

UNIVERSITY OF WINCHESTER

What do patterns of church court litigation tell us about social and cultural relationships in Hampshire between c1550 and c1610?

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I set out on what turned out to be a very long journey with the University of Winchester in 2008, taking a Bachelor's and then a Master's Degree in History on a part-time basis, as a retirement project. After promising my friends and family that I would rather stick pins in my eyes than attempt a PhD, I promptly started another five years' study. For helping me accomplish the unimaginable I have a huge number of people to thank, starting with all the University lecturers who have taught me so much over the years including Professor Chris Aldous who supervised my Master's degree and warned me of the amount of work a doctorate entailed but encouraged me to embark on it. Of course, my especial thanks go to Dr Simon Sandall and Dr Mark Allen who have supervised me for my doctoral studies and Dr Ellie Woodacre who also provided much needed guidance.

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UNIVERSITY OF WINCHESTER

ABSTRACT

What do patterns of church court litigation tell us about social and cultural relationships in Hampshire between c1550 and c1610?

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This thesis is both a qualitative and quantitative study of the patterns of litigation in matrimonial and defamation cases presented from three administrative divisions of Hampshire to the Winchester consistory court between c1550 and c1610. An explanatory overview and background to early modern law and the role and process of the court including the historiography informs and underpins this work. The following chapters concentrate on cases coming from Basingstoke, the Isle of Wight and Fawley (including Winchester and Southampton) Divisions setting cases firmly in the social and cultural landscape of their time. Family and community relationships have been researched in the diverse environments of scattered rural parishes, an island and urban settlements and occupational data has been analysed which helps uncover the piecemeal emergence of the middling sort. Lastly, a short chapter focusses on a selection of the more unusual cases brought to the court from areas outside the three main divisions; emphasising the diversity of causes over which spiritual jurisdiction was given.

By using a comparative approach the conclusions reached in the final chapter reiterate the crucial importance of reputation within communities whether urban or rural, and how the increase in women's appearances at the court (as plaintiffs, defendants and witnesses) underlined their strides in self-empowerment and reluctance to be constrained by patriarchy. Also highlighted is the inequality of status which precluded the poorest people from lodging cases leaving barely solvent workers and the aspiring middling sort to pursue the redress of wrongs. This thesis concludes that it is too simplistic to treat a defined area, such as a diocese or county as one homogenous entity; rather historical research must dig deeper to understand the nuances of how cultural and societal changes affected English provincial communities.

Keywords: Consistory courts, depositions, defamation, matrimonial, social change, cultural change, women's agency, Hampshire, Basingstoke, Isle of Wight, Winchester, family, community.

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Chapter 1: Introductory Overview

‘You shall not covet your neighbour’s wife; and you shall not desire your neighbour’s house, his field, his male servant, his female servant, his ox, his donkey, or anything that is your neighbour’s.’ *Deuteronomy 5:6-21*.

‘The fourth sort or class amongst vs, is [...] day labourers, poore husbandmen, yea mercantes or retailers which haue no free lande, copiholders, and all artificers, as Taylers, Shoemakers, Carpenters, Brickmakers, Bricklayers, Masons, &c. These have no voice nor authoritie in our common wealth, and no account is made of them but onelie to be ruled, not to rule others, and yet they be not altogether neglected.’ Thomas Smith, *De republica Anglorum*.¹

‘...every man [should] behold and consider his own vocation, inasmuch as God hath appointed every man his degree and office, within the limits whereof it behoveth him to keep himself’. *The Two Books of Homilies appointed to be read in Churches, Book II, VI, (London, 1635)*.²

As the Tenth Commandment ordained covetousness or envy of others was sinful, everyone had their place in the world be it high or low and there they were obligated to remain; and Anglican doctrine promulgated by Thomas Cranmer and other clerics continued to preach the immutability of the traditional hierarchical societal structure long into the Reformation and the early seventeenth century. Cranmer’s intent was to protect royal supremacy and the *status quo* of the gentry who themselves bore responsibility for the poor whilst recognising, if not always agreeing with, the philosophical debates and reforming theologies that were emerging from lay people such as the diplomat Sir Thomas Smith who in his *De republica Anglorum* not only defined social polarisation but hinted at its growing powers.

