of the clergy', p. 526. This analysis demonstrates a significant rise in the number of presentments made by laymen.

⁴¹⁸ See Appendix 4.5. All information is drawn from Grove, H., *Alienated Tithe* (London, 1896). This figure constitutes around 35 per cent of the total number of parishes. There were actually 111 appropriations; in some parishes, for example, Woodnesborough, the tithe was appropriated by two institutions.

throughout the century (1.7 per cent). These cases were brought by 19 named institutions.⁴¹⁹ As would be expected, the majority of cases were brought before 1545 and the dissolution of the monasteries and most of these prior to 1527. After 1545, three cases were instigated by the Hospital of St Thomas Eastbridge and one by the Hospital of St Laurence (both in Canterbury). By far the most litigious institution was the Priory of St Gregory in Canterbury which brought 37 disputes prior to 1536, with seven suits brought in 1511 and 20 disputes in the period 1516-29. Clearly the Priory had interests in Canterbury - in Northgate and Westgate - but also in the more distant parish of Bethersden, north of Romney Marsh.⁴²⁰ The College of Wye brought 13 disputes, all except one in 1541, prior to 1520. Only two institutions from outside the county of Kent instigated any suits: the Abbey of Syon in London, proprietors of Molash and Chilham; and the College of Pleshey in Essex, proprietors of Whitstable. This College instigated seven disputes in the four years prior to its dissolution in 1546.

There is also evidence that all or part of this appropriated tithe had been leased to lay owners who were usually designated as the proprietor.⁴²¹ As examples, 11 cases were brought by farmers of the rectory of Whitstable (appropriated to the College of Pleshey) between 1501 and 1514.⁴²² Suits were also instigated by the proprietor of Patixbourne (appropriated to Merton College) in 1520 and by Thomas Grene, proprietor of Bobbing (appropriated to Sexburgh Nunnery) in 1543. Six cases were

⁴¹⁹ Priory of St Gregory, 37 disputes; College of Wye, 13 disputes; Abbey of St Augustine, 9 disputes; Priory of Folkestone, 8 disputes; College of Pleshey, 7 disputes; College of Maidstone, 6 disputes; Priory of Leeds, 5 disputes; Hospital of St Thomas Eastbridge, 5 disputes; Priory of Dover, 4 disputes; Abbey of St Radigund, 3 disputes; Hospital of St Laurence, 2 disputes; Priory of Bilsington, 2 disputes; Abbey of Langdon, 2 disputes; Abbey of Syon, 2 disputes; and one dispute from each of the College of Wingham, the Abbey of Faversham and the College of Ashford. For identifications see Knowles, D. and Neville Hadcock, R., *Medieval Religious Houses* (New York, 1971). Two houses - St Benedict's Faversham and the Prior and Convent of Lydd - could not be identified. In only one case was an institution brought to court as a defendant: in 1513 Adam Browne, vicar of Bocton (probably Boughton under Blean) instigated a suit against St Benedict's, Faversham. Woodcock, A. M., *Cartulary of St Gregory Canterbury* (London, 1956).

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It should be noted, however, that in other cases the plaintiff was designated as proprietor, but in a parish where the tithe does not appear to have been appropriated. The appropriators, the College of Pleshey, also instigated cases in this period.

instigated by John Hendyman, proprietor of the chapel of Loose (appropriated to Wingham College) in 1548. After this date (1548) the designation of the plaintiffs was more often given as possessor. This change of terminology is presumably a reflection of the transfer of monastic lands and tithes to lay ownership. Although monastic lands and rights initially passed to the Crown, they were soon either sold or given to both ecclesiastical and lay grantees. Thirty-nine appropriations from the diocese of Canterbury were granted to the Archbishop of Canterbury, 11 to the Dean and Chapter of Canterbury, eight to the Dean and Chapter of Rochester and two to the Dean and Chapter of St Paul. Forty-eight appropriations were transferred to lay ownership.⁴²³ In the diocese of Canterbury only 44 per cent of the appropriated tithe was transferred to lay ownership and in only 32 parishes (12 per cent of the total number) was the appropriated tithe wholly transferred to lay hands.⁴²⁴

Parishes where the effect of lay ownership seems to have had a notable influence on tithe litigation in the period immediately after the dissolution of the monasteries were as follows: Maidstone, where Thomas Wyatt initiated eight disputes as possessor of the rectory in 1551-3; Linton, where Alexander Grigsby, possessor of the rectory, initiated 29 disputes in the period 1551-6 and a further two in 1565; Bilsington, where Anthony Sentleger brought five disputes in 1555 and one in 1558 and William Sentleger instigated three disputes in 1560; and Wingham, where Henry Palmer, proprietor of the rectory, brought four disputes in 1556. Otherwise, of those parishes where tithe had previously been appropriated, Minster (Sheppey) was the only parish which experienced a sustained period of lay-inspired dispute until the end of the century. Here cases were instigated by various possessors and proprietors of the rectory: three by Arnold Hadd in 1586; three by William Boys in the period 1589-95; and two by Thomas Boys between 1597 and 1599. The indication is that the transfer of appropriated tithe to lay ownership had little effect on tithe litigation in the diocese of Canterbury. The high level of lay litigation

⁴²³ Two grantees were not specified.

⁴²⁴ It should be noted that in other parishes the tithe was transferred to both a lay grantee and to an ecclesiastical one.

arising in the parish of Linton can probably be attributed to the extreme litigiousness of Alexander Grigsby and was probably informed by interpersonal antagonisms. As a general observation, this limited evidence also perhaps suggests that this form of lay tithe ownership could be regarded as a family inheritance: as examples, the Boys family of Minster (Sheppey) and the Sentleger family of Bilsington.

It can be postulated that resistance to tithe where the collector was a lay person reflected a principled opposition to tithe payment and there is some evidence for this in the deposition material.⁴²⁵ This evidence stating a refusal to pay tithes to a lay plaintiff involved cases instigated by farmers of the rectories or vicarages of Hartlip, Bethersden, Minster (Thanet?), Leeds, Challock, Goodnestone, Alkham, Stonar, the parish of St Paul in Canterbury and Birchington. Again, though, these instances would appear to have little relation to the lay purchase of appropriated tithe. Earlier appropriations were recorded for only five of these parishes and in only two, Goodnestone and St Paul's parish in Canterbury, was the subsequent crown grantee a lay person.

Gender of Plaintiffs

By far the majority of disputes were instigated by men (a total of 6280). Female plaintiffs instigated only 64 suits (one per cent of those disputes for which the gender of the plaintiff is known).⁴²⁶ These 64 disputes were instigated by 29

⁴²⁵ See Thompson *versus* Dewar (1559); Pyborne *versus* Jode (1563); Norclyff *versus* Maycot (1567); Gryce *versus* Pepper (1574); Harris *versus* Tuesnothe (1574); Paramor *versus* Yonge (1574); Brett *versus* Crumpe (1575); Boddenden *versus* Marshall (1576); Hawkes *versus* Yates (1576); Smyth *versus* Shrubsole (1577); Austen *versus* Gybbon (1578); Phillips *versus* Holbroke (1580); Winter *versus* Tucker (1580); Hamond *versus* Collard (1581); Hales *versus* Kempe *als* Mollard (1583); Winter *versus* Crispe (1584); Turner *versus* Mills (1585); Wallsall *versus* Keble (1586); Hales *versus* Parker (1588); Taylor *versus* Miller and Swanton (1590); Denwood *versus* Kinge (1600).

⁴²⁶ The gender of the plaintiff could not be certainly identified for 27 individuals, but the likelihood is that they would have been male. Analysis of the gender of defendants reveals that in 6015 suits the defendant was male, in 184 suits the defendant was female and in 209 suits the gender of the defendant could not be identified. It should be noted also that some cases may have been instigated by two or more plaintiffs or, equally, that some cases may have been instigated against two

individuals. The majority of these cases (34) were brought by women acting as either the administrator or executor of their deceased husband and included the widows of 14 clerics and five laymen.⁴²⁷ One woman, Alice Mede, brought three cases as the executor of Robert Gare, the deceased vicar of Brook. There is no obvious relationship here, but it is likely that she was his widow who had perhaps remarried. Two cases were brought by Prioresses, presumably on behalf of their Houses. Six further cases were instigated by women, but no detail was supplied about their status. The remaining 17 disputes were brought by women who, as were male plaintiffs, were described in terms of their occupation as farmer of the rectory or farmer of the tithes.

These 17 disputes are the most interesting since they do signify that, although they did so infrequently, women would act independently of men to recover tithes in the ecclesiastical courts. These plaintiffs included Alice Crammer and Sybilla Syms who were both described as farmer of the rectory of Ash.⁴²⁸ Margaret Selhurst and Alice Turner were both named as farmer of the rectory of Whitstable in 1558 and 1582 respectively. Alice Turner was the most litigious of the female plaintiffs. She instigated a total of 11 disputes in the period 1583-8 including one against another woman acting as administrator for her deceased husband⁴²⁹ and one against Gilbert Penne, alderman of Canterbury. This statistical analysis of the gender of plaintiffs accords with the discussion based on the analysis of deposition material, namely that dispute over tithe was not a field in which women habitually participated.⁴³⁰

Cases Proceeding to Deposition

Deposition books from the Archdeacon's Court dating from 1555 and from the Consistory Court dating from 1540 have been examined. It has been possible to identify depositions (including in a small number of cases just the response to the

or more defendants.

⁴²⁷ Widowed status was either designated or presumed on the basis of shared surname.

⁴²⁸ Alice Crammer in 1549 and Sybilla Syms in the period 1574-7.

⁴²⁹ There were two other cases instigated by female plaintiffs against a female defendant.

⁴³⁰ See above p. 96.

libel) relating to 458 cases.⁴³¹ There were 1990 cases entered in the Archdeacon's Court after 1555 and depositions have been found for 165 (8.29 per cent) of these cases. In the Consistory Court there were 2933 cases entered after 1540 and depositions relating to 293 (9.99 per cent) of these cases have been found.⁴³² The number of suits for which deposition material is extant is graphed in Figure 4.12. As a general observation, it does not appear that use of a particular court increased the likelihood that a suit would proceed to the later stages of examination, although the divergence of activity between the two courts in the years 1562, 1574, 1576, 1581 and 1587 is notable. In these years, more witnesses deposed before the Consistory Court. It should be noted that, examined by year, a percentage analysis of the data would only reveal a general indication of trend since it would presuppose that any one case would have been recorded in the Act Books and in the Deposition Books in the same calendar year.⁴³³

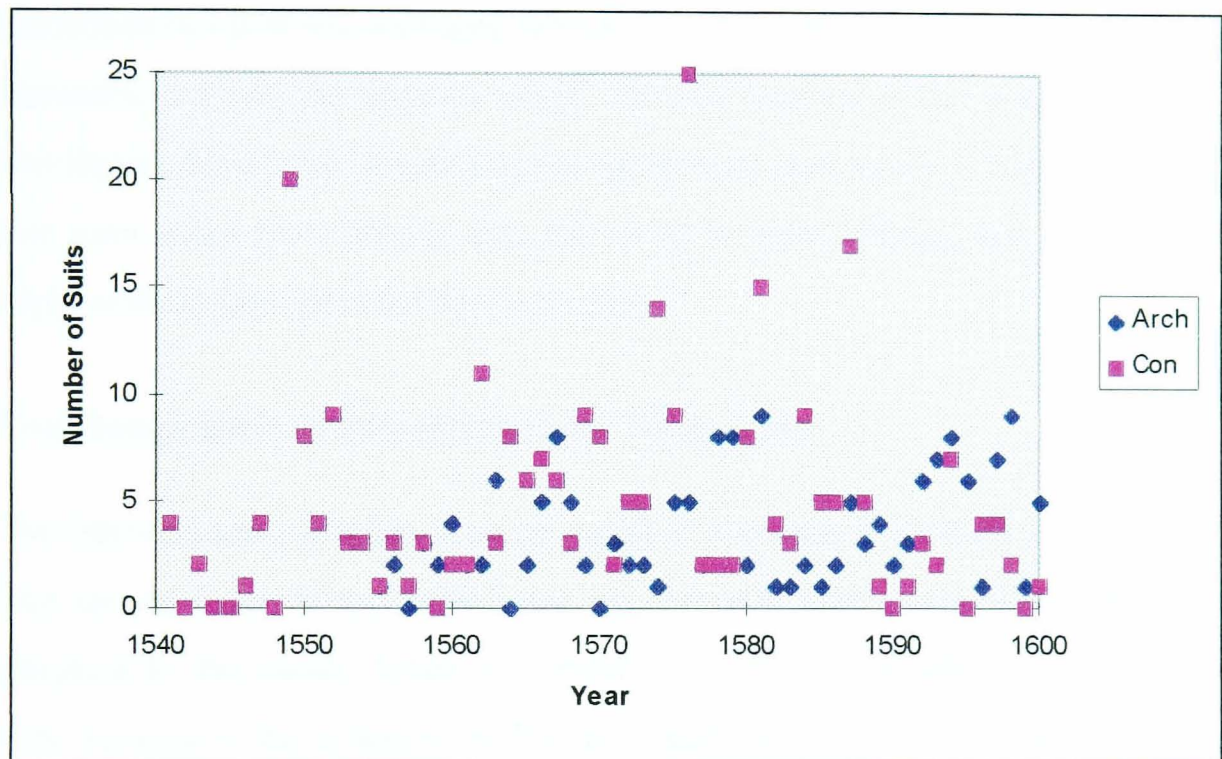
This evidence demonstrates that the number of cases which reached the stage where depositions were heard constituted a low percentage of the total number of cases for which an initial citation was made. Several reasons for this might be suggested: the personnel of the courts may have been pursuing policies designed to encourage efficient procedure and early resolution; litigants may have abandoned cases in the face of escalating costs; or, particularly in the case of tithe, plaintiffs may have decided that the cost of pursuing the suit was likely to exceed any financial gain from the recovery of tithe. Probably the most persuasive reason, however, was the extent of extra-courtroom negotiation arbitration and

⁴³¹ Deposition material which it seemed likely related to tithe suits was found for a further 99 cases. However, it was not possible to find an initial entry relating to these suits in the Act Books and they have not, therefore, been included in the statistical analysis. Other cases were seemingly not tithe suits, but contained considerable detail relating to tithe. Of these, two cases were probably defamation suits [*Devinson and Cooke versus Lott* (1587) and *Laminge versus Starkye* (1593)], four cases were probably dilapidation suits [*Hills versus Butler* (1570), *Mainwaring versus Armitreding* (1587), *Colf versus Pillesworthe* (1587) and the Churchwardens of *Borden versus Harris* (1600)] and two cases were Office suits [*Office versus Cadman* (1593) and *Office versus Emptage* (1598)].

⁴³² See Appendix 4.6.

⁴³³ It should be noted that a low total number of disputes will also tend to inflate the percentage.

Figure 4.12: Numerical Incidence of Tithe Suits Proceeding to Deposition



conciliation.⁴³⁴ It has already been shown that matters of tithe were fundamentally matters for negotiation and agreement within local communities. When suits were instigated in the ecclesiastical courts this was usually because these relatively informal and local means of negotiation had broken down. The implication is that the threat of prolonged litigation occasioned by the issuing of a citation or the production of a libel was sufficient to bring the parties involved back to face-to-face discussion and that the disputes would often be resolved in this way. This does, nonetheless, have to be balanced by the recognition, particularly in relation to tithe, that some cases were entered into the courts by way of being test cases which might establish precedent for future practice.⁴³⁵

The Geographical Distribution of Tithe Suits

The following analysis is based on the parish of residence of plaintiffs in tithe cases. This derives from the assumption that the contested tithes would invariably have pertained to this parish. When the period 1501-1600 is considered as a whole a wide variance in the incidence of dispute in individual parishes is discernible. This ranged from those parishes which experienced no disputes at all to Ivychurch which experienced a total of 110 disputes.⁴³⁶ Figure 4.13 tabulates the distribution when the number of disputes per parish over the period 1501-1600 is divided into multiples of 20. It can be seen that while only 11 parishes experienced no disputes at all, the majority experienced between one and 20 disputes. Those parishes exhibiting a relatively high numerical incidence of disputes (over 60) constitute less than ten per cent of the total number of parishes.

⁴³⁴ For discussion of arbitration in suits in the Canterbury diocese see above p. 9.

⁴³⁵ See, for example, Lane *versus* Cheeseman (1598) discussed above p. 59 and Holland *versus* Young (1542) discussed below p. 222.

⁴³⁶ See Appendix 4.7. The parish in which the plaintiff resided was not recorded in 388 cases (6.15% of the total). While there were no disputes instigated by plaintiffs from 11 parishes, defendants or witnesses were called from the eight of them. Therefore, the only parishes which can truly be said to have had no recorded involvement with the courts in terms of tithe were Acol, Betteshanger and Poulton.

Figure 4.13: Numerical Distribution of Suits, 1501-1600

Number of Disputes	Number of Parishes	Percentage
Over 100	2	0.69
81-100	6	2.08
61-80	7	2.42
41-60	21	7.27
21-40	75	25.95
1-20	167	57.79
0	11	3.8

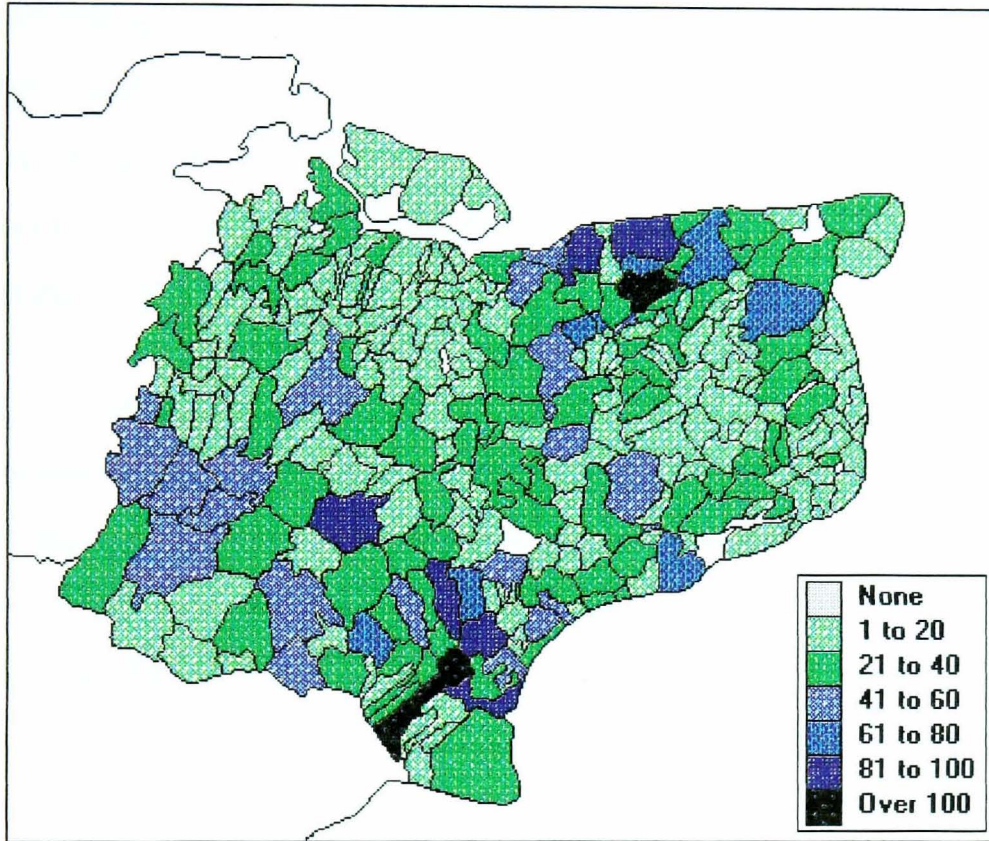
This high numerical incidence in certain parishes is especially significant since these parishes also exhibit a geographical concentration (see Figure 4.14). This is particularly evident on the Romney Marsh (Ivychurch, Ruckinge, New Romney, Newchurch, Bilsington and Appledore). It is also apparent in a group of parishes to the west of the Isle of Thanet (Sturry, Herne, Whitstable, Chislet and, arguably, Ash). Bethersden in the Weald also exhibits a high incidence, along with a significant Wealden cluster to the west of this parish (Marden, Staplehurst, Frittenden, Headcorn and Cranbrook). In these Wealden parishes the combined total of disputes exceeds 100.⁴³⁷ This evidence points to conflict of a peculiar kind which should be viewed as part of a continuum of activity, located within traditions of resistance and dispute. In this section it is intended, then, to broaden the analysis of conflict to examine features - structural and cultural - which may inform the identification of geographical clustering of parishes which experienced a high incidence of dispute.

Having observed the geographical concentrations, it was an appealing hypothesis that it might be possible to highlight a set of conditions or circumstances which rendered the high incidence of tithe disputes more likely. Since the analysis of tithe litigation could be undertaken on the basis of parish, an attempt was made to consider other factors which might be thought to have had some influence on the incidence of disputes, also on the basis of parish. This included an analysis of population levels, traditions of heresy, the value of benefices and the proximity of these parishes to markets.

The demographic structure of the parish would have informed the identity of the parochial community and rapid growth or decline would inevitably have effected social, economic and even religious relationships within the community. This may in turn have had an indirect effect on the number of tithe disputes. However, it is undoubtedly difficult to derive the size of the tithe-paying population from figures

⁴³⁷ It should be noted that there are other parishes exhibiting a high incidence (more than 60 disputes) not associated with the identified geographical clustering: Harbledown, St Dunstan's, Canterbury and Folkestone.

Figure 4.14: Geographical Distribution of Tithe Suits, 1501-1600



for the total population of an individual parish. Population figures for this period are usually obtained from returns recording either the number of households in a parish or the number of communicants and certainly there would have been more communicants than tithe payers.⁴³⁸ However logical it may seem, the hypothesis that a high incidence of tithe disputes may have been proportional to the size of the tithe-paying population is, then, impossible to test. In terms of broad generalisation, those parishes experiencing a high number of disputes were certainly very diverse in size, though attention might be drawn to the relatively low population levels in the parishes of Newchurch and Seasalter, parishes which nonetheless experienced significantly high levels of dispute.

By the early fifteenth century the refusal to pay tithe was very often taken as incriminating evidence in trials of suspected Lollards.⁴³⁹ The general consensus among Lollard writers was that tithes were a rightful payment to clerics who performed their spiritual duties conscientiously, who lived an exemplary lifestyle and who fulfilled their obligations towards the poor. They emphasised the voluntary nature of the offering.⁴⁴⁰ Since opposition to tithe was a component of Lollard belief, a continued tradition of dispute, both ideologically and actively, might have been expected. It would, therefore, have been possible to detect some geographical continuity in the identification of Lollard activity in certain parishes and later tithe disputes.⁴⁴¹ The perpetuity of popular dissent is difficult to define and identify since it would have been informed by doctrinal, familial, social and economic factors.

⁴³⁸ Data here is drawn from Moore, J. S., 'Canterbury Visitations and the Demography of Mid-Tudor Kent', *Southern History*, 15 (1993), pp. 36-85, Appendix 1: Population Counts, Canterbury Diocese, 1548-1569. The emendations to the original data recommended by the author were adopted. The limitations of this data are clearly outlined in the article on pp. 38-40. This data was supplemented by the number of communicants in 1587-8 as recorded in Hasted, *History and Topographical Survey*, in order to gain some impression of the dynamics of the population, the percentage rise or fall of the population in the period 1563-87/88.

⁴³⁹ Tanner, N., *Norwich Heresy Trials 1428-31* (London, 1977), p. 1 and p. 16.

⁴⁴⁰ Hudson, A., *The Premature Reformation* (Oxford, 1988), pp. 340-5.

⁴⁴¹ Clark observes a 'crude topographical correlation' between later Lollard activity and the incidence of Marian martyrs: Clark, *English Provincial Society*, p. 101.

Geographical continuity would thus be informed by multifaceted considerations.⁴⁴² Yet, there can be no doubt that with regard to tithe suits, traditions of dispute were a crucial component in informing later conflict. This was perhaps indicative of communities predisposed toward radical thought and activity, but it would appear that within those parishes on the Romney Marsh and in north-east Kent which experienced especially high levels of dispute there were no discernible traditions of heresy. The exceptions were New Romney and Appledore in which evidence of Lollard activity has been found.⁴⁴³ Three parishes in the identified Wealden cluster - Cranbrook, Staplehurst and Tenterden - were centres for Lollard groups and were also parishes from which Marian martyrs later originated. Lollards have also been identified in Marden.

Data concerning the value of benefices was drawn from the *Valor Ecclesiasticus* and was based on the gross value of the benefice as assessed in 1535.⁴⁴⁴ Here, it might have been possible to identify a correlation between the amount of parochial income expected and the prevalence of dispute over tithe, but again no patterns are discernible.

From as early as the twelfth century Kent had an established network of markets which were usually held by towns in conjunction with borough status (Dover, Fordwich, Hythe, Romney, Sandwich and Seasalter).⁴⁴⁵ Other more localised markets were also found in places associated with early Jutish estates (Faversham and Maidstone). It is estimated that by the thirteenth century there were at least 20 regular markets in Kent. These were usually located in old hundredal centres, in

⁴⁴² Hill, 'From Lollards to Levellers', *passim*.

⁴⁴³ Data pertaining to Lollards is drawn from Thomson, J. A. F., *The Later Lollards 1414-1520* (Oxford, 1965), pp. 173-92 and for the place of the origin or capture of Marian martyrs from Lambert, M., *Medieval Heresy - Popular Movements from Bogomil to Hus* (London, 1977), pp. 371-3.

⁴⁴⁴ Caley, J. and Hunter, J. (eds.), *Valor ecclesiasticus: temp. Hen VIII auctoritate regia institutus* (London, 1810-1833), 1.

⁴⁴⁵ This section is based on Everett, V., 'Lords, Land and Livelihood. A study into the estate management of the lesser lay tenants-in-chief in Kent before the Black Death, c1246-1348' (PhD: University of Kent at Canterbury, 1995), in particular, pp. 259-84. Data is drawn from Appendix 6.1 and, for thirteenth and early fourteenth century references to markets and fairs, from p. 264.

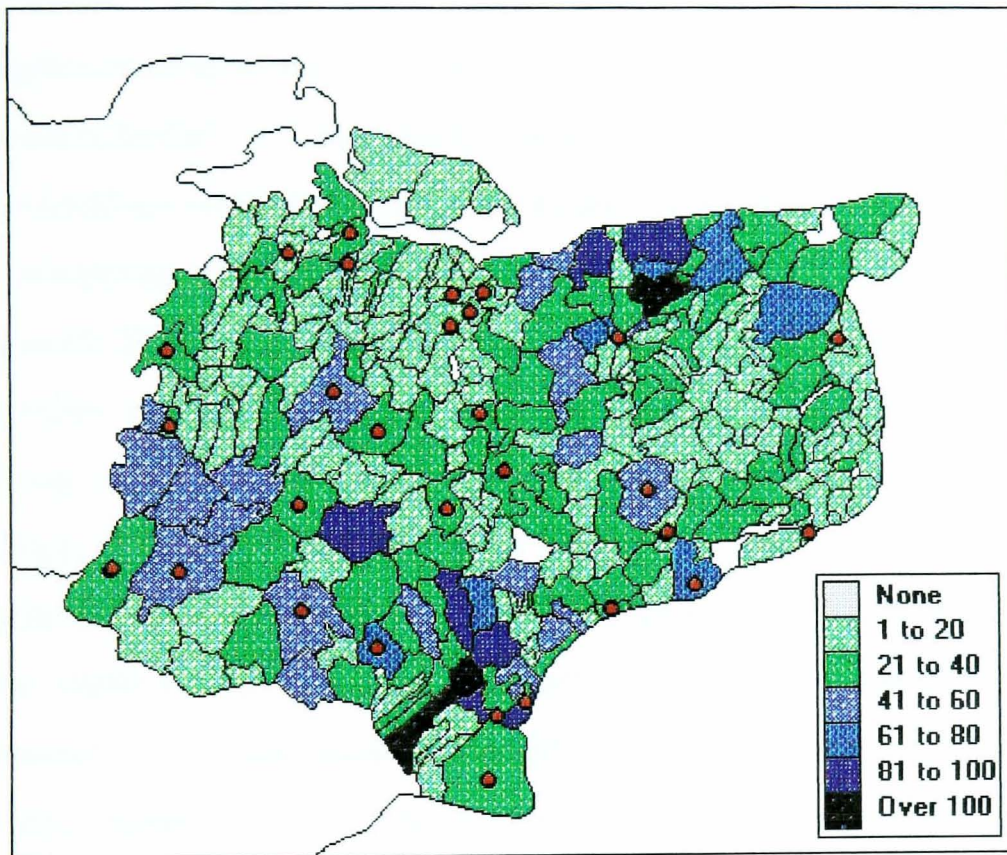
areas of dense population, or situated on the major communication routes by road and river. Markets were of ecclesiastical, lay or royal foundation and, as such, are very revealing in terms of the strategy of lordship in relation to the demesne. The presence of a market in the local area implied enhanced opportunity for both production and consumption for both the tithe collector and the parishioner. The movement of produce and people would also have permitted the occasion for contact and the exchange of news and ideas, factors all of which might prove to have some bearing on dispute over tithe. In fact, though, no real patterns emerge relating the prevalence of later tithe disputes to the existence of markets. However, if evidence for sixteenth-century markets only is considered,⁴⁴⁶ there is a stronger indication that those areas not immediately served by a market did roughly correspond to areas with low numbers of tithe suits in the east of the diocese (see Figure 4.15). This eastern area was presumably adequately served by the markets in the main towns of Canterbury, Sandwich and Dover. Only the markets at New Romney and Appledore occur in those parishes exhibiting a high number of disputes.

In summary, this investigation failed to highlight any notable or significant correlation between those parishes experiencing a high number of disputes and any of the factors discussed above. By parish, the experience was very varied. Nonetheless, the geographical concentration remained clear and, for this reason, it was decided to broaden the unit of analysis from parish to that of region, and to examine the extent to which the particularities of certain groups of parishes may have been determined by their physical environment. Obviously there are inherent difficulties here, but the Kentish landscape is distinctive in its diversity and consequently this permits the identification of regions or *pays*.⁴⁴⁷ While precision is difficult since boundaries were very fluid and subject to change, in terms of broad generalisation, it is possible to draw attention to marshland, woodland and

⁴⁴⁶ For a list of market towns see Thirsk, *Agrarian History*, pp. 589-92.

⁴⁴⁷ Everitt, A. M., 'The making of the agrarian landscape of Kent', *Archaeologia Cantiana*, 92 (1976), 1-31.

Figure 4.15: Geographical Distribution of Tithe Suits in Relation to Sixteenth Century Markets



marshland/woodland regions as particular foci for dispute. Discussion below will centre on the regions of the Romney Marsh, north-east Kent and the Weald.⁴⁴⁸

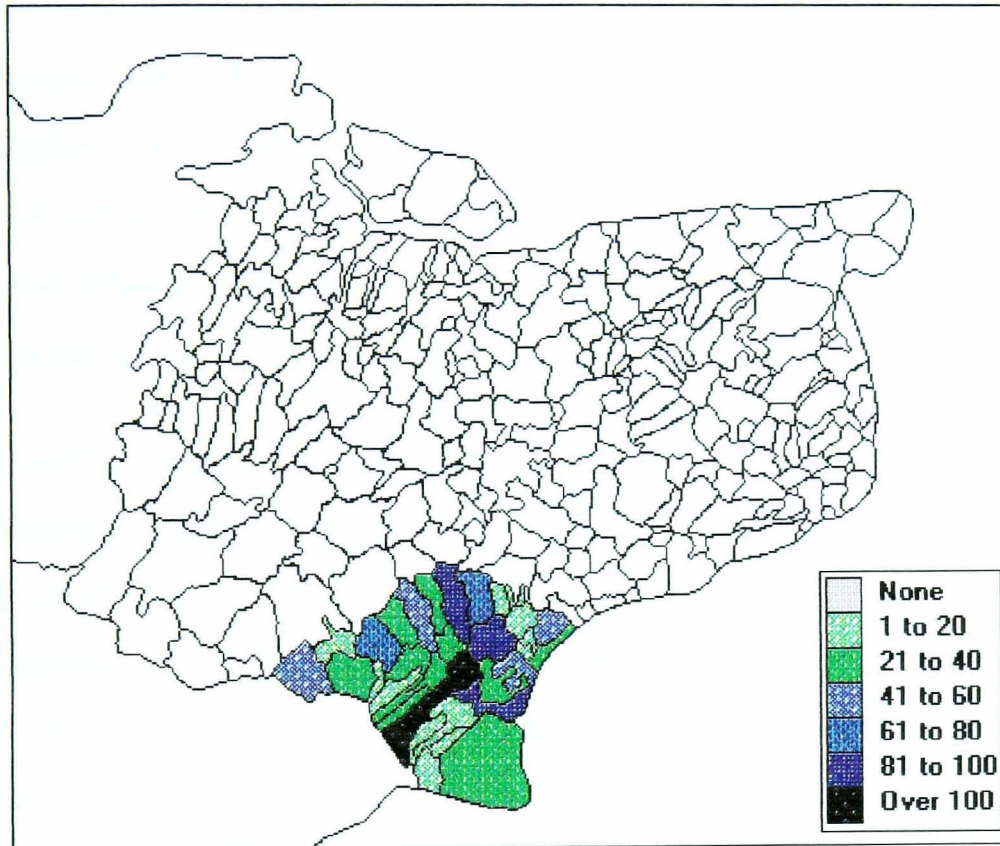
Romney Marsh

As observed, Romney Marsh in the south of the diocese was one area which exhibited a geographical concentration of parishes experiencing high levels of dispute (see Figure 4.16). The singular nature of the Marsh has long been noted. It is characterised by a continually changing coastline and was susceptible to both fresh and salt water flooding.⁴⁴⁹ The widest application of the name Romney Marsh encompasses all of the marshland between Winchelsea and Hythe and northwards towards Bodiam. In reality, Romney Marsh is divided into a number of distinct marshes which reflect the different chronologies and strategies of reclamation. Those with which this thesis will be most directly concerned are Romney Marsh proper, Walland Marsh and Denge Marsh. The total area was roughly 12 miles from east to west and from north to south. Proximity to the continent ensured that the Marsh was an early and important centre for trade, commerce and defence systems. At various stages in its history there have been four important ports: Hythe, Romney, Winchelsea and Rye. Until the early fourteenth century the area had been densely populated, but by 1600 population levels were in significant decline. The ports of Romney and nearby Hythe had silted up, Winchelsea had been partly washed away and only Rye remained a town of any commercial significance.

⁴⁴⁸ The following discussion of regional characteristics is based on Chalklin, C. W., *Seventeenth Century Kent* (London, 1965); Thirsk, J., 'The farming regions of England' in Thirsk, *Agrarian History*; Everitt, 'The making of the agrarian landscape'; Everitt, A. M., *Continuity and Colonization: The Evolution of Kentish Settlement* (Leicester, 1986); Thirsk, J., *Agricultural Regions and Agrarian History in England, 1500-1750* (Basingstoke, 1987).

⁴⁴⁹ The following paragraphs also are based on Eddison, J., *The World of the Changing Coastline* (London, 1979) and particularly Eddison, J., 'The Making of Romney Marsh' (Unpublished Paper: 1995). I am grateful for permission to consult the latter work.

Figure 4.16: Incidence of Tithe Suits on Romney Marsh



The landscape of the Marsh was continually evolving from the Ice Age onwards and significant areas had been reclaimed by the beginning of the eleventh century. In the sixteenth century it was generally treeless landscape, drained by ditches or sewers which also formed the field boundaries. The area was characterised by the use of pasture (for both sheep and cattle), a limited amount of arable farming, seasonal salt making on the tidal reaches and small fishing settlements. By the sixteenth century, land on the Marsh was among the most fertile in Kent and as such was an important area for sheep-grazing in a predominantly pastoral economy. Diversification took the form of fishing. Arable cultivation was limited, usually devoted to subsistence needs and fodder crops.

It has been argued that the population decline reflected a discernible shift during the sixteenth century from mixed farming to pastoral. The practice of transhumance in all likelihood had pre-Conquest origins. Herds were driven in the summer from settlements north of the downs to the detached pasture lands in the Weald and on the Romney Marsh; but by the sixteenth century the Weald had ceased to be used for pasture, intensifying the pressure on pastoral resources on the Marsh.⁴⁵⁰ While many of the resident farmers were graziers, wealthier farmers from the uplands were both hiring and buying pasture on the Marsh. These pastures would be overseen by bailiffs and 'lookers'.⁴⁵¹ The tithe disputes instigated by Ivychurch plaintiffs, for example, especially in the latter half of the century, were against men styled gentleman and often resident in relatively distant parishes: Thomas Fog of Challock; John Edolfe of Hinxhill; members of the Crayford family of Great Mongeham; Nicholas Sawkings of Lyminge; members of the Greene family and Thomas Beale, all of Maidstone; Knachbulls from Mersham and Willesborough; and Gibbon from Bekesbourne. Furthermore, many of the defendants were of Wealden origin. The implication is that there was valuable land to be farmed in

⁴⁵⁰ Everitt, 'The making of the agrarian landscape', p. 20.

⁴⁵¹ Consider, for example, the testimony of John Dewar of Faversham who was sued for tithe by the vicar of Luddenham. He declared of his sheep that 'he did putt them down into the marshe to make them fatte for the bocher' [Thompson *versus* Dewar (1559): CCAL PRC 39/2 f. 149]. He may, though, have been referring to pasture lands in the north Kent marshlands.

Ivychurch and that these disputes may have reflected the seasonal use of marshland pasture.

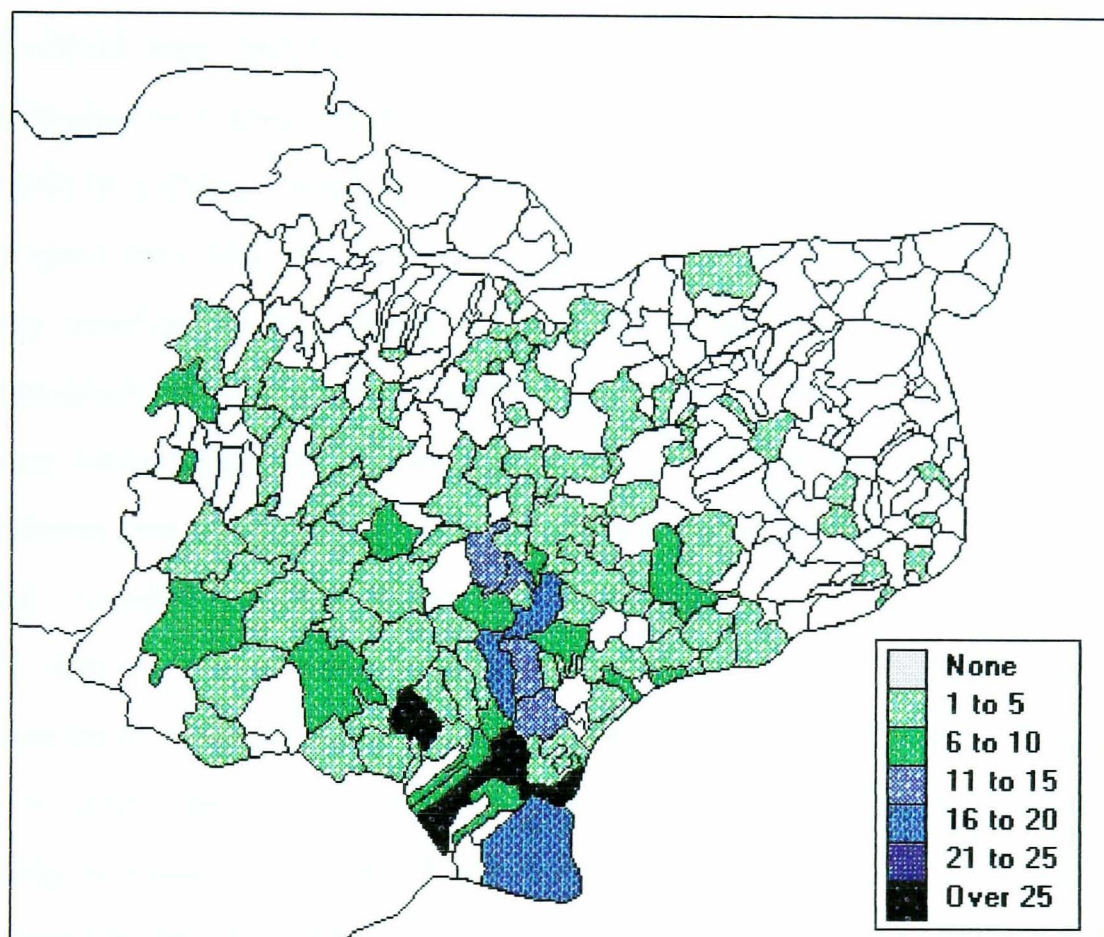
Figure 4.17 illustrates the origin of defendants in suits instigated by all Romney Marsh plaintiffs (for the period 1501-1600). Most defendants also lived on the Marsh or immediately northwards in Mersham, Willesborough and Ashford, but there was also a significant concentration of cases instigated against those from the Weald, notably against defendants from the parishes of Cranbrook, Tenterden and Pluckley. The distribution is geographically widespread confirming that people from parishes relatively remote from the Marsh had landed interests or pasture there. The deposition evidence reveals that claims for the tithe of pasture in many parishes on the Marsh were made throughout the century and there is an interesting chronological concentration in 1549. Cases were instigated relating to pasture in Wittersham, Hope, Dymchurch, Lympne, Lydd, New Romney, Snargate, St Mary in the Marsh, Newchurch and Appledore.⁴⁵² A case from 1569, probably between the vicar of Newchurch and Robert Wallope, reveals much about the use of marshland pasture.⁴⁵³ Wallope declared that one William Bigden of Elham (a downland parish to the east of the Marsh) had pastured 40 ewes on marshland belonging to him in the parish of Newchurch between St Andrew's Day (30th November) 1567 and St George's Day (23rd April) 1568. The land had been used for winter pasture and the ewes were removed from the parish on St George's Day and shorn elsewhere.⁴⁵⁴ Wallope claimed that he had not used any pasture in Newchurch since that date and owed tithe only for the prior six months. A claim may also have been made for the tithe of lambs, but this was denied since 'so many

⁴⁵² See, as examples, *Elyott versus Kencham* (1549); *Elyott versus Bryckenden* (1549); *Mason versus Sandeland* (1549); *Brachie versus Hogben* (1549); *Carden versus Brente* (1549); *Unidentified Plaintiff versus Epse* (1554); *Smythe versus Wood* (1564); *Rucke versus Jowle* (1569); *Unidentified Parties (23)* (1571); *Basset versus Odiam* (1584); *Bassett versus Stace* (1587).

⁴⁵³ *Newstrete versus Wallope* (1569).

⁴⁵⁴ This practice frequently gave rise to contention arising from the rival claims of different tithe collectors since the animals were usually pastured in one parish and shorn in another.

Figure 4.17: Origin of Defendants in Suits Instigated by Romney Marsh Plaintiffs



lames as fell within the same parishe perished thorowe the greate Snowe and colde wether.⁴⁵⁵

Hence, it could be insinuated that shifts in agricultural practice and land use were reflected in the tithe disputes and that the agrarian changes, which occasioned an increased pressure on resources at a time of rising prices, may have also have stimulated tithe litigation in this area.⁴⁵⁶ More especially, tithes which had been commuted to a fixed payment, as examples, on wool, lambs, calves or pasturage would have decreased significantly in value as the century progressed.⁴⁵⁷ In an area in which there was very little arable, the economic effect of this would have been very significant. Many disputes from this area focused on attempts to collect a commuted tithe on barren cattle, that is, on working beasts.⁴⁵⁸ Interestingly, again these cases coincided chronologically. In 1587 cases were brought by three different plaintiffs seeking to claim the tithe in the parishes of Ivychurch, Brenzett and Lymphne.⁴⁵⁹ Another highly significant case, which also addressed the issue of the tithe of barren cattle in the parish of Burmarsh, was that of Lane *versus* Cheeseman in 1598.⁴⁶⁰ Much later the decision pertaining to this case appears to have constituted a precedent in the negotiations following the petition of the poor clergy beneficed in Romney Marsh presented in 1636. By this date the value of commuted tithe had depreciated to levels which the clergy maintained would not support them.⁴⁶¹

⁴⁵⁵ Newstrete *versus* Wallope (1569): CCAL X.10.11 ff. 101r.

⁴⁵⁶ In discussion of the substance of particular disputes, it is important to recognise that the analysis is based on a small number of disputes, namely those for which deposition evidence survives. The number of disputes which proceeded through to deposition was only around ten per cent of cases: see above p. 149 for earlier discussion.

⁴⁵⁷ For discussion of the price rise see above p. 135.

⁴⁵⁸ Suits relating to the tithe of barren cattle were also brought from plaintiffs in Chartham: Bungey *versus* Gylbert (1575); Faversham: Elfrythe *versus* Greenstrete (1586) and Bethersden: Harris *versus* Tuesnothe (1574).

⁴⁵⁹ Peerson *versus* Swaynslands (1587); Borne *versus* Thirbarne (1587); Merricke *versus* White (1587).

⁴⁶⁰ For earlier discussion of this case see above p. 59.

⁴⁶¹ For a transcription of the petition see Appendix 4.8.