Cranmer’s homilies aimed to emphasise to church congregations that doctrinal obedience was paramount and a hierarchical and deferential paternalistic society was God’s inviolable will, a view which emphasised his own status but over time became increasingly at odds with ordinary folk who were the bedrock of congregations. Thomas Smith in contrast set

¹ Sir T. Smith, *De republica Anglorum, The Maner of gouernement or policie of the realme of England* (London, 1583), Chapter 24, Of the Fourth Sort of Men which doe not rule, np.

<https://constitution.org/1-History/eng/repang/htm>. Accessed 25 April 2021.

² T. Cranmer, *The Two Books of Homilies appointed to be read in Churches, Book II, VI*, (London, 1635), np. <https://justus.anglican.org.uk/resources/bcp/Homilies/homilies.html>. Cranmer is believed to have written many of the homilies, although some are attributed to John Jewel, Bishop of Salisbury. Accessed 25 April 2021.

out to describe England as he perceived it: still a land of rich and poor but with a growing economy fuelling moves towards a more socially stratified society which was characterised, for many, by mobility and fluidity.³ Each viewpoint clearly represented an ideal, but their authors' differing perceptions imply different sets of expected relationships both within and between families and households. It is little wonder, therefore, that societal and cultural traditions, some dating back centuries, were increasingly questioned and gradually discarded, sowing the seeds of individualism that became the rootstock from which emerged the market-based culture of the middling sort.

Key Themes

By microanalysis of depositions presented to the Winchester Consistory Court this thesis presents clear evidence of increasing cultural and social shift through the depositions made to the consistory courts between the mid-sixteenth and early seventeenth century. It also argues that such repositioning occurred at different speeds amongst communities and was dependent not solely on a backlash against ecclesiastical teaching but also on other factors including local topography, settlement patterns, manorial and community control.⁴

An argument will be made that a major, although presumably unintended, effect of the Reformation was a slackening of the tight grip that had been held by the church over its congregations. Long established Catholic teaching was being replaced by a more austere Anglican theology imposed by clergy who themselves were not always convinced of this new interpretation of their religion. Losing the comfort of the confessional gave people less access to spiritual guidance, and the inadequacy of many priests' management of their flocks inevitably led people to take matters of conscience into their own hands. Inept religious handling at a local level made it little wonder that more and more disputations ended up in the consistory court for arbitration for the remainder of the sixteenth century until gradually and patchily shifts in social control heralded a kinder and more tolerant society. If the expectation of plaintiffs was that the court could compel the resolution of disputes they must often have been disappointed, as although the court could impose

³ Smith's book was originally written whilst he was Ambassador to France and was intended to be a handbook for foreigners who wanted to understand England and the English.

⁴ As the seventeenth century progressed, political, cultural and social factors combined to hasten the decline of the courts, which never regained their former importance. Their work as spiritual guardians of morality became increasingly anachronistic in a post-Restoration world, although they still existed to rule on internal church matters, clerical discipline and the maintenance of church fabric.

finer, order penance or as a last resort excommunicate transgressors the lack of recorded outcome of cases from Winchester makes it impossible to estimate how often these punishments were imposed. Locally, clerics were seen as mediators and the court's role was as arbitrator, but if neither of these functions had the power to resolve the original problem it was little wonder that individuals bypassed spiritual recourse which would cost them time, effort and money in favour of homespun solutions. Renegotiating social order in this way is evidenced in the diminishing number of cases brought to spiritual courts at the beginning of the seventeenth century all over England. In the Medieval period women had become used to asserting their rights in commercial matters through local courts so it had only been a short step to challenging perceived injustices in spiritual matters, but the economic and social class readjustments of the Early Modern period shifted the appetite to pursue reputational matters to a far greater concern with keeping one's good name by honest financial dealings, using defamation cases in the consistory court when resolution was proving untenable.⁵

The dearth years of the 1590s should have given 'a potent weapon to the church's armoury of moral propaganda; [to] emphasize the dependence of the poor upon powerful social superiors and [to] oblige the powerful to act in the enforcement of regulative measures'.⁶ If this did happen across Hampshire and the Isle of Wight then it might explain the fading away of ecclesiastical court cases both for defamation and matrimonial affairs, but it seems more plausible that ordinary folk took matters into their own hands, built up their own businesses and fostered their kinship relationships without the need for church or government intervention.

Importantly for future historical research, the conclusion of the thesis is that, based on the evidence available, it is somewhat disingenuous to consider a diocese or geographical region (such as a county) as one entity. To make sweeping statements about shifting

⁵ T. Stretton. "Written Obligations, Litigation and Neighbourliness, 1580-1680" in S. Hindle, A. Shepard and J. Walter. *Remaking English Society, Social Relations and Social Change in Early Modern England*. (Woodbridge. Boydell Press, 2013), 189-209. <https://www.jstor.org/stable/107722>. Counteracting the drop in case numbers at the ecclesiastical courts, case numbers for debt were soaring in the civil courts. Neighbours still fell out with each other but as the middling sort gained more agency the quarrels were far less about immorality and more about the inability to pay for goods bought in a transactional marketplace. See also T. Phipps, *Medieval Women and Urban Justice, Commerce, Crime and Community in England, 1300-1500*. (Manchester. Manchester University Press, 2020), 186.

⁶ J. Walter and K. Wrightson. "Dearth and the Social Order in Early Modern England." *Past & Present*, 71 (1976): 34. <http://www.jstor.org/stable/650352>.

cultural patterns and social relationships ignores the nuances that become apparent when contrasting different topographies. It was only by examining the conditions pertaining to an island (the Isle of Wight), an urban area (the land surrounding Winchester and Southampton) and the geography surrounding a market town (Basingstoke) that these differences became obvious. Examining evidence in this way has not been attempted before and using depositions from the consistory courts could immeasurably benefit research into the community life of ordinary people in Early Modern England.

The original idea for undertaking research on this subject stemmed from a long-standing interest in the past lives of ordinary people particularly in my own local context of Hampshire and the realisation that church court records could provide an unparalleled source of largely unused material was too good an opportunity to miss. Depositions presented verbatim to the Winchester Consistory Court especially in defamation and matrimonial cases gave agency to the unheard voices of ordinary people, opening a neglected avenue to an understanding of how tensions within families and communities made the retention of reputation of such paramount importance. Depositions reveal disjunctions between the expectations of the church and behaviours which led to accusations of domestic and sexual transgression and these non-criminal cases formed the bulk of the court's day-to-day work. In the absence of any other court to hear what might be called 'family matters' and those which impacted on reputation, the consistory court's duty to intervene, admonish and resolve spiritual matters was the sole option for women to bring cases in their own name and for anyone with limited means to attempt to remedy a perceived injustice. The court's busiest period in the sixteenth century reflected how people (especially women) became either less constrained or more confident in attempting to gain redress especially in defamation or matrimonial issues.

The tradition of interconnected farming cultures where behaviours were dictated by 'elders' and by custom began to fragment, happening more slowly in remoter areas although rural communities continued to resort to ecclesiastical law to resolve their differences. Equally, as urban communities recovered from the deprivations of pre-Reformation England, social and cultural horizons expanded bringing economic opportunity for some provided they maintained their *bona fama* and 'good credit' and the

acknowledged legal resort to do so was the Bishop's Court which arbitrated on non-criminal spiritual and social relationship issues.⁷

Given the very low literacy rates in the sixteenth century and thus a lack of letters, diaries or other papers written by anyone below the aristocracy and gentry, few sources exist that afford the opportunity to 'hear' how ordinary people thought and spoke, the words they used and even how the strong Hampshire accent actually sounded through clerical interpretation.⁸ The trigger point that jump-started a case sometimes seemed trivial, but uncovering the background brought the sense that plaintiffs had come alive and were desperate to tell a much deeper story. Using the court records in this way has also been a tool to help uncover the strands of local relationships, an area largely untested by other historians, revealing not only close intra-family bonds but those with kinship groups with interdependent occupations, crucially from the viewpoints expressed in their own words. This cross-referencing and correlation had not been attempted before on Hampshire records and has illuminated how families competed to maintain and enhance their standing through the vicissitudes of societal and community pressures in a relatively wealthy diocese and the patterns that emerge are examined through case studies in subsequent chapters.