North-East Kent

The high level of activity in north-east Kent is more difficult to discuss from a regional point of view (see Figure 4.18). Evidently, though, it was a very interesting area of the diocese by virtue of its proximity to Canterbury. It is difficult to characterise the nature of the *pays* in the north-east of the county, but the existence of the ancient forest of Blean meant that this had been an extensively wooded area. There were also areas of marshland and fertile ploughland. This diversity of landscape was reflected in the detail of disputes from the parish of Herne which concerned pasture, wood and fish.⁴⁶² Disputes from Sturry reflected a similar diversity. Demands were made for the tithe of corn and wood⁴⁶³ and for small tithe,⁴⁶⁴ including swans and cygnets⁴⁶⁵ and fruit.⁴⁶⁶ Figure 4.19 illustrates the parish of origin of defendants in suits instigated by plaintiffs from the north-east Kent parishes. The distribution for this region is geographically much more contained than the distribution for the Romney Marsh. In this area the majority of defendants were resident in the same parish as the plaintiff who cited them. This was particularly so in the parishes of Herne, Sturry and Whitstable.

Detail of the disputes from this area also hint at the relationship between changing economic circumstances, agricultural practice and tithe disputes. In the case *Brayne versus Fall* (1568) the detailed testimony of William Fall of Sturry revealed that he worked two corn mills (under the same roof). These mills had been bequeathed to his wife by her former husband who, before his death, had occupied them for 15 or 16 years. He had paid a tithe of 8*d* in the noble for the rent and farm to Mr Brayne, the vicar of Sturry. William Fall was answering a claim for what may, strictly speaking, have been for personal tithe arising from the profits of his corn mills. He declared to the court that ‘he belevith in hys concyence he was in the same month

⁴⁶² Rydley *versus* Oxenden (1549); Fymeux *versus* Seathe (1569), discussed above p. 47; Colf *versus* Smith (1594), discussed above p. 81.

⁴⁶³ Browne and Trapps *versus* Unidentified Defendant (1567); Dyncke *versus* Durante (1549).

⁴⁶⁴ Unidentified Plaintiff *versus* Blaxland (1585).

⁴⁶⁵ Gibbes *versus* Brittain (1562).

⁴⁶⁶ Brayne *versus* Reynolde (1568)

Figure 4.18: Incidence of Tithe Suits in North-East Kent

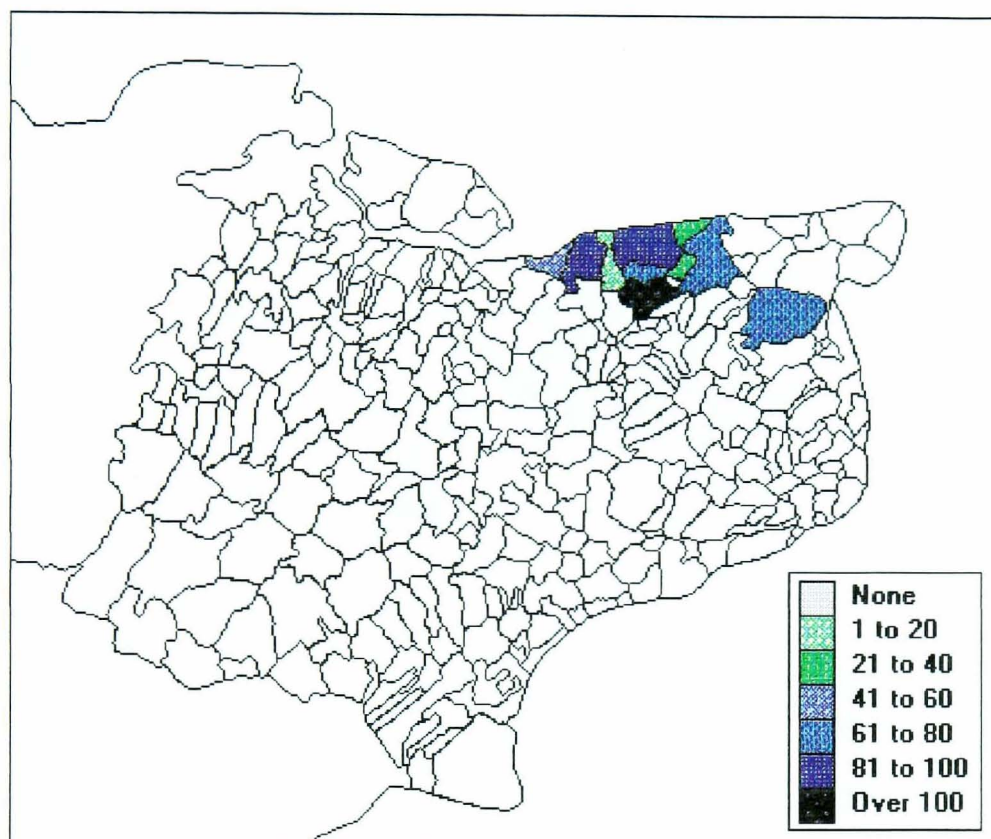
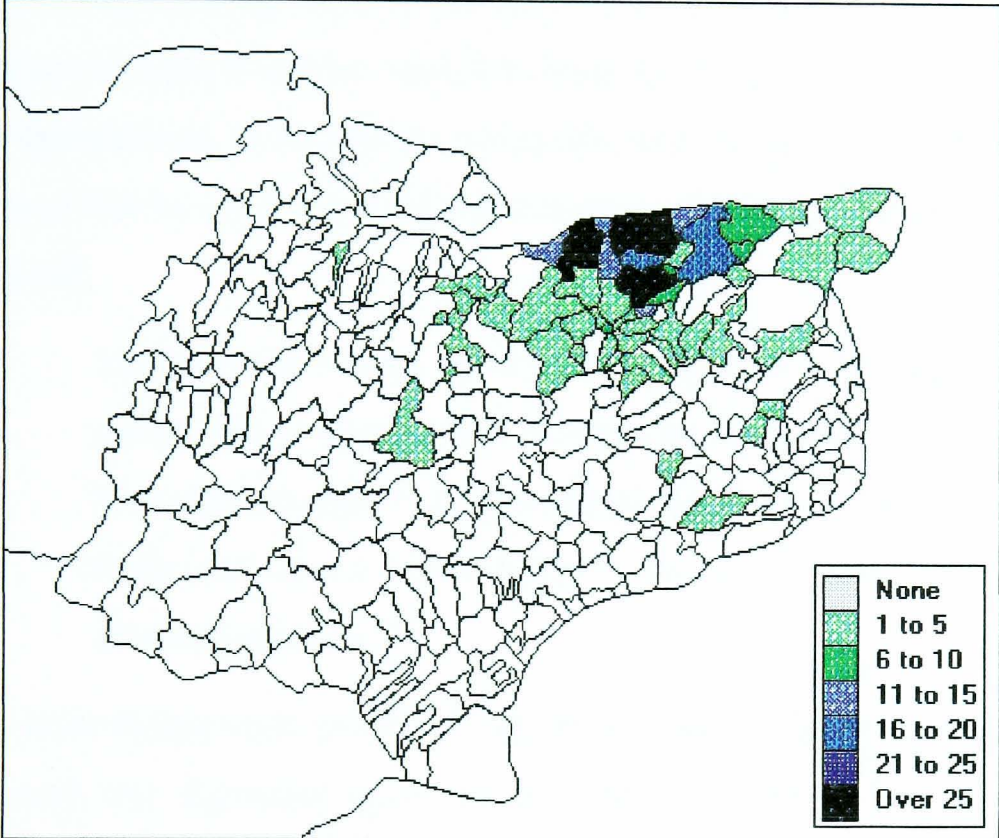


Figure 4.19: Origin of Defendants in Suits Instigated by North East Kent Plaintiffs



articulate rather a loser by the same hys mylls than a saver ...'. The rent for the two corn mills, together with an acre of ground, was £10 per year. Fall also had a fulling mill with an acre of land for which the rent was £5 6s 8d.

Fall described how in 1566 he had spend £10 on repairs to the fulling mill and then hired it out to William Baker for one year. When it was returned to him, he hired a man to keep the mill working, but declared that the profits would not even cover a servant's wages of 20d per week with meat and drink. With regard to his corn mills he declared that, in the time for which tithe was claimed, the winter floods were so severe that he could not grind and that repairs had been necessary to the walls of the mill:

'And lykwyse wheras all or at the leaste the moste parte of the come aboute Sturrey and Fordwyche hath bene accustomedly heretofore brought to be grounde at the mylls libellated are nowe fetche and caryed on horsbacke by loaders of other mylls in and aboute Canterbury'⁴⁶⁷

As in the fishing trade, profit was subject to certain vicissitudes; the amount of corn ground was dependant upon the strength of the wind. Though this is a sole example, the impression seems to be that far from benefiting from the market opportunities attendant on proximity to Canterbury, inhabitants of Sturry found themselves losing out in periods of economic hardship. Again, the incidence of dispute might be related to long-term economic change.

In an examination of the north-east Kent area, it is also necessary to draw attention to the incidence of disputes in the parishes of Chislet and Westbere, moving eastwards to St Nicholas at Wade, Monkton and Minster (Thanet) and southwards to Ash. Significantly this was, again, an area which constituted much marshland. The litigation, both in this area and on the Romney Marsh, should also be viewed in the light of the long and continuing process of reclamation and the constant demands of maintenance of a marshland environment. Two cases from St Nicholas

⁴⁶⁷

Brayne *versus* Fall (1568): CCAL X.10.11 ff. 31-2.

at Wade in the year 1580 concerned the tithing of marshland and liability for maintenance of the sea walls.⁴⁶⁸ The case *Barker versus Gibbs* (1567) concerned pasture called Hoggyn Drove and an area of marshland (Grayes Lees) deemed to be within the tithable places of Westbere. Here it would seem that the dispute itself reflected the difficulties of marshland management. John Allein declared that, though he had seen cattle pastured on the marsh and other areas of land which had been mown, he believed that because of the flooding of the marsh in that year the grass had not been converted to any good use.⁴⁶⁹ The land in question was called Beckistone, part of the common marsh, and the defendant, Gibbs, claimed that he had made no profit either from mowing or pasturage. An examination of the land names in this case alone - Hoggyn Drove and Grayes Lees - are sufficient to reveal areas with a long history of continued use in relation to the marshland economy. Unfortunately, the deposition evidence relating to tithing for this area is not full enough to permit a quantifiable claim that the marshland economy of this area had a pervasive effect on tithing litigation.⁴⁷⁰

Another factor which provides some point of correspondence between Romney Marsh and north-east Kent was the prevalence of ecclesiastical lordship in both regions. Christchurch Priory and the Abbey of St Augustine had overseen much of the early reclamation in these areas. The 'Black Book' of St Augustine's reveals that the abbey had extensive lands in north-east Kent which extended into areas now in the parishes of Chislet, Westbere, Herne and Blean.⁴⁷¹ At the dissolution of the monasteries, Chislet Park was granted to Archbishop Cranmer (1538) and the manor and rectory of Chislet were also granted to the archbishop two years later. Cranmer also acquired Shelvingford manor from Thomas Culpepper in 1543. Christchurch Priory and, after the dissolution of the monasteries, the Dean and

⁴⁶⁸ Charles *versus* Whitlock (1580); Charles *versus* Meryham (1580).

⁴⁶⁹ *Barker versus Gibbs* (1567): CCAL X.10.7 f. 214r.

⁴⁷⁰ For north-east Kent in particular there is also a significant amount of detail relating to arable practice in the area. For example, see discussion of the case *Mason versus Paramor* (1574-5) above p. 103.

⁴⁷¹ Turner, G. J. and Salter, H. E. (eds.), *The Register Commonly Called the Black Book* (British Academy, 1915-24).

Chapter had extensive lands on the Romney Marsh (the manors of Aldington, Ruckinge and Agney). St Augustine's Abbey held the manors of Burmarsh and Week.⁴⁷² In the light of this observation, it is interesting to observe the preponderance of clerically-inspired disputes in these areas. This was especially marked in the high incidence parishes of Appledore and New Romney on the Marsh and, in north-east Kent, in the parishes of Chislet, Herne and Sturry.⁴⁷³ The long experience of ecclesiastical lordship and, perhaps, histories of exacting financial dues and work obligations may have predisposed these areas towards an opposition to tithe, another financial obligation to the Church.

The Weald

The third region exhibiting a cluster of high incidence parishes is the Kentish Weald (see Figure 4.20). The history of non-conformity in the Weald has already been observed.⁴⁷⁴ As a region it was the focus for much Lollard activity and it continued in the sixteenth century to be an area of non-conformity.⁴⁷⁵ It is likely that this was reflected in an especial consciousness of the responsibilities attendant upon the reciprocal relationship between church and laity. Explicit reference to these responsibilities was made in a case instigated by the vicar of Headcorn in 1593.⁴⁷⁶ This dispute concerned small tithe in the parish. Witnesses drew attention to the obligations of the tithe collectors, emphasising the vicar's responsibility to serve the cure, as distinct from the parson's or proprietor's obligation to maintain the chancel.

Discussion of non-conformity in the Weald has drawn attention to its relative isolation. It was not until the post-Conquest period, when large tracts of forest

⁴⁷² Teichman Derville, M., *The Level and the Liberty of Romney Marsh* (London, 1936).

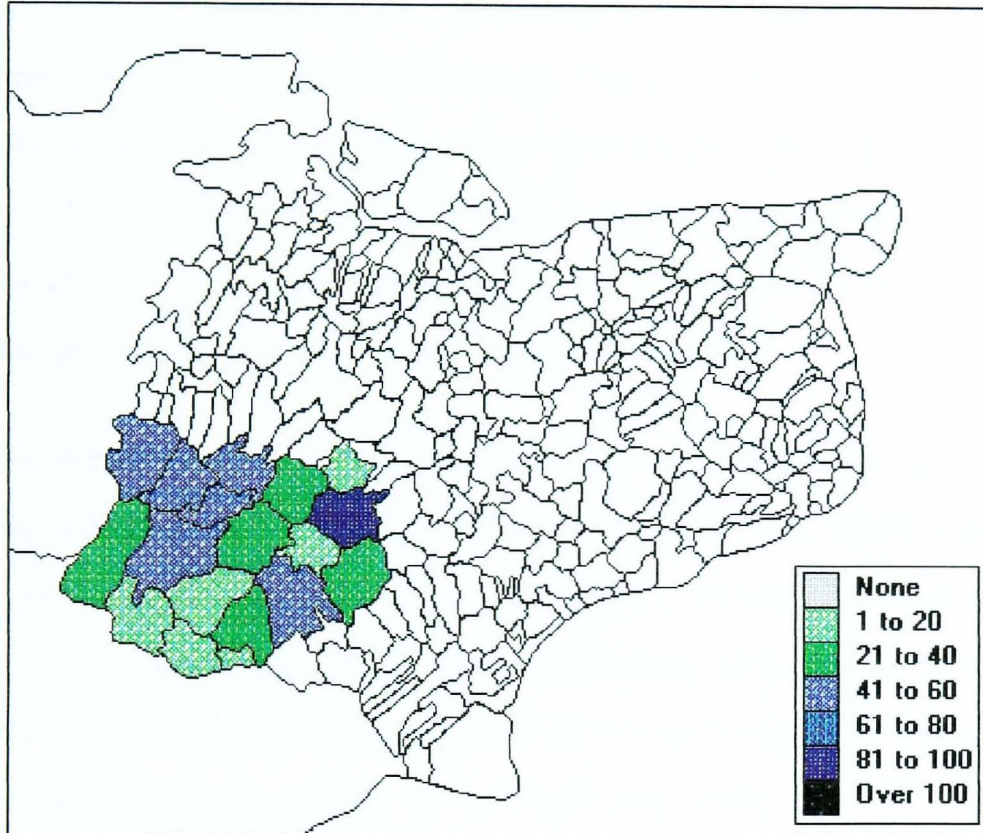
⁴⁷³ See Appendix 4.9.

⁴⁷⁴ See above p. 156.

⁴⁷⁵ Collinson, P., 'Cranbrook and the Fletchers: Popular and Unpopular Religion in the Kentish Weald' in Collinson, P., *Godly People: Essays on English Protestantism & Puritanism* (London, 1983), pp. 399-428; Collinson, *The Religion of Protestants*, especially chapter five.

⁴⁷⁶ Fotherby *versus* Upton (1593).

Figure 4.20: Incidence of Tithe Suits in the Weald of Kent



were reclaimed, that the Weald was settled. Settlement tended, therefore, to be relatively dispersed and comprised isolated farmsteads which were the result of individual clearance of land by freemen. Extensive woodland is often noted in relation to intractable land and, certainly, the Weald was characterised by relatively infertile, sandy soil and, in the Low Weald, by heavy clays. Given the difficulties of cultivation, as a consequence, fields tended to be relatively small (averaging 3-7 acres) and devoted to arable farming. There was some mixed farming, but most inhabitants were butcher/graziers concentrating on cattle-rearing. There were some opportunities for diversification and income was supplemented by dairying and through by-employment, particularly in the cloth industry centred on Tenterden and Marden, as well as in the iron and leather industries.⁴⁷⁷

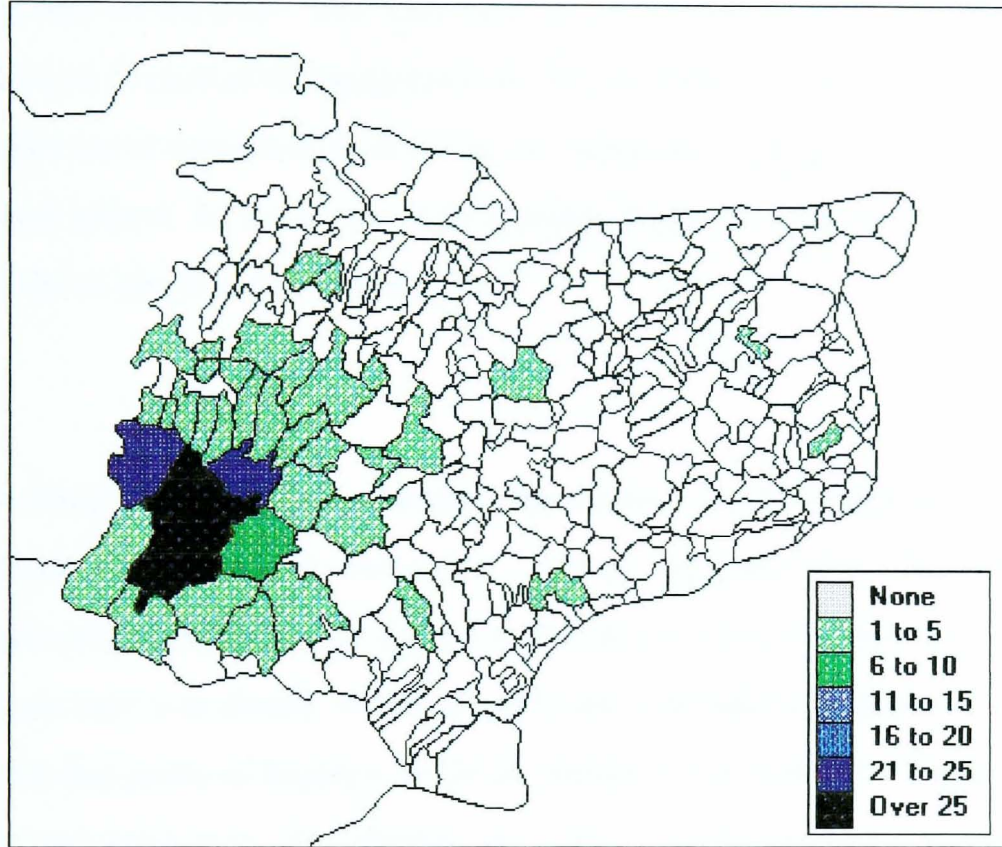
The Weald was certainly used for the pasture of swine in the pre-Conquest period. The proliferation of Wealden place names ending in 'den' signifies the prevalence of swine pastures. In this period the Weald probably constituted an important detached pasture ground for those settlements north of the downs from where inhabitants would drive their swine to the summer pastures in the Weald. Later, the livestock pastured tended to be cattle and sheep, but the same practice of transhumance was used. The Weald lacked an internal river system and was reliant on roads for routes between the meat markets at Smithfield and the pasture land on the Romney Marsh.

As in north-east Kent, the distribution of the parish of origin of defendants in suits instigated by Wealden plaintiffs was geographically more contained than on the Romney Marsh (see Figure 4.21). Many defendants came from parishes clustered around the larger Wealden parishes of Cranbrook, Frittenden, Staplehurst and Marden. Disputes concerned with the tithe of wood predominated Wealden suits in the 1590s,⁴⁷⁸ but cases from Marden and Headcorn were concerned with the tithe

⁴⁷⁷ Thirsk, *Agrarian History*, pp. 57-9.

⁴⁷⁸ Newman *versus* Austen (1597); Denwood *versus* Roberts (1598); Denwood *versus* Awsten (1598); Denwood *versus* Sharpie (1598); Denwood *versus* Kinge (1598); Denwood *versus* Couchman (1598).

Figure 4.21: Origin of Defendants in Suits Instigated by Wealden Plaintiffs



of pasture.⁴⁷⁹ Again, the influence of changing land use and the subsequent reorientations of relationships are evinced in disputes over the *modus*.⁴⁸⁰ Reference has already been made to the disciplinary case complaining about the vexatious litigation of the vicar of Marden, Salmon Boxer⁴⁸¹ and another office case, against William Snatt in 1598, examined the financial obligations of the parish in relation to the cess for the poor. This again hints at the reorientations within the society taking place as a result of changing land use. When William Snatt heard Henry Hind being called on to contribute to the cess, he interjected, 'Be good unto them that needs much indeed, for there cannot be a peece of ground nere about thee but thou arte reddie to hire it at an excesse price'.⁴⁸²

As discussed earlier in this chapter, the number of suits instigated from each region exhibited considerable fluctuation. It was suggested that the identification of regional concentrations of dispute might have revealed that numerical incidence in a single year was closely related to particular national and regional considerations or even that peaks of litigation could be closely tied to specific circumstances within a defined local area. Yet, despite the chronological coincidences arising from the deposition material on the Romney Marsh,⁴⁸³ the chronology of litigation in the individual Romney Marsh parishes were not noticeably coincident. The average number of disputes in the six parishes with the highest incidence has been plotted, using a nine year centred moving average to minimise the very short-term fluctuations and emphasise the significant trends (see Figure 4.22).⁴⁸⁴

⁴⁷⁹ Barnes *versus* Vyney (1566); Culpepper *versus* Brissenden (1598). For earlier reference to the latter case see above p. 111.

⁴⁸⁰ For example, see earlier discussion of the case Rodes *versus* Glover (1589) above p. 66.

⁴⁸¹ See above p. 21.

⁴⁸² Office *versus* Snatt (1598): CCAL PRC 39/21 f. 114r.

⁴⁸³ See above p. 163 and p. 165.

⁴⁸⁴ Having suggested that the coincidence of peaks of activity might be detectable for a particular year, the discrepancy in graphing using the centred moving average is noted.

Figure 4.22: Incidence of Tithe Suits on Romney Marsh (nine year centred moving average)

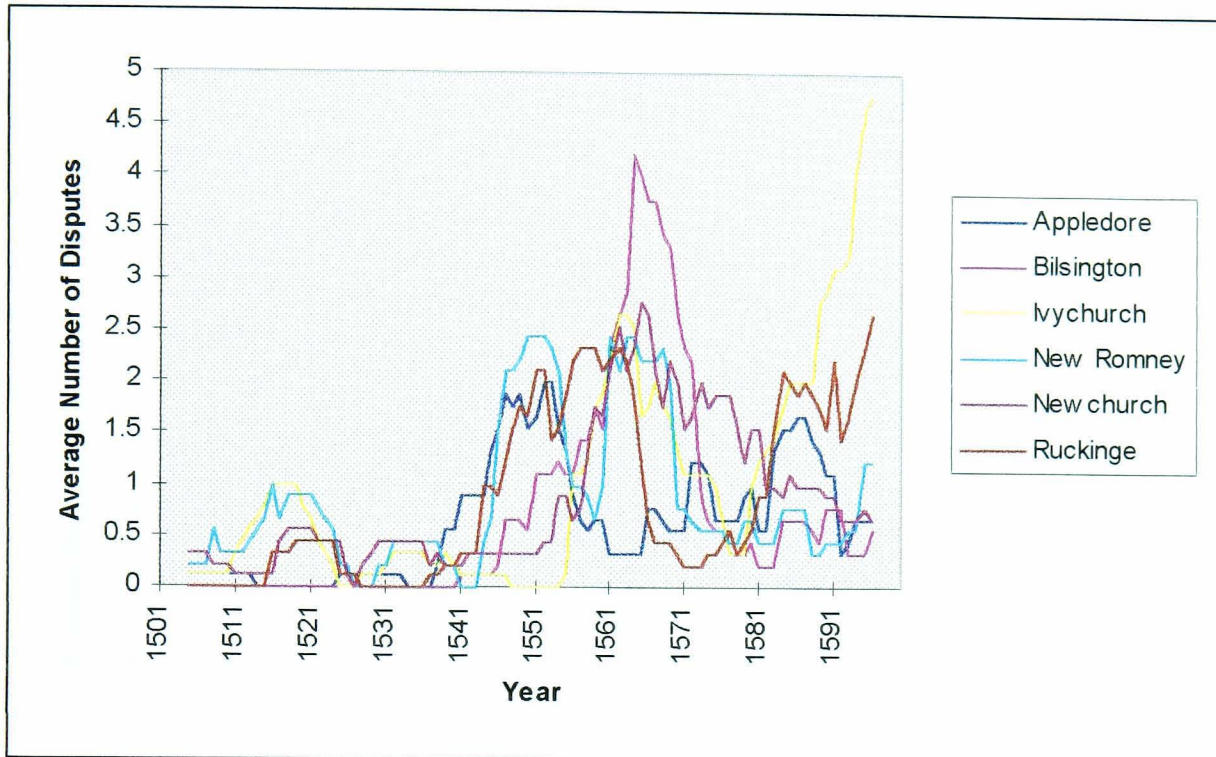


Figure 4.23: Incidence of Tithe Suits in North-East Kent (nine year centred moving average)

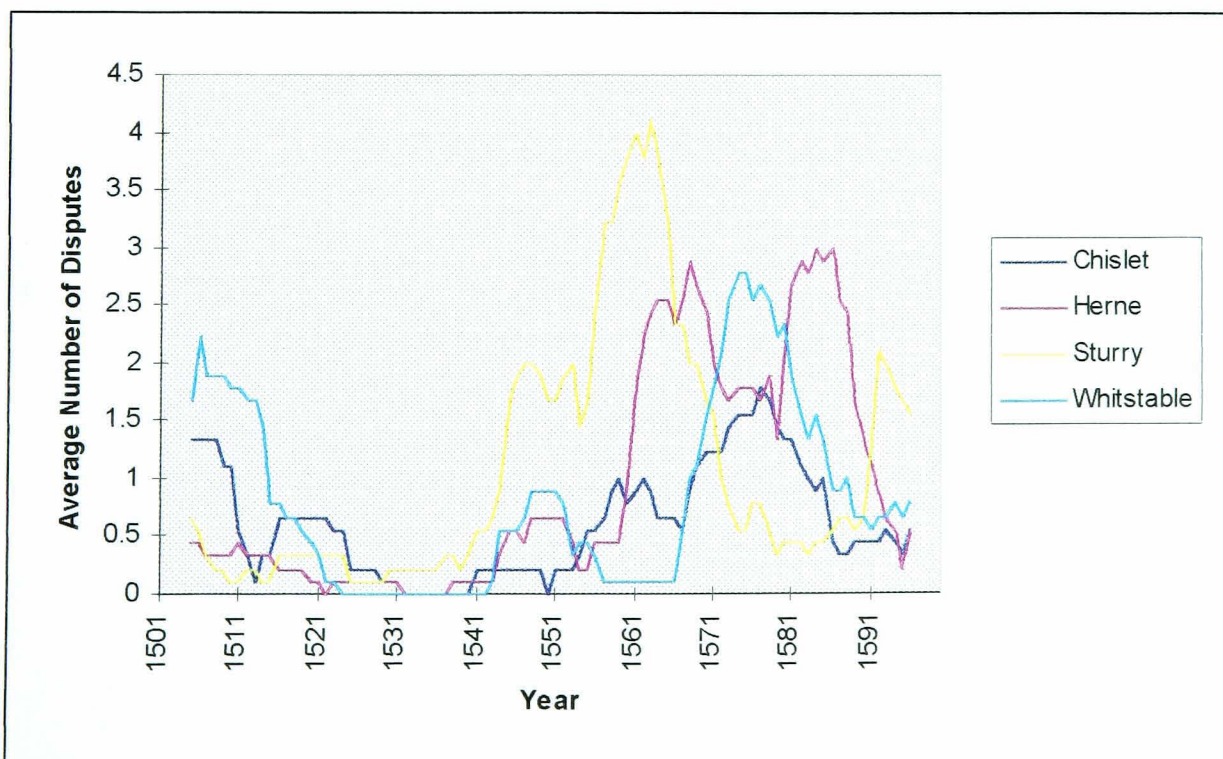
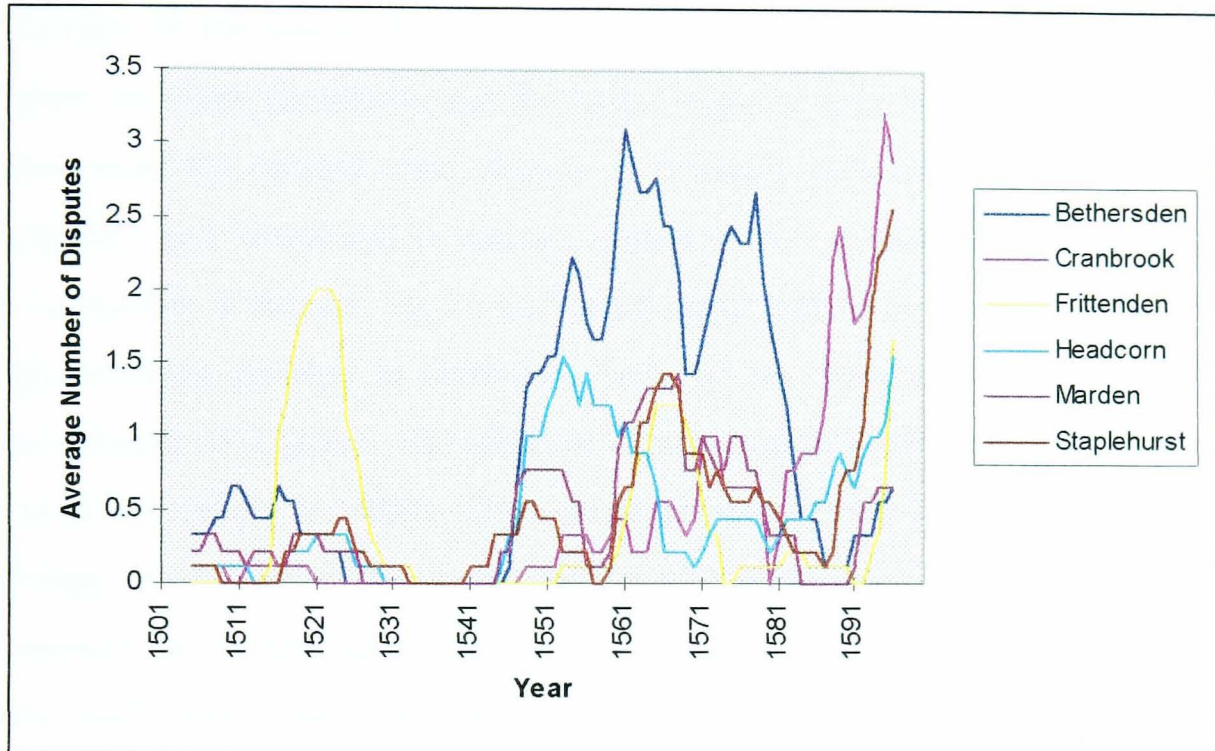


Figure 4.24: Incidence of Tithe Suits in the Weald (nine year centred moving average)



It is apparent that all of the parishes experienced relatively low levels of dispute in the period preceding the 1540s. Thereafter, the peaks of activity for Appledore, New Romney and Ruckinge tended, in general to coincide, particularly in the period 1550-70. Ivychurch, Newchurch and Bilsington all experienced peaks of activity in the 1560s, but attention should be drawn to the very high incidence at Bilsington in this period. In the 1590s it was the two parishes with the overall highest incidence (Ivychurch and Ruckinge) together with New Romney, which experienced the upward trend, though at markedly different levels. Bilsington, Appledore and Newchurch, in contrast, appear to have experienced a falling away in the number of disputes. Figure 4.23 reveals again that, as on Romney Marsh, the high incidence parishes in north-east Kent did not obviously share the same chronologies of litigation. The relatively high incidence at Whitstable in the early part of the century is notable. This was almost entirely due to the actions of the College of Pleshey in Essex, proprietors of the rectory. Finally, Figure 4.24 illustrates the chronologies of dispute in the identified Wealden cluster, together with Bethersden, but again no significant correlation is apparent. Regional concentration and the influence on disputes of agricultural practice and change have been established. It is, as a result, somewhat surprising that in none of these areas do the parishes appear to have shared the same chronology of dispute. This suggests that the significance lies in the influence of long-term, rather than short-term, changes on the patterns of dispute.⁴⁸⁵

Conclusion

Three distinct phases of tithe litigation have been identified: a period of relatively high incidence from the opening of the century until 1522; low levels of dispute between 1523 and 1547 (arguably a reflection of the years of religious disorientation and upheaval); and, thereafter, a steady rise in the number of suits

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As noted, the deposition material from the Romney Marsh might signify that more immediate and short-term factors such as bad weather may have, on occasion, influenced the litigation in terms of a greater number of disputes being pursued through to deposition.

entered to levels well in excess of the early years of the century. In the period 1548-1600, 79 per cent of the total number of disputes for the century as a whole were instigated. Examined as a proportion of the total volume of instance business, tithe cases constituted a significant proportion of the suits entered throughout the period.

While it is apparent that there was a positive relationship between the increasing incidence of tithe suits and price rise during the century, this was not a relationship of cause and effect. It is likely, however, that in the climate of steadily rising prices conditions conducive to an increased volume of dispute over tithe were of some importance. Significantly, the most marked effect was on the pursuit of vicarial tithes by clerical plaintiffs. Indeed, the diocese of Canterbury exhibited a peculiarly distinct pattern of litigation in this respect. High numbers of clerically-instigated suits were undertaken, particularly in the latter part of the century. While the dissolution of the monasteries and the transfer of monastic tithe to the laity did have an effect on litigation in terms of an increase in the number of disputes instigated by lay plaintiffs, this should not be overstated. Certainly after 1580 the level of lay litigation was decreasing and there is little evidence from the deposition material offering an articulated and principled opposition towards payment to lay collectors.

As might be anticipated, tithe litigation was certainly gendered. Women very rarely instigated suits, but equally, women were infrequently called as defendants (in only three per cent of cases). It is also clear that less than ten per cent of suits initially cited proceeded to deposition. This argues suggestively for the operation of formal and informal mechanisms of arbitration, conciliation and negotiation.

The geographical concentration of high incidence disputes - on Romney Marsh, in north-east Kent and in the Weald - is marked. While both Romney Marsh and north-east Kent contained significant areas of marshland and it is possible to draw parallels between the two regions, the Weald of Kent was very different, being predominantly wooded. It is likely, therefore, that the significance of these regional concentrations lies not in the soil, but in the conditions of agricultural change and land use. In postulating that marshland and woodland are the areas of real

significance in terms of tithing (a hypothesis which might be tested for other counties, for example, Norfolk), the real interest lies in the fact that these were in many ways marginal economies. Consequently, it might be further argued that the pressure of rising prices was of considerable influence.

Chapter Five: The Local Dynamics of Dispute

In the previous chapter attention was drawn to chronologies of dispute in terms of numerical and geographical incidence. Having argued for the influence on tithe litigation of long-term agricultural change, coupled with the cumulative pressure of rising prices, it follows that these changes would have prompted continual readjustment and reorientation of the social and economic relationships between individuals and groups of individuals. Here the human element of the analysis is revealed, since disputes over tithe always reflected disagreements, rivalries and antagonisms within local communities. Suits which reached the courtroom confirm the need for the constant renegotiation of these interpersonal relationships, on occasion through the more formal mechanism which examination in court provided. This chapter considers in four sections the local dynamics of dispute in different parishes. The first to be considered is Herne and the second, St Nicholas at Wade. Both of these parishes are located in the north-east of Kent. The third parish examined is Alkham, situated in the downland region of Kent close to Dover, and the final parish to be considered is St Mary in the Marsh on Romney Marsh. These parishes were selected because of the quality of the supplementary evidence extant.

Herne

Introduction

This study of the local dynamics of dispute focuses on the system of tithe payment within the context of the household. This is an analysis which has been made possible by the discovery of an unusually detailed set of accounts arising from the sequestration of parochial income in the village of Herne.⁴⁸⁶ The sequestration accounts itemised the income derived from offerings and tithe from individuals within the parish at Easter 1590. It was specially detailed in that it appears that these receipts from individuals were grouped together to indicate the household to which they belonged.

The proposal that the payment of tithe be understood within the household context was made by Wright.⁴⁸⁷ She asserts that parochial responsibilities - spiritual, administrative and financial - increased with age and status and that the head of household was not only responsible for the welfare and behaviour of his or her household members, but also that the financial liabilities of individuals might also be met by their household head. She suggests that the system was, to some extent, geared towards ability to pay. Wright proposes that an understanding of the monetary obligations of full church membership needs to be firmly located and understood within the life cycle of the individual and within the context of the household. This section examines some of the issues raised by considering the size, structure and composition of households in Herne and by analysing tithe payments within this context. Finally, consideration is given to whether the household is a valid unit of analysis in relation to tithe, as well as, to conflict within this community.

⁴⁸⁶ CKS PRC 21/10 ff. 308-316v.

⁴⁸⁷ Wright, S. J., 'Catechism, confirmation and communion: the role of the young in the pre-Reformation Church' in Wright, S. J., *Parish, Church and People: Local Studies in Lay Religion* (London, 1988), pp. 203-27.

Topography

The parish of Herne was an especially distinctive settlement situated a few miles north-east of Canterbury between the forest of Blean and the coast.⁴⁸⁸ Hasted described the parish as containing much poor land of broom, as well as commons and southern coppice woods belonging to the Archbishop. There was also a swampy area situated near the parish of Swalecliffe. Herne was granted a market in 1351-2. Although the parish had long experience of ecclesiastical lordship (the Archbishop's Palace had been situated at nearby Ford), by the sixteenth century all of the manors were held by the laity.⁴⁸⁹ In 1588 the vicarage was valued at £80 and there were 490 communicants. The parish was divided into five boroughs - Hawe, Strood, Hampton, Beltinge and Thornden - and was exempt from the jurisdiction of the archdeacon. The parish church of St Martin, built on the site of an earlier Minster church, was subject to the mother church of Reculver. In 1310 it had been agreed that the vicar of Herne should receive all oblations and various specified tithes, subject to a yearly pension of 40s paid to the vicar of Reculver out of these profits.⁴⁹⁰

The Source

The accounts pertaining to the sequestration constitute a miscellaneous document filed within a volume of probate accounts and inventories. The heading states that it is an account of the tithes belonging to the vicarage of Herne.⁴⁹¹ It was submitted

⁴⁸⁸ The discussion of topography is based on Hasted, *History and Topographical Survey*, 9, pp. 84-96.

⁴⁸⁹ For discussion of ecclesiastical lordship in north-east Kent see above p. 170.

⁴⁹⁰ Reg. Winchelsea f. 30. This pension was still being paid in 1590: one of the expenses detailed on the sequestration states, 'Item payd to Mr Baldocke vicar of Reculver for his half yeres pension due at Christmas last - 20s' [CKS PRC 21/10 f. 316r].

⁴⁹¹ The full text of the heading is as follows: 'Thacomptes of John Seth of Herne sequestrator of the tythes belonging to the vicaradge of Herne aforesayde made & by him declared the fortenthe daye of Julye 1590, before the Worshipfull Mr Stephen Lakes doctor of Civill Lawes of the cittye & diocesse of Caunterburye comissarye generall of & uppon all & singuler tythes & other dutyes of the vicaradge aforesayde as have by vertue of licenses of Sequestracion to him committed come into his hands & possession as followithe' [CKS PRC 21/10 f. 308r].

by John Sethe to the ecclesiastical court in July 1590. A sequestration usually occurred in the absence of the incumbent when the profits of the living, that is, the income from offerings, tithes and other parochial fees would be collected and administered by the sequestrators to provide for the continuing needs of the parish. The Herne sequestration was granted, by licence, to John Sethe and Thomas Knowler, churchwardens of the parish, on 11th April 1590. It was subsequently relaxed on the petition of John Bridges, the vicar, on 16th June later in the same year.⁴⁹²

A subheading to the accounts states 'Communicants & Tythes' and, thereafter, the document records the detail of the receipts of offerings and tithe, borough by borough and probably household by household.⁴⁹³ Each individual entry has a total recorded on the right hand side of the page. The accountant's own tithe payments are recorded at the end of the lists for each of the five boroughs. Following this is a separate list relating to the payment of tithe wool by ten individuals.⁴⁹⁴ The total of these receipts is again bracketed on the right hand side of the page and the sum total of all tithes and offerings is given beneath as £27 11*d*. The final part of the document lists expenses arising from the sequestration. Again, each individual item is totalled on the right hand side of the page and the sum total of £15 16*s* is given at the bottom. The total remaining as a result of income minus expenses is stated to be £10 4*s* 11*d*.⁴⁹⁵

While this was a single document submitted for a particular purpose, ostensibly it would seem to have features in common with Easter Books and similar parish listings such as communicant lists.⁴⁹⁶ The Easter offering was a mandatory sum

⁴⁹² Willis, A. J., *Canterbury Licenses (General) 1568-1646* (London, 1972), p. 92.

⁴⁹³ At the end of the document there is a second section again detailing receipts from the borough of Hawe. The inclusion of this separate listing either suggests that these were receipts which had been overlooked in the earlier section, or perhaps that the borough of Hawe included two distinct geographical areas. For full discussion of groupings within the document see below p. 187.

⁴⁹⁴ CKS PRC 21/10 f. 316*r*.

⁴⁹⁵ CKS PRC 21/10 f. 316*r*.

⁴⁹⁶ For a thorough introduction to Easter Books see Wright, 'A Guide to Easter Books', Parts 1 and 2, *passim*.

(typically 2*a*) demanded of each communicant once a year. Easter Books were compiled in order to record these payments and sometimes also the payment of personal tithe. They vary greatly in their completeness and detail. The most detailed books provide lists of households, recording individual payments and indicating the presence in these households of children, servants, lodgers and other inmates. Though methods of collection varied from parish to parish, the Easter Offering was generally collected on a circuit of the parish, household by household. The most detailed urban books usually name each street. If the route can be firmly established, a series of such books can enable the study of changing household composition. The Herne sequestration accounts do not constitute an Easter Book; even so, they do provide a list of payments from individuals and these payments do seem to have been grouped to record household receipts. Unfortunately, the method by which dues were collected and the way in which the accounts were subsequently compiled can only be inferred. Furthermore, since the accounts are not part of a series, there is no opportunity to analyse changing household composition or tithe payment over time.

Collection and Compilation of the Accounts

An understanding of the mechanics of collection and its relation to the compilation of the document is crucial. As noted, this can only be a matter of inference.⁴⁹⁷ One explanation may be that each communicant and tithe payer resorted to some kind of 'office' or accounting room to make payment, in some instances perhaps on behalf of their entire household. Since people would presumably have arrived in a random order, it could be supposed that rough receipts were later drawn up into a more ordered document. Since this method of compilation would rely on persons presenting themselves, it might have encouraged evasion or led to omission (though presumably if the tithe collector had been in possession of an earlier set of such

⁴⁹⁷ For evidence from Oxfordshire about the differing methods of collecting tithe eggs at Easter see Barratt, 'The Condition of the Parish Clergy', p. 236. For other incidental evidence in Barratt's thesis relating to tithe collection see p. 240 and p. 242. For evidence of negotiations pertaining to tithe undertaken with the vicar of Herne at Easter in 1569 see below p. 189.

accounts this would have enabled a stricter monitoring of payment). However, many other methods of collection are equally feasible. At St Just in Penwith, Cornwall, for example, parishioners were responsible for bringing tithes to the chancel and leaving them on the ‘vannte stone’.⁴⁹⁸ In other parishes, collection of the Easter offering took place at the communion itself, sometimes in exchange for communion tokens.⁴⁹⁹

Given the division of the entries into the five boroughs, it is likely that collection in Herne in this year took place borough by borough through the parish. This method of collection might also be construed from one of the expenses allowed: ‘Item for the expenses of this accomptant & his servaunts in gathering in of the tithes aforesaid’.⁵⁰⁰ It is probably that collectors, who would have known members of the community well, would have made an immediate account of receipt upon collection around the village. These records of receipt would probably have been subsequently copied up as fair copy accounts. The document transcribed into the ecclesiastical court volume was presumably a further copy. This method of collection points to a more reliable source in terms of comprehensiveness. Omission and evasion would have been less likely.⁵⁰¹ It is clear that, at some stage, the accounts were copied into a volume belonging to the ecclesiastical court and, while it seems unlikely, it is possible that the accounts were only drawn up specifically in relation to a court case. It is more probable that similar accounts would have been drawn up every year for the benefit of the vicar, lay collector or sequestrator in order to document parochial income.⁵⁰²

⁴⁹⁸ See above footnote 257.