Although a few records have disappeared over time, those of the Winchester Consistory Court between 1550 and 1610 are relatively complete. By listening to the voices of ordinary people it has been possible to study not only existing connections between family and community structures and social and economic movements but also to try to determine whether more fluid family structures impacted on local social and economic conditions or *vice versa*. Just as important was to establish whether this happened concurrently in towns, villages and island communities or whether there were other factors at work which precipitated or held back social transformation. It has been a privilege to have been able to get some insight into how ordinary peoples' lives were so impacted by who they interacted with and how and where they lived and worked.

⁷ To uphold one's good name or *bona fama* in family relationships, neighbourhood connections and in commercial life was paramount, not only in this world but in due course to ensure smooth passage to heaven. Reputation impinged on every aspect of life, and once lost was almost impossible to retrieve.

⁸ For example, a court clerk recorded the village of one witness as 'Brizzeldon', a phonetic interpretation of Bursledon, just outside Southampton. Hampshire Record Office (hereafter HRO), 21M65/C3/10, 207-10, Oate v Arnold and Arnold v Oate.

Apart from addressing the question of whether, how and where traditional societal norms were being subsumed by a growing market-based economy in Hampshire, this thesis contends that the decline of established custom and practice was also a consequence of loosening manorial and spiritual control. In other words, was Thomas Smith's view of English society prevailing over Cranmer's traditional ethos? Equally, what impact did topographical variations within the diocese have in dictating trading circumstances during the second half of the sixteenth century which may have led to the social polarisation which characterised some, but not all, communities? Governance of the church by successive bishops of Winchester was inconsistent at best, and the quantity and quality of clergy fluctuated, which also contributed to the caseload coming to the consistory court. Because of the poor quality of some (certainly not all) local clergy diocesan control was increasingly difficult. Archidiaconal visitations continued but very few cases were brought *ex officio* which implies that parishes were encouraged to manage themselves as best they might. A theme running through this thesis has been an attempt to contribute to a debate on whether the church's actions or inactions exacerbated the decline of localism in different provincial communities, thus (maybe inadvertently, but certainly temporarily) increasing their own work loads.

Enforced by medieval canon and civil law and the manorial system, the hierarchical structure of English society had accentuated an economic gulf between rich and poor and in the absence of formal education for most people was largely unarguable. The wealthy had always been entreated to look after the poor and the lack of any national welfare system underlined this obligation, but communities had also been homogenous, mixing freely on the many feast days and in social and cultural settings, but as the sixteenth century progressed and far slower in some localities than others, a new order was emerging. Reformed religious teaching in English was changing individuals' thinking, formal education even for a very limited period was possible for more people than ever before, and with education came the often justifiable suspicion amongst the poorer classes that those richer than themselves were 'hedging' them out of the community, 'denying them automatic access to welfare in cash and kind, excluding them from the communal perquisites of the customary economy by quickset and fences, and distancing them from

the symbolic heart of the community by box pews and altar rails'.⁹ Group rebellions were unsustainable, but individual effort brought longer term success and gradually towns saw increasing commerce and the number of shopkeepers and skilled craftsmen needed to support urban infrastructures multiplied. Gradually a stable emerging middling sort gained agency in numbers too high to be ignored. These people's *modus operandi* was different – they relied on each other rather than being dependent on those wealthier than themselves for all their economic needs. They employed young people as apprentices, who would either stay and grow more expert in their businesses or set up on their own in due course, thus increasing the pool of skilled labour which could be drawn into their networks. Their sons and daughters married within this emergent sector, linking families and increasing economic opportunity within their own cohort but further diminishing reliance on the gentry. As Henry French says, these were 'disparate people of moderate prosperity who over time began to self-identify as "inhabitant" or "chief inhabitant" of their parishes achieved by relative, competitive scales of "worth"'.¹⁰