⁴⁹⁹ Wright, ‘A Guide to Easter Books’, Part 1, p. 23.

⁵⁰⁰ CKS PRC 21/10 f. 316v.

⁵⁰¹ It should be noted that some entries recorded part payments.

⁵⁰² Though theoretically this is a likely supposition, few such accounts remain extant for the diocese of Canterbury. The only deposition evidence to provide detail of methods of accounting and collection was provided in the testimony of Thomas Jancocke regarding the tithes of Elham. He declared that ‘allwayes at Easter or our ladye daye yerelye dyd make his booke uppon the recepte of his tythes for the yeare then past and allwayes as any of the parichioners or occupyers within the paryshe of Elham payd him for their tythes for the yeare endyng at our lady day or Easter he noted in his booke uppon their headdes payd meaninge for the yeare past & not for the yeare to come’ [Carden *versus* Jancocke (1578): CCAL PRC 39/9 f. 88v]. This

This document can probably be considered a fairly inclusive account of parochial income for Herne at Easter 1590. Parishioners were obliged to receive communion at Easter and there would have been considerable pressure to do so. Individuals were regularly presented in the ecclesiastical courts for a failure to communicate.⁵⁰³ The sequestration lists 433 individuals (of whom 422 were communicants). Analysis based on record linkage has, however, identified other parishioners from this period who were not listed.⁵⁰⁴ This indicates that the accounts represent an under registration of the total number of potential communicants within the parish. Some parishioners maybe failed to pay, perhaps because they were excommunicate; others may have been absent from the parish at Easter 1590 and received communion elsewhere. Likewise, the poorest or transient members of the community were probably not included on the list.

The Size, Structure and Composition of Households

i) Grouping

It can be supposed that the standard method of compilation for these accounts was separate entries relating to the payment of offerings and tithes by individuals, and that these individual receipts were usually grouped. However, the supposition that grouped entries relate to households is problematical. The hypothesis is supported by entries such as the first which states the receipt from John Terry, his wife and his ten named servants of a total of 2*s* (the total of a payment of 2*d* each). This was followed by a separate entry immediately beneath stating the receipt from John Terry alone of £3 for his half years' tithes. This form of entry was maintained throughout the document, that is, a grouped total referring to the payment of offering and then, if one of this group also paid tithe, this receipt was recorded as a separate entry directly underneath. Other households appear to have comprised only a man and his unnamed wife (though of course young children may have lived

⁵⁰³ For Herne see, as examples, CCAL X.8.6 f. 3*v* (1569) and CCAL X.8.16 ff. 205*v*, 208*r* (1598).

⁵⁰⁴ As noted above p. 183, Hasted stated that there were 490 communicants recorded in the parish in 1588.

only a man and his unnamed wife (though of course young children may have lived with them). In this instance an entry would refer to their combined payment of offering and then, if the man also paid tithe, this receipt was almost always recorded as a separate entry directly underneath that referring to their offerings.⁵⁰⁵ It might be assumed, therefore, that the first person listed within each grouping can be regarded as the nominal head of household.

ii) Individual communicants

The accounts detail payment from 433 individuals who appear to have been grouped into 195 households. Of these, 422 people in 184 households can be presumed to have been communicants of the parish church at Herne since they paid the Easter offering of *2d.*⁵⁰⁶ These communicants would almost certainly have lived in the parish, presumably in the borough indicated by the account headings under which their names were listed. The remaining 11 people listed did not pay an offering, but did pay tithe. These individuals - all men - were unlikely to have lived in the parish of Herne and were probably communicants at another parish church to which they owed the Easter offering. However, they must have owned or farmed land, or pastured animals in Herne and were liable to pay tithe in the parish. Consequently, it is somewhat inaccurate to designate these people as part of a household and the following analysis is based on the conjectural resident population of Herne, that is, excluding those 11 individuals who paid only tithe.

The Easter offering was owed by each communicant. This is generally assumed to be those over the age of 16 years, though communion could be

⁵⁰⁵ Other groupings begin with a husband and wife followed by a list of names of persons not specified in their relationship to the head of household. These may have been servants, resident kin or lodgers. For further discussion of these uncertain groupings see below p. 191 and p. 193.

⁵⁰⁶ This is a slight over estimate as some names occurred more than once. In some instances this may have been a record of two individuals who shared the same common Christian name and surname, or in others it may have recorded a second payment by the same individual. However, since duplicate names occurred in only ten instances, overall this was statistically insignificant, and it has been assumed that each name referred to a distinct individual.

received by those as young as ten and some were confirmed much later, even into their mid-twenties.⁵⁰⁷ Certainly there was a concern within the parish of Herne that communion was not received at too late an age; for example, the three sons of John Sea, gentleman, were presented in June 1598 ‘the yongest of the adge of xvii yeres and nether of them to our knowled hath received the comunione at any tyme’.⁵⁰⁸ The non-communicant, younger members of the parish were not, then, included on this list. Moreover, other parishioners may have been specifically barred from receiving communion: those who were excommunicate, or deemed to be ‘out of charity’ with their neighbours. Furthermore, the receipt of communion was, on occasion, specifically linked to tithe payment.⁵⁰⁹ An earlier dispute from Herne in 1569 concerned the vicar, John Bridges, and William Paramor. Paramor gave evidence as part of a presentment and described how

‘apon Ester daye in the morning he came to the vicar to reckine with him for his tythes And then the vicar requiryd of him for the tythe of iii calves which he had payd him the yeare before, where uppon they fell out and then the sayd Paramore confessyd that he swore an othe viz godes armes yt was pyttye that ever quiet man should have to deal with him’⁵¹⁰

Paramor was subsequently refused communion and later attempts to reach agreement with the vicar were unsuccessful. Of a second meeting Paramor declared:

‘yt was more meter that the vicar should mynister no communion then he [Paramor] should be put back from the reseaving of the communion for yt seemyd to him that he [Bridges] was most out of charytye’⁵¹¹

⁵⁰⁷ Wright, ‘Catechism, confirmation and communion’, p. 214 . She emphasises that this age, though assumed by demographers as standard, was not unvarying.

⁵⁰⁸ CCAL X.8.16 f. 209.

⁵⁰⁹ For evidence of the alleged refusal of a cleric to serve communion to those who had failed to pay tithe see below p. 234.

⁵¹⁰ CCAL Z.4.12 f. 59v.

⁵¹¹ CCAL Z.4.12 f. 67r.

Parishioners could themselves refuse to receive from a cleric who they perceived to be 'out of charity'.

Of these 422 communicants, 219 individuals (52 per cent) were married (109 male and 110 female).⁵¹² Of these 109 couples, 107 headed households. It can be assumed, therefore, that the nominal head of 107 households was a married man.⁵¹³ The remaining two couples lived within households which they did not head and the one remaining woman was simply designated 'Keeler's wife'.⁵¹⁴ The fact that married men headed households implies the role of marriage in the formation of new households. Twenty-nine communicants were designated as widows and, of these, 25 headed a household.⁵¹⁵ The marital status of women recorded on this list is likely to have been fairly comprehensive, since both wives and widows were designated. Thus, for 248 individuals (59 per cent) of the resident population, marital status is certain. This leaves a maximum population of single people, probably over the age of 16, of 174 (42 per cent). This relatively high percentage of the adult population who were single is consistent with a society characterised by late marriage often preceded by a period of household service.⁵¹⁶

The sequestration accounts list 47 individuals positively identified as servants (24 male and 23 female), all of whom are assumed to have been single (11 per cent of the total population). They were resident within 12 households. Of these, 42 servants (22 male and 20 female) appear to have been resident in the same household in which they performed service. Three female servants lived on their own: one was servant to Richard Allen, who was recorded elsewhere in the accounts; the other two were described as servants to men not otherwise listed and

⁵¹² These totals are summarised in Appendix 5.1, Figure 1.

⁵¹³ For discussion of heads of household see above beginning p. 187.

⁵¹⁴ This individual possibly paid offering twice, since a Keeler and his wife were also recorded as paying offering later in the document. Otherwise, Keeler's wife may have been a woman living apart from her husband, one whose husband was absent from the parish at Easter, or a temporary resident in the parish.

⁵¹⁵ Though none were designated, it seems unlikely that there were no widowers living in the parish.

⁵¹⁶ Benn-Amos, I., *Adolescence and Youth in Early Modern England* (New Haven, 1994), *passim*.

who presumably lived in another parish. Two male servants of a Mr Thornex (whose name was not listed in the accounts) constituted another household. Of the 42 servants probably living in the same household in which they were in service, ten had the same surname as the head of household and 20 shared a surname with another head of household within the parish.⁵¹⁷

In the discussion so far no assumptions have been made about relationships between individuals in presumed households where none is explicitly stated. If the method adopted by McIntosh in her analysis of a communicant list for the parish of Romford for 1562 is adopted, these figures can be revised.⁵¹⁸ She assumed that the first person listed within a grouping was the head of household. If the head was male, it was found that his name would very often be followed by a record of his unnamed spouse. If the next name on the list shared the same surname as the head, McIntosh assumed that these were children of communicable age still living with their parents (recognising, nevertheless, that they could have been other resident kin). The last set of names in each grouping, both male and female, were assumed to be servants or apprentices living with and working as part of the household, even if they were not specifically described as servants. It was acknowledged that this would almost certainly result in an over-estimate of the proportion of the population in service, since some of these individuals might have been lodgers, other inmates, or co-resident kin. Applying these criteria to the accounts for Herne reveals an additional 71 servants (29 male and 42 female). This gives a new total of 118 servants in the parish (28 per cent of total resident population) of whom 53 were male and 65 were female. They were resident in 47 households (24 per cent of the total number of households).⁵¹⁹

⁵¹⁷ For discussion of kinship and service see Houlbrooke, R. H., *The English Family, 1450-1700* (New York, 1984), p. 46.

⁵¹⁸ McIntosh, M. J., 'Servants and the household unit in an Elizabethan English Community', *Journal of Family History*, 9 (1984), pp. 3-23.

⁵¹⁹ These totals are summarised in Appendix 5.1, Figure 2. Six individuals had the same surname as the head of household, but were not designated servants. These were probably children of communicable age or resident kin. The totals in Appendix 5.1, Figure 2 compare quite favourably with the figures calculated by McIntosh, 'Servants and the household unit' who identified 22% of the total projected

This analysis suggests that households in Herne were predominantly formed by the simple family structure, that is, headed by a married couple or a widowed person, with or without children and who lived together in a household which may have included servants. Indeed, this has been found to be the commonest form of co-resident domestic group in early modern England.⁵²⁰ However, solitaries - the lone widowed or single - also formed a significant proportion of the population (remembering that younger children would not have been included in this list). It also assumes that almost all of the single population probably had some experience of household service, usually undertaken in the years prior to marriage which typically took place in the late twenties. This was probably the experience for the majority of people, regardless of their gender or the wealth of their families.⁵²¹ The formation and structure of households were thus linked to marriage and a new household was formed when two individuals could share sufficient accumulated resources.⁵²² Nevertheless, the presence in the population of young unmarrieds in service should not be overstated. Older single people, perhaps the widowed, might also have engaged in household service. In Herne there are also likely to have been opportunities for agricultural employment, hired labour and also work in the fishing industry or at sea.

It should be recognised that this document was not compiled in order to record household size and structure. Though it is likely that many households were composed of simple nuclear families, with a considerable proportion of the population in service, this document certainly does not prove this to have been the case. These household forms were identified simply because they might be expected. Only analysis resulting from detailed record linkage, for which documents are unlikely to survive in sufficient detail, could establish all of the kin and familial

population living in a household headed by someone other than their own father and that 42% of households contained servants. It should be noted for comparison that Romford is considered to have been an urban parish.

⁵²⁰ For discussion of the nuclear family household see Wrightson, K., *English Society, 1580-1680* (London, 1982), pp. 44-5.

⁵²¹ For discussion of service and apprenticeship see Houlbrooke, *The English Family*, pp. 171-8.

⁵²² Wrightson, *English Society*, pp. 67-70; Houlbrooke, *The English Family*, pp. 63-8.

links within households. It is possible that some households in Herne may have comprised extended family groups, for example, an unmarried brother living with a married couple. Other households may have included multiple families, for example, two siblings living with their families under one roof. Twelve households were headed by a married couple, where the household also included other adults, but with no relationship specified between this couple and the other individuals. Given that women changed their names on marriage, it is possible that some of these households contained extended or multiple family groups, for example, widowed parents or sisters. The Herne parish registers reveal that remarriage was common and some households must have included stepchildren. There were no widowers designated on the list and, again, this might be considered to have been unlikely. Consideration also needs to be given to the issue of what the compiler of the document perceived to constitute a household. Consider, for example, the evidence from testamentary material which reveals that maintenance agreements were often made by a man for his widow who, after his death, might be given accommodation and support within her son's or daughter's house. Would this arrangement have constituted one household or two? With these considerations in mind, it is prudent to reappraise those single gender and mixed gender groups where no relationships were specified between them by the compiler of the accounts.

Forty supposed households comprised groups of this nature. It does seem that while, in some instances, these people may have been members of extended or multiple family units as discussed above, in others they may not have constituted a household group at all (although they were given a totalled entry relating to their supposed combined payment of offering). The most likely explanation is that single individuals who paid only offerings were grouped together. Given that at the time of compilation the accounts were probably working ones, groupings may have been made in order to facilitate addition. Each individual might in fact have constituted a separate household.⁵²³ This accounting method would thereby create a further 92

⁵²³ Another possibility is that some of these groups are servants, perhaps belonging to the household listed above. This would imply, perhaps, that servants were responsible for making their own payments. One example of such an entry is that

households, bringing the total number of households in Herne to 276. Ultimately though, this can only be supposition. The only way of drawing out some of these more complex relationships would again be through analysis based on record linkage, which will always be difficult for the transient population in service.⁵²⁴

It is not now clear where the exact borough boundaries of the parish were. In the sixteenth century half of the population lived in the two more central boroughs of Hawe and Strood. The nucleus of this settlement was probably near the church. Hampton had a coastline boundary and perhaps included the sea-faring population, while the less densely populated boroughs of Beltinge and Thornden were outlying, possibly marginal, lands.⁵²⁵ The resident population of Herne shared a total of 183 surnames and the prominence of 22 family names is notable (with at least one representative in at least three households).⁵²⁶ An examination of the surnames of heads of household only gives a total of 133 surnames; again nine family names are prominent (heading three or more households).⁵²⁷ If this analysis is narrowed down to heads of at least two households, the pattern of residence becomes interesting. Of the 30 family names that appear to have headed at least two households, ten exhibited no geographical concentration, but of the remaining 20 names, at least two households were in the same borough. This was most notable for the Ewell family where six of the eight households in the parish were in the borough of Hawe and the remaining two in Hampton; the Riders, where three of the four households were in the borough of Strood; and the Sea family where four of the five

which refers to John Cocke and his wife and their payment of offering. This is followed by a mixed sex group of five paying a total offering of 10*d* which is itself followed by another separate entry referring to John Cocke's payment of tithe. It is possible that these five may have been resident within the household of John Cocke. However, other groupings do not appear to conform to this suggestion.

⁵²⁴ Consider, for example, the biography of the servant, described in the following section p. 219 who moved between three households in just two years.

⁵²⁵ These totals are summarised in Appendix 5.1, Figure 3.

⁵²⁶ The families of Baker, Browne, Bulman, Church, Cocke, Ewell, Kennett, Marten, Nottingham, Onen, Paramor, Pickle, Redwood, Rider, Saynt, Sea, Sethe, Stevens, Trice, Turner, Welby and Wood. It should be noted that the total number of individuals bearing these surnames would have been higher.

⁵²⁷ The families of Browne, Church, Cocke, Ewell, Paramor, Pickle, Rider, Sea and Trice.

households were in the borough of Hampton. While this is a rather crude analysis, it does suggest that there may have been some tendency for kin to concentrate their residence geographically. It is also worth noting that these three families had been documented in Herne from at least the early sixteenth century.

Tithe Payment

In this section the household as the framework for the financial responsibilities and actions of its members will be considered. One hundred individuals paid tithe (23 per cent of total). The 89 resident tithe payers were all heads of household and all nine female tithe payers were widows. This indicates that for women responsibility for tithe payment was related to their marital status. Obviously, the amount paid by all householders was also related to wealth. When the tithe payers (resident and non-resident) are ranked according to the amount paid, those with designated social status generally feature in the upper half of the list but, as status was given in so few instances, it is not possible to draw any firm conclusions.⁵²⁸ Detail about occupations is similarly lacking. If it is assumed that a larger household, that is, one with servants, equates to a degree of wealth (remembering that a household with many servants could have been an alehouse), the results are ambiguous. The head of the largest household (12 members) did pay the greatest amount of tithe, but the head of household with ten members seemingly paid no tithe.

An extant lay subsidy list for a subsidy collected about six months before the sequestration provides a point of comparison.⁵²⁹ Those liable to pay the subsidy were, no doubt, among the wealthier members of the community. All of those listed in the subsidy were revealed in the accounts to be heads of household and all except two paid tithe. Even so, there is absolutely no correlation between the structure of wealth as revealed by the lay subsidy and the amount of tithe paid as revealed in the

⁵²⁸ Those whose social status was given were Mr John Fineux, esquire; Mr Henry Oxenden; Mr John Sea (twice) and Mr Brackenbury. It is probably that the two entries naming John Sea related to the same individual.

⁵²⁹ PRO E179 249/5.

accounts.⁵³⁰ This can be explained by the fact that though the accounts provide a very detailed account of payment, they were not a complete record of the year's income from tithe in the parish. They refer only to the payment of small tithe (usual at Easter). The more valuable great tithes of grain were not, therefore, included in the sequestration accounts. It might be supposed that a record of entire year's income from tithe would have revealed some correlation between the structure of wealth as indicated by the subsidy and the amount of tithe paid.

What can be made of Wright's assertion that responsibility in relation to the church increased with age and status? Those aged over 16 years were required to communicate at least once a year. Ensuring that they did so was the responsibility of their household head who, from 1593, was technically liable to fines if they did not. Wright argues that, while individuals may have taken communion at a relatively early age, it was some time before they were fully integrated into the financial responsibilities of church membership. No attempt has been made to establish the ages of those included on the list, but certainly it is notable that all those who paid tithe were heads of household and were presumably among the older members of the community.

Since it is likely that the list included most of the householders in the village, the poorer sectors of the population were probably omitted. This adds credence to Wright's contention that responsibility increased with age, status and perhaps also wealth. Since in all cases it was the head of household who paid tithe, this obscures the economic contribution of wives and servants within the household economy. As stated, the only women who paid tithe were widows. The key issue here, however, is responsibility rather than liability. Someone had to take responsibility for the payment of tithe, a receipt for which would be recorded on paper. In Herne, this

⁵³⁰ Furthermore, the subsidy also fails to reveal any correlation between the amount paid by individuals and their geographical residence as indicated in the sequestration accounts.

was, in practice, most usually men even though wives or servants may have physically handed over the produce.⁵³¹

The proposition that payments should be firmly located within the context of the household group can also be examined in relation to servants. As noted, statute demanded that the head of household be responsible for payments by members of his household and while individuals within households are named, in practice the head may have paid their offerings. All of the designated servants in Herne appear to have paid only the Easter offering and were evidently not taxed on their wage income. Had they been, then these receipts would almost certainly have been included in the sequestration accounts as personal tithe was customarily collected at Easter. Often servants would have paid a higher sum as an Easter offering in place of this personal tithe.⁵³² Given the apparent structure of the document - totals for household groups - and the fact that servants do not seem to have paid personal tithe (at least at Easter), this does imply that their offertory payments were met by their head of household. Even so, this observation does need to be balanced by the recognition that some servants were probably living within their own households and, as a consequence, paid offering on their own behalf. Conceivably, this can be related to the ideas about age and status; those servants of sufficient economic independence to have their own household were also regarded as economically independent in terms of offering.

The financial obligations of full church membership, in addition to offerings and tithe, could be very onerous. These included fees for the sacraments, upkeep of the church and repair to the fabric, payment for books, candles and bread and for the wages of the parish clerk. While these may not have been large sums, some individuals were probably subjected to very frequent demands. However, parishioners of Herne did not, it emerges, meet them very regularly. Thirteen

⁵³¹ For discussion of women in relation to tithe payment see above p. 96. This should not, however, be overstated as a gender division.

⁵³² For detailed discussion of the payment of personal tithe by servants in the diocese of Oxford, Worcester and Gloucester see Barratt, 'The Condition of the Parish Clergy', pp. 299-304.

individuals listed in the accounts were presented by the churchwardens and sidesmen of Herne in November 1589 for not contributing to the wages of the parish clerk. Some were alleged to be up to 11 years in arrears, although it does seem that the sum demanded was fixed at a rate related to ability to pay.⁵³³ A refusal or failure to meet these demands might also have been linked to a reluctance to attend church. In May 1596 one William Seare was presented as a 'negligent comer to the church', the alleged reason being the many debts he owed and his fear of being sued.⁵³⁴ A year later, in July 1597, George Wineford was presented as being 'a Negligent comer to church being not able to pay the forfeiture'.⁵³⁵

The accounts provide an extremely detailed picture of the payment of small tithe. They list payments for the tithe of eggs and for the tithe of animals of varying ages including calves, cows, heifers, kine, steers, buds, bullocks, lambs, pigs, colts and the cast (birth) of calves and lambs. Tithe was also paid on pasture by four individuals and on land by three. Evidently the tithing system was far more complex than the demand for ten per cent of produce or income which is generally understood. It is reasonable to suppose that the recorded payments were usually made in full. Part payments were recorded in three instances, in three cases amounts still had to be agreed and in one instance money was still owed when the accounts were compiled. It is possible to infer the rate at which tithe was paid. When calves had been sold the sale price was given and the tithe payment appears to have been a tenth of the price. This varied between *2d* and *9d*. The cast of lambs was *1/2d* per lamb. The payment on yearlings rose with age, that is, *1d* for a one yearling, *2d* for a two yearling. Pigs were tithed at *8d* and lambs at the relatively high rate of *2s 8d*. It is difficult to distinguish in this document between customary dues and money payments made according to the current value of the tithable produce. Evidence for the tension arising from negotiations over the value of the

⁵³³ CCAL X.11.8 ff. 13-6.

⁵³⁴ CCAL X.8.15 f. 113r.

⁵³⁵ CCAL X.8.16 f. 68v.

customary tithe and the current market value has already been discussed in relation to Herne.⁵³⁶

The information derived about rates and methods of tithing from the accounts can be compared with the detail contained within a document held at Lambeth Palace Library.⁵³⁷ This is a letter written by Revd John Hunte, curate of Herne, dated 10th August 1621. In this letter he sets out the tithing arrangements for the parish, declaring them to have been based on the books which had belonged to Mr Bridges, who had inherited them from his predecessor, Mr Johnson. This document includes details of the tithe of products which were not included in the sequestration accounts: honey, fruit, pigeons, mulletts and the tithe of garden produce such as onions and artichokes. Detail of the tithe of herbs and flowers was also included and it was specifically stated that this tithe was paid for the whole year, usually at Easter. Again, a tithe on this produce was not included in the accounts. For those products where a comparison is possible, tithes in 1590 were paid according to the detailed customary rates. As an example, the letter details the following:

‘Item The calfe, if it be sole, the vicar’s due the tenth penny; as if it be sole for 10s the vicar hath out of that due to him 12*d*. If the owner of the calfe kill it in his house, the vicar hath due the left shoulder therof.’

In the accounts there is one entry referring to the tithe paid on two shoulders of veal (the only payment made in kind). Forty-one per cent of tithe payers paid a commuted rate for all of their tithes (a fixed rate in lieu of tithe paid on individual commodities). This group included two widows and one man who paid tithe on their houses.⁵³⁸

⁵³⁶ For discussion of the customary *modus* see above p. 61 and for discussion of the case *Colf versus Smithe* (1594) see above p. 81

⁵³⁷ Lambeth Palace Library MS Lewis p. 226. Reproduced in Buchanan, J. R., *Memorials of Herne, Kent* (printed by Collingridge, 1887), pp. 57-9.

⁵³⁸ This is interesting since it is usually assumed that the payment of commuted tithe on houses was a custom peculiar to London and Canterbury: see Little, ‘Personal Tithe’, p. 77; Gransby, ‘Tithe Disputes’, p. 41.

Thus, in Herne tithe payments were basically made on the basis of an established customary *modus* which had, unusually, been committed to writing.⁵³⁹ However, as discussed earlier, custom was not an inflexible system and the detail included within the document confirms this. Seemingly, some payments were not made according to the customary rate and, as will be discussed below, the accounts mask the extent of negotiation or even argument which may have preceded payment.

The Validity of the Household as a Unit of Analysis in Relation to Tithe

The examination of tithe in relation to household is not without particular difficulties. For Herne this arises in that although the document is uniquely detailed (and arguably unique in itself), it is only a chance survival. Without a series of such accounts it is impossible to be definite about household groupings, or to compare payment over time. The household would seem, nonetheless, to be a valid unit for analysis where possible. It has a far more specific application than the term 'family' which is often loosely applied to include an individual, their children, parents and wider kin. Household, moreover, has been firmly defined as the co-resident domestic group, proposing that it was a centre for residence and consumption and querying whether this implied a pooling of resources.⁵⁴⁰ If this pooling of resources was the norm, this might have implications for the payment of tithe, suggestive of a group responsibility rather than an individual one.

An analysis of household groupings is, to some extent, artificial. As discussed, it is not certain that the groupings provide evidence of co-residence. The sequestration provides only a glimpse of the structure, size, composition and distribution of households at a specific time. Groupings were very fluid and subject to continual change. In particular, the younger sector of the population in service may have remained in households for only a matter of months. The life cycle of the household and its composition would plainly have a bearing on how that household

⁵³⁹ For discussion of the committal of customary practices to the written record see above p. 55.

⁵⁴⁰ Wall, R. (ed.), *Family Forms in Historic Europe* (Cambridge, 1983), p. 7.

functioned, how it was perceived and, in relation to tithes, what its precise obligations were. As observed, without a series of such accounts it is impossible to study change over time and analysis tends to be misleading in the indication of a rigid and constantly defined community. Boundaries between individuals, households and social groups were constantly changing.

Furthermore, a focusing on the household does tend to imply that it was an isolated, independent and self-sufficient entity, but this was certainly not the case. The links - social, economic and religious - between households were many and varied and clearly had a bearing on the dynamics of the community. As shown in earlier chapters, tithes was an issue that was continuously discussed and negotiated between groups of people and at the forefront of community concern. A decision affecting an individual's liability, or that of his or her household, would have had ramifications for the whole community. Here conflict within the community might be examined.

Conflict

In practice, a sequestration could occur for any number of reasons besides, the most usual, a vacancy. As examples, it could be implemented in the event of a failure to pay the tithes due to the Crown, owing to the dilapidated state of the parish church or parsonage, or because of some failing on the part of the incumbent. The reason for the sequestration at Herne is unclear. On first examination it might be conjectured that these accounts may have related to a vacancy since the long-serving vicar, John Bridges, was succeeded by Richard Colf in October 1590 and Bridges had died by February 1591. However, as already stated, the sequestration was relaxed on the petition of John Bridges on 16th June 1590, that is, after only a month. Easter in 1590 was on April 19th which presumably explains why the sequestrators were concerned with the collection of Easter dues and tithes payments. John Bridges may not have actually left or resigned the incumbency when the sequestration was granted and he probably appealed successfully against it.

The sequestration probably did not occur, therefore, because of Bridges' retirement, but may have related to the dilapidated state of the church. From 1585, Bridges had been persistently presented, along with John Fineux, farmer of the parsonage, for negligence in their responsibility toward upkeep of the chancel,⁵⁴¹ as well as for withholding church goods (a coverlet and a silk cushion).⁵⁴² The churchwardens were also presented for allowing the minister and parishioners to neglect the perambulation and there were demands for a Bible and a new Book of Common Prayer.⁵⁴³ Another reason for the sequestration could have been a suspension arising from Bridges' perceived negligence or unfitness. Most tellingly, in February 1589, John Bridges was presented as follows:

‘We do presente Mr John Bridges our vicar for that one Barnardes widowe dwelling with hym in his house was gotton with childe And withen her being with childe was conveyed away from thence to the parish of Tonge to the house of Sir John Clinche vicar ther & ther she lyeth or at leaste was delivered of childe & our sayd vicar Mr Bridges is suspected to be father of her childe’⁵⁴⁴

In June 1590 a second presentment was made relating to this matter. This was after Catherine Barnard had returned to the house of Bridges in the village at the previous Christmas (the Christmas prior to the granting of the sequestration in April 1590).⁵⁴⁵ Further presentments were made at this time as to the state of the chancel which was declared to be ‘so farr to ruine that we shalbe dryven to remove our communion table into the body of the Churche’.⁵⁴⁶ This particular presentment reveals more deep seated ideological conflicts related to the controversial position of church furniture.⁵⁴⁷

⁵⁴¹ CCAL Y.3.9 ff. 31v, 41v, 128v, 148v and 177r.

⁵⁴² CCAL Y.3.9 f. 32r.

⁵⁴³ CCAL Y.3.9 f. 32.

⁵⁴⁴ CCAL X.8.11 f. 132r.

⁵⁴⁵ CCAL X.8.13 f. 67v.

⁵⁴⁶ CCAL X.8.11 f. 154r.

⁵⁴⁷ For similar controversy at St Nicholas at Wade see below p. 225.

The sequestration most likely occurred, then, as the result of the cumulative effect of discontent within the village. This had been brewing for, arguably, the previous five years. It transpires that a replacement was readily found to serve the cure. One of the expenses paid by the sequestrator, John Sethe, details: 'Item Mr White the minister whoe hathe servid the cure ther from the feast of the byrthe of Christ last past unto this daye doth make demande of this accomptante for his wagies'.⁵⁴⁸ It appears, though, that Bridges succeeded in having the sequestration relaxed (which it might be assumed meant reversed) as one of Sethe's expenses referred to this. Perhaps he had been cleared of the allegations against him; nonetheless, he only remained as vicar until October 1590. The document extant is a copy of the accounts of the sequestrator, John Sethe, but the circumstances pertaining to its survival relate to a court case between Bridges and Sethe recorded in the Act Books of the ecclesiastical court as a tithe dispute. The dispute may have originated as a wrangle over parochial income after Bridges had been reinstated.

Evidently, Bridges had a somewhat strained relationship with his parishioners. He held at least two benefices. As well as being vicar of Herne, he was also vicar of nearby Monkton and chose to be buried there. More especially, there may have been a history of dissension between Bridges and the Sethe family. A presentment in 1569 stated that 'the vicar and Mr Robert Seathe are in great fault for railing & scolding to the disquiet of the parish'. Furthermore, Herne was demonstrably a parish with a long and relatively continuous history of dispute over tithe.⁵⁴⁹ One hundred and thirty-six suits were entered in the Consistory Court between 1501 and 1600 in which someone from Herne was either the plaintiff or the defendant. Fifty-three of these suits were heard after 1580 (39 per cent) and of these, 27 defendants shared the same surname with a head of household included in the sequestration. Ten disputes occurred between 1587 and 1590, that is, in the years immediately preceding the sequestration and John Bridges was the plaintiff in all except one.

⁵⁴⁸ The coincidence of Catherine Barnard's return to the village and the appointment of Mr White should be noted.

⁵⁴⁹ For discussion see above chapter four.

Conclusion

In the same way that the formulaic format of the document encourages the assumption that the groupings represent households, so too it suggests that tithe payment was a regularly organised and non-controversial process. The accounts recorded in a volume belonging to the ecclesiastical courts are, moreover, the ordered end product of a collection which may have taken many weeks of repeated visits and demands, wrangles over rates, liabilities and payments. They do not record payment from the entire resident population and some degree of evasion or outright refusal to pay is implied by the absence of known names in the listing. The difficulties which arise out of this analysis centre on the issue of what is meant by the term 'household': how it is to be identified and how this will bear on parochial obligation and responsibility. Analysis based on record linkage would tease out other aspects of the relationships both within and between groupings, such as credit and debt relationships. This would enable a fuller appreciation of the significance of tithe payment within the context of the household and the wider parochial community.

The sequestration accounts provide, nonetheless, valuable and uniquely detailed information revealing the complexity of household economies. They provide precise detail of land farmed, crops grown and animals reared, together with an exact assessment of their current worth. Detail of the payments made, negotiated or outstanding reveals the fundamental complexity of the tithe payment system and the diversity of experience within any one community.⁵⁵⁰ While governed by parochial custom and the subject of community interest, tithe payment was, at the same time, very much a matter for personal negotiation and agreement between individuals.

The complexity of tithe payment in terms of financial burden is adduced, not only by the frequency of dispute, but also in the recognition that tithe was just one of

⁵⁵⁰ For a summary of the total amount paid on different livestock see Appendix 5.2. This table includes those resident in Herne who paid sums on individual commodities, as opposed to a fixed sum in lieu of all tithes. It should be noted that some detail is obscured in that different sums were paid for beasts of different ages.

many financial obligations attendant upon full church membership.⁵⁵¹ Parishioners at Herne (as elsewhere) also faced demands for upkeep of the church fabric and furniture, wages of parish officials and cesses. Consequently, it can be seen that this complexity within the household economy was reflected in the involved nature of interaction within all spheres of community life. It is not surprising that this complexity found expression in dispute over wide-ranging matters. These included the maintenance of the church building, religious practice and adherence, the provision of the sacraments and the moral behaviour of both clergy and parishioners.

Litigation at Herne can also be considered as part of a continuum of activity in terms of numerical and geographical incidence and yet within this continuum it is possible to locate culminations of activity. Although the household can be considered a valid unit for analysis, clearly the boundaries between households were fluid and ever changing. The local case studies reveal that while negotiation and conflict over tithe and, indeed, all other aspects of parochial life, often took place without ever reaching the courtroom, on occasion circumstances combined to provide eruptions of activity. Here the influences might be considered to have been wide ranging, embracing social, economic and religious factors.

⁵⁵¹ For a summary of the total amount paid in tithe by resident tithe payers see Appendix 5.3.

St Nicholas at Wade

Introduction

The parish of St Nicholas at Wade experienced a moderate number of disputes (a total of 23) in the period 1501 to 1600. However, deposition and visitation material reveal that the concerns of this parish went far beyond wrangles over rates and methods of tithing.⁵⁵² The disputes appear to have arisen over fundamental religious differences, usually involving members of the community who were of long-established families. They formed part of an aspirant stratum who held important village offices and who, at the very least, could be described as substantial husbandmen and yeomen. This suggests that the everyday experiences of the parishioners were, to some extent, structured in terms of kin groupings, status and office-holding, and that some kind of social change was taking place, particularly in the last quarter of the sixteenth century. It should also be noted that St Nicholas at Wade lies close to the north-east Kent regional concentration of parishes experiencing high levels of dispute which was examined in chapter four.

Topography

The parish had a very distinct topographical identity. The name, St Nicholas at Wade, derives from '*ad vadum*' by virtue of the location of the parish near to the ancient wading place or ford across the River Wantsum. The parish, which was roughly 12 square miles in area, was predominantly situated on high ground although there was a marshland area called the Nethergong towards the west of the parish. The parish was bounded by the sea to the north. The church which was dedicated to St Nicholas (the patron saint of sailors and mariners) and the village

⁵⁵² This might be contrasted with the comments of Ingram: 'In their lifetime few parishioners appear to have made much demur about the payment of tithes or church dues; such disputes as occurred were mainly of a technical nature, involving allegations of unfair assessment and the like': Ingram, M., 'Religion, Communities and Moral Discipline in Late Sixteenth and Early Seventeenth Century England: Case Studies' in von Greyerz, K. (ed.), *Religion and Society in Early Modern Europe 1500-1800* (London 1984), p. 189.

were situated on a hill toward the centre of the parish. As at Herne, the church at St Nicholas at Wade was subordinate to the mother church of Reculver and paid an annual pension to the vicar there.

The Isle of Thanet was originally divided between the two important ecclesiastical lordships of Christchurch and St Augustine's. Crudely this can be summarised in that the eastern half of the island (the manor of Minster) belonged to St Augustine's and the western half (the manor of Monkton) to Christchurch. The uplands of the parish of St Nicholas at Wade, though, had long experience of the lay ownership of farms such as Hale, Frost's, Bartlett's, Down Barton and Shuart. In the sixteenth century these farms were held by prominent Kentish families such as the Crispes and the Paramors while Shuart was held by Sir Roger Manwood, Chief Baron of the Exchequer.

The ville of Sarre had earlier been accounted as a separate parish (St Giles) and an ancient member of the cinque port of Sandwich. It had been an important port at the time when the River Wantsum flowed from the sea, westward as far as Sarre and then towards the north, emerging again at the sea between Reculver and Birchington at the 'northmouth'. It was this Wantsum channel which had rendered Thanet an island and Sarre had been an important place on the shipping route to London. By the sixteenth century, however, the river had silted up and the church of St Giles was ruinous two centuries before that. When the sea flowed to Sarre, it was considered to be a healthy place and, as late as the sixteenth century, it appears to have been the home of some of the more wealthy inhabitants of the parish. Two hundred years later, though, Hasted described it as a marshy, less habitable place, in an area prone to malaria.⁵⁵³

⁵⁵³ The discussion of topography is based on Hasted, *History and Topographical Survey*, 10, pp. 237-53.

Land Use and Agricultural Practice

Arable land in the parish was rich and fertile, used for growing wheat and barley.⁵⁵⁴ The extensive marshlands were used as pasture for sheep and cattle. It is apparent that the parishioners of St Nicholas at Wade, as in other marshland areas of Kent, were engaged in a constant battle to combat the encroachment of the sea.⁵⁵⁵ It might be argued, therefore, that the outlook of parishioners was likely to have been a battling one and that this was perhaps reflected in their combative attitude to matters such as tithes. Land holding in the parish was diverse, ranging from a fraction of an acre to a few hundred acres; much of it was either owned or farmed by members of local yeoman or gentry families, notably the Everards, the Crispes, the Paramors and the Mussereds.

The probate inventories reveal that what might loosely be termed ‘cottage industry’ was a prevalent concern in the village. Most households possessed a cheese press, a mustard quern or simply a quern. Some possessed grind stones and equipment for baking bread. Other inventories listed brewing implements or a still.⁵⁵⁶ Despite the location of the parish close to the sea and to the port of Sandwich, only one person, John Churchman, possessed even a part share in a boat. Plainly there was opportunity for market sale given that the parish lay on the commercial route to London. However, the indications are that agricultural produce was intended primarily for immediate local consumption, although some grain was sold elsewhere on the Isle of Thanet and in the city of Canterbury.⁵⁵⁷ The probate accounts also reveal detailed local networks of credit and debt. Only a few parishioners emerge as having had dealings as far afield as London. Robert Rooke,

⁵⁵⁴ The following paragraphs are based on an examination of 65 probate accounts and inventories from the period 1569-1601. For all references see Appendix 5.4.

⁵⁵⁵ The Canterbury Archaeological Trust estimates that attrition of the cliffs due to wave action and weathering has made substantial inroads and suggests an attrition rate of 27.5 metres per century based on a study of estate maps. For cases concerning maintenance of the sea walls see also Charles *versus* Meryham (1580) and Charles *versus* Whitlock (1580).

⁵⁵⁶ See, as examples, the inventories for William Mussered, Thomas Holland, John Sackett, John Lyon and Jone West.

⁵⁵⁷ See, as examples, the inventories for Nicholas Coppyn and John Sackett.

a maltman, had a bond with a Londoner and Thomas Parker, gentleman, was also owed a considerable amount of money by someone from the city. The prevalence of sheep farming enabled the supply of wool to Canterbury weavers and to Sandwich. Many parishioners themselves had linen or woollen wheels, but the absence of any looms listed in inventories suggests that there were no weavers in the parish.⁵⁵⁸ A number of inventories listed weaponry and/or armour.⁵⁵⁹

Some indication of occupational structure is provided by the probate inventories. Two men were described as gentleman⁵⁶⁰ and three as yeoman.⁵⁶¹ George Foord was described as a husbandman. The sample also included a smith, a shepherd, a maltman and one servant (though other inventories do indicate that their subjects were servants).⁵⁶² Six inventories list the contents of a shop of some kind⁵⁶³ and Edward Marson was probably a corn merchant. Analysis arising from record linkage suggests that Laurence Perrin kept an alehouse.⁵⁶⁴ The lower stratum probably comprised mostly agricultural workers or men and women in service.

Economic Structure

One of the chief sources for economic structure in this period is the lay subsidy of 1523.⁵⁶⁵ This attempted a comprehensive assessment of individual wealth, either on land to an annual value of £1 or more, on the capital value of goods worth in excess of £2 (excluding standing corn and personal attire), or on the wages of those aged

⁵⁵⁸ See, as examples, the inventories for John Mussered (1569), John Churchman, Thomas Mussered, Richard Bartlett and Jeremy Hart. The inventory of Agnes Mercer's goods indicates that she may have been involved in the retail aspects of weaving. The inventory listed three yards of scholch cloth at 20*d* the ell, stock cards, sheers, a pair of scales, a pair of winch ropes and bushel and a quarter of hemp, but no linen wheel or loom.

⁵⁵⁹ Many parishioners owned bows and arrows, but for more extensive weaponry see also the inventories of John Hall, Robert Rooke, John Martin, Jeremy Hart, John Churchman and William Mussered.

⁵⁶⁰ Thomas Parker and Henry Everard.

⁵⁶¹ William Mussered, Thomas Wutten and James Mercer.

⁵⁶² Richard Rudland, John Martin, Robert Rooke and Agnes Bownde.

⁵⁶³ See the inventories of Valentine West, Thomas Car, Agnes Mercer, John Lyon, Alan Web and William Cockett.

⁵⁶⁴ This would seem to be confirmed by the inventory of his goods which included a large number of platters, dishes, saucers, cups, cruses and trenchers.

⁵⁶⁵ PRO E179 124/196.

16 years or over and whose earnings were equal to or exceeded £1 per annum. While the lowest stratum of society (constituting those earning less than £1 per annum) was excluded, the detail for the middle and upper strata of society is likely to have been fairly complete. Analysis based on record linkage reveals an identifiable group of 81 taxable persons from St Nicholas at Wade in the final pages of the assessment for the hundred of Ringslow.⁵⁶⁶

It is immediately plain that there was a pyramidal structure to wealth within the village. By far the majority were assessed on wages equalling £1 and were taxed 20*d* each. Eighty per cent of those listed were assessed on land, goods or wages worth up to £4 and the dichotomy of wealth between these people and those assessed on goods valued up to £50 is very marked. If these figures are compared with the distribution for the hundred as a whole, the pyramidal structure to wealth is confirmed.⁵⁶⁷ Here, 77 per cent of those listed were assessed at a value less than £4. It seems that the parish of St Nicholas at Wade had a larger proportion of poorer inhabitants surviving on wage labour. Thirty-five per cent of total number of those assessed on earnings of £1 per annum were from this parish.

This analysis does have to be offset by the fact that no returns for the ville of Sarre were included in the sample and, as suggested above, at least later in the century this was the part of the parish where the wealthier families such as the Everards and Paramors lived.⁵⁶⁸ It is also difficult to study population growth or decline in the village since no parish registers have survived before 1634 (though there is a very incomplete series of Bishop's Transcripts dating from 1564). However, evidence from testamentary material perhaps hints at poor replacement rates or a failure to reproduce in the male line.

The evidence from inventories also, moreover, provides a valuable indication of the economic structure of the parish. From a total of 64 inventories examined for the

⁵⁶⁶ These totals are summarised in Appendix 5.5, Figure 1.

⁵⁶⁷ These totals are summarised in Appendix 5.5, Figure 2.

⁵⁶⁸ The name Everard, for example, is not included on the subsidy list though members of the family are documented as living in the parish at this time.

period 1569-1601, the median value of total wealth was £46 and the average (to the nearest pound) was £131. This indicates, albeit rather crudely, that 21 individuals, or 33 per cent of the sample, possessed wealth above the average. These figures are slightly skewed in that both William Mussered (the wealthiest assessed) and Thomas Parker were assessed on two households. Of the wealthier families indicated by the 1523 subsidy - Stretyn, Abraham, Crispe, Rooke and Seynt - only the name Rooke reoccurred amongst the extant inventories and even then Robert Rooke's goods were relatively modestly valued at £85 3s 9d. This probably indicates the movement of new wealth into the village in the latter half of the century. Henry Everard and Thomas Parker were both described as gentlemen which is suggestive of a link between wealth and social status, although their wealth as revealed in the inventories of their goods was not the greatest. This may point to the fact that the gentry had, to some extent, been overtaken in terms of wealth by a more aspirant stratum from elsewhere in the county. As examples, while they quickly assimilated themselves into parochial life, both John Sackett, probably from the parish of St Peter, Thanet and Edward Whitlock from Throwley were newcomers to the village in the latter half of the century.