Cultural traditions were also changing; revels became increasingly frowned upon, and 'by 1600, as Keith Wrightson has suggested, the communal sociability of the parish feasts had largely been replaced by the "fragmented sociability" of the alehouse', meaning that each strata of society stuck more and more to surroundings where there were others of their own kind, overlapping being confined to the parish church where even their seats were assigned according to status or ability to pay.¹¹ Written in 1700 but referring back to events in his long life, Richard Gough's *History of Myddle* takes a unique perspective in describing the social history of his village of Myddle in Shropshire through the seating plans of the parish church pews and their occupants.¹² Sadly there is no similar history in the Winchester diocese, but there are many cases in the ecclesiastical court records which emphasise social disparity and analysis of some of them will be made in subsequent chapters.

⁹ S. Hindle. "A sense of place? Becoming and belonging in the rural parish, 1550-1650" in A. Shepard and P. Withington (eds), *Communities in Early Modern England*, (Manchester University Press, Manchester, 2000), 110.

¹⁰ H. R. French, *The Middle Sort of People in Provincial England 1600-1750* (Oxford: Oxford University Press, 2007), 27.

¹¹ D. Underdown. *Revel, Riot and Rebellion, Popular Politics and Culture in England 1603-1660* (Oxford: Clarendon Press, 1985), 50.

¹² R. D. Gough, D. Hey (ed.), *The History of Myddle*, (London, Penguin Books, 1981).

A useful way to consider these cultural and social shifts is as markers on a continuum that ran from very controlled communities, such as that described by Keith Wrightson in the Essex market town of Terling,¹³ where the decline of Catholicism and the rise of Puritanism coincided with educational expansion which created the prospect of access to the printed word for more people. Similarly an innovative attempt by a group of anxious elders in 1596 in the village of Swallowfield in Berkshire to fill the power vacuum left by local amoral manorial governance, which had exposed the retreat of custom, was compounded by parishioners' social polarisation that the church, because of its lack of competent clergy, did not or could not ameliorate.¹⁴ In a very different physical environment lay the Isle of Wight where such governance as there was, and it was very uneven, Cranmer's instruction to accept one's God-given status in life remained predominant. On the Island this uneven cultural cohesion was exemplified by the huge gap between the yeomen and husbandmen social groups and the labourers who worked for them, which was exacerbated not only by patchy manorial control but by a rapid turnover of clerics preaching inconsistent messages to their flocks.¹⁵ This did nothing to defuse a crisis of neighbourly relationships, evidenced by the large number of Island-based defamation cases relative to its population.¹⁶

Around the centre point of the continuum (in a normal distribution, to continue the analogy) were scattered habitations, dependent to varying degrees on the residual power of the church and manor and the inclination of the inhabitants. In larger villages and market towns there was a gradual but unstoppable weakening of the localism of society: widening the gap between those who were literate and were able to create better lives for themselves and those who were not so fortunate and destined to remain poor. Some areas, therefore, retained long-standing family and cultural customs much longer than others, meaning that those at the bottom were not just poor, but culturally different whilst the more 'elite' maintained homogeneity whilst looking outward to the political and cultural life of the nation. By the mid-seventeenth century the middling sort were

¹³ K. Wrightson and D. Levine. *Poverty and Piety in an English Village, Terling 1525-1700*, (Oxford: Clarendon Press, 1995).

¹⁴ Hindle. "Hierarchy and Community in the Elizabethan Parish: The Swallowfield Articles of 1596," 835-51. On page 846 Hindle quotes John Phipps, a Gentleman of Swallowfield as allegedly remarking that at Swallowfield Court [the manorial seat] 'there was great show made of religion but that there were none in it but popes cardinals and whoremasters'.

¹⁵ As will be seen in Chapter 6, Isle of Wight Division, between 1540 and 1640 the twenty-three parishes on the island were ministered to by one hundred and fifty-three clerics of varying levels of qualification. Some parishes also had considerable time gaps between resident incumbents.