It is difficult to gauge how wealth was perceived or how it might have reflected occupation or social status. As might be expected those of lower social status were also less wealthy.⁵⁶⁹ There is a marked contrast between inventories such as those for May Mees and William Kennet which recorded only a set of clothes and sometimes a small amount of ready money and those of the goods of William Mussered and John Sackett which detailed the contents of several furnished rooms, a working farm, crops and animals. With the exception of those who possessed only clothes and presumably lived in a rented chamber, probably in service, it appears that most people owned the most basic household requirements: a bed (usually flock or feather with bedclothes), a table, chairs or forms, a few dishes and tablecloths. Generally speaking, it can be assumed that the wealthier probably had a

⁵⁶⁹ Agnes Bownde, servant to John Allen, possessed a very small amount of brass and pewter, a chest, a querne and some wool. She was also owed wages at the time of her death. Her inventory totalled a mere 6s and 4d.

larger house and more money to devote to household comfort or valuable items.⁵⁷⁰ Those possessions which might be regarded as indicative of wealth included silver (almost all inventories listed some pewter or brass), carpets, cushions, wall hangings and, arguably, books. Certainly those who owned silver were amongst the more wealthy.⁵⁷¹ As a percentage of the individual's total wealth, however, these household possessions did not constitute a markedly greater proportion of total wealth than for that of the poorer villagers. In almost all cases the greatest proportion of wealth (usually over three quarters) was invested in livestock, farming implements and crops.

Four men owned books.⁵⁷² Robert Rooke and John Sackett both owned Bibles. Sackett's was described as 'one greate bible' and valued at 16s 8*d*. It is interesting to note that, with the exception of John Sackett, these were not among the wealthier individuals living in the parish. The inventory of John Fostall, who was probably a lodger with another parishioner, listed old clothes and books. Robert Rooke, the maltman, possessed other small books in addition to his 'small Bible' and he probably led an itinerant lifestyle. His inventory listed a 'portmantue' and as already stated, he had dealings in London.⁵⁷³ The least wealthy of the four, Richard Smallwood, owned books to the value of 5s.

An analysis of farming equipment and stock in the inventories reveals that 21 individuals possessed a plough and these plough owners were usually among the wealthier parishioners, though significantly less wealthy men such as Thomas Wutten and Thomas Rooke also owned one. Since crops were grown by men and women lower down the scale of wealth, it is likely that some plough sharing must have taken place. Of those who farmed arable land in the parish, almost all seem to have grown wheat, barley and perhaps podder, but less usually oats. Hay, hemp and

⁵⁷⁰ Larger houses typically comprised of perhaps a room designated a parlour, other chambers, a hall, a kitchen, a buttery and a milkhouse.

⁵⁷¹ Valentine West, Jone West, John Hall and John Fostall.

⁵⁷² John Fostall, John Sackett, Richard Smallwood and Robert Rooke.

⁵⁷³ See above beginning p. 208.

malt were also occasionally listed.⁵⁷⁴ Obviously the detail of crops in inventories would depend on the season in which they were compiled, as might a record of animals. Of the 46 inventories that listed animals, all except seven included sheep. This varied from those who owned one or two lambs up to flocks of over 200.⁵⁷⁵ There was a vast amount of grazing land in the parish and 13 inventories listed wool. Kine of all ages and sexes were listed in 41 inventories, pigs in 39 inventories and horses, mares, colts and geldings in 33 inventories. Domestic fowl kept by the parishioners included ducks, hens and geese. It could be surmised that the most parishioners in St Nicholas at Wade practised mixed farming regardless of their wealth or status. The poorest usually owned perhaps one cow and a few pigs. None of the inventories indicates a marked degree of specialisation and even those who practised some other occupation (except for two individuals) kept a few animals. The parish would appear to have been relatively self sufficient in terms of providing food. There is evidence, judging by the network of debt and credit and by the inventories of Edward and Ellen Marson, that crop surplus was frequently traded with neighbouring parishes. It is worth remembering that all of this produce would have been tithable.

As already observed, land holding was dominated by a few men, usually members of families which had been established in the village or its immediate environs for a considerable period of time. These men included members of the Crispe family, the Everard family and Mr Paramor of Sarre. They either sublet land, or farmed it themselves and employed seasonal labour. Further indication of the land holding within the parish can be gleaned from the extant documents relating to the manor of St Nicholas' Court. This manor was granted to Queen's College, Cambridge by Lady Joan Burgh in 1473. In 1528 a lease for 20 years was granted to Robert and Henry See. They were probably members of the See family who lived in St Nicholas at Wade. This lease was for an annual payment of £22 13s 4d to be made

⁵⁷⁴ The absence of rye in these inventories suggests the good quality of Thanet soil and would seem to confirm the comparative absence of brewing.

⁵⁷⁵ Edward Whitlock had a flock of 260.

at the Feast of St Edward the Confessor (13th October).⁵⁷⁶ In 1543 the lease was granted to William Rydley, yeoman, who was described as servant unto my Lord of Canterbury. This time the lease was for a period of 30 years, again for the sum of £22 13s 4d, but to be paid in two instalments at Our Lady Day (25th March) and at the feast of St Michael the Archangel (29th September). The college agreed to be responsible for repairs to the walls and dikes as long as they were provided with three lodes of straw.⁵⁷⁷

The manor passed frequently between men from outside the county. In 1568 it was obtained by Thomas Stokes from Okeley, Bedfordshire, who was possibly related to John Stokes, president of Queen's College. A year later the lease passed to Thomas Stokes' brother-in-law, George Burye of Radwell. In January 1571 the lease was again sold, on this occasion to John St John esquire, son and heir of Oliver, Lord St John of Blettishoon for £133.⁵⁷⁸ Despite regular changes of ownership of the lease, the land was usually farmed by or sublet to one of the more prominent parishioners. In 1569 the land was being farmed by William Mussered who submitted a terrier in this year. Receipts for the quit rent of St Nicholas' Court belonging the manor of Down Barton were paid by William Mussered until October 1576. Thereafter, the rent was paid by Thomas Paramor who farmed the manor at least until Michaelmas 1588 when the series of receipts finishes. William Mussered's inventory dated December 1576 included the lease of St Nicholas' Court.

A terrier submitted in 1584 reveals something of the extent of the manor. It comprised just over 426 acres: 164 acres of fresh marsh and 182 acres of salt marsh. A further 80 acres of marsh lay in the Wademarsh valley. Over half of this manor consisted of saltmarsh. The usefulness of this land is difficult to assess. An earlier terrier of 1548 described 110 acres of salt marsh which was overflowed at every tide and a further 92 acres which overflowed every spring tide, but there

⁵⁷⁶ CUL QC 74.

⁵⁷⁷ CUL QCV 42.

⁵⁷⁸ CUL QCV 42.

would presumably have been the possibility of reclamation. The fresh marsh was in all likelihood valuable grazing land. The manor was bounded by lands held by various local families as well as more remote landholders: heirs of the Everard family; Nicholas Terrye; Richard Mussered and Henry Crispe, knight; as well as the Crown; the Archbishop of Canterbury; the heirs of the Countess of Shrewsbury; and Corpus Christi College, Oxford.⁵⁷⁹

The final extant lease for the sixteenth century was made in November 1598 with Henry Paramor. This was for the term of the natural lives of his wife, Mary, and Thomas and Walter, two of his sons.⁵⁸⁰ Each year 11 quarters and three bushels of wheat, as well as, 15 quarters and one bushel of malt were to be paid. Alternatively, payment could be made according to the rate of these crops at the market in Cambridge, together with a further £15 2s. Paramor also had to bear the reasonable expenses of the President and Fellows and their entourage and provide them with meat, drink and lodging should they come to inspect the manor. He was also to be responsible for all repairs. The terms demanded by the college had thus become more stringent. This implies that the manor was a coveted investment, though one that frequently gave rise to contention. As shown, it was held by leaseholders from outside the county as well as by members of the prominent local families. Furthermore, in 1596, the Queen had requested the lease of the manor at £22 13s 4d for her tailor, William Jones.⁵⁸¹

Religion

An examination of testamentary preambles and provision for masses and bequests, prior to 1547, reveals that the parish was ostensibly an orthodox catholic one. The church had at least nine votive lights: the High Cross light; Our Lady light; and

⁵⁷⁹ There were also holdings belonging to Henry Dyngley, gentleman; Thomas Harding; William Saulkin and John Fynche, gentleman.

⁵⁸⁰ CUL QCV 42.

⁵⁸¹ *Calendar of State Papers (Domestic) 1597-7*, pp. 300 and 302. Earlier, in 1573, a lawsuit was brought by the College against Sir Henry Crispe. This suit appears to have arisen over cattle and sheep pastured in lands belonging to the manor in Monkton and Birchington [CUL QC20].

lights to St Thomas, St George, St Erasmus, St Nicholas, St Peter, St Anthony and the Holy Trinity. There were also images of St Katherine and St Margaret in the church. In 1533 Bartholomew Coppyn left 6s 8d towards the painting and gilding of the cross of Wade.⁵⁸² The last bequest made to any of these lights was in 1536 which suggests that the destruction of images occurred fairly immediately in this parish. The overall religious devotion of the parish after 1547 appears to have reflected the swings in official adherence.

Although the use of preambles as indicators of personal conviction and belief is a controversial one, this material has been examined for some of the wealthier members of the parish in the latter half of the century.⁵⁸³ Argument over the use of preambles frequently centres on whether the sentiments expressed accord to a formula used by the scribe or reflect the true convictions of the testator. In the final quarter of the sixteenth century there were at least four men living in the parish who have been positively identified as the scribes of villagers wills - Richard Smallwood, Richard Sherlye, Nicholas Parker and James Charles, vicar of the parish - and there may have been up to three others. This suggests that there were enough men acting as scribes in the parish for it to have been at least possible for the testator to call on a scribe who shared their general religious affiliation. Also, as will be discussed below, the villagers of St Nicholas at Wade were not docile in matters of religious belief and practice.⁵⁸⁴ An examination of those wills for which the scribe is known does highlight some formulaic usage, but usually with embellishment, presumably of the testator's own. The parish community as a whole seems to have been very independently minded and, as such, the preamble of the last testament can probably be taken as a good indication of individual belief.

⁵⁸² Bartholomew Coppyn: CKS PRC 32/15 f. 198.

⁵⁸³ These issues are examined in Spufford, M., 'The scribes of villagers' wills in the sixteenth and seventeenth centuries and their influence', *Local Population Studies*, 7 (1971), pp. 28-43; Richardson, R. C., 'Wills and Will-makers in the sixteenth and seventeenth centuries: some Lancashire evidence', *Local Population Studies*, 9 (1972), pp. 33-42; Zell, M. L., 'The use of religious preambles as a measure of religious belief in the sixteenth century', *Bulletin of the Institute of Historical Research*, 1 (1977), pp. 246-49; Alsop, J. D., 'Religious preambles in early modern English wills as formulae', *Journal of Ecclesiastical History*, 40 (1989), pp. 19-27.

⁵⁸⁴ See below p. 236.

It can be said with confidence, therefore, that from 1585 onwards the parish elite in terms of wealth were Protestants. The preambles of their wills emphasised Protestant theological ideas to varying degrees, but all stressed salvation through the death of Christ alone. The preamble of John Sackett's will which was made in 1588 and for which the vicar, James Charles, was the scribe, stressed salvation through Christ's death and passion and an expectation of the second coming.⁵⁸⁵ It is likely that Sackett was a literate man - as noted he possessed a copy of the Great Bible - but he was sick when he made his will and this is perhaps the reason why he required the services of a scribe. The sentiments expressed could have been those of James Charles, the writer of the testament, but given their apparently close relationship, to be discussed below, it could be reasoned that these were sentiments shared by Sackett.⁵⁸⁶

James Charles was the scribe in only one other will, that of Nicholas Ausey *als* Dauson in 1592.⁵⁸⁷ This testament had a similar preamble to that of Sackett. Charles also witnessed the will of John Fourde, Sackett's son-in-law, in 1593.⁵⁸⁸ Sackett and Charles were, together, witnesses to the will of John Mussered, the younger, in 1579.⁵⁸⁹ Mussered wrote his own will which had an exceptionally long and Calvinist preamble. The division between Protestant and Puritan can be crudely understood as a very fine one in terms of theology, the issue being one of degree. Within the spectrum of belief, Puritans are generally understood as more fervent. Any attempt to delineate a Puritan group within this elite would certainly point then to this highly individual and strongly Calvinist will and, arguably, also to those of John Sackett and Nicholas Ausey. All of these wills involved the vicar, James Charles, either as scribe or witness.

The pervasiveness of Puritanism within the village is difficult to assess. An analysis of the presentments made between 1557 and 1600 reveals that the number made

⁵⁸⁵ John Sackett: CKS PRC 48/36 f. 110.

⁵⁸⁶ See below p. 231.

⁵⁸⁷ Nicholas Ausey: CKS PRC 48/37 f. 54.

⁵⁸⁸ John Fourde: CKS PRC 48/37 f. 122.

⁵⁸⁹ John Mussered: CKS PRC 48/34 f. 26.

was steadily increasing, although the records are less complete before 1570.⁵⁹⁰ A growing concern to detect and censure the moral and sexual behaviour of parishioners is evident: six couples were presented for incontinence in the period 1581-90 and seven between 1591 and 1600. Interestingly the 1580s, precisely the time when Charles was vicar, were the busiest period and Charles was himself presented on a number of occasions.⁵⁹¹

Social Structure

It transpires that St Nicholas at Wade was a community made up of families long-established in the village across three or four generations, other long-term inhabitants and more transient members of the population, most usually servants and labourers. It was purportedly the group of long-resident yeoman farmers who provided the 'stable core' of the community.⁵⁹² Families such as the Everards, the Lyons and the Rookes had been settled in the parish since the early sixteenth century. A member of the Mussered family was listed in the Lay Subsidy in 1523. He was assessed on goods and wages to the value of only £2, but by the second half of the century members of the family had acquired yeoman status. As shown, in the 1570s the Mussered family also held the lease of one of the larger farmhouses, St Nicholas' Court.

The village was not insular or parochial in its outlook and experienced the influence of incomers from other parts of Kent, other parts of the country as a whole and possibly even from abroad. Members of the village had cross channel links. A ship crossing from Dover to Dieppe in 1589 was attacked by enemies and one William

⁵⁹⁰ See Appendix 5.6. These figures are derived from *Archdeacon Harpfield's Visitation*, Catholic Record Society, 45 (1950) and 46 (1951), as well as visitations undertaken by the Commissary General. But for the suggestion that the equation between social control and Puritanism is a misleading one and that 'godly discipline' was neither new nor unfamiliar in the sixteenth century see Spufford, M., 'Puritanism and Social Control?' in Fletcher, A. and Stevenson, J. (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985), pp. 41-8.

⁵⁹¹ For further discussion see below p. 232.

⁵⁹² Similarly, Hey identifies a stable core of long-resident families within the husbandman/yeoman strata of the village of Myddle: Hey, D., *An English Rural Community - Myddle under the Tudors and Stuarts* (Leicester, 1974), p. 141-2.

Mussered of St Nicholas at Wade, a passenger, was believed to have drowned when he jumped overboard.⁵⁹³ Villagers were also aware of the wider political scene. A Mr Everard (probably Henry) was a member of the Inner Temple and it is likely that he spent a part of the year staying in London and James Charles excused his absence from the parish on one occasion since he had been preaching at Reculver for the 'publishinge of Parries Treason'.⁵⁹⁴

Some members of the community were born in St Nicholas at Wade and then spent a few years living elsewhere, perhaps in service, before returning to the village later in life. Others came to the village at the time of the marriage and set up a new household. Richard Smallwood, for example, was born in Middlewich, Cheshire in 1539 and came to St Nicholas at Wade 27 years later. He quickly assimilated himself into the life of the community, probably because he was a literate man whose skills were in demand by villagers requiring the services of a scribe. He married Sibella Holland, who was possibly the daughter of Henry Holland the vicar, in 1589 and died in the village four years later, leaving two sons and a daughter.

Others, however, were amongst the more transient members of the population with a single record relating to their presence in the village; for example, one Margery Johnson appeared, aged 24, as a deponent in the matrimonial case *Harker versus Young* in 1594. She described herself as having been born in Whitstable in 1570. She had been the servant of a William Fisher for a period of eight weeks, of Thomas Paramor of Chislet for eight months and, for one year, the servant of John Laurence of St Nicholas at Wade.⁵⁹⁵ Hers would seem to have been a fairly typical experience of young single men and women. Other labourers and craftsmen passed through the village, possibly staying for the harvest season or until their work was complete. The Assize records reveal that crimes were committed against members

⁵⁹³ Barber *als* Mussered *versus* Cobb *als* Mussered (1591): CCAL X.11.6 f. 8.

⁵⁹⁴ CCAL X.11.2 f. 116.

⁵⁹⁵ *Harker versus Young* (1594): CCAL X.11.6 f. 262v.

of the village by a dyer from Maidstone, labourers from Harting Combe in Sussex and from Studdal and by a carpenter from Headcorn.⁵⁹⁶

Ties of kinship were relatively dense. Two of the wealthiest families in the village, the Everards and the Paramors, were related by marriage and it is revealed that other long-established families tended to inter-marry.⁵⁹⁷ Kin were called on to act as witnesses and overseers of wills and they habitually received bequests. Fathers regularly made provision in their wills for the education of their younger children and older children were frequently charged with providing for their widowed mothers. Ties of kin did not necessarily imply a close emotional relationship. One Matthew Jenkinson, the alehousekeeper, declared on his deathbed when prompted to remember his kin in making his bequests: ‘they have bene unkind sisters unto me and I will give them nothing, they shall not have a penny worthe of my goodes’. When urged, ‘You must forgett and for give’, he replied, ‘I do forgive them with all my harte, but I will give them nothings’.⁵⁹⁸

The polarity of experience between different members of the community was very marked. Within the upper stratum of the village community there were wealthy, influential men such as Thomas Paramor, gentleman. He came to the parish in 1560 to marry his third wife, Joane, the widow of Valentine Everard. He served frequently as churchwarden and was regularly called as a deponent in the ecclesiastical courts. He had three children from his four marriages. Thomas Paramor spent the last 33 years of his life in St Nicholas at Wade and was duly commemorated in the church on his death. Paramor’s relatively well-documented life and network of kin, neighbours and acquaintances are in marked contrast to that of Joan Rooke, spinster of Potten Street in the parish. She was indicted for the

⁵⁹⁶ Cockburn, J. S. (ed.), *Calendar of Assize Records: Kent Indictments Elizabeth I* (London 1979), p. 204 [Assizes 35/25/9], p. 240 [Assizes 35/27/6], p. 306 [Assizes 35/32/5] and p. 459 [Assizes 35/42/6].

⁵⁹⁷ As examples, the families of Emptage and Langley, Holland and Smallwood, Knowler and Sackett, Mussered and Langley, Mussered and Cobb.

⁵⁹⁸ CCAL X.11.4 ff. 16v-7v.

infanticide of her baby son in 1593 . An inquisition held in the parish found her guilty of having cut his throat and she was tried and sentenced to hang.⁵⁹⁹

Consequently, it is perhaps inevitable that any discussion of the use of the ecclesiastical courts will tend to focus on the more visible experiences and concerns of the middling to upper strata of the village community. Social status and office-holding will be discussed in relation to the tithe disputes, but it does appear that there were certain members of village society who were frequently called upon to act as executors, witnesses and overseers of wills, as witnesses in the ecclesiastical courts and as churchwardens. These men were almost invariably drawn from those established within the husbandman/yeoman stratum. Conflict over tithe should be seen as linked to the topography, as well as to the social and economic structure of the parish. Parish life was intimately informed at all levels by ritual and customary behaviour, expressed through practices such as the annual perambulation or methods of tithing-out. There was also, moreover, an acute awareness of contemporary identities as expressed in religious affiliation and the social and economic structure of the parish.

Three cases concerning tithe will be examined in detail: a dispute in 1541 between the vicar, Henry Holland, and Robert Young over the customary tithe of the milk of ewes; a dispute between Henry Everard and the vicar, James Charles, in 1587 which involved numerous objections to religious practice in the parish; and finally, a dispute (which seems to have originated as an office case against Edward Emptage) arising from the refusal of the vicar, Peter Simon, to permit the inhabitants of Sarre to receive the sacraments at St Nicholas at Wade. This dispute subsequently developed into a petition to the Archbishop and a case brought by the entire parish against the vicar.

⁵⁹⁹ Cockburn, *Calendar of Assize Records*, p. 294 [Assizes 35/32/4].

Holland *versus* Young (1542)

The case Holland *versus* Young (1542) is a very interesting one in relation to traditions of earlier heretical thought.⁶⁰⁰ The dispute arose over whether or not it was customary to pay tithe on the milk of ewes in the parish of St Nicholas at Wade. The vicar, Henry Holland, claimed a rate of 1*d* for every four ewes and parishioners had variously paid or not paid, though most agreed that the tithe was not customary. Many cited long-distant practices. One deponent declared that ‘he herd his mother saye that his father did alwaies pay itt so beinge as he levyd’⁶⁰¹ and 80-year-old, Philip Martine, who had lived in the parish for the past 34 years, was ‘assured that ther was no custome ther to pay for iiii milke ewes id’.⁶⁰² The testimonies in this case, for which a considerable number of depositions were taken, are specially valuable for the evidence they provide of the negotiations which had taken place between the parishioners and the vicar. They reveal that such negotiations, while very much a part of community regulation and interest, were subject to individual bargaining. Individuals were acutely aware of the singularity of their own relationship with Holland as well as the implications of their own position for the wider community. Many agreed to pay Holland in the expectation that the issue would be resolved at law. John Sawkyne deposed that all small tithes were due to the vicar, except for the tithe of ewes’ milk. He stated that, although this tithe had been asked of him by Holland for the year in question and, indeed, for the previous seven years, he had responded that it was ‘not his ryght or deutie’. Holland had answered that ‘in case he cold not trye it by the lawe to be his dewtie he wold then repay itt’ and they had reached agreement. Sawkyne maintained, nevertheless, that ‘more of the parishe dothe not pay then doth pay’.⁶⁰³ Holland’s

⁶⁰⁰ For earlier discussion of this case see Simpson, P., ‘Conflict and Community in Kentish Rural Society, 1500-1560’ (MA: University of Kent at Canterbury, 1992) pp. 18-20. For discussion of the postulated relationship between tithe disputes and heresy see above p. 156.

⁶⁰¹ Holland *versus* Young (1542): CCAL X.10.2 f. 27r.

⁶⁰² Holland *versus* Young (1542): CCAL X.10.2 f. 51.

⁶⁰³ Holland *versus* Young (1542): CCAL X.10.2 f. 30r.

own testimony revealed the complexity of arrangements in his detailed listing for the court of the particular debts and circumstances of individual parishioners.⁶⁰⁴

The deposition of Gregory Davy, however, referred to events of around nine years earlier. At this time John Everard, farmer of the vicarage, and Sir Thomas Dale, chantry priest at the Church of Reculver (described by Davy as the parish priest), required the parishioners to pay tithe milk:

‘how be it ther was no certentye in paying for sum paid more and sum less And further saithe that they that dyd pay itt dyd pay the same of their good will and not of anny dewtie or custome that they knewe to be dewe’⁶⁰⁵

This arrangement was confirmed by Thomas Dale himself and by one Thomas Lyon who, though the tithe was demanded, did not pay. Ostensibly then, the case was one concerned with custom and community self regulation. It was a dispute which had perhaps been anticipated for some time and which was regarded by many of the parishioners, as well as by the vicar, as a test case.

The early depositions relating to this case were taken in October 1542. However, five later depositions (dated July 1543) add a fascinating new dimension to the dispute. Various witnesses from Reculver testified that eight or nine years earlier, details of Thomas Dale’s relationship with Margery Lyssate, with whom he had two children, were brought to light. Thomas Paramor of Reculver described how one evening, together with other parishioners

‘standing at church stile aboute x of the clocke in the nighte (he) dyd see the said Sir Thomas sitting in his bed naked unto whom the said Margerye dyd bringe a cuppe of drinke her clothes being unbraced and even sodenly the candle was putt owte very suspiciouselye’⁶⁰⁶

⁶⁰⁴ Holland *versus* Young (1542): CCAL X.10.2 f. 48r.

⁶⁰⁵ Holland *versus* Young (1542): CCAL X.10.2 f. 28r.

⁶⁰⁶ Holland *versus* Young (1542): CCAL X.10.2 f. 90v.

The Act Books reveal that parish of Reculver instigated a disciplinary case against Dale in 1535.⁶⁰⁷ Witnesses in 1541 stated that Dale had been brought before the Lord of Canterbury where he had confessed openly to his offences and had been set in the stocks. Soon after he had left the church at Reculver.⁶⁰⁸ William Ewell of Reculver stated that he was commonly reputed in Reculver and thereabouts to be ‘a man of yvil conversation & naughty behavior and a commen horemonger’.⁶⁰⁹

So why was this evidence brought forward in a tithe dispute over seven or eight years after Dales’ departure? It is a tentative proposal that in order to play down the significance of any custom for the payment of this particular tithe which may have begun during the curacy of Thomas Dale, witnesses were seeking to suggest that he had not been morally entitled to the tithes. This contention would have had some precedent in the Lollard claim that parishioners might lawfully withhold tithes from corrupt clerics. There was scriptural justification for this view.⁶¹⁰ Neither the parish of Reculver nor St Nicholas at Wade has yet been identified as a focus for Lollard activity, although there is a fourteenth-century underground crypt in a cruciform shape at the manor house of St Nicholas’ Court which, it has been suggested, might have been used by the Lollards for covert worship following the failure of Oldcastle’s Rebellion in 1414.⁶¹¹

While the withholding of tithes was not an inherently heretical action, it does seem in this case to have been informed by an element of unorthodox thought. Considerations of the orthodox and unorthodox are, however, extremely complex. While the influence of heretical thought remains a possibility in this case, it is clear that attitudes toward tithe payment were intimately grounded in convictions about the reciprocity of relationships. Dale’s obligations as parish priest were presumably

⁶⁰⁷ CCAL Y.2.13 ff. 200, 203v, 205.

⁶⁰⁸ He returned to testify in this case and his stated residence appears to have been the marches of Calais [Holland *versus* Young (1542): X.10.2 f. 54v]. He did not refer to his reason for leaving the cure.

⁶⁰⁹ Holland *versus* Young (1542): CCAL X.10.2 f. 91v.

⁶¹⁰ Matthew 10:9.

⁶¹¹ Igglesden, C., *A Saunter through Kent with Pen and Pencil* (Ashford, 1932), 16, p. 92.

felt to have been unsatisfactorily fulfilled and his lifestyle to have been inappropriate. These criticisms had contributed to his infamous reputation, a reputation still being discussed years later. The career of Henry Holland at St Nicholas at Wade appears, in contrast, to have been one of conciliatory and exemplary pastoral care. It should be noted that he served as vicar in the parish of St Nicholas at Wade for a period of over 30 years spanning the years of the official Reformation.⁶¹² In this time he instigated only two tithe suits in the ecclesiastical courts: that in discussion against Robert Young in 1542 and the second over 20 years later against Henry Abraham. In the former case it is clear that he was quite prepared to test his right at law and, indeed, that he undertook this with the consent of the parishioners. Holland was succeeded in 1579 by James Charles, a man with seemingly a very different relationship with the parishioners.

Everard *versus* Charles (1587)

The chief points of contention in the case brought by Henry Everard against the vicar of St Nicholas at Wade, James Charles, in 1587 were as follows: that he had failed to use the sign of the cross when baptising children and had misread from the Book of Common Prayer; that he had failed to inform parishioners of holy days and was himself absent on these occasions; that he had only worn the surplice twice in the previous two years; that he had failed to read the Queen's Injunctions; that although decently dressed, he did not wear the correct apparel; that he seldom catechised children; that he failed to read divine service on Wednesdays and Fridays; and, finally, that he had caused his seat to be removed from the body of the church to the chancel door.⁶¹³

The offences themselves were in some senses quite trivial, but were loaded with implication relating to expectations and perceptions of behaviour within the parish, as well as having a political aspect. The deponents who testified in the case included

⁶¹² For the chronology of his career see below p. 230.

⁶¹³ Everard *versus* Charles (1587): CCAL X.11.1 ff. 167v-8, 171-2, 175. These objections are inferred from witnesses' answers to interrogatories.

men of some standing in the parish. Richard Smallwood described himself as a labourer; he was a literate man who acted a scribe for the village and was parish clerk.⁶¹⁴ John Lyon had served as churchwarden two years previously and was a member of a family long-established in the parish, as was Thomas Mussered. Edward Whitlock was a wealthy yeoman and a previous churchwarden and, finally, Thomas Paramor, gentleman of Sarre, was the stepfather of Henry Everard (the plaintiff).⁶¹⁵

James Charles provided the ecclesiastical court with a robust defence of his actions, a defence which provides revealing glimpses of the everyday religious life of the parish.⁶¹⁶ On the question of divine service to be read on weekdays, he claimed that many of the parishioners did not attend and that, on frequent occasions, he had read prayers to only two or three boys, or sometimes to an old woman. On other occasions he had left the building as no one at all had attended. With regard to the position of his seat in the church, he described a 'bad chair' made of old boards which had been used by Mr Holland. He (Charles) had been too ill the previous winter to stand and, with the consent of the whole parish, he had asked a joiner from Sandwich to make a new seat which had been placed in the same position as the old one.

This detail is fascinating and valuable in its own right, though in a sense it is not of paramount importance whether the charges brought against James Charles had any real substance or what the truth of these matters was. The significance lies in the fact that a case was brought at all. The depositions give some indication of the importance of the use of the ecclesiastical courts and its effect on community relations. Thomas Paramor revealed most tellingly that 'he beleveth that the cause wyy Mr Everede suethe Mr Charles is for that the sayd Mr Charles sued the Sayd Everede for tithes in the Comissaryes courte at Canterbury.'⁶¹⁷ Charles apparently confirmed this insinuation of what might be termed vexatious, even malicious,

⁶¹⁴ For earlier discussion of Richard Smallwood see above p. 219.

⁶¹⁵ For earlier discussion of Thomas Paramor see above p. 220

⁶¹⁶ Everard *versus* Charles (1587): CCAL X.11.2 f. 116.

⁶¹⁷ Everard *versus* Charles (1587): CCAL X.11.1 f. 175v.

litigation in stating that in the five or six years since he had been in the parish, there had been no surplice provided. During this time no one, including the plaintiff who had served as churchwarden, had complained. Charles deposed, however, that

‘at length when they beinge in suite for tythes (Everard) hoped to take some advantage ageinste this respondent had he refused to weare the same they caused one to be made which he did weare without denyall’⁶¹⁸

This comment is very revealing in terms of religious tensions, matters of doctrine which appear to have been brewing in the village for a considerable period of time.⁶¹⁹ The charge of not wearing the surplice, as well as that of failing to make the sign of the cross at baptism, was typically brought against non-conforming or Puritan ministers.

Hence there is the sense that Everard was deliberately encouraging confrontation. Whether this suit amounts to an instance of vexatious litigation as outlined by Ingram is unclear.⁶²⁰ Ingram describes situations in which the mobilisation of the law could generate bitterness and the revival and renewal of old tensions and antagonisms. In these instances a court case could be as powerful in encouraging dissension as in alleviating it. Indeed, the pursuance of this case appears to have had effects which were socially disruptive. The visitation returns for 1587-90 reveal that James Charles was again presented for not catechising the youth of the parish.⁶²¹ He had himself declared in his deposition to the court in the case brought against him by Everard that ‘many are sory that the same is nowe discontinued by reason of this trouble’.⁶²² Henry Everard was also presented for not receiving the communion

⁶¹⁸ Everard *versus* Charles (1587): CCAL X.11.2 f. 116. This surplice had subsequently been stolen, allegedly through the negligence of the clerk, but had been replaced.

⁶¹⁹ Earlier, in 1586, Charles had been presented for failing to wear the surplice when administering communion and for failing to catechise the children of the parish [CCAL Y.3.9 f. 127v].

⁶²⁰ Ingram, M., ‘Communities and Courts: Law and Disorder in Early-Seventeenth-Century Wiltshire’ in Cockburn, J. S., *Crime in England 1550-1800* (London, 1977) pp. 110-34, especially p. 117.

⁶²¹ CCAL X.8.11 f. 12.

⁶²² Everard *versus* Charles (1587): CCAL X.11.2 f. 116.

for the previous 12 months.⁶²³ Perhaps this had been refused him as he had not paid tithe, but the entry refers to his defiant attitude. He was also presented for failing to exhibit his accounts.⁶²⁴ It is quite clear, therefore, that the dispute had immediate ramifications in parochial life although some form of resolution was eventually found. Henry Everard's will was made and proved in 1592 by which time it seems that he was reconciled with the Church in St Nicholas at Wade. He requested burial in the north chancel and left ten shillings a year to be paid for the next ten years to the parish church.⁶²⁵ Ostensibly this is perhaps suggestive of the effectiveness of the ecclesiastical courts as a forum for the airing and exploring of grievance and tension.⁶²⁶

A closer examination of the context of the case and of the persons involved enhances understanding of the dispute. Everards had been living in the parish throughout the sixteenth century, if not before. Members of the family were involved in tithe disputes from as early as 1518 when James Young of Chislet brought a suit against John Everard. His son, Valentine Everard, was a prominent villager who frequently acted as witness to parishioners' wills. He testified in the suit *Holland versus* Young and was himself a defendant in a tithe case brought in 1545. Later generations of the family were cited in tithe disputes in 1587 and 1597. Probate evidence reveals that the Everards provide a good example of upward social mobility achieved by the slow accumulation of wealth and land over two or three generations.⁶²⁷ John Everard, a one time farmer of the vicarage of St Nicholas at Wade, drew up his will in 1532 and made detailed provision for his wife and three children. To his son, Valentine, he left 200 ewes, ten kine, six horses, 12 hogs, a cart and a plough.⁶²⁸ John's wife, Alice, died six years later. As had her husband, she provided for her three children. She bequeathed the leases of the

⁶²³ CCAL X.8.11 f. 12v.

⁶²⁴ CCAL X.8.11 f. 13v.

⁶²⁵ Henry Everard: CKS PRC 48/37 f. 110.

⁶²⁶ For discussion of the nature of vexatious litigation see below beginning on p. 250 and p. 276.

⁶²⁷ Wrightson, *English Society*, p. 107.

⁶²⁸ John Everard: CCAL PRC 32/15 f. 165.

farms Down Barton and Wardmarsh to Valentine and her son-in-law, Thomas Aucher and she left the lease of the parsonage of St Nicholas at Wade to her other son-in-law, Roger Beer.⁶²⁹

Valentine Everard, gentleman, made his will in 1558, by which time the family had amassed considerable wealth and status.⁶³⁰ Valentine requested burial in the Chapel of Our Lady in the parish church, as had his mother and father. He made the following stipulation:

‘mye grave to be covered withe a broade stoan, withe the pycture of mee mye twoo wyves, and mye chyldren withe our names graved in latten, and fastened upon the same stone’⁶³¹

A sum of £300 pounds, with which to purchase land worth £16 per year for the use of his wife and sons, was left to Sir Henry Crispe and Nicholas Crispe, esquire.⁶³² Fifty pounds was left to each of his four daughters, each to be the others’ heir. He willed his own portion of his father’s land (that is, John Everard’s land) to his oldest son, Thomas. The lands of John Everard had evidently been maintained intact as Valentine declared that his wife Joane was ‘to have all the yssues and proffetes of their partes of their landes and Tenementes, whiche John Evered my father left to mee’. This money was to be put towards the education of his two younger sons.

In his will dated 1592, Henry Everard, son of Valentine, and plaintiff in the case being considered, made provision for his family that was strikingly similar to that made by his father.⁶³³ He too requested burial in the north chancel in what by then must have been the family crypt. Fifty pounds was left to each of his three daughters and, again, each was to be the others’ heir. His wife was to administer his lands and bring up his children from the profits. The inventory of his goods

⁶²⁹ Alice Everard: CCAL PRC 32/17 f. 21.

⁶³⁰ Valentine Everard: CCAL PRC 32/29 f. 116.

⁶³¹ Evidently his wishes were complied with as this brass can still be seen in the parish church of St Nicholas at Wade.

⁶³² This was presumably the Crispe family of Quex Park, Birchington. Sir Henry Crispe was knighted by Henry VIII and served as High Sheriff of Kent: Hasted, *History and Topographical Survey*, 10, p. 124.

⁶³³ Henry Everard: CKS PRC 48/37 f. 110.

describes a large house at Sarre and a working farm, the value totalling £283 6s 4d. Hence, it would seem that the Everards had long enjoyed a position of growing wealth and reputation within village and parish affairs. As noted earlier, Henry Everard was probably also a member of the Inner Temple.⁶³⁴

The defendant in this case, James Charles, became vicar of St Nicholas at Wade in 1579. His position was probably initially a difficult one as he succeeded the long-serving incumbent, Henry Holland. Holland had served the cure since 1532 (he had resigned in 1547, but was restored to office in 1559 where he remained for another 20 years).⁶³⁵ Charles' deposition in the case against him reveals that Holland had still been living when he took up his position. Charles had borrowed Holland's copy of the Injunctions as the parish did not possess one. Holland was undoubtedly an elderly man by this time and, indeed, the *Libri Cleri* described him as such as early as 1568, as well as later in 1576. Seemingly he had enjoyed a close relationship with his parishioners. He frequently acted as witness and overseer of their wills, often in conjunction with a member of the Everard family. He was a man closely identified with the everyday life of the community and was, as shown, not an especially litigious cleric.⁶³⁶ Holland's will and testament are extant, made in 1577, though probate was not granted until September 1582.⁶³⁷ His will was short and relatively simple. He commended his soul to almighty God and his body to the earth. Twenty shillings were left to the repair of the high chancel and ten shillings were left for further repairs to the church on condition that no bell was to be rung or tolled by the churchwardens after his death. If they did so, the money was to be given to the poor. Bequests were made to the poor of three parishes, his servants, his godchildren and the residue to his wife, Agnes.

⁶³⁴ See above p. 219.

⁶³⁵ It is unclear why he resigned, but possibly he did so over a refusal to use the Book of Common Prayer. It seems likely, notwithstanding, that he remained in the area, possibly even the village, as he witnessed a will in 1552 in which he was described as 'clark'.

⁶³⁶ See above p. 225.

⁶³⁷ Henry Holland: CCAL PRC 32/34 f. 217. His wife, Agnes, died within three years of him and her second husband, John Drayner, was presented for not leaving the burial places of Henry or Agnes decently covered [CCAL X.8.12 f. 194v].

His successor, James Charles, appears to have enjoyed a close relationship with one of the wealthiest men in the parish, John Sackett. It seems likely that, at least initially, Charles enjoyed his patronage. One of the furnished chambers detailed in Sackett's probate inventory of 1588 was described as 'the chamber commonly called by the name of Mr Charles chamber'. This implies that at some point Charles lodged with Sackett. James Charles came to the parish in 1579 and probably married after that date. Three of his children were baptised in St Nicholas at Wade: William in 1583, Margaret in 1588 and James in 1590. John Sackett left two quarters of malt in his will to James Charles and 20 shillings to his godson, William Charles. It might also be significant that, while he was busy pursuing other substantial landowners through the courts, Charles brought no tithe case against Sackett.

Sackett served as churchwarden from 1565-7 and in 1569. He was named as parishioner in 1571, 1574 and 1575 and as inquisitor in 1576 and 1578. However, the *Libri Cleri* reveals that on Charles' arrival there was an immediate change in the personnel of the officers of the church. For the previous five years the offices of churchwarden and parishioner had passed regularly between Edward Whitlock, Richard Bok, George Fourde, John Sackett, John Allen, John Kemp and Thomas Paramor. Of these men, only Edward Whitlock remained in office after James Charles' arrival in 1579. Nicholas Swinford and William Meryham became churchwardens.

James Charles brought five suits for tithe soon after his appointment against Alan Web, Thomas Cobb, Thomas Holland, William Meryham and Edward Whitlock. Three of these defendants were serving parish officers at the time. This suggests a man of unwavering conviction, determined to demand his rights regardless of the status or wealth of the parishioners involved. His actions might be regarded as having been in contrast to the more benevolent pastoral role which his predecessor, Henry Holland, may have adopted.⁶³⁸ This attitude probably represented a

⁶³⁸ For discussion of contrasted 'ideal types' of clergyman see Collinson, *The Religion of Protestants*, pp. 104-10.

fundamental change to the accustomed practices of informal mediation by the clergy or local officers within the neighbourhood. These practices were probably regarded as preferable to bringing cases to court.⁶³⁹

Charles was also not reluctant to chastise the villagers over their moral behaviour. In 1586 he challenged John Bawdway, a servant of Mr Everard, over his boasting of an adulterous affair in the local alehouse.⁶⁴⁰ Later, in 1589-91, in response to the complaints of the parish, churchwardens and sidesman, Charles censured Joane West, a widow of the parish. She was accused of incontinence with one Thomas West who had lived in her house for the previous two years under the pretence of marriage, a matter 'which was offensive to the whole parishe'. She was later associated with a man known as John the Butcher who physically abused her. On one occasion, after evening prayer, Butcher followed Charles to his home and issued threats, accusing him of bringing the widow's reputation into question.⁶⁴¹ Thus, though the evidence is rather random the impression provided of Charles is of a vicar who was prepared actively to censure the conduct of his parishioners. It would also indicate that this moral authority was prompted, to some extent, by the force of the opinion of certain members of the community.

The presentments for the year 1579, again about the time that James Charles arrived in the village, include accusations against the churchwardens for not presenting certain offences. These included two couples married but living apart 'to the offence of the godly'.⁶⁴² This hints at a growing Puritan conscience in the village. These convictions were apparently not, however, shared by the serving parish officers, men who were replaced within four months of the arrival of James Charles, himself a clergyman of Puritan leanings. In November 1579 William Sharpe was presented for 'abusing our minister in words'.⁶⁴³ It might be assumed that James Charles made a somewhat inauspicious start to his incumbency.

⁶³⁹ Ingram, 'Communities and Courts', p. 126.

⁶⁴⁰ CCAL Y.3.9 f. 90v.

⁶⁴¹ CCAL X.8.13 f. 145r.

⁶⁴² CCAL X.8.10 f. 113.

⁶⁴³ CCAL X.8.10 f. 143.

The significance of this dispute lies in the reorientations which were taking place within parochial life following the appointment of James Charles. Noting the position of esteem the Everard family appear to have enjoyed in the parish and their close association with the long-serving incumbent, Henry Holland, it would seem that after James Charles arrived in the parish, positions and affiliations became much more polarised. As a Puritan, Charles enjoyed the support of certain of the parishioners, notably those who were relative newcomers to the village such as John Sackett. The tensions within the village between these newcomers and representatives of families who were more long-established found their focus in the parish church (closely associated with the Everard family). They informed discussion, not only of theology, but also of everyday religious practice and even the moving and positioning of church furniture and fittings.

Parishioners of St Nicholas at Wade *versus* Peter Simon (1598)

An office case involving Edward Emptage in 1598 concerned the right of the inhabitants of Sarre to receive the sacraments in the parish church of St Nicholas at Wade. Witnesses stated that perambulations had always encompassed Sarre and that ‘for tyme past memory of man hath bene and still is the common opinion of old men and women and never any question or doubte made therof untill of late ...’ that Sarre was within the bounds, limits and tithable places of St Nicholas at Wade.⁶⁴⁴ Inhabitants of Sarre had regularly been christened, married and buried in the church and had, as well, held parochial office. Reference was made to a Mr Everard of Sarre who had served as churchwarden 12 years earlier and to old Mr Paramor, churchwarden 17 years before.⁶⁴⁵ Another deponent recalled 30 years earlier and another member of the Everard family, presumably Valentine, who had also served as churchwarden. Honour and reputation derived from these offices and it could be suggested that such men perceived themselves almost in terms of a lineage of office-holders. The implication was that there were no grounds in 1598 for

⁶⁴⁴ Office *versus* Emptage: CCAL X.11.3 f. 20v.

⁶⁴⁵ This references were presumably to Henry Everard and his step father, Thomas Paramor.

objecting to the appointment as churchwarden of Henry Foster of Sarre, 'a discrete man and of honest lyfe & conversacion & of good wealth'.

The interrogatories later drawn up by the vicar, Peter Simon (the puritan successor to James Charles), in response to a case subsequently brought against him by the parishioners of St Nicholas at Wade reveal that the issue of receiving the sacraments was closely associated with the payment of tithes and an apparent disagreement over whether or not they be paid in kind.⁶⁴⁶ It is likely that pre-courtroom negotiations and attempts at amelioration had failed. Simon's interrogatories questioned:

'Item whether I did not prevately resolve them at home that my meaning was not to put them from the Communion, but onely to defere them untill the last Communion day, because the Statute and Injunction notheth all men to make owen reckninges with the minister at Easter wheras they have not so doune this yeare and halfe.

Item whether I did not publickly in the Churche exhort them unto the communion then present in payne of punishment, declaringe my meaninge to be in regard to tythes, to hinder no man from the communion thoughe they had not reckoned with me'

These statements are again very revealing of the practice of tithe payment within the community. Meetings had obviously taken place in homes, but some individuals had been unable to reach to agreement with the vicar. Considerable importance was accorded to 'reckoning' and, as observed in earlier chapters, the failure to achieve a successful resolution of bargaining could be linked to the withholding of Communion.

The subject of the earlier disciplinary case, Edward Emptage, was a wealthy yeoman. He had lived in the parish since 1578 and later, in the early seventeenth century, served as churchwarden and was a frequent witness of villagers' wills.

⁶⁴⁶

CCAL JJ4/94.

Furthermore, he was related to the Sackett family. Bishop's Transcripts reveal that Joane, wife of John Sackett, died in 1570 and, some time after that, Sackett married Joan Knowler, widow of Richard Emptage. Sackett's will refers to three of her children: Edward Emptage; Alice, married to Richard Langley; and Martha, the wife of John Fourde. He made no bequests to children of his own. Sackett's relationship with his stepson, Edward Emptage, was possibly somewhat strained. Emptage was 17 years old at the time when Sackett's will was made and Sackett's bequests carried the rider 'that he shall holde hym self full contented & not truble my Executor for any other demandes or els this my said gifte to be voyde from him and his'. Edward Emptage's will was made in 1625 and was witnessed by Stephen Huffam, then the vicar of St Nicholas at Wade and William Somner, an official of the ecclesiastical court and historian of Canterbury. It is likely that he died in considerable debt, mainly to his brother-in-law, Valentine Pettit, to whom he left his house, malthouse and lands, as well as a second house and orchards at Upchurch.

The vicar, Peter Simon, was probably a graduate of Cambridge⁶⁴⁷ and, like James Charles, had a difficult career at St Nicholas at Wade. When Joan Goodson committed suicide in 1599 and 'after the coroner had sett upon her death question beinge made where the said Joane was to be buried', Peter Simon allegedly declared: 'yf the saide Joane be buried in any of the out partes or allies of the churchyard he would winke there at'.⁶⁴⁸ Despite the perceptible tolerance of this attitude, that religious contention within the parish was still rife at the end of the century is evinced by an incident which occurred in June 1599. Henry Paramor reported to Archbishop Whitgift that Dr Hadrian Saravia had preached at St Nicholas at Wade in the presence of Peter Simon. During the service two men, at the bidding of Lady Hayward of the Charterhouse, had caused some disruption by attempting to serve a writ.

⁶⁴⁷ Venn, J. and Venn, J. A., *Alumni Cantabrigienses* (Cambridge, 1922-7), 1, p. 77. Here, a Peter Simon is detailed, possibly in error, as the vicar of St Nicholas', Sandwich between 1595 and 1616.

⁶⁴⁸ CCAL X.9.1 f. 15v.

It is likely that Saravia had been invited to preach at St Nicholas at Wade by the puritan vicar, Peter Simon, although Saravia himself is generally understood to have had a somewhat strained relationship with English Puritans. His earlier treatises had attacked them as innovators and schismatics.⁶⁴⁹ Likewise, Simon's relationship with his congregation was equally strained. A letter written a couple of weeks before the incident described above, indicates that Simon was prepared to exchange St Nicholas at Wade for Saravia's parish of Lewisham. However, Saravia responded 'that the people of St Nicholas were troublesome and ungrateful to their ministers who were only able to maintain their rights after quarrels and a circumstance which, in view of my age, is disagreeable to me'.⁶⁵⁰ These comments are crucially instructive given the history of dispute and dissension in the parish which this chapter has explored. It signifies that the parish remained resistant to puritan influence and had something of a reputation for intransigence.

Conclusion

Conflict over tithe payment is not an issue revealed only by fleeting glimpses of the breakdown of the system provided by the records of the ecclesiastical courts, but an integral and ongoing aspect of the everyday lives of parishioners. Tithe payment, defined as it was by customary practice, was a constant source of contention and change. Suits which reached the ecclesiastical courts must always be seen as the result of a convergence of forces. The customary behaviour and time honoured practices of this parish seem to have broken down, on occasion, over religious differences. While informal mediation might have temporarily contained conflict, the forum of the courtroom was used to express the differing beliefs of various members of the community. The culture of the community was intimately informed by its social, economic and religious identity.

⁶⁴⁹ For a comprehensive study of Saravia's career see Nijenhuis, W., *Adrianus Saravia (c. 1532-1613): Dutch Calvinist, First Reformed Defender of the English Episcopal Church Order on the Basis of the Ius Divinum* (Leiden, 1980).

⁶⁵⁰ Nijenhuis, *Adrianus Saravia*, Appendix 10.

Although it is easy to polarise positions, it does appear that the parish community of St Nicholas at Wade was structured in terms of reputation and office-holding. It was the wealthier, usually literate men of some social standing who chose to mobilise themselves in defence of customary practice. Either they utilised the church courts to press a case of their own, or, they testified in court in support of their social peers. Answering a case in court was not a cheap, or indeed quick, option. The accounts of Joane Meryham presented in July 1584 reveal that, at his death, William Meryham still owed 18s in fees arising from a tithe suit brought against him by James Charles (presumably the dispute instigated in 1580).

Among this village elite, many of the wealthier and usually longer standing families in the village were bound by ties of marriage. They were of comparable wealth, usually of an agricultural basis and the forerunners of a class that Hasted would later characterise as 'gentlemen farmers'. From the ranks of the yeomanry and lesser gentry, they lived in some comfort and enjoyed a certain social status within the village, sharing the important parochial offices. As an aspirant group within the village society they probably regarded themselves as distinct from the lower stratum of society, perhaps even imposing a geographical barrier by choosing to live in Sarre, rather than in marshland areas such as Potten Street. It could be reasoned, however, that within this group they may have been some tension along religious lines. This was a reflection of the disorientation and upheaval caused by the religious reformation and the extreme sensitivity to matters of word, action and even the position of church furniture which many felt. The ecclesiastical courts were clearly regarded as providing a forum for the examination of these conflicts and tensions and tithe was an integral part of these discussions. The circumstances under which these men were prepared to resort to the law were closely related to matters of religious belief and practice.

Alkham

Introduction

In earlier sections of this chapter it has been shown that dispute over tithe was very often informed by all manner of local grievances and interpersonal antagonisms. Incidents in the parish of Alkham reveal the ways in which tithe, other financial obligations and even concerns for the physical fabric of the parish church were regarded as an integral part of wider discussion and dispute over behaviour and belief. The circumstances at Alkham, which eventually resulted in the ousting of the incumbent to another parish, reveal an astonishing triumph of custom and traditional values which was seemingly achieved even in alliance with proto-Recusancy.⁶⁵¹ The events, which culminated in 1593, reveal a long history of dispute and grievance which had manifested itself in incidents of ritual and symbolic import. When recalled in the course of the court case, these incidents became subject to satire and a subtle manipulation of ironies.

Topography

The parish of Alkham was situated three miles west of Dover in an area of hills and vales, with occasional coppice woods.⁶⁵² The land was chalky and the soil generally poor. The village was situated at the bottom of a valley, close to the centre of the parish. There was also a small hamlet known as South Alkham. Woolverton was a small manor lying north of the village and beyond that was Chilton.⁶⁵³ The manor of Evering (or Everden) was located at the south-west boundary of the parish and the hamlet of Drelingore, the site of an ancient spring which fed the River Dour, lay

⁶⁵¹ The vicar, John Cadman, moved to the parish of Brabourne and his successor was Robert Hemminge [Reg. Whitgift II ff. 322r]. It seems that they may have exchanged benefices.

⁶⁵² The discussion of topography is based on Hasted, *History and Topographical Survey*, 8, pp. 133-41.

⁶⁵³ Clearly this was an important and distinctive area. Pre-Reformation wills reveal bequests to 'Our Lady of Chylton', suggestive of a devotional allegiance closely allied to the immediate local area.

towards the south east. The three manors of Alkham (or Malmaines Alkham), Halmede and Hoptons were all held by Sir Matthew Browne of Beechworth Castle in the reign of Henry VIII. They were sold by Browne late in the reign of Elizabeth. The manor of Alkham passed to the Lushington family and Halmede *alias* Hall Court to Daniel Woollet. Hoptons, which had originally been held by the barony of Folkestone and the Abbey of St Radigund, was conveyed to Thomas Godman of London. The manor of Evering was part of the barony of Folkestone and had been held continuously by the Evering family since the reign of Henry II. Halton, close to the church, was held of Prior and Convent of Christchurch, originally by the family Halton, but later it passed in succession to the Poynings family, the Fynes family and, in the reign of Henry VIII, to one Herdson.

Prior to the Reformation, the parish had a close relationship with the nearby Abbey of St Radigund at Bradsole. The Abbey was situated one mile to the south east of the parish and a footpath linked it with the village. The chapel of Capel le Ferne was annexed to the vicarage of Alkham and at the dissolution of the monasteries the advowson had passed to the see of Canterbury. In 1588 there were 80 communicants and the benefice was valued at £60, with three acres of glebe belonging to the vicarage.

The Presentment and Office Case of 1593

In May 1593 a presentment was made to the Archdeacon's Court at Canterbury concerning the behaviour of John Cadman, the vicar of Alkham.⁶⁵⁴ The Presentment resulted in a disciplinary case against Cadman in September of the same year in which a number of parishioners testified.⁶⁵⁵ Their evidence revealed a long history of dispute and disagreement within the parish. Clearly the case of 1593 represented the culmination of a series of both petty squabbles and more deep-seated ideological conflicts. The sense of parochial grievance found ostensible

⁶⁵⁴ CCAL X.3.2 ff. 168v-9. See Appendix 5.7 for a full transcription of the presentment. Hereafter this document is referred to as 'The Presentment' in order to distinguish it from other presentments.

⁶⁵⁵ Office *versus* Cadman (1593): CCAL PRC 39/16 ff. 42-51.

expression in objections to religious practice in the parish, concern over the decay to the vicarage and in allegations against Cadman of drunkenness and the pursuit of vexatious litigation. Fundamentally, however, this Presentment arose out of dissension which reflected the whole gamut of interpersonal relationships and tensions within the community. The subsequent disciplinary case revealed that it was informed by all manner of attendant issues including local credit and debt relations, morals, office-holding, notions of neighbourhood, local allegiances and interpersonal rivalries. Furthermore, a consideration of the events at Alkham illustrates well the way in which dispute over tithe (while crucially important) was very often just one dimension of a multi-faceted and complex history of dispute within parishes. Grievances over tithe were only one of the means by which people expressed and evaluated interpersonal relationships within the local community.

The Presentment of May 1593 was initiated by the serving churchwarden, Robert Woollet. His fellow churchwarden, Richard Colly, was also at this time involved in a tithe dispute with John Cadman. Deponents testified that the Presentment had been a matter of conference between the churchwardens and the sidesmen in the parish church. Mr Woollet had subsequently written part of the Presentment at John Oldfield's house in the presence of Richard Colly and others.⁶⁵⁶ It is apparent too that pressure may have been exerted on individuals to testify. Most appeared in court voluntarily at the request of the churchwardens, although they maintained that they did so in order to avoid the citation which they had been persuaded would inevitably result if they failed to appear. All of the witnesses stated that they bore their own charges for which they were expecting recompense at law, but some of them had been bought meals in Canterbury by Woollet and Colly. By the time the situation at Alkham had reached examination in the courtroom, it was informed by all manner of petty interpersonal antagonisms and upsets. Deponents recalled how a previous churchwarden had been accused of stealing lead from the church, how Mr Woollet had been fined for failing to attend Communion and how Mr Cadman had

⁶⁵⁶ Office *versus* Cadman (1593): CCAL PRC 39/16 ff. 42v and 47v.

failed to repay debts promptly to the weaver, Thomas Stace, and had later 'misreconed with him'.

Witnesses were also asked to comment on the quality of their relationships with the two main protagonists, Cadman and Woollet, and were questioned as to their perceptions of their reputation.⁶⁵⁷ Most appear to have made judicious responses. John Marsh declared that 'he beleeveth in his conscience that the said Mr Woollet for his life & conversacion is woorthie of the office wherunto he is elected' and that 'he loveth and affecteth the said Mr Cadman as one Christian ought to an other, nether wisheth or desireth his hinderance in any way'.⁶⁵⁸ Perhaps more instructive, though, were the comments of the gentleman, Daniel Evering, who maintained 'he doth not hate nor maligne the said Mr Cadman but he doth not like nor love his behaviour & condicions in some respectes, which if they be not amended he had rather a better man had his rowme then he'.⁶⁵⁹ Edward Owre, a newcomer to the parish from nearby Capel le Ferne where he had lived for two years, agreed that 'he doth not maligne or hate him, nether doth he greatly love him for that his dealinges with him hath deserved the contrary and so that there might come a preacher in his romme he this respondent would be very well content if he were gone'.⁶⁶⁰ The implication of these comments is that the parishioners were ready to contemplate the replacement of Cadman.

In piecing together events in the village, the sense is one of escalating affront which probably came to a head in the latter part of 1592 and early months of 1593. The new parish officers were chosen in September 1592. Mr Robert Woollet and Richard Colly were appointed churchwardens and Edward Taylor and Simon Lushington were appointed sidesmen. Evidently there was tension from the outset between Robert Woollet and John Cadman. John Marsh of Alkham claimed that Woollet had been chosen with the consent of the whole parish or at least by most of

⁶⁵⁷ Responses to interrogatories number 21 concerning Robert Woollet and number 24 concerning John Cadman.

⁶⁵⁸ *Office versus Cadman* (1593): CCAL PRC 39/16 f. 43v.

⁶⁵⁹ *Office versus Cadman* (1593): CCAL PRC 39/16 f. 45r.

⁶⁶⁰ *Office versus Cadman* (1593): CCAL PRC 39/16 f. 48r.

them. Mr Cadman, though, had been ‘utterly against it’.⁶⁶¹ It is not clear precisely what Cadman’s objections were to Robert Woollet, but it is likely that they centred on his family connections.⁶⁶² A Mrs Elizabeth Woollet, wife of Daniel Woollet, gentleman, was regularly presented from October 1591, along with her sister, Mrs Norden, for failing to attend the parish church of Alkham and for failing to receive communion.⁶⁶³ These two gentlewomen were staying (and probably, by the end of the century, living) in the house of Robert Woollet, the brother of Daniel.⁶⁶⁴ Though Robert Woollet was himself presented for not receiving the communion at Easter 1592,⁶⁶⁵ this was excused by reason of sickness and it seems unlikely that he was himself a recusant.⁶⁶⁶ It is possible, nevertheless, to identify the nucleus of a recusant group within the parish as early as 1590 which revolved around members of the Woollet family. The two sisters (Elizabeth Woollet and Mrs Norden) were members of the Pordage family of Rodmersham⁶⁶⁷ and, at the time of his death in 1598, Robert Woollet’s daughter, Anne, was married to Arthur Pordage, a man who was also a witness and beneficiary of Daniel Woollet’s will.⁶⁶⁸ Daniel Woollet also made bequests to a John Best, esquire. The connection between the Woollets, the Pordages and the Bests is an instructive one. Names listed on a bill of Recusants

⁶⁶¹ Office *versus* Cadman (1593): CCAL PRC 39/16 f. 42v.

⁶⁶² For a family tree see Appendix 5.8.

⁶⁶³ A John Norden, gentleman of Norton in Kent, was accused of recusancy in December 1587. His lands and property in Leeds, Broomfield, Sutton Valence, Sittingbourne, Milton (Sittingbourne?) and Rainham were seized. This man was possibly the husband of Mrs Norden: Bowler, Dom. H., *Recusants 1581-91*, Catholic Record Society, 71 (1986), p. 127.

⁶⁶⁴ CCAL X.3.2 pt. 1 ff. 140v, 141r and 148v. In April 1595 Mrs Woollet was again presented, this time as a recusant. It was declared that she had been indicted at the Quarter Sessions [CCAL X.3.2 pt. 2 f. 68r]. Presentments of Elizabeth Woollet continued until at least until the end of the century [CCAL X.3.2 pt. 2 ff. 107r and 111r]. Mr Daniel Woollet was also presented for not receiving the communion in June 1599 [CCAL X.3.2 pt. 2 f. 107r].

⁶⁶⁵ CCAL X.3.2 pt. 1 f. 142r. He was possibly also presented in 1583 [CCAL X.3.2 pt. 1 f. 2v]. In the course of the disciplinary case it was claimed that, though he had been absent from church on an occasion five or six years earlier, he had not been presented because of his prompt payment of the forfeiture of 2s which had been given to the collector of the poor [CCAL PRC 39/16 f. 42r].

⁶⁶⁶ Robert Woollet’s will was proved in December 1598 and began with a Protestant preamble. Daniel Woollet was one of his beneficiaries, as well as being named executor [Robert Woollet: CCAL PRC 17/51/212].

⁶⁶⁷ Hasted, *History and Topographical Survey*, 6, pp. 117-21. There was no suggestion made by Hasted, however, that the family were Catholics.

for the parish of Alkham in April 1605 included Elizabeth Woollet, wife of Daniel; Mrs Norden; and two young women named Elizabeth Pordage (aged about 16 years) and Elizabeth Best (aged about 15 years).⁶⁶⁹ It could be claimed, then, that Catholicism within the parish centred on female gentlewomen, but that this inevitably affected the position of their male relations. Daniel Woollet described himself in his will as encumbered with debts and of 'meane estate', perhaps the result of continual fines paid on behalf of his wife?

Item number four in the Presentment concerned remarks made by Cadman which were deemed offensive. The disciplinary case reveals that these comments were made during an exchange which took place in the Parsonage Barn around Shrovetide 1593. Several parishioners were threshing there and it was claimed that Cadman had joined them and, in the course of the conversation which ensued, declared that

'he had bought the vicarage of Alkham and Caple of the Queen & had paid within these 2 or 3 yeares one hundred markes for the same for the which he had acquittances in his house & shite upon their heades that could remove him and then they should be a turde higher, or the like shitte wordes in effect'⁶⁷⁰

Perhaps Cadman was referring here to moves already afoot to instigate his removal elsewhere. John Swanton of Alkham recalled that, within the last year, Mr Woollet had said to him 'what will yow say if we have an other to gather up the tithes in Alkham'. As shown, this insinuation was being made more explicitly by the time of the court case.⁶⁷¹

The scatological references are most significant. Obviously the notion itself was offensive, but its meaning probably extended far beyond that. Ingram comments

⁶⁶⁸ Daniel Woollet: CCAL PRC 17/60 f. 324.

⁶⁶⁹ CCAL X.9.4 ff. 82v-3r. At the same time Mr Daniel Woollet and Mrs Magdalene Jowle, the wife of John Jowle, were presented for not receiving the communion since Easter a year previously.

⁶⁷⁰ Office *versus* Cadman (1593): CCAL PRC 39/16 f. 47v.

⁶⁷¹ Office *versus* Cadman (1593): CCAL PRC 39/16 f. 49r. See also above p. 241.

that such references often constituted a kind of 'levelling humour'. They attacked pretension in the reminder that, regardless of status, all were subject to the same bodily functions.⁶⁷² Cadman was himself very sensitive to matters of estate, honour and reputation.⁶⁷³ Furthermore, it is especially significant that Cadman was almost certainly making direct reference to Mr Robert Woollet, gentleman and churchwarden. He was perhaps suggesting that the esteem in which Woollet was held was a matter of contempt. If his intention was a 'levelling' one, the comment 'shite upon their heades' was in a sense emphasised by the way in which he pursued his remark to its logical conclusion: 'and then they should be a turde higher'. Those concerned would, therefore, have a higher standing, but literally, offensively and absurdly.

Scatological references were very familiar, usually employed in a humorous context.⁶⁷⁴ Perhaps there was an element of raillery in Cadman's comment, but it probably also reflected a means by which Cadman could, in humour, distance himself from his own very real sense of concern regarding his situation. In the case against him Cadman was accused of drunkenness in the 'Crown' at Dover on an occasion about a month after the encounter in the Parsonage Barn. He had been in Dover to meet with a Mr Wolton and a Mr Goorly.⁶⁷⁵ William Warde, a mariner, who testified as to the events which took place, described Cadman as 'so overcome that his senses began to fayle, and him self to reele up and downe, that at last he could nether speake being talked unto; nor stand'.⁶⁷⁶ Warde continued to emphasise his goodwill towards Cadman, the fact that he knew him well, had been with him since and had never, before this occasion, seen him drunk. Those present at the 'Crown' put Cadman to bed in a chamber of the house and Warde testified

⁶⁷² Ingram, M., 'Ridings, rough music and mocking rhymes in early modern England' in Reay, B., *Popular Culture in Seventeenth-Century England* (London, 1985), pp. 166-97, especially pp. 184-5.

⁶⁷³ For discussion see below p. 255.

⁶⁷⁴ Thomas, K., 'The place of laughter in Tudor and Stuart England' *Times Literary Supplement* (January 1977), pp. 77-81, especially pp. 77-9.

⁶⁷⁵ Mr Goorly was possibly Thomas Goorly who had married Mary Spritwell and was, therefore, the brother-in-law of John Spritwell [Will of Alice Portaway: CCAL PRC 32/29 f. 55]. For discussion of John Spritwell see below p. 246.

⁶⁷⁶ *Office versus Cadman* (1593): CCAL PRC 39/16 f. 50r.

that he was, at this time, 'so voyd of reason and sense that he spake nothing at all but stared & gazed upon them as a man altogether distracted of reason'.⁶⁷⁷ Since they knew that he had money with him, they took his purse into their safe keeping. Warde's account was a compassionate one. Perhaps Cadman's excessive drinking was uncharacteristic and reflected the escalating difficulty of his situation. He may have been living in the dilapidated vicarage,⁶⁷⁸ the intellectual demands of his role were perhaps beyond him,⁶⁷⁹ he was having difficulty collecting tithe in a time of rising prices⁶⁸⁰ and he probably also had a difficult marriage.⁶⁸¹

Regarding to the exchange in the Parsonage Barn, William Nethersole added that Cadman had further stated: 'I could live merily enough if I could but beare with or suffer whoredome dronkennes & papistrie'.⁶⁸² Of course, his comments regarding papistry can be related to the religious devotions of members of the Woollet family. Moreover, there were a number of presentments of parishioners for incontinence immediately prior to the occasion of these comments, notably against Thomas Colly (probably a relative of the serving churchwarden, Richard Colly) who was accused of fathering an illegitimate child by the maidservant of Mr Evering.⁶⁸³ Cadman's reference to drunkenness is more curious, since the only person formally accused of it was Cadman himself. Cadmans comments were given fuller amplification in the Presentment:

'We present our vicar is a maliciouse contentiouse and uncharitable person seeking the uniust vexacon of his neighboures wishing that every Coockold that he did knowe in Alkham had such a paire of

⁶⁷⁷ Office *versus* Cadman (1593): CCAL PRC 39/16 f. 50v.

⁶⁷⁸ See below p. 248.

⁶⁷⁹ See below p. 248.

⁶⁸⁰ See below p. 250.

⁶⁸¹ For discussion of the activities of Helen Cadman, wife of James see below beginning on p. 252.

⁶⁸² Office *versus* Cadman (1593): CCAL PRC 39/16 ff. 46v-7r.

⁶⁸³ CCAL X.3.2 pt. 1 f. 163v. Other presentments were made against Thomas Lamb who was accused of fathering the child of Jone, once the servant of Mr Sellar, parson of Eythorne [CCAL X.3.2 pt. 1 f. 163v] and against John Garling for sheltering a single woman from Dover who, whilst she was resident in the parish, gave birth to an illegitimate child [CCAL X.3.2 pt. 1 f. 163r].

hornes groweng upon his head viz a paire of stagges hornes standing in Spritwell his halle in Dover, & also saieng that if could beare with dronkennes whordome and papistrie he could live merilie enough, which wordes are great grief unto the hole parish'⁶⁸⁴

The allusion to the horns in Spritwell's hall is in many ways difficult to understand. It may represent amplification of Cadman's perceived meaning by the churchwardens when they drew up the Presentment and the reference had never actually been made by Cadman himself. However, the allusion to the cuckold's horns would have been very familiar and well understood within the local community as the symbol applied to the husband of an adulteress. Ingram remarks that the symbolic demonstrations against cuckolds could be quite unspectacular. Neighbours might make the sign of horns with their fingers, or hang horns on gates, gable ends or windows, often during the night.⁶⁸⁵ The parading of horns might also be a prominent part of rough music. The reference to the cuckold's horns is especially interesting in that it gives a literal meaning (in much the same way as the turd on the head) by referring to a specific pair of horns that were presumably well known in the area. Thus, while the point of reference was taken from popular culture, it alluded to the particular; the stag's horns in Spritwell's hall were literal.

It is likely that the Spritwell referred to was one John Spritwell of Dover, hackneyman and innholder.⁶⁸⁶ He kept the 'Greyhound' inn at Dover which was also the town's main posting stage. The fact that the horns were hung in an inn would account for their notoriety in the local area. However, the allusion would seem to be far more complex than this. Spritwell had come to Dover from London around 1558 and soon after married Katherine Portaway whose father was the previous holder of the 'Greyhound'. Prior to arriving in London, he had lived

⁶⁸⁴ CCAL X.3.2 ff. 168v-9.

⁶⁸⁵ Ingram, 'Ridings, rough music and mocking rhymes', p. 170.

⁶⁸⁶ For discussion of the career of John Spritwell and of the case *Spritwell versus How* see Dixon, M., *Economy and Society in Dover, 1509-1640* (PhD: University of Kent at Canterbury, 1992), pp. 397-8.

overseas. He had served John Bingham who had been granted Dover Priory lands at the dissolution of the monasteries and had also leased land from him. He was probably the same John Spritwell who was involved in a tithe dispute with the vicar of Lydden in 1587. A number of parishioners from Alkham testified concerning the parish boundaries in this suit.⁶⁸⁷

It could be reasoned that both Spritwell and his inn were well known to the villagers of Alkham. More significantly, an earlier court case between Katherine Spritwell and Anthony How in 1568 was probably also familiarly rehearsed and remembered.⁶⁸⁸ In the course of this defamation case witnesses described how, on the afternoon of a working day, many Dover inhabitants had been sitting on ‘pennyless benche’, by the waterside, ‘a place wheare many of that towne use to sitt and to talk together’.⁶⁸⁹ In the course of a conversation about the hiring of horses, one Roger Jybbes ‘very maliciously and dispitefully affirmed and said that the said John Spritwell was a Cuckold many and often tymes there calling hym Cuckold ...’.⁶⁹⁰ Anthony How supported his accusation by telling the assembled company, of at least 12 people, how he had seen Katherine Spritwell coming from her servant’s chamber early one morning ‘in her peticote, the plackard being lose about her, and bare legged, and with a good culler in her cheekes’.⁶⁹¹ The slander was taken very seriously; it was reported to be ‘blowne abrode in Dover towne, muche to the said Katherine Spritwells shame’.⁶⁹² Anthony How repeated the slander when he was called before the mayor and jurats.

Evidently this was a notorious incident in 1568, though Katherine Spritwell appears to have successfully defended her good name in court and the family remained prominent in the town of Dover. The allusion made 25 years later suggests, though, that the episode was not entirely forgotten. Perhaps the horns in Spritwell’s hall had

⁶⁸⁷ Saunders *versus* Spritwell (1587).

⁶⁸⁸ Spritwell *versus* How (1568): CCAL X.10.11 ff. 13v-8r, 21r-3v, 50v-1r.

⁶⁸⁹ Spritwell *versus* How (1568): CCAL X.10.11 f. 13v.

⁶⁹⁰ Spritwell *versus* How (1568): CCAL X.10.11 f. 14r.

⁶⁹¹ Spritwell *versus* How (1568): CCAL X.10.11 f. 14r.

⁶⁹² Spritwell *versus* How (1568): CCAL X.10.11 f. 14v.

become a byword for cuckoldry, a local joke, probably originating from the coincidence of Spritwell having himself been made a cuckold. The allusion was probably not specific or direct, but it was a local one. Its multi-layered meanings would have been well understood by the inhabitants of the area.

The accusations and counter-accusations of 1593 were intimately informed by perceptions of office-holding and status, but they also reflected acute concern about the physical state of the vicarage buildings. John Cadman was the subject of presentments as early as 1578 when it was submitted that the vicarage was in decay. At the same time he was also accused of not providing the regulatory four sermons in the year.⁶⁹³ In 1580 concern was again expressed regarding the state of disrepair of the vicarage house and lands.⁶⁹⁴ In July 1582 Cadman was once more the subject of a long presentment which, yet again, referred to the state of disrepair of the vicarage. At this time it was estimated that it would require at least 20 marks to return it to the condition in which it had been when he had first come to the parish 13 years earlier.⁶⁹⁵ Cadman was also presented for failing to serve the cure on various Sundays and Holy Days. In July 1582 he was indicted at the Assizes for clerical non-conformity in failing to say the Litany during Matins in Alkham parish church. The verdict against him is unknown.⁶⁹⁶ Three years later, in 1585, it was claimed that the vicarage required repair, the barn thatching and that an outhouse had completely fallen down. Furthermore, it was declared that no sermon of 'our ministers procuring' had been given since the last visitation 'but of his owne expounding and very lytle readinge of homelies'.⁶⁹⁷ The implication here is that John Cadman was not an especially learned or erudite cleric. He does not appear to have been a graduate.

⁶⁹³ CCAL X.2.1 ff. 10, 22r and 43v.

⁶⁹⁴ CCAL X.3.2 pt. 1 f. 18v

⁶⁹⁵ CCAL X.2.1 f. 74r.

⁶⁹⁶ Cockburn, *Calendar of Assize Records*, p. 197 [Assizes 35/24/4]. In the disciplinary case of 1593 one of the witnesses, Daniel Evering, declared that he had heard the Cadman had been indicted as the Assizes [CCAL PRC 39/16 f. 44r].

⁶⁹⁷ CCAL X.2.1 f. 159r.

In 1590 the upper roof of the vicarage blew away in a great wind⁶⁹⁸ and in April of that same year a presentment was made claiming that half of the house had fallen down and that the rest was likely to follow. This latter presentment concluded ‘we crave our speedie assistance for some remedy therein, it hath beene presented this xii or xiii yeares from tyme to tyme’.⁶⁹⁹ Further requests for assistance were made in October 1590 and again in 1591 and in 1593.⁷⁰⁰ Detailed reference to the decayed state of the vicarage was the subject of the second article in the Presentment of 1593⁷⁰¹ and the state of disrepair was given much amplification by the witnesses in court. Finally, in December 1593 it was agreed that the churchwarden would take two ministers living nearby and two artificers to view the ruins. Nevertheless, the mansion house of the vicar was again presented as being in disrepair in April 1595, but by this time Cadman had left the parish.⁷⁰²

Coupled with these problems were the presentments made in 1586 and 1587 against the farmer of the rectory, William Hamon of Acrise. These concerned disrepair of the chancel. In 1590 a further presentment was made concerning the need for tiling on the church.⁷⁰³ William Hamon was also presented, along with the churchwardens, in September 1585 because stones had fallen from the church into the churchyard.⁷⁰⁴ Glass was required for the church windows in January 1587 and the church leads were reported broken in October of the same year.⁷⁰⁵ In April 1589 the churchwardens were presented for repairs to the churchyard and, in April 1592, for not maintaining the churchyard’s enclosure.⁷⁰⁶

Evidently the upkeep of the fabric of the parish church and the vicarage posed a considerable burden. These were not new or uncommon problems, but the

⁶⁹⁸ CCAL X.3.2 pt. 1 f. 83r. This wind caused similar problems in the parish of St Mary in the Marsh: see below footnote 759.

⁶⁹⁹ CCAL X.3.2 pt. 1 f. 97r.

⁷⁰⁰ CCAL X.3.2 pt. 1 f. 105r; CCAL X.3.2 pt. 1 f. 129r; CCAL X.3.2 pt. 1 f. 221v.

⁷⁰¹ See Appendix 5.7.

⁷⁰² CCAL X.3.2 pt. 2 f. 18v; CCAL X.3.2 pt. 2 f. 68v.

⁷⁰³ CCAL X.3.2 pt. 1 ff. 26v, 34v and 44r; CCAL X.3.2 pt. 1 ff. 83v and 105v.

⁷⁰⁴ CCAL X.3.2 pt. 1 f. 2r.

⁷⁰⁵ CCAL X.3.2 pt. 1 f. 34r; CCAL X.3.2 pt. 1 f. 62r.

⁷⁰⁶ CCAL X.3.2 pt. 1 f. 69r and CCAL X.3.2 pt. 1 f. 143v.

regularity with which presentments were made in the 1580s indicates that the issue had become a tense one.⁷⁰⁷ Concern about the disrepair reflected contemporary preoccupation with responsibility and obligation amongst the parishioners themselves and in their relationship with the incumbent. It might also be perceived to reflect on the obvious concern in the parish over tithe. Cadman and the lay rector, Hamon, were presumably not thought to be discharging their reciprocal parochial responsibilities in relation to the church fabric.

The issue of tithe payment had also arisen during the exchange in the parsonage barn. Cadman and the parishioners had discussed the annoyance caused to his neighbours when Cadman's cattle escaped onto their land and crops because of the state of disrepair of the vicarage fences. The parishioners also complained about his many suits for tithe. Witnesses claimed that Cadman defiantly defended his position by stating that 'yf any man owed him but iid for his tithes he would cite him to the court ...'.⁷⁰⁸ Cadman was indeed involved in a considerable amount of litigation with his parishioners.⁷⁰⁹ In November and December 1590 he instigated six tithe disputes.⁷¹⁰ One of these disputes was recalled by John Marsh, yeoman of Alkham, in the course of the disciplinary case as an example of Cadman's unreasonable behaviour. Abraham Lawrence had owed Cadman 20*d* for tithe, but despite the fact that Cadman himself owed money to Lawrence, he refused to take this into account and sued Lawrence in court. After the suit had reached the courtroom, Cadman's horse was 'arrested' in Dover in relation to his own debt toward Lawrence. Marsh

⁷⁰⁷ In 1512, for example, the chancel was reported to be in such disrepair that rain fell into the building onto the stalls and books. The body of the church, the walls of the churchyard and the gate also required repair: Wood-Legh, *Kentish Visitation*, pp. 120-1. The chancel was also reported to be in decay in 1556-58: *Archdeacon Harpisfield's Visitation*, p. 54.

⁷⁰⁸ *Office versus Cadman* (1593): CCAL PRC 39/16 f. 47v.

⁷⁰⁹ He was, however, less litigious in the earlier part of his career at Alkham. He became vicar of the parish in July 1569 on the resignation of his predecessor, John Burrell, who died later the same year [Reg. Parker I f. 394v]. He brought nine tithe disputes to court in the period prior to 1580, but only two of them against parishioners from Alkham itself.

⁷¹⁰ An initial record was made in the Act Books for Cadman *versus* (Abraham) Lawrence, Cadman *versus* (George) Hamon, Cadman *versus* (William) Miller and Cadman *versus* (Stephen) Browne in November 1590 and for Cadman *versus* (Matthew) Johncocke and Cadman *versus* (John) Oldfield in December 1590.

also recalled his own dealings with Cadman for tithe in which Cadman had refused to collect a newly born tithe pig and then, when the piglets were eight or nine weeks old, tried to claim an excessive monetary amount.⁷¹¹

The general perception was that Cadman tended to pursue vexatious and unnecessary litigation. John Marsh characterised him as ‘a contentious person, and one that sometimes will picke quarrels & contencions with those that otherwise would be at quiet, without any iust cause ...’.⁷¹² Furthermore, John Oldfield declared that both he and his neighbours had been cited to court over sums and matters ‘which he might otherwise well have had without going to lawe’.⁷¹³ It would thus appear that the parishioners’ confidence in informal negotiation over tithe, concluded outside the courtroom, was not shared by John Cadman. However, it might be deduced, given the state of the vicarage, that he probably did have very real problems in collecting the tithe. The parishioners’ characterisation of his wilful pursuit of tithe through the courts was, therefore, perhaps somewhat disingenuous.

Both the Presentment and the subsequent disciplinary case examined, in detail, incidents which had occurred a considerable number of years earlier, but which in the climate of distrust and vexation saw renewed rehearsal in the courtroom. Around 1589, Cadman had been involved in an exchange with the serving churchwarden, John Browne. The incident was described by John Oldfield in the course of the disciplinary case. At an Easter communion Cadman had administered the bread and wine to all of the parishioners, except for about 12 communicants. It seemed likely that the wine would not serve all of those remaining. At this point the following exchange reportedly took place in which Cadman declared:

‘Our Churchward (sic) are somewhat niggard in their wine, but the matter consisteth not in the quantity of the bread & wine but in the mind & hart of the receaver then said John Browne, then churchwarden being present, there is more wine if neede be, and so

⁷¹¹ Office *versus* Cadman (1593): CCAL PRC 39/16 f. 42.

⁷¹² Office *versus* Cadman (1593): CCAL PRC 39/16 f. 42.

⁷¹³ Office *versus* Cadman (1593): CCAL PRC 39/16 f. 46r.

he either fett or sent for a bottle of wine which he had provided ready, and after that some therof was powred out he would have had his bottle againe, which Mr Cadman was unwilling to leave, but reasoned with him & said that it was due to him and not to him the said Browne unlesse he could shewe his authority or right for it or some such wordes importing the like meaning, and after other wordes had passed betwene them concerning this matter the said Mr Cadman having ministered the wine (as far as this deponent now remembreth) to all the rest of the communicantes, put of his surplesse in some angrie sort & shutting his booke said to the said churchwarden I will be even with yow or the like woordes in effect, and so lefte of not giving thankes according to the booke of Common Prayer & went his way'⁷¹⁴

This incident subsequently formed the substance of the first article of the Presentment against Cadman in 1593.⁷¹⁵ Part of the grievance felt toward Cadman centred on theology in the symbolic presence of the bread and wine, on religious practice in not adhering to the Book of Common Prayer and on private antagonisms between Cadman and Browne in the implication that the dispute might fester ('I will be even with yow'). Perhaps a note of sarcasm was discerned in Cadman's words, drawing attention to the fact that the responsibility for the provision of bread and wine was a parochial one. Indeed, the whole portrayal of the incident was couched in terms of obligation, responsibility, authority and rights; matters which, of course, also had a direct bearing on the payment and receipt of tithe.

Many of the tensions and grievances highlighted above appear to have found expression in ritual and symbolic forms of behaviour and speech. One incident recalled during the disciplinary case is of particular significance. Around 1588-9 an incident took place involving Cadman's wife, Helen. Mrs Cadman was renowned

⁴ Office *versus* Cadman (1593): CCAL PRC 39/16 f. 45.

⁵ See Appendix 5.7.

for ‘chiding and brawling’, her vocal, noisy argument with her neighbours.⁷¹⁶ Thomas Stace, weaver, described the events of one Sunday or Holy Day when he was present at the house of John Oldfield, together with Oldfield, Stephen Browne and others.⁷¹⁷ Having been informed that Helen Cadman was arguing with some of her neighbours at Oldfield’s gate, Browne allegedly declared

‘Will this unquietnes never be left? let us go and perswade her wherupon at his the said Browns procurement and with him the said John Oldfield, this deponent went with the like instrumentes as are here mentioned, unto or nere the said Mrs Cadman and song the same catch or the like not in any dispitfull manner, nor with intent to disgrace or discredit her, but to make her leave of her chiding, which they the said persons (as he now remembreth) made her leave, by the overreaching of her voyce with their singing, so that she could not well heare her self chide & therfore gave over for that time’⁷¹⁸

This is an extraordinary incident in terms of the way in which the protagonists gave expression to their disapproval. It is especially interesting that those gathered at Oldfield’s house needed to be informed of the disturbance. It might be inferred that, on this occasion, the ‘chiding and brawling’ (despite its implications of excessive and offensive noise) had not actually disturbed their gathering. Certainly, though, there was much meaning attendant upon Browne’s declaration ‘Will this unquietnes never be left?’ Far from being simply a vocal intrusion and disturbance, Mrs Cadman’s activities represented ‘unquietnes’ in terms of the perceived norms of

⁷¹⁶ There were, however, no presentments made against her for unquiet behaviour in the period from 1578 until that made in 1593 (at the same time as those against her husband).

⁷¹⁷ It is interesting to observe that Oldfield’s house was often the focus for dissent in the village. As indicated, part of the Presentment was drawn up here. This might imply that it was an alehouse, although it is likely that, along with Stace, Oldfield was also a weaver. John Oldfield, weaver of Alkham, married Joan Hadly of the same parish at Alkham on 3 December 1577: Cowper, J. M., *Canterbury Marriage Licences* (Canterbury, 1892), p. 308. It is interesting, furthermore, that Stephen Browne and John Oldfield were both around this time involved in tithe suits with John Cadman: see above footnote 710.

⁷¹⁸ Office *versus* Cadman (1593): CCAL PRC 39/16 f. 48r.

neighbourly behaviour. Her behaviour was an affront to harmony. Thus, not only did her activity at Oldfield's gate constitute a vocal transgression, it also threatened a physical or territorial one and, most significantly, a behavioural transgression.

In giving expression to their disapproval of Mrs Cadman's behaviour, the group chose to appropriate both the substance and form of her own offence. She disturbed by virtue of the excessive noise: they countered by creating more noise. Here it would seem that the response of Browne and his companions included some elements akin to rough music, namely excessive and discordant noise, a din which drowned Mrs Cadman out.⁷¹⁹ The use of instruments - conceivably musical instruments, but probably the banging of pots and pans - and the discordance of the group's music and singing symbolically expressed the discordant affront to community norms posed by Helen Cadman's argument with her neighbours. John Oldfield declared that they went 'in the way of myrth'⁷²⁰ and certainly their loudness symbolically mocked and exceeded Mrs Cadman's determined chiding. He may simply have meant here 'mirth' in terms of musical entertainment, but so too there must have been attendant notions of amusement, entertainment, jest and ridicule. The shared humour and, one would suppose, laughter was an effective way of expressing tension and of 'condemning unorthodox behaviour'.⁷²¹ The group achieved a kind of symbolic ostracism in dissuading her from continuing.

The choice of a catch was especially significant. Perhaps it was improvised on the spot, or was more well known. However, the real significance lay in its form. The singers would figuratively 'catch' each other, in what might today be more familiarly known as a round. Though singing the same melody, the second singer would begin only after the first had reached the second line. Effectively, the group who sang outside Oldfield's house were interrupting each other, just as Mrs Cadman was intruding on them. Despite the form of the catch, the harmony of this

⁷¹⁹ For discussion of rough music see Thompson, *Customs in Common*, chapter seven; Ingram, 'Ridings, rough music and mocking rhymes'. Ingram emphasises the wide variety of customs for expressing mockery and disapprobation.

⁷²⁰ Office *versus* Cadman (1593): CCAL PRC 39/16 f. 46r.

⁷²¹ Thomas, 'The place of laughter', pp. 77-9.

music would inevitably have drawn attention to the disharmony of her activity. This form of symbolic mockery would again appear to be in keeping with the festivity and derision discussed in relation to rough music, though in its parodic elements the group's use of a catch went far beyond the activities usually described.

This incident was revealed in the course of the disciplinary case in response to one of the interrogatories and the indication is that discussion of it had been introduced into the courtroom by Cadman himself. This signifies that he interpreted the episode as reflecting badly on his wife and, by association, himself. Clearly he perceived her as having undergone a ritual and symbolic humiliation. John Oldfield stated that

‘it was not done to any disgrace or discredit towards the said Mr or Mrs Cadman their estates or persons, but onely to make her leave of such unreasonable chiding as she commonly used’⁷²²

The behaviour of both parties was perceived to inform notions of office-holding, respect and status. Mrs Cadman was presented at the same time as her husband in 1593 ‘for the abusing of her tonge with scolding & brawling almost with all the householders within this parish’⁷²³

Rough Music might well be typically employed against scolds to express the conflict between ideal and reality. It implied that their insubordination was an affront to the ideal of male dominance. Ingram comments that it was often assumed that the wife who dominated her husband was also believed to be likely to make him a cuckold. In the light of this observation, it is interesting to note that at the same time as the Presentment against her husband, Helen Cadman was not only presented as a scold, but was also accused of incontinence with one Philip, a weaver, who had since left the parish.⁷²⁴ In consideration of the issues surrounding perceptions of the male-dominated patriarchal society, it could be reasoned that

⁷²² Office *versus* Cadman (1593): CCAL PRC 39/16 f. 46r.

⁷²³ CCAL X.3.2 f. 170r.

⁷²⁴ It is interesting to note that Thomas Stace and John Oldfield, both of whom had taken part in the censuring of her behaviour, were probably also weavers.

these were issues to which Cadman, as a cleric, might have been especially sensitive.

Conclusion

Events at Alkham in the latter part of the century revolved around notions of what was deemed appropriate and seemly: conceptions of how the cleric (and his family) ought to behave; how dissension in the parish might be most appropriately resolved; and even extending into the care taken of the parish church, its buildings and fabric. Dissension arose when the bounds of this behaviour were considered to have been transgressed, through vexatious litigation, drunkenness, chiding and brawling. By the time the disputes reached examination in court, the damage to books in the church was even attributed by one witness to Cadman's inappropriate preaching style:

‘the Bible there seemeth on the outward side to be a very good & new Bible but in many leaves is greatly rufflett, rumped & bruised, crested together that many places are hard to be reade by reason of the rumpling & soyling therof which this respondent thinketh cometh to passe by the said Mr Cadmans unseemely & unreverent leaning & layeing his armes therapon’⁷²⁵

Despite the apparent justification, as evinced by various presentments, of some of Cadman's comments in the Parsonage Barn (‘I could live merily enough if I could but beare with or suffer whoredome dronkennes & papistrie’), they were deemed by those who had heard them to have been ‘very unseemely’ and ‘offensive’. These comments were probably reiterated around the parish contributing to the sense of ‘great grief’. There are indications throughout the disciplinary case of the encouragement of dispute and dissent and clearly the events were very much the result of interpersonal antagonisms. Daniel Evering, gentleman, testified that

⁷²⁵

Office *versus* Cadman (1593): CCAL PRC 39/16 f. 48r.