¹⁶ Described more fully in Chapter 6, Isle of Wight Division.

propelling themselves unevenly, but inexorably into coherent entities which emulated the 'gentility' and 'manners' of the social class above themselves, arguably reaching towards the opposite end of the hypothetical continuum.¹⁷ The richness of individual depositions revealed that there was no diocese-wide wave of cultural shift; rather where a tight, but benevolent manorial grip was held progress towards a more market-oriented society tended to be slow. But where there was little manorial or religious control centuries-old community homogeneity fractured more quickly. Urban parishes were often wealthier with a higher proportion of more educated residents and change happened faster, whereas bounded populations (such as the Island) were culturally much slower to adopt new norms of behaviour.

Three divisions have been chosen for this study: the Isle of Wight with its isolated population, Fawley administrative district which included both the city and environs of Winchester and the urbanised port of Southampton, and Basingstoke which was a small market town surrounded by agricultural communities. There have been no comparable studies on an English island population such as the Isle of Wight which this thesis seeks to rectify. These regions also encompass the topographically different geographies of Hampshire from south to north. It is this comparative approach to local history, tying population, culture and topography together in small geographical areas within one county/diocese through the prism of one provincial consistory court that brings a distinctly different perspective to existing national historical research on the Early Modern period. In choosing to examine church court cases from three very different administrative divisions of Hampshire between around 1550 and 1610 it has been possible to explore the litigation by moving beyond an overarching county-wide model and seek a more nuanced appreciation of the ways in which social and economic paradigms in urban, rural and island geographies were reflected in subtly shifting family and community structures. It may be appropriate in other parts of England to track societal changes by looking at a county or diocese *en bloc*, but my argument is this is too generalised, certainly for Hampshire, and overlooks the different forces at work, sometimes in quite small parishes, where family and community life could be disproportionately disrupted by disputes involving spiritual matters and subsequent reputational repercussions.¹⁸ The ground breaking work of Keith

¹⁷ French, *The Middle Sort of People in Provincial England 1600-1750*, 202-3.

¹⁸ R. Wunderli. *London Church Courts and Society on the Eve of the Reformation* (Cambridge, Mass: The Medieval Academy of America, 1981), and G. R. Quaife. *Wanton Wenches and Wayward Wives*,

Wrightson and David Irvine in tracing the social and religious history of Terling between 1550 and 1700 and of Laura Gowing whose work on the interplay (or lack of) between community relations and gender relations in London formed part of this thesis's enquiry into its applicability to a provincial diocese such as Winchester, as has the interpretation of the nature and meaning of community at the end of the sixteenth century which emerged with the discovery of the Swallowfield Articles.¹⁹ These and many other sources have been pivotal in understanding local gulfs between increasingly Puritanical discipline and disorder.²⁰

As Laura Gowing says, 'the common law doctrines of coverture [which] subsumed a married woman's identity under that of her husband were as significant as women's evasions of them'.²¹ Although she was specifically referring to London women, it cannot be assumed that provincial women were radically different. In the light of such observations an obvious way to approach this thesis was to emphasise the gender perspective, given the significant increase in the number of cases brought either by women, or on their behalf during the chosen period. This would have added to the increasing body of literature that argues that far from always being submissive housebound members of a patriarchal society, women (particularly urbanites) played a pivotal role in the changing economies through their own endeavours.²² They had voices and opinions of their own which they

Peasants and Illicit Sex in Early Seventeenth Century England (London: Croom Helm Ltd., 1979). Wunderli's book concentrates on the London Church Courts, and Quaife's on the Diocese of Bath and Wells (Somerset).

¹⁹ Wrightson and Levine. *Poverty and Piety in an English Village, Terling 1525-1700*, and L. Gowing. *Domestic Dangers, Women, Words and Sex in Early Modern London* (Oxford: Oxford University Press, 1996).