‘Mr Cadman many times upon very light occasions hath fellen out with his neighbours and called them knaves with other unseemely terms namely Mr Robert Woollet, John Ovell & John Lushington with others he the said Mr Cadman hath called knaves in the presence of many people, and this deponentes hearing, which wordes & termes of his being the minister of the parish were very offensive to many’⁷²⁶

This conflict between the clergy man and the parish, led by a member of the local gentry, suggests that the force of customary and traditional modes of behaviour was especially pervasive within this community and that tithe was an aspect of the wide-ranging complexity of considerations focusing on obligation and responsibility.

⁷²⁶

Office *versus* Cadman (1593): CCAL PRC 39/16 f. 44r.

St Mary in the Marsh

Introduction

This section examines the Romney Marsh parish of St Mary in the Marsh. As already shown in chapter four, the Marsh was an area of significantly high levels of tithe litigation. Study of this parish also reveals interesting parallels with events in the parish of Alkham. In the discussion of Alkham it was shown that dispute over tithe was an integral part of discussion concerning behaviour, obligation and belief and this section again takes as its starting point a disciplinary case brought against the curate of the parish. The community of St Mary in the Marsh is very interesting because of the way in which, while it shared many of the concerns and expectations of the parishioners of Alkham and arguably expressed them in very similar form, here tithe did not become an integral part of these considerations and negotiations. This was so despite the fact that on the basis of the statistical analysis of tithe litigation the profile of the parish was more litigious and that, moreover, it was located in an area of especially high incidence of dispute.

Topography

The parish of St Mary in the Marsh lay within the liberty of Romney Marsh and was situated close to the town of New Romney.⁷²⁷ Hasted characterised it as a area of entirely flat marshland composed of dispersed settlements. The estate of Broadnax was on the southern bounds of the parish and that of Blackmanstone, with a mansion house, was close to the church. This estate was held by the Hales family in the sixteenth century. In 1588 there were only 51 communicants recorded.

⁷²⁷ The discussion of topography is based on Hasted, *History and Topographical Survey*, 8, pp. 406-14.

The Disciplinary Case of 1592

In 1592 a disciplinary case was brought against George Baker, curate of the parish of St Mary in the Marsh.⁷²⁸ Richard Norton, aged 42, also of St Mary's parish, testified that Baker regularly visited the local alehouse, especially since it had been kept by John May. He adduced his claims by drawing attention to the fact that his land lay near to the alehouse and the church and that he often went to the alehouse 'to see what company there was'. He added that the mayor, Mr Cheeseman, and the jurats of New Romney had told him that they knew Baker to frequent alehouses and 'tippling houses' in that town. Norton did not, however, accuse Baker of drunkenness and it would seem that the accusation that he was a regular in the alehouse focused on his gaming activities. Norton claimed that he had seen him playing cards, counters and at dice. He also recalled an incident from the previous Christmas when Baker had been playing dice with a glover, they had fallen out, begun fighting and finally had to be parted.⁷²⁹

Another incident, also described by Norton, had taken place in the churchyard of St Mary in the Marsh, on a Sunday, before a service. Norton described how, as he stood talking to one Hedges of the parish, close to the churchyard of St Mary's

'they sawe a strawnger or Fleming (who hee had seene the daye beefore) standing in the churchyard of St Maryes close up by the buttres of the churche wall ... And presentlie Mr George Baker articulate came from his howse unto the saide strawnger into the saide churche yard where hee [was] & being there with him first hee used chiding woordes unto him & then [he] went unto him and stroke him a blowe or twoo one the eare & strived [with] him for a staffe hee had in his hand ...'⁷³⁰

John May, presumably the owner of the alehouse, confirmed that these incidents (the fight with the glover and the fight in the churchyard) had taken place, but went

⁷²⁸ Office *versus* Baker: CCAL PRC 39/15 ff. 39-44r.

⁷²⁹ Office *versus* Baker: CCAL PRC 39/15 f. 39r.

⁷³⁰ Office *versus* Baker: CCAL PRC 39/15 f. 39v.

on to state that he believed that Richard Norton had made the accusations out of malice rather than with any ‘just cause’.⁷³¹ William Murrell agreed that Baker did visit the alehouse, but ‘at the request of his honest friends and neighbours’. He stated that Mr Baker was ‘a sober quiet & honest man & liveth well amonges his neighbourws’.⁷³² Murrell also declared that he could not swear in confirmation of the alleged brawl in the churchyard.

From these three depositions alone it is already possible to begin to build some picture of the many partisan commitments and allegiances within this marshland parish and its environs: Norton’s insinuation that Baker’s activities had begun with the arrival of John May; his own connections with members of the town government in nearby New Romney; William Murrell’s support of George Baker; and John May’s insinuation that the accusations were motivated out of spite. The final deponent was John Suckling. Murrell had dismissed him as ‘not a man of good name or credit’, recalling that he had in the past performed penance in the parish.⁷³³ Suckling testified that when he was asked by Mr Monday, parson of St Mary in the Marsh, whether he would swear that Mr Baker struck a stranger in the churchyard, he had said that he would not, claiming

‘that had herd the saide Mr Baker with greate othes affirme hee strooke him not & wishe his owne handes might rott of yf that hee did strike him there which made this deponent loth to saye that hee had soe strooke & to say that hee was soe farre that he cowlde not see yt ...’⁷³⁴

Suckling alleged, then, that Baker had made an impassioned denial concerning the brawl in the churchyard, but his testimony was a curious one.⁷³⁵ Though he recalled Baker’s affirmation of his innocence, he managed to sow a seed of doubt by

⁷³¹ Office *versus* Baker: CCAL PRC 39/15 f. 41r.

⁷³² Office *versus* Baker: CCAL PRC 39/15 ff. 41v-2r.

⁷³³ Office *versus* Baker: CCAL PRC 39/15 f. 44r. For discussion of this incident see below p. 264.

⁷³⁴ Office *versus* Baker: CCAL PRC 39/15 f. 44r.

⁷³⁵ Perhaps Biblical imagery can be detected in the violence of Baker’s declaration of his own innocence: see earlier discussion in footnote 252.

suggesting that it was the vehemence of the oath (and perhaps a fear of its realisation) which prevented him from being certain of what he had seen. He concluded with what was probably the legally defensible position: that, in any case, he had been too far away to see clearly what had taken place.⁷³⁶

Baker had been the curate of the parish for the preceding four or five years. The benefice was a rectory and it is likely that the rector of the parish, Nicholas Monday, was non-resident. He had been rector of St Mary in the Marsh since at least 1572, but evidence from tithe disputes reveals that he was also vicar of Barfreston for at least the period 1581-98. He probably lived in Barfreston since in November 1583 he was presented as being non-resident at St Mary in the Marsh.⁷³⁷ Monday was again presented in 1584: 'Item the parson is not residente nether dothe he to our knowledge bestowe the xlth parte amongeste the pore of our parishe'.⁷³⁸ In June 1585 a presentment was made to the effect that there had been no curate in the parish since the previous feast of Our Lady (25th March) and later in the same year there had still been no one appointed to say the services.⁷³⁹ Presumably, it was at some time after these presentments that George Baker was found to serve the cure.⁷⁴⁰

What were the particular social, economic and religious tensions within the parish which occasioned the disciplinary case of 1592? In 1589 a presentment was made by Richard Norton as churchwarden claiming that the pulpit was too low⁷⁴¹ and in the following year, a presentment was made against Richard Norton himself:

'We present Richard Norton of our parrishe of St Maryes and Awgustine Saylor of owr saide parrishe for takeing away the deedes of the churche land and keepeing them in their owne handes

⁷³⁶ It is interesting to note that at the same time that this accusation was being made against George Baker, a presentment was also made against William Kennett for striking one Peerric beside the church stile [CCAL X.3.3 pt. 1 f. 167r].

⁷³⁷ CCAL X.1.17 f. 98v.

⁷³⁸ CCAL X.1.17 f. 115r.

⁷³⁹ CCAL X.1.17 f. 128r; CCAL X.1.17 f. 135v.

⁷⁴⁰ William Myllen was recorded as curate in 1582.

⁷⁴¹ CCAL X.3.3 pt. 1 f. 130r.

which was woont to be kept in the handes of the churchwarden
wherby the parrishe is like to be damnified⁷⁴²

The language employed here appears peculiarly hysterical in its emphasis on damnation. Norton had asked for permission to consult the documentation as he was seeking advice regarding an ensuing dispute. He returned the documents to Mr Monday who, in turn, delivered them to Augustine Saylor, one of the chief feofees. The insinuation is that the dispute over the church lands had been prompted by the serving churchwarden.

Thereafter, there was seldom an occasion on which Richard Norton was not presented. In April 1592 he and his wife were presented for not receiving communion at the previous Easter. Norton answered that the curate (Baker) was excommunicate for fighting in the churchyard of St Mary's (obviously the incident described above):

'and hee saith that he is & wilbe readye to receave the communion
either at the handes of Mr Munday the parson or anye other at anye
tyme at the appointment of this cowrte ...'⁷⁴³

Norton, his wife and daughter were presented again in the following October for failure to communicate and again in April 1594.⁷⁴⁴ Mrs Norton was presented again in October 1594 when it was claimed that she only heard divine service in the parish church when there was a sermon and that she had not received communion since the previous Whitsun.⁷⁴⁵ By April 1595 Norton had failed to receive communion for the previous three years and Mrs Norton's name had been added to the bill of recusants.⁷⁴⁶ Norton stated in response to this presentment that

'because there was some variaunce betwene the minister of there
parishe and his said wif she hath refused to receyve the communion

⁷⁴² CCAL X.3.3 pt. 1 f. 95v.

⁷⁴³ CCAL X.3.3 pt. 1 f. 167v.

⁷⁴⁴ CCAL X.3.3 pt. 2 ff. 3r, 11v, 54v and 55r.

⁷⁴⁵ CCAL X.3.3 pt. 2 f. 66v.

⁷⁴⁶ CCAL X.3.3 pt. 2 f. 89v and 113v.

at his handes but desired to receyve at the parson himself and is now willing to receyve the holye communion of any other and hath not heretofore refused to come to the parishe church but because she stood excommunicate & therefore could not be suffered to come thether and saith that Mr Archdeacon hath ended that dissention which was betwene the said minister and his wif and therefore she now is contented to reforme her self ...'.⁷⁴⁷

In March 1596 Richard Norton was a sidesman of the parish, but was still being presented, this time with his maid Betteris, for a failure to receive the communion.⁷⁴⁸

It would seem that the Norton family had a particularly strained relationship with other parishioners and problems were already manifest in 1592 at the time of the disciplinary case against Baker. Later, in 1596, as sidesman of the parish, Norton presented Nicholas Adams for drunkenness in the house of the victualler, William Spurnell, where he had 'greatlye abused himself to the great offence of well-disposed peple as the fame goethe'. At the same time he presented William Murrell, the churchwarden: 'for that he was presente at the same tyme or at the least knewe of the promisses and yet refuseth to sett his hande to the presentement therof being by me required there with'.⁷⁴⁹ These tensions which had developed more openly by 1596 found initial expression, then, in the accusations against George Baker. Though it is unclear, the likelihood is that while Baker was excommunicated for a period, the accusations against him proved unfounded or unsupported and he was subsequently reinstated. This would account for Norden's continued absence from communion. He probably refused to receive from Baker, but also it is likely that he was a recusant.

There was, furthermore, some kind of obligating relationship between Norton and Suckling. They perhaps shared religious convictions: Suckling was presented at the

⁷⁴⁷ CCAL X.3.3 pt. 2 f. 113v.

⁷⁴⁸ CCAL X.3.3 pt. 2 f. 129r.

⁷⁴⁹ CCAL X.3.3 pt. 2 f. 123v.

same time as Norton in 1594 for a failure to receive communion.⁷⁵⁰ As discussed, his testimony in the case against Baker was peculiarly non-committal in relation to the alleged brawl in the churchyard and he was probably under some pressure from Richard Norton to testify.⁷⁵¹ None of the other deponents (with the exception of Norton himself) referred to the brawl and they certainly do not appear to have attached any especial significance to it. Suckling was a man of some notoriety in the parish. As already stated, William Murrell referred to his having performed penance. This had been for the making of 'rhythms'. In September 1591, only months before the accusations against George Baker, Suckling had himself been the subject of a disciplinary case following the presentment that he

'hathe made certen slanderous and factious libells & published them
abroade to the slander of divers persons and making of disorde
betwixt man and wiff & others therby offendinge Lawe and them
that it did concerne ...'.

Suckling had answered 'That he did make certen Rymes ... not of purpose to slander any person But because ther was one of them had beaten hir mother & not otherwise ...'.⁷⁵² He was perceived as culpable on two counts: by offending the Law; and by offending the idealised norms of neighbourhood, charity and concord. Suckling himself seems to have regarded the rhymes as a means of advertisement, drawing attention to behaviour which itself also offended notions of order and respect (a woman beating her mother). While this does not strictly speaking constitute ritual behaviour, the making of rhymes probably represented the employment of traditional modes of censure in a way akin to those employed against Helen Cadman in Alkham.⁷⁵³

The presentments from this small parish also reflect, notably in the 1590s, a preoccupation with the censure of leisure pursuits. In 1590 a previous churchwarden, William Cowle, admitted in a disciplinary case against him that

⁷⁵⁰ CCAL X.3.3 pt. 2 f. 129v.

⁷⁵¹ See above p. 260.

⁷⁵² CCAL X.3.3 pt. 1 f. 154v.

⁷⁵³ See above p. 253.

‘he hath divers tymes or some tyme since he hathe bene churchwarden hath had & kept dauncyng in or aboute his howse wherunto divers yonge folkes have resorted, & ther have danced in the tyme of service, or att least by reason wherof they have bene absent from services ...’⁷⁵⁴

He agreed that, on the last Whit Summer day, Parkes and Collyns of Canterbury had come to his house while he was at a service and had played their instruments. This visit had been reported to him, but had taken place without either his knowledge or his consent.⁷⁵⁵ John Suckling was again presented in October 1594 and admitted that he had played, ‘keyles’ on a Sunday, during the Harvest, at the time of evening prayer.⁷⁵⁶ At the following visitation, William Baker, son of the serving churchwarden, was presented for also participating in the same game.⁷⁵⁷

The points of correspondence between the events in this parish and those at Alkham are very interesting. Firstly there is the coincidence of date. In both parishes the disciplinary case against the cleric was instigated in the early 1590s and focused on what was deemed inappropriate behaviour. Secondly, the accusations were instigated, in both cases, by a parish notable who had served as churchwarden and who was able to bring pressure to bear on other deponents to testify. Thirdly, there was the influence of residual Catholicism or proto-recusancy and again this centred on accusations levelled at the women within the family one of the chief protagonists. Moreover, there is also the possibility that the Norton family of St Mary in the Marsh were related in some way to the Nordens at Alkham. The ritual expression of tension in both parishes - through singing and the making of rhymes - is also most interesting.

⁷⁵⁴ Office *versus* Cowle: CCAL X.3.3 pt. 1 f. 96r.

⁷⁵⁵ CCAL X.3.3 pt. 1 f. 100v.

⁷⁵⁶ CCAL X.3.3 pt. 2 f. 66v.

⁷⁵⁷ CCAL X.3.3 pt. 2 f. 90v. It is interesting to note that William Baker was not initially presented with Suckling and that when he was presented in April 1595, it was at the same time that his father was presented for failing to join the minister to accompany him on the perambulation of the parish [CCAL X.3.3 pt. 2 f. 90r].

As at Alkham, dissension within the parish rapidly found focus in concerns about the fabric and furnishings of the church itself and the series of complaints about the state of disrepair of the chancel and parsonage are detailed below.⁷⁵⁸ In December 1578 the communion cup was found to be inadequate (not of silver) and a new one was subsequently provided by Thomas Blechenden. In 1592, around the time of the case against Baker, it was found that leaves were missing from the Bible and that guttering and shingling on the church required repair.⁷⁵⁹ Sometime prior to April 1595 a glass window was removed from the chancel for fear it would break and had not been replaced.⁷⁶⁰ In the same year yet another disciplinary case, this time against Thomas Baker, the churchwarden, found that the churchyard was in an unacceptable state since there was a swine sty up against the church wall. With regard to the interior of the church, loose stones were reported to ‘hang very dangerously ready to fall downe upon the peoples heades as the sit in their seates at service ...’.⁷⁶¹

While drawing comparisons between the events at Alkham and at St Mary in the Marsh, it should be noted that resistance to the payment of tithe was in many ways quite different in its nature in the two parishes. At Alkham, dissension over tithe payment was a crucial aspect in the negotiation of interpersonal relationships within the community. At St Mary in the Marsh this aspect was less overt. As indicated earlier, this was despite the fact that it was a Romney Marsh parish which located it in an area of especially high levels of dispute in the sixteenth century. Furthermore, St Mary in the Marsh was itself a parish which experienced a relatively high number of disputes throughout the period. The disciplinary case at St Mary in the Marsh highlights the peculiarly sensitive position of the curate within the parish and this is worth examining in relation to tithe. Unlike the events at Alkham, objections to the behaviour of George Baker do not appear either to have been informed by, or to

⁷⁵⁸ See below p. 267.

⁷⁵⁹ CCAL X.3.3 pt. 1 f. 166v. An earlier presentment in April 1590 reported problems with the tiling as a result of ‘the greate winde’ [CCAL X.3.3 pt. 1 f. 94v]. This wind caused similar problems at Alkham: see above p. 249.

⁷⁶⁰ CCAL X.3.3 pt. 2 f. 54r.

⁷⁶¹ CCAL X.3.3 pt. 2 f. 58v.

have been prompted by, a period of dispute over tithes. This implies that Baker was a stipendiary curate paid by Mr Monday, who himself collected or leased the tithes. It is certainly instructive that the two cases instigated by Monday in November 1592 to recover tithes were against Richard Norton and John Suckling.

Tithe Litigation.

It is now intended to consider tithing litigation in the parish for the entire century. A total of 55 disputes was brought between the years 1501 and 1600, the first in 1519 and the last in 1592. Most of the early disputes, prior to 1550, were instigated by successive rectors of the parish. A peak of activity in the period 1551-2 can be entirely attributed to actions brought by John Smyth and John Ely, farmers of the rectory. Another sustained period of litigation between 1564 and 1570 was initiated by Simon Rucke, another farmer of the rectory.

At the time of the complaints against Nicholas Monday for non-residence and a failure to provide for the cure,⁷⁶² simultaneous complaints were also being made about the state of disrepair of the chancel and parsonage.⁷⁶³ This does not seem, however, to have been reflected in the pattern of tithe litigation within the parish in this period. Although Nicholas Monday instigated a significant number of disputes as rector of the parish, a total of 16 in the period 1572-92, only three of these were brought against defendants also from the parish of St Mary in the Marsh. This implies that, unlike at Alkham, parishioners of St Mary in the Marsh did not resort to withholding tithes as a reflection of their attitude towards the incumbent's own sense of parochial responsibility, or at least if they did withhold tithes, the issue was resolved before it reached the courtroom.

Indeed, litigation instigated by plaintiffs from St Mary in the Marsh was very seldom against defendants from the same parish (in only four of the total of 55 cases). Otherwise, defendants came from other Romney Marsh parishes⁷⁶⁴ and also

⁷⁶² See above p. 261.

⁷⁶³ CCAL X.1.17 f. 83r, 115r, 160v; CCAL X.3.3 f. 95r; CCAL X.3.3 pt. 2 f. 54r

⁷⁶⁴ Lydd, New Romney, Newchurch, Hope, Aldington.

from much further afield.⁷⁶⁵ This feature of the tithe litigation is a result of the valuable pasture land to be found in the parish. As observed earlier, this land was often farmed by men who lived elsewhere in the diocese.⁷⁶⁶ William Tadlowe of New Romney, for example, answered the libel of the rector, John Potynger in 1550. He agreed that he had 400 sheep which, for each of the previous three years, had been pastured in the parishes of St Nicholas at New Romney, Hope and St Mary in the Marsh. He claimed, though, that he had only pastured for two months in each of those years at St Mary in the Marsh (except for 30 acres of land called the ‘owte landes’ which he had used continuously). Potynger was seeking to claim tithe on fleeces, lambs and calves.⁷⁶⁷

Land in the parish was put to very diverse use. The case Rucke *versus* Toppenden (1565) concerned that tithe of hay and the agreement of a customary rate of 6*d* per acre. The suit Rucke *versus* Nypsam (1569) examined the pasturing of steers, heifers and oxen at a rate of 5*s* per year. In the course of the suit Rucke *versus* Jowle in the following year, Ingram Jowle confirmed the customary tithe of pasturage in the parish to be 5*s* per year, but claimed that this was only due if the parson or farmer did not take a tithe on hay, lambs or calves from the same pasturage in the same year.⁷⁶⁸ William Dod agreed, in a dispute between Nicholas Monday and Nicholas Sawkyns of Lyminge in 1582, that a tithe of 6*d* an acre was customary within the parish. All other tithes, great and small, were paid in kind and occupiers who did not pasture animals on land in the parish paid 2*d* an acre yearly.⁷⁶⁹ Where there is deposition evidence from St Mary in the Marsh, negotiations over tithe are revealed as a regular component of parochial life. These matters were very much the subject of review and negotiation on a year-to-year

⁷⁶⁵ Folkestone, Lympne, Westwell, Sandwich, Eythorne, Cheriton, Paddlesworth, Elham, Harrietsham, East Langdon, Oxney, Smeeth, Kingston, Godmersham, Capel le Ferne, Thanington, Lyminge, Dover, Tilmanstone, St Margarets at Cliffe, Tilmanstone, Brabourne, Mersham, Great Mongeham, Hythe and Newington (Hythe).

⁷⁶⁶ See Figure 4.17 and for discussion above p. 162.

⁷⁶⁷ Podenger *versus* Tadlowe (1550): CCAL X.10.4 ff. 154-5*r*.

⁷⁶⁸ Rucke *versus* Jowle (1570) CCAL X.10.11 ff. 170-1*r*.

⁷⁶⁹ Monday *versus* Sawkyns (1582) CCAL X.10.20 f. 145*v*-6.

basis. Much of the detail concerned the size of flocks and herds, the exact period for which they had been pastured in the parish and the number of young produced. In each instance the amount agreed for tithe was the result of detailed computation with the tithe collector.

This detail helps to provide insight into the nature of the tithe litigation in general. As already noted, even in the most litigious of parishes only a small percentage ever even reached the stage where the libel was answered or depositions were heard.⁷⁷⁰ While there were 55 cases instigated by plaintiffs from St Mary in the Marsh, there is detailed evidence extant for only six of the cases. Since the prevalence of dispute in this parish is clear from an examination of the Act Books, this suggests that some kind of resolution was usually achieved outside the courtroom and that haggling and negotiation were commonplace (although not confined to the bounds of the parish). There were relatively few occasions on which these matters could not be resolved by face-to-face contact.

Conclusion

The profile of tithe litigation within this parish is distinct in that, while it can be shown that dispute was prevalent throughout the century, those cases which did reach examination in the courtroom were concerned with detail of rates and methods of tithing. Unlike in the other parishes considered, dispute over tithe in the parish of St Mary in the Marsh does not appear to have directly informed discussion of reciprocal relationships or religious practice. This can perhaps be attributed to the fact that for most of the century the parish was served by an absentee rector and the tithes were collected by a lay person. It is clear, however, that the complexity of interpersonal relationships identified in respect of tithe elsewhere in this thesis was also apparent in other areas of activity and belief.

⁷⁷⁰ For discussion of the number of suits for which depositions were taken see above p. 149.

Within this community, as in the other parishes considered, relationships were undergoing continual examination and negotiation.

Chapter Six: Conclusion

This thesis has provided an examination of interpersonal relationships under conditions of crisis within local communities in Kentish society. Fundamentally, the tithe payment system encapsulated power relations between lords and villagers in which the lord (ecclesiastical or lay) sought to extract surplus from parishioners. It has been shown that suits over tithe in the ecclesiastical courts are an effective means of understanding this relationship. The role of custom was central to this association in that it enabled each side to define and defend their rights, traditional practices and dues. As a relationship of power, the system was in its nature unequal and thus conflict was inevitable. Dispute over tithe can be viewed as part of a continuum of resistance, therefore, not only in the longevity and traditions of dispute identified, but in the fundamental conflict and balance of power between lord and peasant. This relationship was put under particular strain and scrutiny in the sixteenth century owing to the influence of economic pressures, religious shifts, institutional change and also popular protest. Yet, within this continuum the statistical analysis of litigation reveals that there were culminations of activity both numerically and geographically. Conflict over tithe in the courts can be seen as the result of a complex convergence of forces, often of especially local significance. The case studies reveal that nothing can be taken at face value and that matters of tithe both informed and were informed by multifarious considerations.

Throughout this thesis emphasis has been placed on the importance of understanding the *practice* of tithe payment. Within local communities the tithing system went far beyond the theoretical definitions codified in statute. As shown, it was defined less by theory than by traditional practice. The determining role of custom, firmly located within traditional modes of behaviour, was explored in chapter two. Attention was drawn to the informing notions of tradition and time, to the transmission of customary practice and to the especial role of the aged. The flexibility of such a system, evinced through continual negotiation within and without the courtroom, is testament to the constant reorientation and renegotiation

of interpersonal relationships undertaken as part of everyday life. The ideas suggested by the concept of the habitus - the shared experience of the everyday, through habitual and perhaps unconscious behaviour, defined by years of collective practice - have to be balanced by the fact that external factors such as religious, social or economic change were bound to have had some influence on the supposed status quo. Tithe disputes reveal that individuals were frequently prepared to demand an examination and re-evaluation of customary practice. Ritual and symbol were also demonstrated to be of considerable importance, especially in consideration of the notion of boundary. This was so not only in the physical boundaries defining the parochial community, but also in the moral boundaries of neighbourly and reciprocal behaviour. Little evidence was found of written codification. Custom was manifestly part of oral discourse and appropriately so since it was concerned with practice and modes of behaviour. This orality was also a reflection of the local variation of custom and its constant negotiation. Spoken testimony was shown to have been given articulation at times of particular symbolic significance and crisis. This was markedly so in the event of contention when an upset in the balance of power necessitated the reorientation of rights and jurisdictions.

Chapter three addressed the way in which conflict over tithe was often expressed through ritual and symbol, particularly in relation to venue and action. This approach amplifies the many resonances surrounding this form of conflict, in that it was not simply a resistance to giving up surplus, but reflected the wide spectrum and complexity of interaction that tithe embraced. It was in this way that individuals and groups were able to explore a broad range of issues including the nature of office-holding, reputation, moral censure and ideas about reciprocal responsibilities and obligations. Attention was drawn to the significance of the church as the venue for many of these exchanges, arguing that this was regarded, in particular by the middling stratum in society, as an appropriate arena for the exploration of tension. In a period when it is thought that relatively few people attended church, confrontation initiated here probably ensured the active involvement of an aspirant

group within the community. Although the issues which developed into tithe disputes heard in the courtroom might have originated with individual and petty acts of defiance, they were clearly matters of common concern and could very soon involve the wider community. The discussion of confrontation identified a general willingness to bear witness to exchanges.

This chapter also discussed the significance of individual and petty acts of defiance, characterised by their relative spontaneity, informal consensus and lack of overt articulation. The persistence of these activities as part of the everyday relationships between individuals argues for traditions of dispute and resistance. Furthermore, the work of Culmer in 1655 confirmed the notion of consensual activity located within a continuum. This form of resistance represented a process of constant testing and renegotiation which took place as part of everyday activity in the fields and within the local community. Arguably, the working environment of the fields provided an arena for the expression of resistance distinct from that of the church and it might be suggested that this was the focus for resistance for the more powerless in society. While drawing a distinction between the staged resistance of confrontation within churches and the apparent spontaneity of resistance in the fields, it is clear that there was a certain duality in these forms and that elements of one were reworked in the other. Future work will reflect further on these ideas, but discussion in this thesis certainly reveals the complexity of strategies of resistance.

Addressing the practice of tithe payment and the conflict inherent in the system should be viewed as an essential precursor to understanding the trends in tithe litigation examined in chapter four. The prevalence of dispute throughout the century, but particularly in the years after 1548, was marked and tithe litigation constituted an increasing proportion of instance business in the ecclesiastical courts. In particular, attention was drawn to the prevalence of suits brought by clerical plaintiffs and, within this group, by those in pursuit of vicarial tithes. This is perhaps in part explained by the positive relationship which was demonstrated between the number of disputes and the data derived from price indices. In a period of rising

prices the decreasing value of tithes which had been commuted to a customary *modus* would have had most effect on those (usually vicars) who sought to collect tithe in this form. Their income would have been progressively decreasing in value throughout the sixteenth century. The considerable involvement of clerics in tithe litigation is especially notable for the diocese of Canterbury (compared, for example, with the diocese of York). It might be proposed that this facet of litigation was related to the pervasive influence of the Church in a relatively small diocese, coupled with the fact that the county itself had little experience of especially strong lay lordship.

In the examination of the geography of dispute throughout the period, attention should be drawn to the statistical norm of around 20 disputes per parish (an average of one every five years) in parishes distributed widely across the diocese. However, it is obvious that disputes over tithe were not confined to the boundaries of the parish. Individual suits may have involved deponents drawn from a wide ranging geographical area. The regional concentration of those parishes experiencing especially high levels of dispute is very marked and certainly this should be understood in terms of regional significance. The importance of long-term structural changes as an influence on the geographical clustering of dispute was also discussed. It would seem significant that this clustering occurred in areas which could not rely on monoculture and the attendant market opportunities, but which practised a considerable degree of agricultural diversification. This again implies that the steady price rise of the sixteenth century had some influence on the volume of litigation. Indeed, this relationship might be one way of exploring the apparently contradictory nature of the continuum of dispute which was, nonetheless, marked by peaks of litigation in particular areas. It suggests that, on occasion, economic pressures, in combination with other influences, stimulated dispute. In the regional concentrations identified, the influence of ecclesiastical lordship was demonstrated to have been pervasive. This was notably so in north-east Kent and on Romney Marsh. The volume of clerically-inspired suits in these areas was particularly high.

The analysis of the numerical and geographical clustering of dispute reveals that there was an underlying constant structure. Yet, despite this regional propensity, individual parishes did not appear to exhibit the same chronologies of dispute. Suits in court were very much the result of the convergence of peculiarly local factors. The community studies highlight the importance of understanding the local balance of power and interpersonal rivalries and antagonisms within and between groups. These tensions were exacerbated at particular places in particular years.

Discussion of the sequestration of the parochial income of Herne in the first section of chapter five revealed the household to be a useful analytical tool for understanding the context of tithe payment. This was especially so in relation to economic pressures and the particular vulnerability of the household as a unit in a climate of rising prices. However, it was very clear that the experience of the household was mediated by a whole range of other influences. The sheer complexity of the tithe payment system (particularly in relation to small tithe) and the financial burden it constituted were revealed. The exacting nature of financial obligation toward the church in addition to tithe was also explored. The accounts also provided valuable indications of the flexibility within the system. The recording of part payments and expected payments implies that there was some forbearance of what might be termed 'slippage'. It seems likely that individuals may have staggered or renegotiated payments on a regular basis. This notion of slippage again confirms the complexity of a system in which a level of lenience was understood, a continuum in which a degree of resistance was tolerated until crisis. It might also be suggested that the whole system of financial obligation to the church encapsulated an element of inbuilt priority in which the payment of tithe featured relatively low down.

Work on St Nicholas at Wade revealed that the power relationships within communities were not founded on a straightforward polarisation between one group and another. In particular, it revealed the stratification within horizontal groupings in society. Here it was proposed that an aspirant group within the

community, usually from a stable core of residents, long-established within the village and who pursued acquisitive policies towards landholding, were prepared to utilise the ecclesiastical courts in defence of customary practice. Yet, within this group there appears to have been fundamental tensions along religious lines. Consequently, it might be argued that the complex issues examined in relation to tithe disputes are an important means of understanding the unresolved nature of the Protestant reformation in some communities. Certainly this was shown to be the case in St Nicholas in a preoccupation with matters of belief, doctrine and practice and because of the influence of a puritan ministry; but it was also so in Alkham, this time focused on Catholic recusancy.

Events at Alkham also highlighted the nature of collective memory; the way in which 'forgotten' events found reiteration in times of crisis. This observation itself raises questions as to the nature of 'vexatious litigation' and whether it is really possible to point to the final resolution of conflict in the courtroom (and indeed within communities). The continuum of dispute reveals quite convincingly that matters, even between generations, were very rarely laid to rest and that moments of crisis often allowed grievance to resurface and experience new exploration. The statistical analysis of dispute demonstrated that only around ten percent of suits instigated proceeded through to deposition. It is clear that there were multiform strategies, of which use of the courtroom was only one, employed in seeking the resolution of conflict. This courtroom resolution might be more sensitively understood, then, as the achievement of pragmatic compromise.

The points of correspondence between events at Alkham and in St Mary in the Marsh were alluded to. Despite these correspondences, the issue of tithe was not overtly manifest in the court cases examined for St Mary in the Marsh. However, this parish was demonstrably located in a region identified as prone to dispute over tithe and it is, therefore, quite obvious that this issue must have informed all activity within the parish. This case study confirms again the fundamental complexity of strategies of resistance toward tithe, but also suggests that there may have been a

very real difference in the nature of lay-inspired litigation (as was predominant at St Mary in the Marsh) and clerically-inspired cases. It might be argued, particularly for the 1590s, that the courtroom was the forum in which to pursue tithe more usually chosen by the clergy. Witnesses in this period drew attention to the clergy's wilful pursuit of tithe in the courtroom. It is evident, both from the statistical and the qualitative analysis, that the last decade of the century was a period of especial financial pressure. These pressures were widespread in their effect when coupled with the crises of food supplies and the increased incidence of poverty and disease. This, arguably, found reflection in a more resolute attitude which manifested itself in the form of less toleration and a greater determination by litigants to pursue rights within the courts.

This thesis has contributed to an understanding of the system of tithe payment in Kent and adds to four pieces of research already undertaken on the following dioceses: York; Oxford, Worcester and Gloucester; Norwich and Winchester; and Leicester.⁷⁷¹ It also contributes to analysis of the work of the ecclesiastical courts in the sixteenth century building, in particular, on the work of Woodcock and Potter on the diocese of Canterbury.⁷⁷² It also addresses the significance of the role of the clergy in local society in the sixteenth century. The thesis reveals the particular importance of in-depth study of communities based on archival research, as a means of understanding the fundamental complexity of tithe payment. Many general historical surveys of the period deal with the subject only superficially, by generalised observations based on printed source material.⁷⁷³ The strength of this

⁷⁷¹ Gransby, 'Tithe Disputes'; Sheils, 'The right of the church'; Barratt, 'The Condition of the Parish Clergy'; Houlbrooke, *Church Courts*; Tarver, 'Tithe Disputes'.

⁷⁷² Woodcock, *Medieval Ecclesiastical Courts*; Potter, 'The ecclesiastical courts'.

⁷⁷³ See, for example, Haigh, C., *English Reformations - Religion, Politics and Society under the Tudors* (Oxford, 1993), pp. 44-50. While recognising the importance of placing disputes within their context, Haigh remarks that tithe suits in ecclesiastical courts were 'remarkably rare', citing as an example the diocese of Canterbury on the basis of information derived from Woodcock, *Medieval Ecclesiastical Courts*, of 14 suits in 1482 and 4 in 1531. As shown in this thesis, this is inadequate in terms of understanding the nature of litigation, at least in the diocese of Canterbury. Haigh acknowledges that disputes in parishes were far more frequent than suits in court, but goes on to conclude that had they been particularly prevalent, far more court cases would have ensued. He draws attention to the complexity of tithe and the

work lies in the way in which it has been possible to move from the general to the particular and in so doing to highlight the importance and significance of extreme complexity within the continuum of dispute. The importance of local studies of particular communities cannot be understated and future work using this approach would certainly enhance understanding of the practice of tithe payment at the local level and the importance of dispute over tithe as a mode of resistance.

Indeed, this thesis has moved towards suggesting a new model for the understanding of small-scale protest within society, its prevalence and persistence over time. The localism of more minor forms of protest is quite clear. In the exploration of the local dynamics of dispute it was evident that dissension in these parishes was often also informed by issues of national significance, particularly in the controversies over church furniture and religious practice. The events at Alkham, in particular, revealed an interrelation with the local politics of Dover and, by implication, much farther afield. While it would not be argued that local issues had a direct and inevitable national significance, it is apparent that national concerns were themselves appropriated at the local level, particularly in relation to litigants' awareness of statutory regulation. This is a consideration which merits further investigation.

Passive resistance of the kind described could arguably have been more effective than outright rebellion. Persistent resistance, especially in the cumulative effect of individual acts of defiance, may in the long-term have had seriously detrimental effects on the collection of tithe.⁷⁷⁴ Though the activities identified did not amount to collective resistance in the sense of being regionally co-ordinated and organised,

necessity for constant negotiation: 'But to suggest that this often led to bitterness would be misleading, for when incumbents and parishioners had to live together there were strong pressures towards agreement. Even the institution of legal proceedings did not always signal a breakdown in bargaining. Clergy used suits as an incentive to settle, and a good proportion of tithe cases ended in compromise': Haigh, *English Reformations*, p. 46.

⁷⁷⁴ See, for example, the discussion of the decreasing size of the 'rompu' which has been quantified by Marie-Therese Lorcin in 'Un musee imaginaire de la ruse paysanne La fraude des decimables du XVe au XVIIIe siecle dans la region lyonnaise', *Étude Rurales*, 51 (1973).

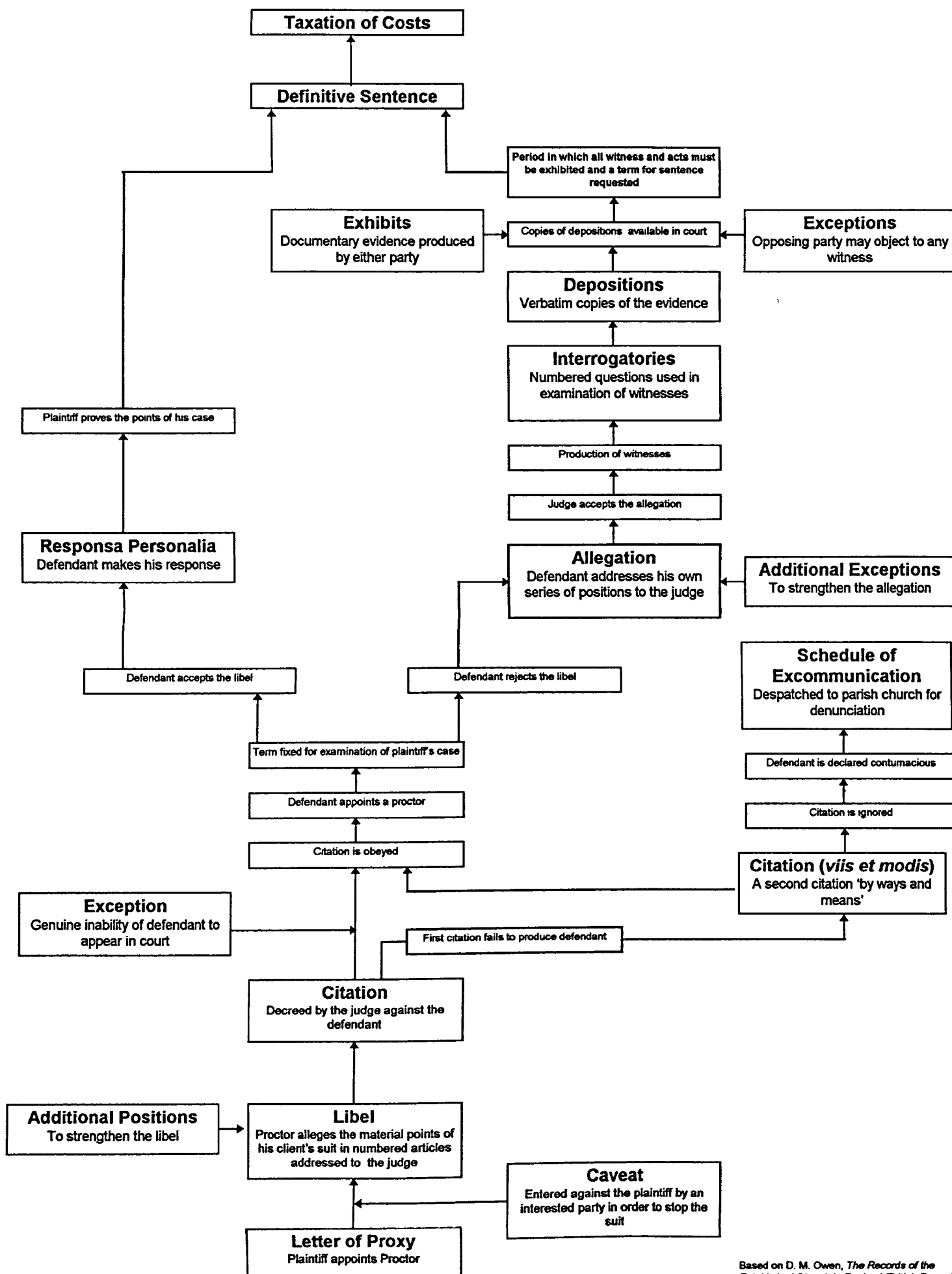
or firmly articulated, some of the ruses described at tithing-out, for example, must have required an element of collusion amongst the harvesters, a kind of informal consensus.⁷⁷⁵ The activities described in relation to tithe represent the true nature of small-scale protest and it is notable that physical confrontation was rare. The more usually described modes of protest - riot and rebellion - are thus just two forms of protest within a wide spectrum of activities. Furthermore, riot and rebellion are certainly not manifestations which occur 'out of the blue'. The continuum of dispute reveals that conflict in its multifarious forms was a persistent part of everyday life. As a model, the significance of this small-scale resistance, characterised by continuum punctuated by culminations of activity, probably goes some way towards understanding how the more overt manifestations of protest themselves come about.⁷⁷⁶ Continuous small-scale protest could be regarded as the essential precursor to riot and rebellion. Future work might concentrate, therefore, on the complexity of the relationship between small-scale protest and local, regional and national riot and rebellion.

Finally, the evidence of the rising use of the courts, in particular by clerical plaintiffs, reveals quite persuasively that more informal methods of negotiation and accommodation, concluded outside the courtroom, were becoming increasingly difficult to achieve as the century progressed. This suggests not only that there was an unresolved nature attendant upon much dispute which might span years, but also that within local communities the extent and level of seriously unresolved conflict was rising. The general implication of this appears to be that there was a particular way in which the courts were utilised in times of crisis. Future work might concentrate on seeking to examine this phenomenon in the years leading up to and during the Civil War.

⁷⁷⁵ See Hobsbawm, E. J. and Rude, G., *Captain Swing* (Harmondsworth, 1969), especially p. 195 for a discussion of the multiform activities, which varied with occasion and opportunity, employed during the Swing Riots. These activities were characterised by consistent basic aims.

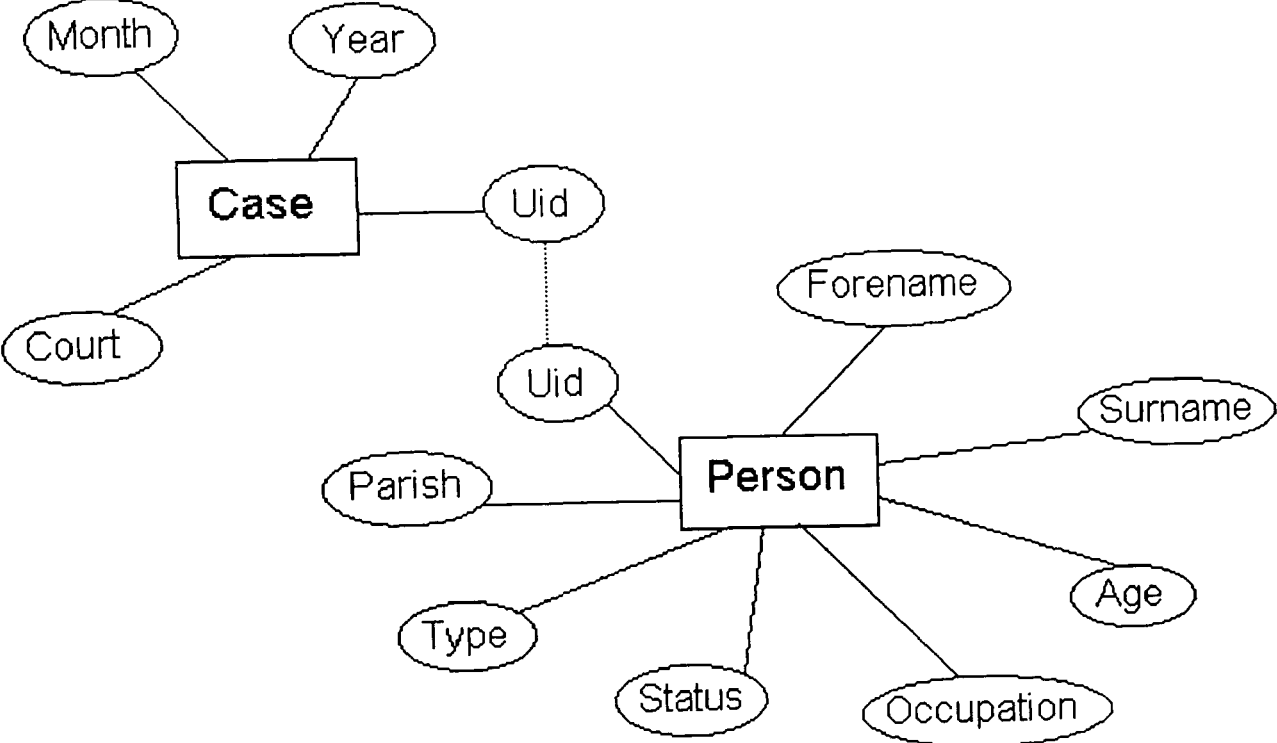
⁷⁷⁶ See also the discussion in MacCulloch, 'Kett's Rebellion', *passim*.

Appendix 1.1: Documentation in an Instance Cause

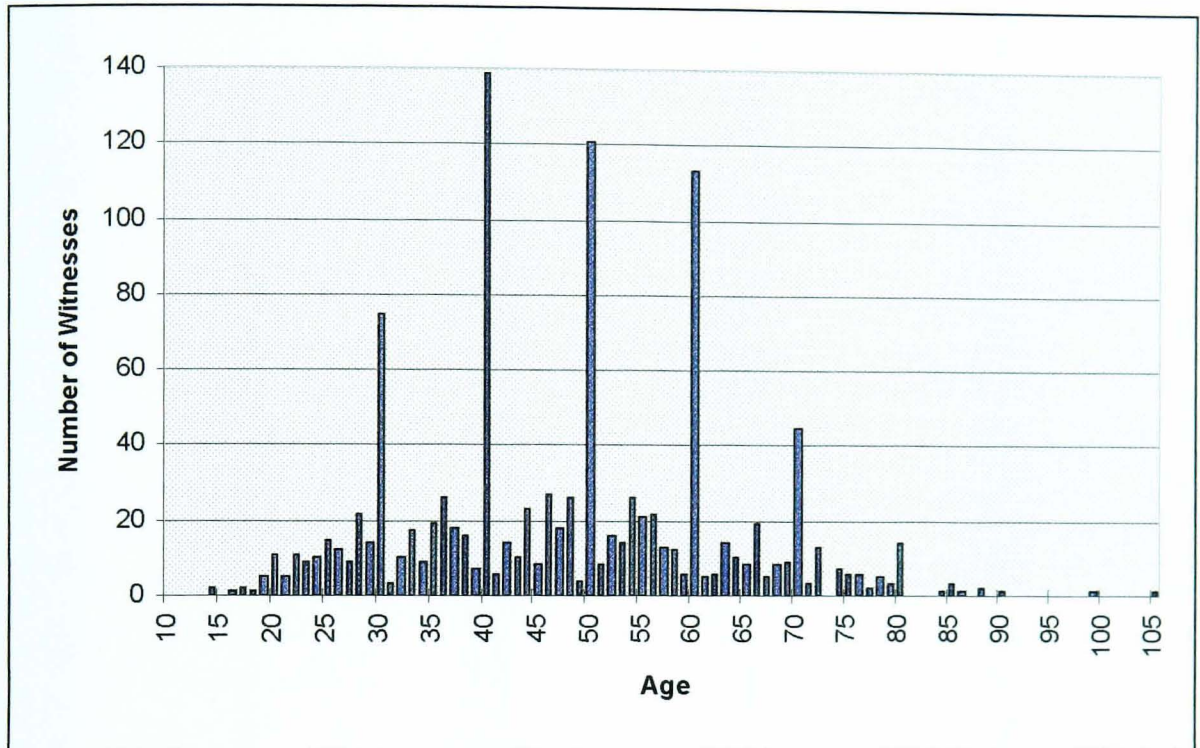


Based on D. M. Owen, *The Records of the Established Church in England* (British Records Association, 1970) pp. 40-1.

Appendix 1.2: Data Model for the Instance Database



Appendix 2.1: Age Distribution of Witnesses in Tithe Suits, 1540-1600



Appendix 4.1: Numerical Incidence of Tithe Suits

Year	Archdeacon's Court	Consistory Court	Both Courts
1501	13	13	26
1502	19	22	41
1503	21	30	51
1504	17	32	49
1505	10	27	37
1506	11	28	39
1507	10	36	46
1508	17	28	45
1509	16	6	22
1510	16	23	39
1511	9	21	30
1512	9	28	37
1513	14	26	40
1514	8	21	29
1515	11	9	20
1516	25	22	47
1517	41	28	69
1518	31	18	49
1519	42	22	64
1520	34	43	77
1521	42	29	71
1522	37	24	61
1523	17	18	35
1524	14	14	28
1525	18	14	32
1526	5	9	14
1527	2	7	9
1528	5	10	15
1529	3	10	13
1530	1	11	12
1531	0	5	5
1532	1	13	14
1533	1	13	14
1534	2	18	20
1535	1	20	21
1536	1	16	17
1537			
1538			
1539	0	3	3
1540	0	0	0

Year	Archdeacon's Court	Consistory Court	Both Courts
1541	11	23	34
1542	7	23	30
1543	2	25	27
1544	0	19	19
1545	0	24	24
1546	0	14	14
1547	0	7	7
1548	0	66	66
1549	0	92	92
1550	19	65	84
1551	51	81	132
1552	50	51	101
1553	0	42	42
1554	0	33	33
1555	33	31	64
1556	48	52	100
1557	33	28	61
1558	31	31	62
1559	4	19	23
1560	44	85	129
1561	40	55	95
1562	21	55	76
1563	0	90	90
1564	27	82	109
1565	54	72	126
1566	34	56	90
1567	46	37	83
1568	31	33	64
1569	13	68	81
1570	10	25	35
1571	17	52	69
1572	24	75	99
1573	39	67	106
1574	36	76	112
1575	39	46	85
1576	18	91	109
1577	32	64	96
1578	37	57	94
1579	19	22	41
1580	23	61	84
1581	23	54	77
1582	15	49	64

Year	Archdeacon's Court	Consistory Court	Both Courts
1583	56	48	104
1584	58	66	124
1585	53	57	110
1586	62	49	111
1587	62	47	109
1588	68	73	141
1589	48	39	87
1590	46	41	87
1591	41	30	71
1592	52	26	78
1593	65	39	104
1594	59	26	85
1595	76	62	138
1596	97	45	142
1597	101	48	149
1598	96	46	142
1599	75	60	135
1600	84	33	117

Appendix 4.2: Volume of Instance Business

Figure 1: Archdeacon's Court

Year	Tithe		Perjury		Matri- monial		Test- mentary		Def- amation		Ecc Dues		Other	
1501	14	10%	76	54%	0	0%	15	11%	22	16%	5	4%	8	6%
1511	8	7%	34	29%	0	0%	23	19%	28	24%	11	9%	14	12%
1521	38	14%	68	26%	0	0%	52	20%	69	26%	25	9%	12	5%
1531	0	0%	2	13%	0	0%	1	7%	8	53%	1	7%	3	20%
1541	13	18%	0	0%	0	0%	6	8%	16	23%	6	8%	30	42%
1551	54	45%	0	0%	0	0%	9	7%	18	15%	0	0%	40	33%
1561	44	48%	0	0%	0	0%	5	5%	40	44%	0	0%	2	2%
1571	20	36%	0	0%	0	0%	0	0%	18	33%	0	0%	17	31%
1581	23	26%	0	0%	0	0%	5	6%	29	33%	0	0%	32	36%
1591	41	41%	0	0%	0	0%	18	18%	26	26%	0	0%	14	14%
1601	92	66%	0	0%	0	0%	0	0%	33	24%	0	0%	14	10%

Figure 2: Consistory Court

Year	Tithe		Perjury		Matri- monial		Test- amentary		Def- amation		Ecc Dues		Other	
1501	14	6%	142	65%	12	5%	15	7%	23	10%	8	4%	6	3%
1511	21	11%	66	36%	29	16%	15	8%	41	22%	13	7%	0	0%
1521	23	7%	114	36%	30	10%	31	10%	94	30%	15	5%	7	2%
1531	5	5%	20	19%	22	21%	6	6%	41	40%	2	2%	7	7%
1541	29	35%	0	0%	16	19%	7	8%	22	27%	4	5%	5	6%
1551	81	52%	0	0%	26	17%	1	1%	38	25%	0	0%	9	6%
1561	59	45%	0	0%	21	16%	4	3%	33	25%	0	0%	13	10%
1571	52	62%	0	0%	6	7%	0	0%	26	31%	0	0%	0	0%
1581	55	47%	0	0%	10	9%	0	0%	40	34%	2	2%	10	9%
1591	33	42%	0	0%	6	8%	6	8%	15	19%	0	0%	18	23%
1601	43	52%	0	0%	10	12%	1	1%	20	24%	0	0%	9	11%

Figure 3: Archdeacon's and Consistory Court

Year	Tithe		Perjury		Matrimonial		Testamentary		Defamation		Ecc Dues		Other	
1501	28	8%	218	61%	12	3%	30	8%	45	13%	13	4%	14	4%
1511	29	10%	100	33%	29	10%	38	13%	69	23%	24	8%	14	5%
1521	61	11%	182	31%	30	5%	83	14%	163	28%	40	7%	19	3%
1531	5	4%	22	19%	22	19%	7	6%	49	42%	3	3%	10	8%
1541	42	27%	0	0%	16	10%	13	8%	38	25%	10	6%	35	23%
1551	135	49%	0	0%	26	9%	10	4%	56	20%	0	0%	49	18%
1561	103	47%	0	0%	21	10%	9	4%	73	33%	0	0%	15	7%
1571	72	52%	0	0%	6	4%	0	0%	44	32%	0	0%	17	12%
1581	78	38%	0	0%	10	5%	5	2%	69	33%	2	1%	42	20%
1591	74	42%	0	0%	6	3%	24	14%	41	23%	0	0%	32	18%
1601	135	61%	0	0%	10	5%	1	0%	53	24%	0	0%	23	10%

Appendix 4.3: Rectorial and Clerical Suits

Year	Clerical Plaintiffs			Lay Plaintiffs		
	Rectorial	Vicarial	Unknown	Rectorial	Vicarial	Unknown
1501	7	14	1	0	0	1
1502	15	20	2	0	0	0
1503	13	25	5	0	0	1
1504	14	21	2	0	0	1
1505	19	12	1	0	0	0
1506	7	26	1	0	0	0
1507	12	28	0	0	0	2
1508	9	25	1	0	0	3
1509	3	9	1	0	0	3
1510	24	11	0	0	0	2
1511	9	12	0	0	0	0
1512	15	14	1	1	0	0
1513	15	19	0	0	0	0
1514	17	10	0	0	0	1
1515	8	8	1	0	0	0
1516	11	17	5	0	0	2
1517	22	29	5	0	0	2
1518	20	24	0	0	0	1
1519	30	18	0	0	0	0
1520	34	32	2	0	0	2
1521	35	29	1	0	0	0
1522	21	28	1	0	0	2
1523	18	6	1	0	0	1
1524	19	6	1	0	0	0
1525	8	11	1	0	0	1
1526	4	8	0	0	0	0
1527	4	4	1	0	0	0
1528	6	7	2	0	0	0
1529	5	5	0	0	0	0
1530	1	10	0	0	0	0
1531	2	3	0	0	0	0
1532	5	9	0	0	0	0
1533	6	6	2	0	0	0
1534	5	11	0	0	0	1
1535	14	4	1	0	0	0
1536	7	10	0	0	0	0
1537						
1538						
1539	0	3	0	0	0	0

Year	Clerical Plaintiffs			Lay Plaintiffs		
	Rectorial	Vicarial	Unknown	Rectorial	Vicarial	Unknown
1540	0	0	0	0	0	0
1541	17	13	0	0	0	2
1542	8	16	1	0	0	2
1543	9	13	0	0	1	1
1544	11	6	0	1	1	0
1545	10	8	0	4	0	0
1546	6	7	0	1	0	0
1547	4	1	0	0	0	0
1548	19	27	0	7	3	7
1549	39	41	0	5	0	8
1550	17	48	0	8	3	7
1551	20	63	0	38	9	1
1552	31	36	0	25	4	5
1553	11	7	0	17	2	5
1554	6	3	0	11	5	2
1555	22	9	0	21	7	4
1556	25	20	0	31	8	11
1557	11	26	0	11	5	3
1558	19	11	0	19	7	5
1559	5	7	1	2	4	2
1560	20	32	1	37	11	19
1561	8	28	0	41	9	8
1562	16	10	0	33	11	3
1563	10	31	0	28	8	12
1564	17	33	0	44	4	8
1565	9	33	0	44	30	3
1566	15	24	0	33	15	3
1567	11	25	0	32	14	1
1568	11	18	0	27	5	3
1569	12	27	1	28	9	4
1570	6	8	0	16	4	1
1571	15	23	0	19	4	3
1572	13	42	1	20	11	10
1573	18	41	0	29	15	1
1574	13	34	0	38	13	8
1575	11	35	0	23	11	5
1576	31	31	0	30	13	3
1577	22	32	0	30	5	7
1578	10	27	0	34	21	0
1579	6	24	0	6	5	0
1580	16	24	0	20	19	3
1581	17	29	0	26	1	4

Year	Clerical Plaintiffs			Lay Plaintiffs		
	Rectorial	Vicarial	Unknown	Rectorial	Vicarial	Unknown
1582	17	22	0	16	4	3
1583	17	41	0	24	11	6
1584	31	46	0	32	2	11
1585	28	31	0	37	6	4
1586	22	42	0	34	10	3
1587	30	32	0	36	8	2
1588	36	47	0	38	7	9
1589	20	21	0	34	4	3
1590	30	39	0	15	2	0
1591	16	28	0	21	1	1
1592	18	38	0	20	1	1
1593	37	41	0	19	2	1
1594	28	34	0	14	5	1
1595	43	59	0	24	4	2
1596	37	75	0	25	1	3
1597	30	69	0	37	3	3
1598	46	57	0	33	2	1
1599	37	54	0	40	3	1
1600	43	42	0	27	2	1

Appendix 4.4: Status of Plaintiffs

Year	Clerical	Institutional	Lay	Unknown
1501	22	1	1	2
1502	37	4	0	0
1503	43	5	1	2
1504	37	3	1	8
1505	32	2	0	3
1506	34	2	0	3
1507	40	3	2	1
1508	35	3	3	5
1509	13	5	3	1
1510	35	2	2	0
1511	21	8	0	1
1512	30	3	1	5
1513	34	4	0	2
1514	27	1	1	0
1515	17	1	0	2
1516	33	4	2	8
1517	56	3	2	8
1518	44		1	4
1519	48	4	0	12
1520	68	1	2	6
1521	65	4	0	2
1522	50	7	2	2
1523	25	7	1	2
1524	26	1	0	1
1525	20	6	1	5
1526	12	2	0	0
1527	9	0	0	0
1528	15	0	0	2
1529	10	2	0	1
1530	11	1	0	0
1531	5	0	0	0
1532	14	0	0	0
1533	14	0	0	0
1534	16	3	1	0
1535	19	2	0	0
1536	17	0	0	0
1537				
1538				
1539	3	1	0	0
1540	0	0	0	0

Year	Clerical	Institutional	Lay	Unknown
1541	30	2	2	0
1542	25	3	2	0
1543	22	3	2	0
1544	17	0	2	0
1545	18	2	4	0
1546	13	0	1	0
1547	5	0	0	2
1548	46	1	17	3
1549	80	0	13	1
1550	65	1	18	0
1551	83	0	48	1
1552	67	0	34	1
1553	18	0	24	0
1554	9	0	18	6
1555	31	0	32	2
1556	45	0	50	10
1557	37	0	19	7
1558	30	0	31	3
1559	13	0	8	2
1560	53	1	67	12
1561	36	0	58	5
1562	26	0	47	3
1563	41	0	48	4
1564	50	0	56	13
1565	42	2	77	9
1566	39	0	51	1
1567	36	0	47	4
1568	29	0	35	0
1569	40	0	41	0
1570	14	0	21	0
1571	38	0	26	7
1572	56	0	41	5
1573	59	0	45	2
1574	47	0	59	6
1575	46	0	39	1
1576	62	0	46	3
1577	54	0	42	0
1578	37	0	55	2
1579	30	0	11	0
1580	40	0	42	4
1581	46	0	31	0
1582	39	1	23	1
1583	58	0	41	5

Year	Clerical	Institutional	Lay	Unknown
1584	77	0	45	2
1585	59	0	47	4
1586	64	0	47	1
1587	62	0	46	1
1588	83	0	54	4
1589	41	0	41	6
1590	69	0	17	1
1591	44	0	23	4
1592	56	0	22	0
1593	78	0	22	5
1594	62	0	20	5
1595	102	0	30	9
1596	112	0	29	1
1597	99	0	43	7
1598	103	0	36	5
1599	91	0	44	1
1600	85	0	30	4

Appendix 4.5: Appropriated Tithe

parish	appropriator	crown grantee
Alkham	Horton Cell	Archbishop of Canterbury
Appledore	Dover Priory	Archbishop of Canterbury
Ash	Wingham College	Archbishop of Canterbury
Ashford	St Stephens College Ch	Dean and Chapter (Rochester)
Benenden	Combwell Priory	lay
Bilsington	Bilsington Priory	lay
Bilsington	Bilsington Priory	Archbishop of Canterbury
Bobbing	Sexburgh Nunnery	lay
Borden	Leeds Priory	lay
Boughton Monchelsea	Leeds Priory	Dean and Chapter (Rochester)
Boughton under Blean	Faversham Abbey	lay
Boughton under Blean	Faversham Abbey	Dean and Chapter (Canterbury)
Boxley	Bexley Abbey	Dean and Chapter (Rochester)
Bredgar	St Johns Hospital Canterbury	lay
Brenzett	Wye College	lay
Broomhill	Broomhill	lay
Buckland (Dover)	Dover Priory	Archbishop of Canterbury
Buckland (Dover)	Monks Horton Priory	lay
Cant St Dunstan	St Johns Hospital	lay
Cant St Mary Bredin	Sepulchres Nunnery	lay
Cant St Mary Bredin	Sepulchres Nunnery	Archbishop of Canterbury
Cant St Mary Northgate	St Gregorys Priory	lay
Cant St Paul	St Augustines Priory	lay
Cant St Paul	Faversham Abbey	Dean and Chapter (Canterbury)
Capel le Ferne	Wingham College	lay
Challock	Christchurch Priory	Archbishop of Canterbury
Charing	St Augustines	Dean and Chapter (St Paul)
Chilham	Sion Nunnery	lay
Chislet	St Laurence Hospital	lay
Coldred	Dover Priory	lay
Coldred	Dover Priory	Archbishop of Canterbury
Cranbrook	Faversham Abbey	Dean and Chapter (Canterbury)
Crundale	Stratford Bow Nunnery	lay
Davington	Davington Nunnery	lay

parish	appropriator	crown grantee
Deal	Dover Priory	lay
Detling	Wingham College	Archbishop of Canterbury
East Langdon	St Augustines Priory	lay
East Sutton	Leeds Priory	Dean and Chapter (Rochester)
East Sutton	Maidstone College	Archbishop of Canterbury
Eastchurch	Boxley Abbey	lay
Eastry	Wingham College	Archbishop of Canterbury
Ebony	Dover Priory	Archbishop of Canterbury
Egerton	St Augustines	Dean and Chapter (St Paul)
Elham	Merton College	lay
Ewell	Swingfield Preceptory	lay
Faversham	Faversham Abbey	Dean and Chapter (Canterbury)
Folkestone	Folkestone Nunnery	Archbishop of Canterbury
Godmersham	St Augustines	Dean and Chapter (Canterbury)
Goodnestone (Wingham)	Wingham College	lay
Goudhurst	Combwell Priory	lay
Goudhurst	Leeds Priory	Dean and Chapter (Rochester)
Graveney	Southwark Priory	Archbishop of Canterbury
Guston	Dover Priory	Archbishop of Canterbury
Hernhill	Faversham Abbey	Archbishop of Canterbury
Hougham	Dover Priory	Archbishop of Canterbury
Kennington	St Augustines	Archbishop of Canterbury
Leeds	Leeds Priory	Archbishop of Canterbury
Lenham	St Augustines Priory	lay
Leysdown	Boxley Abbey	lay
Leysdown	Horton Cell	Archbishop of Canterbury
Linton	Free Chapel	lay
Littlebourne	St John of Jerusalem	Dean and Chapter (Canterbury)
Loose	Wingham College	Archbishop of Canterbury
Lydd	Tintern Abbey	Archbishop of Canterbury
Maidstone	Maidstone College	lay
Minster (Sheppey)	Sexburgh Nunnery	lay
Monkton	Christchurch	
Newington (Hythe)	Wye College	lay
Newington (Sittingbourne)	Lesnes Priory	lay
Newnham	Lesnes Priory	lay
Nonington	Wingham College	lay

parish	appropriator	crown grantee
Nonington	Wingham College	Archbishop of Canterbury
Northbourne	St Augustines Priory	lay
Northbourne	St Augustines Priory	Archbishop of Canterbury
Oxney	Langdon Abbey	Archbishop of Canterbury
Patixbourne	Merton Priory	lay
Petham	St Osyth Abbey	lay
Postling	Horton Cell	Archbishop of Canterbury
Preston (Faversham)	Faversham Abbey	Dean and Chapter (Canterbury)
Preston (Wingham)	Faversham Abbey	Dean and Chapter (Canterbury)
Ripple	St Augustines Priory	lay
River	Horton Cell	Archbishop of Canterbury
Selling	St Augustines Priory	lay
Selling	Dover Hospital	Archbishop of Canterbury
Sholden	St Augustines	Archbishop of Canterbury
Sittingbourne	Clerkenwell Nunnery	Archbishop of Canterbury
St Margarets at Cliffe	Dover Hospital	Archbishop of Canterbury
Stockbury	Leeds Priory	lay
Stockbury	Leeds Priory	Dean and Chapter (Rochester)
Stone (Faversham)	Faversham Abbey	Dean and Chapter (Canterbury)
Sutton Valence	Leeds Priory	Dean and Chapter (Rochester)
Swingfield	Swingfield Preceptory	lay
Tenterden	St John of Jerusalem	Dean and Chapter (Canterbury)
Thanet St Laurence	St Augustines	Archbishop of Canterbury
Thurnham	Combwell Priory	lay
Tilmanstone	St Johns of Jerusalem	Archbishop of Canterbury
Waldershare	Langdon Abbey	Archbishop of Canterbury
Walmer	Langdon Abbey	Archbishop of Canterbury
West Langdon	Langdon Abbey	Archbishop of Canterbury
Westbere	St Augustines Priory	lay
Westwell	Christchurch Priory	Archbishop of Canterbury
Whitstable	Pleshey College	lay
Whitstable	Pleshey College	Archbishop of Canterbury
Willesborough	Faversham Abbey	Dean and Chapter (Canterbury)
Wingham	Wingham College	lay
Womenswold	Wingham College	lay
Woodnesborough	St Augustines Priory	lay

parish	appropriator	crown grantee
Woodnesborough	Leeds Priory	Dean and Chapter (Rochester)
Wye	Battle Abbey	Archbishop of Canterbury
Wye	Battle Abbey	lay

Appendix 4.6: Number of Suits Proceeding to Deposition

Year	Archdeacon's Court	Consistory Court
1540		
1541		4
1542		0
1543		2
1544		0
1545		0
1546		1
1547		4
1548		0
1549		20
1550		8
1551		4
1552		9
1553		3
1554		3
1555	1	1
1556	2	3
1557	0	1
1558	3	3
1559	2	0
1560	4	2
1561	2	2
1562	2	11
1563	6	3
1564	0	8
1565	2	6
1566	5	7
1567	8	6
1568	5	3
1569	2	9
1570	0	8
1571	3	2
1572	2	5
1573	2	5
1574	1	14
1575	5	9
1576	5	25
1577	2	2
1578	8	2
1579	8	2

Year	Archdeacon's Court	Consistory Court
1580	2	8
1581	9	15
1582	1	4
1583	1	3
1584	2	9
1585	1	5
1586	2	5
1587	5	17
1588	3	5
1589	4	1
1590	2	0
1591	3	1
1592	6	3
1593	7	2
1594	8	7
1595	6	0
1596	1	4
1597	7	4
1598	9	2
1599	1	0
1600	5	1

Appendix 4.7: Number of Suits in Each Parish, 1501-1600

Figure 1: Ranked from greatest number of suits to the least

Parish	Disputes
Ivychurch	110
Sturry	109
Ruckinge	94
Herne	92
Bethersden	90
New Romney	88
Whitstable	86
Newchurch	82
Ash	76
Cant St Dunstan	72
Bilsington	69
Folkestone	67
Chislet	64
Harbledown	64
Appledore	63
Seasalter	59
Hernhill	55
St Mary in the Marsh	55
Cranbrook	53
Staplehurst	53
Warehorne	53
Tenterden	50
Waltham	50
Elham	49
Headcorn	49
Frittenden	48
Linton	47
Aldington	46
Burmarsh	45
Wittersham	44
Cant St Andrew	43
Cant St Mary Northgate	42
Cant All Saints	41
Chartham	41
Lenham	41
Marden	41
Newington (Hythe)	40
Woodnesborough	40

Parish	Disputes
Charing	39
Lydd	39
Maidstone	39
Orlestone	39
Petham	39
Woodchurch	37
Alkham	36
Hackington	36
Hollingbourne	36
Iwade	36
Shadoxhurst	36
Cant St Mildred	35
Monkton	35
Cant St Peter	34
Ewell	34
Littlebourne	34
Stockbury	34
Westwell	34
Goudhurst	33
Ashford	32
Thanet St John	32
Westbere	32
Cant St Margaret	31
Cant Westgate Holy Cross	31
Godmersham	31
Dymchurch	30
Hoath	30
Smarden	30
Bishopsbourne	29
Boughton Aluph	29
Eastry	29
Kingsnorth	29
Snargate	29
Buckland (Dover)	28
Hope	28
Kenardington	28
Lyminge	28

Parish	Disputes
Rolvenden	28
Saltwood	28
Blean	27
Cant St Paul	27
Chilham	27
Minster (Thanet)	27
Tonge	27
Biddenden	26
Boxley	26
Northbourne	26
Reculver	26
St Nicholas at Wade	26
Stone (Oxney)	26
Waldershare	26
Wye	26
Borden	25
Selling	25
Brabourne	24
Brookland	24
Cant St Alphege	24
Hartlip	24
Milton (Sittingbourne)	24
Ulcomb	24
Brenzett	23
Fordwich	23
Wickhambreux	23
Graveney	22
Hastingleigh	22
Patixbourne	22
Snave	22
Swingfield	22
Wichling	22
Coldred	21
Hythe	21
Lydden	21
Lympne	21
Eastchurch	20
Halstow	20
Hawkhurst	20
Swalecliffe	20
Thurnham	20
Boughton under Blean	19
Dover	19

Parish	Disputes
Luddenham	19
Nonington	19
Sandwich	19
West Hythe	19
Benenden	18
Egerton	18
Leeds	18
Minster (Sheppey)	18
Cant St Mary Bredin	17
Eastbridge	17
Faversham	17
Harrietsham	17
Monks Horton	17
Shepherdswell	17
Sutton Valence	17
Teynham	17
Upchurch	17
Bapchild	16
Challock	16
Charlton	16
Elmstead	16
Ickham	16
Leysdown	16
River	16
Stowting	16
Cant St Mary Magdalene	15
Ospringe	15
Otterden	15
Sandhurst	15
Lower Hardres	14
Lynsted	14
Preston (Wingham)	14
Whitfield	14
Willesborough	14
Wormshill	14
Boughton Monchelsea	13
Cant St George	13
Cant St Mary Bredman	13
Deal	13
Great Chart	13
Hothfield	13
Hougham	13
Old Romney	13

Parish	Disputes
Sheldwich	13
Worth	13
Crundale	12
East Langdon	12
High Halden	12
Hinxhill	12
Kennington	12
Newenden	12
Postling	12
Preston (Faversham)	12
Sittingbourne	12
Thanington	12
Bobbing	11
Bridge	11
Eastwell	11
Loose	11
Milstead	11
Sholden	11
Wingham	11
Barfreston	10
Bonnington	10
Cant St Martin	10
Canterbury	10
Cheriton	10
Newnham	10
Sellinge	10
Upper Hardres	10
Acrise	9
Birchington	9
Boughton Malherbe	9
Davington	9
Detling	9
Newington (Sittingbourne)	9
Otham	9
Rainham	9
St Margarets at Cliffe	9
Stalisfield	9
Stodmarsh	9
Throwley	9
West Cliffe	9
Womenswold	9
Bekesbourne	8

Parish	Disputes
Chart Sutton	8
Great Mongeham	8
Hawkinge	8
Langley	8
Mersham	8
Orgarswick	8
Stourmouth	8
Wootton	8
Badlesmere	7
Bearsted	7
Dodington	7
Eythorne	7
Midley	7
Staple	7
Tilmanstone	7
Tunstall	7
Bredgar	6
Buckland (Faversham)	6
Denton	6
Hurst	6
Kingston	6
Milton (Canterbury)	6
Norton	6
Pluckley	6
Sevington	6
Thanet St Peter	6
Chillenden	5
Eastling	5
Elmstone	5
Frinsted	5
Little Chart	5
Molash	5
Nackington	5
Thanet St Laurence	5
Warden	5
Blackmanstone	4
Broomfield	4
Broomhill	4
Cant St Laurence	4
Ebony	4
Fairfield	4
Goodnestone (Faversham)	4

Parish	Disputes
Goodnestone (Wingham)	4
Guston	4
Kingsdown	4
Little Mongeham	4
Oare	4
Ringwould	4
Ripple	4
Stanford	4
Sutton	4
Hucking	3
Murston	3
Stone (Faversham)	3
Adisham	2
Barham	2
Brook	2
Cant Holy Cross	2
East Sutton	2
Horsmonden *	2
Rodmersham	2
Stelling	2
Stonar	2
Bicknor	1
Cant Northgate	1

Parish	Disputes
Cant St Michael	1
Croydon (Surrey) *	1
Ham	1
Knowlton	1
Little Mongham	1
Paddlesworth	1
Walmer	1
West Langdon	1
Winchelsea *	1
Yalding *	1
Acol	0
Betteshanger	0
Bredhurst	0
Capel le Ferne	0
Elmley	0
Harty	0
Leaveland	0
Oxney	0
Poulton	0
Queenborough	0
Smeeth	0

* denotes those parishes not in the diocese of Canterbury

Appendix 4.7: Number of Suits in Each Parish, 1501-1600

Figure 2: Ranked alphabetically by parish

Parish	Disputes	Parish	Disputes
Acol	0	Broomfield	4
Acrise	9	Broomhill	4
Adisham	2	Buckland (Dover)	28
Aldington	46	Buckland (Faversham)	6
Alkham	36	Burmarsh	45
Appledore	63	Cant All Saints	41
Ash	76	Cant Holy Cross	2
Ashford	32	Cant Northgate	1
Badlesmere	7	Cant St Alphege	24
Bapchild	16	Cant St Andrew	43
Barfreston	10	Cant St Dunstan	72
Barham	2	Cant St George	13
Bearsted	7	Cant St Laurence	4
Bekesbourne	8	Cant St Margaret	31
Benenden	18	Cant St Martin	10
Bethersden	90	Cant St Mary Bredin	17
Betteshanger	0	Cant St Mary Bredman	13
Bicknor	1	Cant St Mary Magdalene	15
Biddenden	26	Cant St Mary Northgate	42
Bilsington	69	Cant St Michael	1
Birchington	9	Cant St Mildred	35
Bishopsbourne	29	Cant St Paul	27
Blackmanstone	4	Cant St Peter	34
Blean	27	Cant Westgate Holy Cross	31
Bobbing	11	Canterbury	10
Bonnington	10	Capel le Ferne	0
Borden	25	Challock	16
Boughton Aluph	29	Charing	39
Boughton Malherbe	9	Charlton	16
Boughton Monchelsea	13	Chart Sutton	8
Boughton under Blean	19	Chartham	41
Boxley	26	Cheriton	10
Brabourne	24	Chilham	27
Bredgar	6	Chillenden	5
Bredhurst	0	Chislet	64
Brenzett	23	Coldred	21
Bridge	11	Cranbrook	53
Brook	2	Croydon (Surrey) *	1
Brookland	24	Crundale	12

Parish	Disputes
Davington	9
Deal	13
Denton	6
Detling	9
Dodington	7
Dover	19
Dymchurch	30
East Langdon	12
East Sutton	2
Eastbridge	17
Eastchurch	20
Eastling	5
Eastry	29
Eastwell	11
Ebony	4
Egerton	18
Elham	49
Elmley	0
Elmstead	16
Elmstone	5
Ewell	34
Eythorne	7
Fairfield	4
Faversham	17
Folkestone	67
Fordwich	23
Frinted	5
Frittenden	48
Godmersham	31
Goodnestone (Faversham)	4
Goodnestone (Wingham)	4
Goudhurst	33
Graveney	22
Great Chart	13
Great Mongeham	8
Guston	4
Hackington	36
Halstow	20
Ham	1
Harbledown	64
Harrietsham	17
Hartlip	24
Harty	0

Parish	Disputes
Hastingleigh	22
Hawkhurst	20
Hawkinge	8
Headcorn	49
Herne	92
Hernhill	55
High Halden	12
Hinxhill	12
Hoath	30
Hollingbourne	36
Hope	28
Horsmonden *	2
Hothfield	13
Hougham	13
Hucking	3
Hurst	6
Hythe	21
Ickham	16
Ivychurch	110
Iwade	36
Kenardington	28
Kennington	12
Kingsdown	4
Kingsnorth	29
Kingston	6
Knowlton	1
Langley	8
Leaveland	0
Leeds	18
Lenham	41
Leysdown	16
Linton	47
Little Chart	5
Little Mongeham	4
Little Mongham	1
Littlebourne	34
Loose	11
Lower Hardres	14
Luddenham	19
Lydd	39
Lydden	21
Lyminge	28
Lympne	21

Parish	Disputes
Lynsted	14
Maidstone	39
Marden	41
Mersham	8
Midley	7
Milstead	11
Milton (Canterbury)	6
Milton (Sittingbourne)	24
Minster (Sheppey)	18
Minster (Thanet)	27
Molash	5
Monks Horton	17
Monkton	35
Murston	3
Nackington	5
New Romney	88
Newchurch	82
Newenden	12
Newington (Hythe)	40
Newington (Sittingbourne)	9
Newnham	10
Nonington	19
Northbourne	26
Norton	6
Oare	4
Old Romney	13
Orgarswick	8
Orlestone	39
Ospringe	15
Otham	9
Otterden	15
Oxney	0
Paddlesworth	1
Patixbourne	22
Petham	39
Pluckley	6
Postling	12
Poulton	0
Preston (Faversham)	12
Preston (Wingham)	14
Queenborough	0
Rainham	9
Reculver	26

Parish	Disputes
Ringwould	4
Ripple	4
River	16
Rodmersham	2
Rolvenden	28
Ruckinge	94
Saltwood	28
Sandhurst	15
Sandwich	19
Seasalter	59
Selling	25
Sellinge	10
Sevington	6
Shadoxhurst	36
Sheldwich	13
Shepherdswell	17
Sholden	11
Sittingbourne	12
Smarden	30
Smeeth	0
Snargate	29
Snave	22
St Margarets at Cliffe	9
St Mary in the Marsh	55
St Nicholas at Wade	26
Stalisfield	9
Stanford	4
Staple	7
Staplehurst	53
Stelling	2
Stockbury	34
Stodmarsh	9
Stonar	2
Stone (Faversham)	3
Stone (Oxney)	26
Stourmouth	8
Stowting	16
Sturry	109
Sutton	4
Sutton Valence	17
Swalecliffe	20
Swingfield	22
Tenterden	50

Parish	Disputes
Teynham	17
Thanet St John	32
Thanet St Laurence	5
Thanet St Peter	6
Thanington	12
Throwley	9
Thurnham	20
Tilmanstone	7
Tonge	27
Tunstall	7
Ulcomb	24
Upchurch	17
Upper Hardres	10
Waldershare	26
Walmer	1
Waltham	50
Warden	5
Warehorne	53
West Cliffe	9
West Hythe	19

Parish	Disputes
West Langdon	1
Westbere	32
Westwell	34
Whitfield	14
Whitstable	86
Wichling	22
Wickhambreux	23
Willesborough	14
Winchelsea *	1
Wingham	11
Wittersham	44
Womenswold	9
Woodchurch	37
Woodnesborough	40
Wootton	8
Wormshill	14
Worth	13
Wye	26
Yalding *	1

* denotes a parish not in the diocese of Canterbury

Appendix 4.8: Petition of the Beneficed Clergy on Romney Marsh, 1636

CUL Add MS 2826 ff. 26-30

of the Beneficed Clergie in Romney Marsh

To the Kings most Excellent Majestie The most humble petition of the poor clergy beneficed in Romney Marsh Within your Majesties Countie of Kent.

Sheweth

That divers of the Benefices in that level are in your sacred hands to dispose of & the rest in the Gift of your Majesties Archbishop of Canterbury & the land occupants have generally during all our time of Incumbeance & before till now very lately, either paid Tythes in kind or compounded for the same, some after one rate, some another, Which notwithstanding such are the present times that by Compacted Industry (as we conceive) both owners & Tenants endeavour to set on foot a present Custome of Two pence an acre in lieu of tyth Wool and Pasturage, being the maine profit as now it is used accruing from the Marsh land & the better to effect their purposes have obtained prohibitions out of your Majesties Court at Westminster: to stop proceedings in decimarie Causes in your Ecclesiastical Courts at Canterbury, which Custome, (if it should take place) Would in a very short time so far tend to the depauperation both of the livings and incumbents as that the best benefice in the Sicklie & Contagious place will scarce afford a poor Curates stipend, much less discharge tenthes, subsidies, first fruits and other annual charges thereto incident, & maintain your poor Supplicants & theirs with food & Rayment.

May your Royal Majestie therefore be pleased oute of your accustomed Care of our function to take our present Misery & ensuing hazard into your princely Consideration etc & your Petitioners shall be bound to pray etc

Thomas Jackson	Rector de	Ivichurch
Thomas Sandford	Rector de	Hope
Henry Curtis	Rector de	Warehorne
Edward Nicholls	Rector de	Snargate
Nicholas Stone	Vicar de	Brenzet
John Swinnock	Rector de	Old Romney
William Jervis	Rector of	Snave
John Gee	Rector of	St Maries
Richard Burton	Rector of	Dimchurch
Peter Knight	Vicar of	New Romney
Arthur Corsthorpe	Rector of	Burmarsh
William Mastey	Rector of	Rucking

Appendix 4.9: Clerical/Lay Plaintiffs

Figure 1: Romney Marsh

Parish	Clerical Plaintiffs		Lay Plaintiffs		Unknown	
	Count	Percentage	Count	Percentage	Count	Percentage
Appledore	53	87%	8	13%	0	0%
Bilsington	0	0%	69	100%	0	0%
Blackmanstone	0	0%	4	100%	0	0%
Bonnington	6	86%	1	14%	0	0%
Brenzett	18	56%	14	44%	0	0%
Brookland	39	81%	9	19%	0	0%
Broomhill	0	0%	4	100%	0	0%
Burmarsh	25	69%	11	31%	0	0%
Dymchurch	28	100%	0	0%	0	0%
Eastbridge	5	31%	11	69%	0	0%
Ebony	2	25%	6	75%	0	0%
Fairfield	0	0%	4	100%	0	0%
Hope	40	83%	8	17%	0	0%
Hurst	4	100%	0	0%	0	0%
Ivychurch	55	57%	42	43%	0	0%
Kenardington	26	96%	1	4%	0	0%
Lydd	34	57%	26	43%	0	0%
Midley	8	100%	0	0%	0	0%
New Romney	96	68%	42	30%	4	3%
Newchurch	36	51%	34	49%	0	0%
Old Romney	7	70%	2	20%	1	10%
Orgarswick	1	17%	5	83%	0	0%
Orlestone	25	100%	0	0%	0	0%
Ruckinge	42	47%	48	53%	0	0%
Snargate	16	70%	7	30%	0	0%
Snave	12	67%	6	33%	0	0%
St Mary in the Marsh	21	47%	24	53%	0	0%
Stone (Oxney)	25	96%	1	4%	0	0%
Warehorne	36	77%	9	19%	2	4%
Wittersham	25	57%	19	43%	0	0%

Figure 2: North East Kent

Parish	Clerical Plaintiffs		Lay Plaintiffs		Unknown	
	Count	Percentage	Count	Percentage	Count	Percentage
Ash	1	1%	74	99%	0	0%
Chislet	62	70%	26	30%	0	0%
Herne	78	93%	6	7%	0	0%
Hoath	20	67%	9	30%	1	3%
Minster (Thanet)	8	32%	14	56%	3	12%
Monkton	8	30%	19	70%	0	0%
Reculver	11	79%	3	21%	0	0%
Seasalter	26	74%	8	23%	1	3%
Sturry	72	74%	24	25%	1	1%
Swalecliffe	14	100%	0	0%	0	0%
Westbere	38	86%	6	14%	0	0%
Whitstable	0	0%	55	96%	2	4%

Figure 3: The Weald

Parish	Clerical Plaintiffs		Lay Plaintiffs		Unknown	
	Count	Percentage	Count	Percentage	Count	Percentage
Benenden	4	24%	12	71%	1	6%
Bethersden	37	46%	43	53%	1	1%
Biddenden	13	54%	10	42%	1	4%
Cranbrook	18	35%	33	65%	0	0%
Frittenden	4	14%	25	86%	0	0%
Goudhurst	46	85%	8	15%	0	0%
Hawkhurst	0	0%	19	100%	0	0%
Headcorn	24	53%	21	47%	0	0%
High Halden	8	80%	2	20%	0	0%
Marden	26	74%	9	26%	0	0%
Newenden	3	25%	8	67%	1	8%
Pluckley	2	67%	1	33%	0	0%
Rolvenden	11	39%	17	61%	0	0%
Sandhurst	7	50%	7	50%	0	0%
Smarden	6	30%	14	70%	0	0%
Staplehurst	30	63%	17	35%	1	2%
Tenterden	9	21%	33	77%	1	2%
Woodchurch	14	40%	21	60%	0	0%

Appendix 5.1: Summary Information from the Herne Sequestration Accounts

Figure 1: Marital Status of Communicants (Single status inferred)

	Male	Female	Total
Married	109	110	219
Widowed	0	29	29
Single	87	87	174

Figure 2: Household Status of Communicants

	Male	Female	Households
Servants	24	23	12
Inferred servants	29	42	35
Kin (son or daughter)	2	6	8
Inferred kin	3	6	9

Figure 3: Distribution of Population by Borough

Borough	Persons		Households	
Beltinge	42	10%	21	11%
Hampton	84	20%	33	18%
Hawe	127	30%	57	31%
Strood	114	27%	46	25%
Thornden	55	13%	27	15%

Appendix 5.2: Breakdown of Tithe Payments for the Parish of Herne (shillings)

Household	Buds	Bullocks	Cows	Heifers	Steers	Calves	Colts	Lambs	Eggs	Pigs	House	Land	Pasture	Veal
1											16			
2			2											
3									1					
4	1		8	0		28		34	2					
5			10	4	2	2			2					
6	1		6			0			2					
7			0			0		0						
8	1		4			1		1						
9			2	0		0			1	10				
10			2			2								
11	2		14	4		0	4	34	4					
12	1		4		3		1							
13			8			16	3							
14											0			
15			4	1		9								
16	1		13							8				
17	4		10			12			2					
18			8					64						
19			2			8			2					
20	1		10		2	9		34	1					
21													282	
22	0		8		12	3	3		4					
23			2			1								
24			2			6								
25			4			0								
26	5		18		8		1		3					
27	3		4			1								
28			2			8								

Household	Buds	Bullocks	Cows	Heifers	Steers	Calves	Colts	Lambs	Eggs	Pigs	House	Land	Pasture	Veal
29			2											
30			4	3					2					
31			8			9								
32	1			6		3								
33	6	12	8			0			2					
34	2		8	4		2	1		0					
35			2			0		0						
36												10		
37	1													
38	4		4			1								
39			4			1			2					
40	4		8				1		2	8				12
41	2		4											
42	4		24				2		4					
43												6		
44			10			19			2					
45											18			
46	1		6			18								
47	0		8	0		0		65	2					
48	1		4	2		9		1						
49	1		2			8		3	2					
50							7	3	6	16			5	

Appendix 5.3: Total Tithe Paid by Herne Residents

Head of Household		Shillings	Pence	Household Size
John	Terrey	60	2	12
William	Saynte	23	8	8
George	Hallet	20	2	4
William	Cocke	15	2	2
Henry	Browne	10	2	5
John	Cocke	8	2	2
William	Beachinge	8	2	2
Thomas	Trice	6	8	3
Jeremy	Rabson	6	5	2
Henry	Ewell	6	3	4
Valentine	Belt	6	2	2
Clement	Marsh	5	4	6
Cutberd	Williams	5	2	2
Richard	Cocke	5	2	2
John	Ewell	4	11	1
Michael	Sea	3	6	2
John	Kealer	3	5	2
John	Sethe	3	3	1
Michael	Nottingham	3	1	3
John	Furminger	3	1	6
Laurence	Hewson	3	0	2
John	Hatcher	2	9	2
Steven	Smyth	2	8	3
Nicholas	Buddle	2	8	3
Thomas	Baker	2	8	2
John	Browne	2	6	2
Roger	Malen	2	6	2
	Pickle	2	5	3
George	Michell	2	3	2
William	Sea	2	2	2
Robert	Abbet	2	2	3
John	Sea	2	0	3
John	Bulman	1	10	3
Henry	Ward	1	10	2
Richard	White	1	8	2
	Robertes	1	8	1
Thomas	Wallis	1	8	2
Christopher	Baker	1	7	2
Christopher	Watiers	1	7	3
Valentine	Churche	1	7	3

Head of Household		Shillings	Pence	Household Size
James	Ewell	1	7	2
Nicholas	Gould	1	6	2
	Allen	1	6	1
Adam	Richardson	1	6	2
John	Robinson	1	6	2
	White	1	5	1
Thomas	Binge	1	5	2
Robert	Mosered	1	4	2
Jasper	Abbot	1	4	2
Gabriell	Kennet	1	3	3
	Rydar	1	2	1
	Stupple	1	2	1
Theodore	Onnen	1	2	2
John	Browne	1	2	2
Thomas	Nashe	1	2	2
Thomas	Wood	1	2	2
Henry	Easton	1	2	2
Thomas	Peers	1	2	2
William	Frilcocke	1	0	2
Edward	Churche	1	0	2
Nicholas	Ridar	1	0	1
Richard	Allen	0	11	2
	Brackenbury	0	11	3
	Rider	0	11	1
Robert	Coulman	0	10	3
William	Barnard	0	10	2
William	Tanner	0	10	2
John	Gervis	0	10	3
John	Seimarke	0	10	2
William	Hutchin	0	10	2
William	Darbye	0	10	2
John	Ewell	0	9	2
John	Bynge	0	9	2
William	Hallet	0	8	2
	Knowler	0	7	8
John	Wentforth	0	6	2
James	Dearne	0	6	2
John	Trice	0	6	2
Edmund	Genkin	0	6	2
Thomas	Scarpye	0	6	2
Henry	Kennet	0	5	2
Alexander	Fayreman	0	4	2

Head of Household		Shillings	Pence	Household Size
John	Lucket	0	4	2
John	Hugget	0	4	2
Robert	Ewell	0	3	2
William	Shawe	0	3	2
John	Paramor	0	2	2
	Haywarde	0	2	1
Laurence	Coullman	0	0	2

Appendix 5.4: References for Inventories from St Nicholas at Wade

Name	Reference	Year
Nicholas Ausey/Dauson	CCAL PRC 21/12 f. 150	1592
Richard Bartlet	CCAL PRC 21/14 f. 323	1598
John Barton	CCAL PRC 21/14 f. 461	1599
Agnes Bownde	CCAL PRC 21/6 f. 164	1582
William Burges	CCAL PRC 21/5 f. 25	1581
Thomas Burges	CCAL PRC 21/8 f. 262	1587
Thomas Car	CCAL PRC 21/13 f. 497	1596
John Churchman	CCAL PRC 21/13 f. 129	1594
William Cockett	CCAL PRC 21/7 f. 229	1585
Thomas Coke	CCAL PRC 21/7 f. 378	1586
Richard Cook	CCAL PRC 21/6 f. 325	1583
Nicholas Coppen	CCAL PRC 21/5 f. 218	1582
John Davye	CCAL PRC 21/6 f. 498	1583
Thomas Derryck	CCAL PRC 21/8 f. 263	1587
Agnes Drayner	CCAL PRC 21/6 f. 424	1583
Henry Everard	CCAL PRC 21/12 f. 120	1593
Ursula Ewell	CCAL PRC 21/2 f. 320	1576
John Forde	CCAL PRC 21/12 f. 12	1593
William Forde	CCAL PRC 21/10 f. 207	1590
John Fostall	CCAL PRC 21/5 f. 185	1581
Richard Freinde	CCAL PRC 21/7 f. 242	1585
John Hall	CCAL PRC 21/15 f. 348	1598
Jeremy Hart	CCAL PRC 21/15 f. 349	1600
Thomas Holland	CCAL PRC 21/8 f. 96	1588
Lewis Jones	CCAL PRC 21/6 f. 124	1583
John Kempe	CCAL PRC 21/4 f. 123	1581
Joane Kempe	CCAL PRC 21/6 f. 137	1582
William Kenet	CCAL PRC 21/2 f. 292	1575
Edward Lawrence	CCAL PRC 21/7 f. 140	1586
John Lion	CCAL PRC 21/14 f. 468	1599
Edward Marson	CCAL PRC 21/12 f. 104	1593
Ellen Marson	CCAL PRC 21/12 f. 483	1593
John Martyn	CCAL PRC 21/15 f. 258	1600
William Martyn	CCAL PRC 21/12 f. 199	1592
Mary Mees	CCAL PRC 21/13 f. 367	1596
James Mercer	CCAL PRC 21/16 f. 273	1600
Agnes Mercer	CCAL PRC 21/16 f. 286	1601
William Meryam	CCAL PRC 21/6 f. 280	1584
Joane Meryam	CCAL PRC 21/8 f. 287	1586
Thomas Mussered	CCAL PRC 21/13 f. 519	1597

Name	Reference	Year
John Mussered	CCAL PRC 25/5 f. 242	1569
John Mussered	CCAL PRC 21/4 f. 18	1579
William Mussered	CCAL PRC 21/3 f. 61	1576
William Naylor	CCAL PRC 21/13 f. 426	1597
John Norwood	CCAL PRC 21/12 f. 76	1593
Faith Norwood	CCAL PRC 21/12 f. 39	1593
Thomas Palmer	CCAL PRC 21/6 f. 448	1585
Thomas Parker	CCAL PRC 21/12 f. 232	1592
Lawrence Perren	CCAL PRC 21/9 f. 118	1588
William Poole	CCAL PRC 21/14 f. 599	1598
Rudlande Richard	CCAL PRC 21/3 f. 57	1577
Robert Rooke	CCAL PRC 21/15 f. 72	1599
Richard Rooke	CCAL PRC 21/4 f. 59	1579
Thomas Rooke	CCAL PRC 21/6 f. 254	1584
Thomas Rooke	CCAL PRC 21/9 f. 202	1588
John Sackett	CCAL PRC 21/9 f. 171	1588
John Sloden	CCAL PRC 21/6 f. 197	1582
Richard Smallwood	CCAL PRC 21/12 f. 433	1594
Thomas Sylke	CCAL PRC 21/6 f. 162	1582
Wutten Thomas	CCAL PRC 21/1 f. 170	1578
Hendry Waight	CCAL PRC 21/14 f. 452	1598
William Wattes	CCAL PRC 21/6 f. 185	1585
Valentine West	CCAL PRC 21/6 f. 521	1584
Jone West	CCAL PRC 21/13 f. 441	1596
Edward Whitlock	CCAL PRC 21/13 f. 99	1595

Appendix 5.5: The Lay Subsidy of 1523

Figure 1: Distribution of Wealth for the Parish of St Nicholas at Wade

	Land	Goods	Wages
Over £100			
£50-£99			
£41-£50		2	
£31-£40			
£21-£30		1	
£11-£20		3	
£5-£10		8	
£2-£4	2	14	
£1	3	1	45
Total	5	29	45

Figure 2: Distribution of Wealth for the Hundred of Ringslow

	Land	Goods	Wages
Over £100		1	1
£50-£99		4	
£41-£50		3	
£31-£40		6	
£21-£30		5	
£11-£20		16	
£5-£10	2	23	
£2-£4	3	74	6
£1	5	1	127
Total	10	133	134

Appendix 5.6: Presentments from St Nicholas at Wade, 1557-1600

	1557-70	1571-80	1581-90	1591-1600
Church repairs	2	2	6	
Faults of the clergy			3	
Faults of the parish clerk			1	
Neglect of duty by churchwardens			1	1
Verbal abuse of clergy		1		
Withholding church dues		1?		
Failing to account			2	
Not receiving Holy Communion		3	3	2
Standing excommunicate				1
Matters concerning probate			1	3
Unauthorised burial of the dead				1
Withholding bread for the poor	1			
Pre-nuptial fornication				1
Incontinence		2	6	7
Bastardy/illicit pregnancy	1	5		3
Bigamy	1			
Adultery		1		
Married persons living apart				
Witchcraft/sorcery				1
Drunkenness/Disturbing the Peace/Blasphemy		1	2	
Total	5	15	25	20

Appendix 5.7: The Presentment of 1593

CCAL X.3.2 ff.168v-9.

1 We finde and present that our vicar in the administracon of the holie sacrament did leave the same & contended with the church warden for the bottle & the wine that should be left & after some wordes betwene them he tould the churchwarden that he wold be even with him & so put of his surplesse & went his waie without giving of thankes according to the order sett downe in the booke

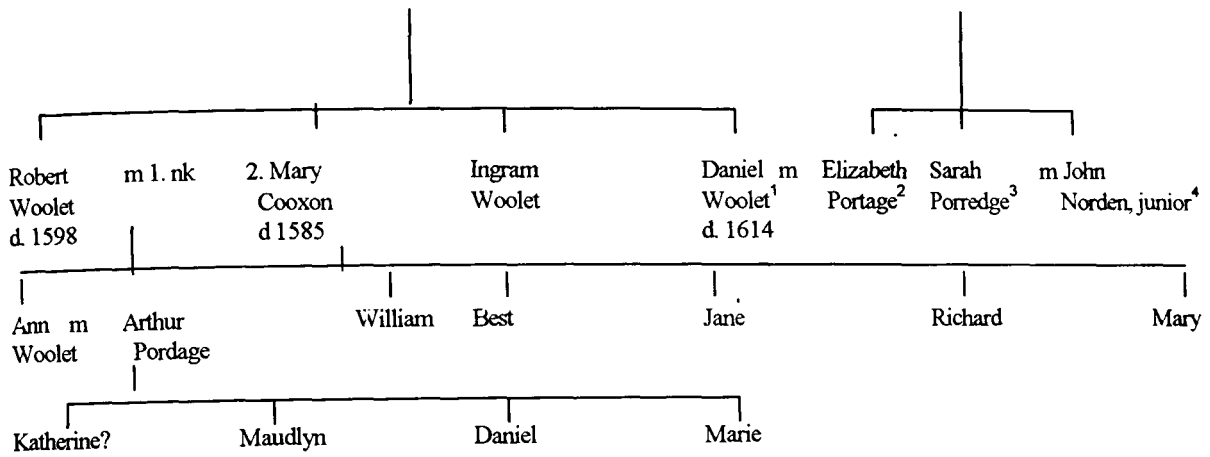
2 We present our vicarage house is in great decaie & hath bene longe, the barne the two maine posts be broken, the reeson is broken, the 2 greate dores be gone, & so the barne standeth on shores, one stable house by estimacon xx foote longe & 12 foote wide clene gone; the garden was well inclosed with a good pale, the pales postes & railes be all clene gon so that his garden & all the grond about the house lieth open to the streetes & fieldes to the great trouble of his neighbours, the inside of his mansion house he will not suffer us to see

3 We present that our vicar wilbe some time extreeme dronke

4 We present that our vicar saieth that he hath bought the vicarage of Alkham & Caple of the Queene & paid therfore within these 2 or 3 yeares one hundred markes & further saith shite upon them that can put him by it & shite upon the heades of the best of them & then they shall be a tourde higher

5 We present our vicar is a maliciouse contentiouse and uncharitable person seeking the uniust vexacon of his neghboures wishing that every Coockold that he did knowe in Alkham had such a paire of hornes groweng upon his head viz a paire of stagges hornes standing in Spritwell his halle in Dover, & also saieng that if could beare with dronkennes whordome and papistrie he could live merilie enough, which wordes are great grief unto the hole parish.

Appendix 5.8: Family Tree of Woollet



-
- 1 Of Kennington
 - 2 Of Rodmersham
 - 3 Of Rodmersham
 - 4 Of Sittingbourne

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Y.4.9	1550 - 52	
Y.4.6	1555 - 56	
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Y.4.7	1561 - 62	
Y.4.11	1564 - 65	
Y.4.12	1564 - 65	
Y.4.14	1568 - 71	
Y.4.15	1571 - 73	
Y.4.16	1573	
Y.4.17 pt 1	1574	
Y.4.17 pt 2	1575 - 76	
Y.4.17 pt 3	1577 - 78	
Y.4.18 pt 1	1576 - 77	
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Y.4.22	1583 - 84	
Y.4.27	1584 - 86	
Y.4.24	1586	
Y.4.25	1587 - 88	
Y.4.26	1588 - 90	
Y.4.28	1590 - 91	
Y.4.29	1592 - 93	
Y.5.1	1593 - 95	
Y.5.2	1595 - 96	
Y.5.3	1596 - 97	
Y.5.4	1597 - 98	
Y.5.5	1599	
Y.5.6	1600 - 01	

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Y.2.2	1501 - 02	
Y.2.1	1503 - 05	
Y.2.8	1504 - 09	[Hythe, Dover and Romney Sessions]
Y.2.9	1505 - 08	
Y.2.5	1509 - 15	
Y.2.10	1515 - 24	[Hythe, Dover and Romney Sessions]
Y.2.6	1516 - 21	
Y.2.11	1521	
Y.2.12	1522 - 28	
Y.2.13	1529 - 36	
Y.2.14	1542 - 46	
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Y.4.1	1541	
Y.2.3	1548 - 52	
Y.2.15	1550 - 51	
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Y.2.22	1560 - 62	
Y.2.26	1563 - 64	
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Z.3.31	1563 - 1565	
Y.2.27	1566 - 1567	
Y.2.28	1568 - 1570	
Y.2.29	1570 - 1573	
Y.2.30	1573	
Y.2.21	1573 - 1574	
Y.3.1	1574 - 1577	
Y.3.16	1577 - 1579	
Y.3.18	1579 - 1581	
Y.3.20	1581	
Y.3.19	1581 - 1583	
Y.3.22	1583 - 1584	
Y.3.21	1584 - 1585	
Y.3.10	1585 - 1587	
Y.3.11	1587 - 1588	
Y.3.10	1585 - 1587	
Y.3.11	1587 - 1588	
Y.3.12	1588 - 1591	
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PRC 39/3	1560-1562
PRC 39/4	1563-1568
PRC 39/5	1565-1567
PRC 39/6	1568-1573
PRC 39/7	1574-1576
PRC 39/8	1576-1579
PRC 39/9	1578-1581
PRC 39/10	1581-1584
PRC 39/11	1584-1586
PRC 39/12	1586-1588
PRC 39/13	1588-1591
PRC 39/14	1591-1592
PRC 39/15	1591-1593
PRC 39/16	1593
PRC 39/17	1593-1594
PRC 39/18	1595-1596
PRC 39/19	1596-1598
PRC 39/20	1596-1598
PRC 39/21	1597-1599
PRC 39/22	1598-1599
PRC 39/22	1599-1601
PRC 39/23	1599-1602

Deposition Books (Consistory Court)

X.10.2	1541-1544
X.10.3	1545-1548
X.10.4	1548-1550
X.10.5	1551-1552
X.10.6	1552-1559
X.10.7	1560 and 1567
X.10.8	1561-1563
X.10.9	1562-1563
X.10.10	1563
X.10.12	1564-1566
X.10.15	1566-1567
X.10.13	1567-1571
X.10.11	1568-1570
X.10.14	1571-1573
X.10.17 pt 1	1573-1574
X.10.16	1574-1577

X.10.18	1577-1580
X.10.21	1580-1581
X.10.20	1581-1583
X.10.19	1583-1584
X.11.1	1585-1589
X.11.2	1589-1591
X.11.6	1591-1594
X.11.5	1595-1597
X.11.3	1598-1599
X.11.4	1600-1601

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Ager	<i>versus</i>	Nott	(1570)	X.10.14 ff. 17; X.10.13 ff. 22, 53, 65v, 66r, 69?, 71v-2, 98?
Alderstone	<i>versus</i>	Bewtye	(1596)	X.11.5 f. 73
Alderstone	<i>versus</i>	Darbie	(1587)	X.11.2 ff. 81, 85
Alderstone	<i>versus</i>	Huge	(1585)*	X.10.19 f. 326
Alton	<i>versus</i>	Cattero	(1588)	X.11.2 f. 80
Alyn	<i>versus</i>	Watson	(1563)	X.10.12 ff. 14r, 63v-4r; X.10.10 f. 56r
Andrewe	<i>versus</i>	Pepper	(1575)	X.10.16 ff. 121v-2, 130-5r, 150-3r, 169-70
Arkworth	<i>versus</i>	Abraham	(1593)	X.11.6 ff. 138v, 233, 241-4
Arkworth	<i>versus</i>	Clinton	(1596)	X.11.5 ff. 76-9
Arkworth	<i>versus</i>	Wyn	(1577)	X.10.18 ff. 127v-9r, 147v-50
Armetridinge	<i>versus</i>	Horton	(1575)	PRC 39/7 ff. f. 65
Armetridinge	<i>versus</i>	Rolf	(1575)	PRC 39/7 ff. 67v-8r
Armetryding	<i>versus</i>	Maxstede	(1579)	PRC 39/9 ff. 65v-7r, 83
Armourer	<i>versus</i>	Master	(c. 1561)*	X.10.7 ff. 135v-6r
Atkinson	<i>versus</i>	Bigge	(1559)	PRC 39/2 ff. 85v-6r
Aucher	<i>versus</i>	Sawkine	(1594)	X.11.5 ff. 4-6v, 46v-7, 54r
Austen	<i>versus</i>	Glover	(1576)	X.10.16 ff. 204v-5r
Austen	<i>versus</i>	Gybbon	(1578)	PRC 39/9 f. 26r
Awsten	<i>versus</i>	Peers	(1596)	PRC 39/18 ff. 118-20r
Badcocke	<i>versus</i>	Gunnyll	(1550)	X.10.4 ff. 105v-6
Badcocke	<i>versus</i>	Sowthousand	(c. 1541)*	X.10.2 f. 80r
Baker	<i>versus</i>	Besbeche	(c. 1555)*	PRC 39/1 ff. 28v-9
Baker	<i>versus</i>	Thornherst	(1574)	X.10.17 ff. 39, 81v-7, 96v-100r
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Ballard	<i>versus</i>	Livesey	(1587)	X.11.1 ff. 198v-200, 205v-6v, 220v-1r
Balser	<i>versus</i>	Bycher?	(1576)	X.10.16 ff. 180v-1r, 201-2
Bannester	<i>versus</i>	Byngham	(1567)	PRC 39/5 ff. 184v-5, 187v-90r
Bannester	<i>versus</i>	Castle	(1567)	PRC 39/5 ff. 184v-5, 187v-90r
Bannester	<i>versus</i>	Lambert	(1567)	PRC 39/5 ff. 184v-5, 187v-90r
Barker	<i>versus</i>	Bellinger	(1586)*	X.11.1 ff. 96-7; X.11.2 ff. 162

Barker	<i>versus</i>	Gibbs	(1567)	X.10.7 ff. 164-5r, 194-202, 213v-4r, 225v-6, 295v-6
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Barnes	<i>versus</i>	Vyney	(1566)	PRC 39/5 ff. 16, 19-21r, 50v-1, 63r, 94v-5 105; PRC 39/4 f. 110r
Baron	<i>versus</i>	Weevil	(1594)	X.11.5 ff. 15-7
Barrow	<i>versus</i>	Staff	(1584)	X.10.19 ff. 260
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Basset	<i>versus</i>	Odiam	(c. 1584)*	X.10.19 f. 263
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Bassett	<i>versus</i>	Elston	(1588)	X.11.2 f. 72
Bassett	<i>versus</i>	Godden	(1576)	X.10.16 ff. 203, 210v-15, 217v-20, 240r
Bassett	<i>versus</i>	Goddyn	(1576)	PRC 39/7 ff. 144v-5; PRC 39/8 ff. 10-13r, 18v
Bassett	<i>versus</i>	Stace	(1587)	X.11.2 f. 143
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Bennet	<i>versus</i>	Chilton	(1594)	PRC 39/17 ff. 88-9r, 92v-3
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Bennet	<i>versus</i>	Hawlet	(1597)	PRC 39/20 ff. 46v-7, 52-8, 65v-8
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Berry	<i>versus</i>	Stupnie	(1587)	X.11.1 ff. 255v-6r, 257v-8v; X.11.2 ff. 11-3, 41r, 49, 57, 152-3r
Birkhede	<i>versus</i>	Burden	(1591)	X.11.2 ff. 211-2
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Bollard	<i>versus</i>	Glover	(1589)	PRC 39/13 ff. 26v-7, 28v
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Brachie	<i>versus</i>	Smithe		X.10.5 f. 35r
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Brett	<i>versus</i>	Stafford	(c. 1570)*	X.10.11 ff. 194v-6r
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Bridges	<i>versus</i>	Day?	(1565)	X.10.12 ff. 168v-9, 181r, 198, 203r, 214r
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Brockman	<i>versus</i>	Whiting	(1562)*	X.10.9 ff. 11, 29r
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Chillenden	<i>versus</i>	Thompson	(1566)	PRC 39/5 ff. 47-8r, 60r
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Cloke	<i>versus</i>	Godwen	(1584)	PRC 39/11 f. 1
Cloke	<i>versus</i>	Hart	(1575)	X.10.16 f. 68v
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Pers	<i>versus</i>	Hopkinson	(1572)	X.10.14 f. 154v-5r, 166v-75r, 216v; X.10.17 ff. 2-3, 5-10r, 52
Pet	<i>versus</i>	Plomer	(1570)	X.10.11 ff. 179, 242-5, 300-4
Pett	<i>versus</i>	Gyles	(1562)	X.10.10 f. 19r; X.10.12 ff. 26-8r
Pettifer	<i>versus</i>	Awsten	(1593)	PRC 39/16 f. 59; PRC 39/15 ff. 128v-31r, 134v-7r, 138v-40, 142, 169-71r
Pettifer	<i>versus</i>	Bright	(1598)	PRC 39/21 ff. 32v-5, 74
Pettifer	<i>versus</i>	Colliar	(1590)	PRC 39/14 ff. 3-4r, 7-10r
Pettifer	<i>versus</i>	Dale	(1586)	PRC 39/11 ff. 175v-77, 182r
Pettifer	<i>versus</i>	Hawke	(1585)	X.10.19 f. 306; X.11.2 ff. 84, 137, 181-2r, 183, 191v-92, 193v-94r, 309-10
Phillipps	<i>versus</i>	Mylway	(1563)	PRC 39/4 ff. 38-40r, 47v-50r, 121v-9r; PRC 39/5 ff. 186, 191-3
Phillips	<i>versus</i>	Holbroke	(1580)	PRC 39/9 f. 161
Philpot	<i>versus</i>	Qconomes?	(1596)	X.11.6 ff. 125-8

Piper	<i>versus</i>	Baker	(1555)*	PRC 39/1 ff. 12v-4, 26v, 35v
Pirkering	<i>versus</i>	Marlton	(1597)	X.11.6 ff. 204-9
Podenger	<i>versus</i>	Tadlowe	(1550)	X.10.4 f. 154
Pott	<i>versus</i>	Fayreman	(1584)	PRC 39/9 ff. 216v-26
Pottes	<i>versus</i>	Fynche	(1576)	PRC 39/8 f. 179
Pottes	<i>versus</i>	Fynche	(1576)	X.10.18 ff. 119-20
Prentar	<i>versus</i>	Mayle?	(c. 1550)*	X.10.4 ff. 64v-5
Prickett	<i>versus</i>	Reason	(1573)	X.10.14 ff. 179-84, 190-2, 202v-3, 214; X.10.17 ff. 13v-7, 31
Proud	<i>versus</i>	Masters?	(1584)*	X.10.19 ff. 149, 151r, 151v-162v, 252, 278, 280, 316, 318
Purlestone	<i>versus</i>	Thirbarne	(1600)	X.11.3 ff. 184-6
Pyborne	<i>versus</i>	Jode	(1563)	PRC 39/4 ff. 60-3r; PRC 39/5 ff. 203v, 302
Pybourne	<i>versus</i>	Pendreth	(1572)	X.10.14 ff. 52, 67-8?
Pysyng	<i>versus</i>	Cloke	(1576)	PRC 39/8 ff. 17, 19v-22r, 41v-3r, 57v-8, 59v
Reader	<i>versus</i>	Tilden	(1595)*	PRC 39/18 ff. 68v-70, 272-5r; PRC 39/20 ff. 50-2r; PRC 39/21 ff. 35v-7r
Reader	<i>versus</i>	Tilden	(1595)	X.11.6 ff. 162-9, 189-90 see also ? 201
Rector of	<i>versus</i>	Sandeland	(1549)	X.10.4 ff. 26r, 30v, 51v, 64v, 79v
Rector of Eastwell	<i>versus</i>	Padnall	(c. 1550)	X.10.4 ff. 104, 105r, 108v
Rector of Eastwell	<i>versus</i>	Sharpe	(c. 1549)	X.10.4 f. 43r
Rector of Milsted	<i>versus</i>	Percham	(c. 1549)	X.10.4 f. 61r
Redman	<i>versus</i>	Newland	(1592)	PRC 39/15 f. 59; PRC 39/17 16v-8, 21v-2r, 24
Ric?	<i>versus</i>	Coveney	(1594)	PRC 39/17 ff. 94-7, 106
Rocke	<i>versus</i>	Toppenden	(1565)	X.10.12 ff. 160v-1, 169v-71r, 180r
Robertes	<i>versus</i>	Denne	(c. 1562)*	X.10.8 ff. 216v, 224v-6r, 227
Rodes	<i>versus</i>	Glover	(1589)	PRC 39/13 ff. 4v-11
Rogers	<i>versus</i>	Ashenden	(1575)	X.10.16 ff. 67v-8, 207, 239
Rucke	<i>versus</i>	Eppes	(c. 1566)*	X.10.12 ff. 228-9r
Rucke	<i>versus</i>	Nypsam	(1569)	X.10.11 f. 131

Rucke	<i>versus</i>	Jowle	(1570)	X.10.11 ff. 170-1r
Russell	<i>versus</i>	Unidentified Defendant	(1563)*	PRC 39/4 f. 27
Rydley	<i>versus</i>	Oxenden	(1549)	X.10.4 f. 31r
Rye	<i>versus</i>	Easton	(1576)	X.10.18 ff. 63v-5, 70-5, 78r, 84v-7
Rye	<i>versus</i>	Easton	(1576)	X.10.16 ff. 322v-5r
Saffery	<i>versus</i>	Twyne	(1581)	X.10.21 ff. 175v-8
Sakevile	<i>versus</i>	Notte	(1562)	PRC 39/4 ff. 1r, 3-4r
Sanders	<i>versus</i>	Spiritwell	(1587)	X.11.1 ff. 178-81v, 267v- 9r; X.11.2 f. 86
Sands	<i>versus</i>	Rogers	(1593)	X.11.6 ff. 195v-7, 217-20, 230-3r
Saunders	<i>versus</i>	Cosbye	(1555)	X.10.6 ff. 92-97, 100v-1, 107-8, 114
Segar	<i>versus</i>	Reson	(1584)	X.10.19 f. 258
Selherst	<i>versus</i>	Sante	(1563)	PRC 39/2 ff. 111v 112r; PRC 39/4 f. 33r?
Semper	<i>versus</i>	Cowborne	(c. 1566)*	PRC 39/5 ff. 81v-2r
Senys	<i>versus</i>	Caimon	(1579)	PRC 39/9 ff. 120v-1r, 130-1r
Shereley	<i>versus</i>	Unidentified Defendant	(1594)*	X.11.5 f. 21v
Simons	<i>versus</i>	Rolph	(1597)	PRC 39/18 ff. 275v-6
Slyver	<i>versus</i>	Kennet	(1572)	X.10.14 ff. 87v-9
Smith	<i>versus</i>	Campion	(1585)	X.11.1 ff. 21-2r, 27-8r, 314
Smith	<i>versus</i>	Reve	(1585)	X.10.19 f. 310
Smithe	<i>versus</i>	Reading	(c. 1570)*	X.10.13 ff. 39v-40
Smyth	<i>versus</i>	Barham	(1580)	X.10.21 ff. 25v, 26, 186- 97
Smyth	<i>versus</i>	Shrubsole	(1577)	PRC 39/8 ff. 60-1r, 67v-9r
Smythe	<i>versus</i>	Wood	(c. 1564)*	X.10.12 f. 7
Spayne	<i>versus</i>	Harte	(1561)	PRC 39/9 ff. 81v-2r, 103v- 6
Spencer	<i>versus</i>	Kyppinge	(1580)	PRC 39/9 ff. 152, 158-9
Sprott	<i>versus</i>	Atwater	(1582)*	PRC 39/9 ff. 71-3r, 77v- 8r, 81v-2
Sprytwell	<i>versus</i>	Cloke	(1574)	X.10.17 f. 164
Stafford	<i>versus</i>	Paramor?	(1585)*	X.11.1 f. 307
Stoddard	<i>versus</i>	Castle	(1568)	PRC 39/4 ff. 88-9, 97v- 101
Stone	<i>versus</i>	Graunte	(1575)	PRC 39/8 f. 167r; PRC 39/9 f. 2v
Stone	<i>versus</i>	Litherer	(1578)	PRC 39/8 ff. 167-8r, 180; PRC 39/9 ff. 1v-2r

Stone	<i>versus</i>	Smythe	(1575)	PRC 39/7 f. 111
Stone	<i>versus</i>	Trymmell	(1583)*	X.10.20 f. 221
Swetynges	<i>versus</i>	Peerson	(1592)	PRC 39/14 ff. 175-6
Swift	<i>versus</i>	Yong	(1595)	PRC 39/18 ff. 81v-3r
Sympson	<i>versus</i>	Cockman	(1591)	PRC 39/14 ff. 102v-3, 107v-8
Tailor	<i>versus</i>	Coop	(1564)	X.10.12 ff. 11v, 13r, 57-9r
Tanner	<i>versus</i>	Trusser	(1598)	X.11.3 ff. 72v, 93v-5
Tayler	<i>versus</i>	Washer	(1575)	X.10.16 ff. 66v-7
Taylor	<i>versus</i>	Dane	(1587)	X.11.2 f. 104r
Taylor	<i>versus</i>	Latham	(1575)	PRC 39/7 ff. 89v-90r
Taylor	<i>versus</i>	Miller	(1590)	PRC 39/13 ff. 88v-92
Taylor	<i>versus</i>	Store	(1593)	PRC 39/16 ff. 34v-5r
Taylor	<i>versus</i>	Swynforde	(1575)	PRC 39/7 f. 89
Terenden	<i>versus</i>	Wynges	(1576)	PRC 39/7 ff. 140v-2r, 145; PRC 39/8 ff. 7v-8r, 9
Thom	<i>versus</i>	Rolfe	(1588)	PRC 39/12 ff. 132v-3, 134v-5r, 141v-2r, 162-3, 175v-7, 180-1r
Thompson	<i>versus</i>	Dewar	(1559)	PRC 39/2 ff. 149-50
Thompson	<i>versus</i>	Dewar	(1559)	PRC 39/9 ff. 27-8
Thoms	<i>versus</i>	Peichard	(1595)	PRC 39/17 ff. 186-7, 189v-93, 203v-4, 223v- 33r, 235; PRC 39/18 ff. 2v-3, 21; PRC 39/20 ff. 38-9, 45, 59, 155-9
Tilman	<i>versus</i>	Neale	(1560)	PRC 39/2 ff. 152r-3v; PRC 39/9 ff. 1v, 2v, 3v, 4v, 20
Tilman	<i>versus</i>	Oldbert	(1560)	PRC 39/9 ff. 1-4r, 20v-4, 37
Tom	<i>versus</i>	Hamon	(1581)	X.10.20 ff. 32, 34v-41
Tom	<i>versus</i>	Haynes	(1588)	X.11.2 f. 69
Trymmell	<i>versus</i>	Barnes	(1579)	PRC 39/9 ff. 122, 124v-5, 135r
Trymmell	<i>versus</i>	Bowther	(1581)	PRC 39/9 f. 197
Trymmell	<i>versus</i>	Godwat	(1581)	PRC 39/9 ff. 196v-7r, 226v
Tuck	<i>versus</i>	Gibbon	1595	PRC 39/18 ff. 10, 18v-20
Tuggle	<i>versus</i>	Allen	(c. 1573)*	X.10.14 ff. 187v-9
Turner	<i>versus</i>	Mills	(1585)	PRC 39/11 ff. 130v-1
Turnor	<i>versus</i>	Lakes	(1571)	PRC 39/6 ff. 106v-7r, 123v-6
Twissynden	<i>versus</i>	Hawke	(1560)	PRC 39/9 ff. 34-7, 48-51, 53-8, 78v, 81 82v, 83-7r, 88v-9

Tym	<i>versus</i>	Parker	(1581)	X.10.21 ff. 57v, 58, 95v-6
Tym	<i>versus</i>	Young	(1581)	X.10.21 ff. 137v-8
Uden	<i>versus</i>	Blackshawe	(1553)	X.10.6 ff. 29-30
Vaughan	<i>versus</i>	Carleton	(1574)	PRC 39/6 ff. 241v-2r, 245-6; PRC 39/7 f. 1
Vicar	<i>versus</i>	Payne	(1549)	X.10.4 f. 27v
Waddington	<i>versus</i>	Batoppe		PRC 39/5 ff. 115-6r
Waddington	<i>versus</i>	Crompe	(1568)	PRC 39/4 ff. 134r, 136v-7
Waddington	<i>versus</i>	Cry?	(1567)*	PRC 39/5 f. 308
Walleys	<i>versus</i>	Sandes	(1576)	X.10.16 ff. 216v-7
Wallsall	<i>versus</i>	Keble	(1586)	X.11.1 ff. 108, 114v, 151v; X.11.2 ff. 105v, 108r, 114v, 121r, 151
Walsall	<i>versus</i>	Stocke	(1587)	X.11.1 ff. 104v, 107v, 114, 134, 150v; X.11.2 ff. 104v-5, 107v-8, 140, 150- 1
Warriner	<i>versus</i>	Warrye	(1587)	PRC 39/12 f. 42
Warryner	<i>versus</i>	Sandford	(1596)	X.11.5 ff. 117-20, 122, 124, 130-1, 146, 153, 156
Waterman	<i>versus</i>	Grangedon	(1580)*	PRC 39/9 ff. 125v, 154v- 5r, 159v-60, 163-5, 183
Wattes	<i>versus</i>	Warren	(c. 1564)*	X.10.12 ff. 64, 68r
Wayland	<i>versus</i>	Beale	c. 1594	X.11.6 ff. 245v, 246r, 247r, 254r
Wayland	<i>versus</i>	Buckherst	(1594)	X.11.6 ff. 244v-5r, 247r, 253
Wayland	<i>versus</i>	Edolf	(1594)	X.11.6 ff. 235v-40
Wayland	<i>versus</i>	Halke	(1599)	PRC 39/23 ff. 41v-3r
Wayland	<i>versus</i>	Thirbarne	(c. 1594)	X.11.6 ff. 245r, 246, 247v, 253v-4
Waylande	<i>versus</i>	Hawlke	(1591)	PRC 39/14 ff. 58-62
Web	<i>versus</i>	Elson	(1591)	PRC 39/14 ff. 26-30r, 31
Webb	<i>versus</i>	Dod	(1582)	X.10.20 f. 289
Webb	<i>versus</i>	Juddery	(1567)	X.10.15 f. 221; X.10.7 ff. 165v-6r, 188v-90, 232v-4r
Wigmor	<i>versus</i>	Castlocke	(1546)	X.10.3 f. 4
Wilcockes	<i>versus</i>	Dyne	(c. 1567)*	X.10.7 ff. 266-70
Wilkinson	<i>versus</i>	Greenstrete	(1564)	X.10.12 f. 51-2
Willesford	<i>versus</i>	Pendred	(c. 1582)*	X.10.19 f. 270
Wilson	<i>versus</i>	Percham	(c. 1549)*	X.10.4 f. 61r
Wimbarne	<i>versus</i>	Baker?	(1585)*	PRC PRC 39/11 ff. 111-3
Winter	<i>versus</i>	Crispe	(1584)	X.10.19 f. ; X.11.2 f. 27
Winter	<i>versus</i>	Tucker	(1580)	X.10.21 ff. 23v-4
Wood	<i>versus</i>	Belling	(1585)	X.11.1 ff. 35-6, 313
Wright	<i>versus</i>	Hawke?	(1569)	PRC 39/6 ff. 32v-3r, 49r

Wyatt	<i>versus</i>	Boyyt	(1552)	X.10.5 ff. 46-8r
Wyatt	<i>versus</i>	Haggard	(1552)	X.10.5 ff. 34r, 47v-8
Wyn	<i>versus</i>	Watson	(1564)*	X.10.12 ff. 120v, 121v, 123v
Wynter	<i>versus</i>	Caspe	(1584)	X.10.19 ff. 57-61v

Key to Parish Map

Figure 1: Ranked by identity number

Parish	Key
Canterbury	C
Thanet St John	1
Thanet St Peter	2
Thanet St Laurence	3
Birchington	4
Acol	5
Minster (Thanet)	6
Monkton	7
Sarre	8a
St Nicholas at Wade	8
Ash	9
Elmstone	9a
Stourmouth	10
Chislet	11
Wickhambreux	12
Preston (Wingham)	13
Wingham	14
Woodnesborough	15
Stonar	16
Sandwich	17
Worth	18
Staple	19
Goodnestone (Wingham)	20
Chillenden	21
Knowlton	22
Eastry	23
Ham	24
Betteshanger	25
Northbourne	26
Sholden	27
Deal	28
Great Mongeham	29
Walmer	30
Tilmanstone	31
Little Mongeham	32
Sutton	33
Ripple	34
Ringwould	35
Oxney	36
St Margarets at Cliffe	37
West Cliffe	38
East Langdon	39
Guston	40
Buckland (Dover)	41
River	42
Poulton	43
Hougham	44

Parish	Key
Charlton	45a
Dover	45
West Langdon	46
Whitfield (Beaufield)	47
Waldershare	48
Eythorne	49
Coldred	50
Ewell	51
Barfreston	52
Shepherdswell	53
Womenswold	54
Nonington	55
Adisham	56
Ickham	57
Littlebourne	58
Stodmarsh	59
Westbere	60
Fordwich	61
Sturry	62
Reculver	63
Herne	64
Hoath	64a
Hackington	65
Cant St Mary Northgate	66
Cant St Martin	67
Cant St Paul	68
Bekesbourne	69
Patixbourne	70
Bridge	71
Bishopsbourne	72
Kingston	73
Barham	74
Denton	75
Wootton	76
Lydden	77
Alkham	78
Capel le Ferne	79
Folkestone	80
Hawkinge	81
Swingfield	82
Paddlesworth	83
Acrise	84
Elham	85
Stelling	86
Upper Hardres	87
Lower Hardres	88
Nackington	89

Parish	Key
Cant St Mary Bredin	90
Cant St Dunstan	91
Blean	92
Swalecliffe	93
Whitstable	94
Seasalter	95
Hernhill	96
Dunkirk	97
Harbledown	98
Milton (Canterbury)	99
Thanington	100
Petham	101
Waltham	102
Elmstead	103
Stowting	104
Lyminge	105
Newington (Hythe)	106
Cheriton	107
Hythe	108
Saltwood	109
Postling	110
Monks Horton	111
Stanford	112
Sellinge	113
Smeeth	114
Brabourne	115
Brook	116
Hastingleigh	117
Wye	118
Crundale	119
Godmersham	120
Chilham	121
Chartham	122
Selling	123
Boughton under Blean	124
Faversham	125
Goodnestone (Faversham)	126
Graveney	127
Preston (Faversham)	128
Oare	129
Davington	130
Luddenham	131
Stone (Faversham)	132
Ospringe	133
Throwley	134
Leaveland	135
Badlesmere	136
Sheldwich	137
Molash	138
Boughton Aluph	139
Kennington	140
Hinxhill	141

Parish	Key
Willesborough	142
Sevington	143
Mersham	144
Aldington	145
Hurst	146
Lympne	147
West Hythe	148
Burmarsh	149
Dymchurch	150
Orgarswick	151
Blackmanstone	152
St Mary in the Marsh	153
Hope	154
New Romney	155
Newchurch	156
Eastbridge	157
Bonnington	158
Bilsington	159
Ruckinge	160
Kingsnorth	161
Ashford	162
Eastwell	163
Westwell	164
Challock	165
Stalisfield	166
Eastling	167
Newnham	168
Norton	169
Dodington	170
Lynsted	171
Buckland (Faversham)	172a
Teynham	172
Tonge	173
Murston	174
Elmley	175
Minster (Sheppey)	176
Queenborough	177
Eastchurch	178
Warden	179
Leysdown	180
Harty	181
Bapchild	182
Rodmersham	183
Kingsdown	184
Milstead	185
Wichling	186
Otterden	187
Charing	188
Little Chart	189
Hothfield	190
Great Chart	191
Shadoxhurst	192

Parish	Key
Orlestone	193
Snave	194
Ivychurch	195
Old Romney	196
Midley	197
Broomhill	198
Lydd	199
Brookland	200
Brenzett	201
Fairfield	202
Ebony	203
Stone (Oxney)	204
Snargate	205
Appledore	206
Kenardington	207
Warehorne	208
Woodchurch	209
Bethersden	210
Pluckley	211
Egerton	212
Boughton Malherbe	213
Lenham	214
Harrietsham	215
Fringsted	216
Wormshill	217
Bredgar	218
Tunstall	219
Sittingbourne	220
Milton (Sittingbourne)	221
Iwade	222
Halstow	223
Newington (Sittingbourne)	224
Bobbing	225
Borden	226
Upchurch	227
Hartlip	229
Stockbury	229
Hucking	230
Bicknor	231

Parish	Key
Hollingbourne	232
Leeds	233
Broomfield	234
East Sutton	235
Ulcomb	236
Headcorn	237
Smarden	238
High Halden	239
Tenterden	240
Wittersham	241
Newenden	242
Rolvenden	243
Sandhurst	244
Benenden	245
Biddenden	246
Frittenden	247
Staplehurst	248
Sutton Valence	249
Chart Sutton	250
Boughton Monchelsea	251
Langley	252
Otham	253
Bearsted	254
Thurnham	255
Detling	256
Bredhurst	257
Rainham	258
Boxley	259
Maidstone	260
Loose	261
Linton	262
Marden	263
Goudhurst	264
Cranbrook	265
Hawkhurst	266

Key to Parish Map

Figure 2: Ranked alphabetically by parish

Parish	Key
Acol	5
Acrise	84
Adisham	56
Aldington	145
Alkham	78
Appledore	206
Ash	9
Ashford	162
Badlesmere	136
Bapchild	182
Barfreston	52
Barham	74
Bearsted	254
Bekesbourne	69
Benenden	245
Bethersden	210
Betteshanger	25
Bicknor	231
Biddenden	246
Bilsington	159
Birchington	4
Bishopsbourne	72
Blackmanstone	152
Blean	92
Bobbing	225
Bonnington	158
Borden	226
Boughton Aluph	139
Boughton Malherbe	213
Boughton Monchelsea	251
Boughton under Blean	124
Boxley	259
Brabourne	115
Bredgar	218
Bredhurst	257
Brenzett	201
Bridge	71
Brook	116
Brookland	200
Broomfield	234
Broomhill	198
Buckland (Dover)	41
Buckland (Faversham)	172a

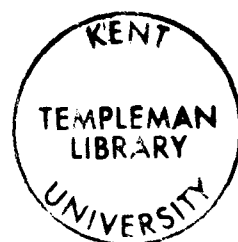
Parish	Key
Burmarsh	149
Cant St Dunstan	91
Cant St Martin	67
Cant St Mary Bredin	90
Cant St Mary Northgate	66
Cant St Paul	68
Canterbury	C
Capel le Ferne	79
Challock	165
Charing	188
Charlton	45a
Chart Sutton	250
Chartham	122
Cheriton	107
Chilham	121
Chillenden	21
Chislet	11
Coldred	50
Cranbrook	265
Crundale	119
Davington	130
Deal	28
Denton	75
Detling	256
Dodington	170
Dover	45
Dunkirk	97
Dymchurch	150
East Langdon	39
East Sutton	235
Eastbridge	157
Eastchurch	178
Eastling	167
Eastry	23
Eastwell	163
Ebony	203
Egerton	212
Elham	85
Elmley	175
Elmstead	103
Elmstone	9a
Ewell	51
Eythorne	49

Parish	Key
Fairfield	202
Faversham	125
Folkestone	80
Fordwich	61
Frinted	216
Frittenden	247
Godmersham	120
Goodnestone (Faversham)	126
Goodnestone (Wingham)	20
Goudhurst	264
Graveney	127
Great Chart	191
Great Mongeham	29
Guston	40
Hackington	65
Halstow	223
Ham	24
Harbledown	98
Harrietsham	215
Hartlip	229
Harty	181
Hastingleigh	117
Hawkhurst	266
Hawkinge	81
Headcorn	237
Herne	64
Hernhill	96
High Halden	239
Hinxhill	141
Hoath	64a
Hollingbourne	232
Hope	154
Hothfield	190
Hougham	44
Hucking	230
Hurst	146
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Map of Kent Parishes