²⁰ S. Hindle. "Hierarchy and Community in the Elizabethan Parish: The Swallowfield Articles of 1596." *The Historical Journal* 42, 3 (1999): 835-51, <http://www.jstor.org/stable/3020923>. Drawn up by the village's 'chief inhabitants' the Articles were an attempt to foster a more Christian community after a series of poor harvests and taxation to support military campaigns had dislocated the local economy. At that time Swallowfield was part of the diocese of Salisbury, its geographical position on the Hampshire border less than ten miles from Basingstoke illustrates the concern of elders to bring harmony and reduce the fractiousness of community relations particularly amongst Thomas Smith's 'fourthe sort' in a rural, agrarian area. As my research shows a neighbouring village (Sherborne St John, see Chapter 5, Basingstoke Division) had more cases involving mental and physical cruelty taken to the ecclesiastical court during the period that the Articles were produced than any other village in Hampshire, a disturbing fact of which the Swallowfield 'chief inhabitants' cannot have been unaware.

²¹ L. Gowing. *Gender Relations in Early Modern England* (London: Taylor and Francis, 2012), 45.

²² Historians who have written extensively on patriarchy and the role of women in society include Bernard Capp, Joanne Bailey, Martin Ingram, Ann Hughes, Jenny Kermode, Garthine Walker, Steve Hindle, Susanna Lipscomb and others, and they are referenced later in the Methodology section of this chapter.

were prepared to use to maintain their honour and good name and that of their family. Early on, the Hampshire records convinced me that it would have been absurd to isolate cases brought by women from those where men appeared with them, or women did not speak at all, being represented by a family member even though the woman was the *casus belli*.

By the sixteenth century in Hampshire and the Isle of Wight more and more women's cases were promoted, either by themselves or their family or by urging of the church, especially in rural areas as the power of the middling sort grew.²³ This applied particularly to defamation cases which formed the majority of the court's work throughout England.²⁴ Bernard Capp comments on the strategies available to resolve interpersonal disputes as being 'broadly similar for both sexes: verbal abuse, physical assault and recourse to the law'.²⁵ Men were usually quicker to resort to physical violence whereas women carried out prolonged verbal assaults, both tactics deemed appropriate for their sex by their contemporaries. Women were less likely to use weapons (unless hitting one's protagonist with a hindquarter of mutton can be considered as a weapon)²⁶ but showed little constraint in taking men to court to try to protect their good name. It seems inappropriate in Hampshire and the Isle of Wight to consider defamation as a particularly female way of attacking other women. Taking a sample of seventy-seven cases between 1560 and 1610 where women were the plaintiffs there were fewer female defendants (thirty-four) than male defendants (forty-five).²⁷ Basingstoke and Isle of Wight Divisions sent forty-two cases from rural areas, compared with Fawley Division's thirteen. As could be expected, though, Fawley (containing Winchester and Southampton) sent a far larger number of urban cases

²³ See Appendix 2, Table of Occupations of Plaintiffs, Defendants and Witnesses by Division, 1560-1609 for an analysis of all occupations given in the cases studied. This shows that (see Note 5) that 72 women (12.9%) gave their occupation and 489 (87.1%) men, out of a total of 561 people whose occupations were listed.

²⁴ B. Capp. *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England*, (Oxford. Oxford University Press, 2003), 204. Capp reported that Laura Gowing (*Domestic Dangers Women, Words and Sex in Early Modern London*, (Oxford. Oxford University Press, 1996) 35) found 2224 defamation cases in London between 1572 and 1640, and James Sharpe (*Defamation and Sexual Slander in Early Modern England: The Church Courts at York*, Borthwick Papers, 58, (York. University of York, 1980), 27) counted 1638 new defamation cases entering the York consistory court in the 1590s alone. At Chester, Capp commented, cases quadrupled over the period 1544-1594 (M. Ingram, *Church Courts, 199-300*). All these figures cover suits brought by both men and women.

²⁵ Capp. *When Gossips Meet*, 188.

²⁶ HRO 21M65/C3/9, 298-291, Reade v Lace. See Chapter 6, Isle of Wight Division.

²⁷ Unusually a small number of cases had more than one defendant, which explains the discrepancy in numbers. These will be examined later in this thesis.

to the court (twenty-five) compared with Basingstoke and the Isle of Wight who only sent ten between them. Many of these cases are analysed in detail in the following chapters and some discussion of these findings will be found in Chapter 9, Conclusion.

In cases of defamation which were between two women it was very common for other women to appear as witnesses for either side. This was less likely in urban areas, than rural ones where both men and women were likely to form separate friendship groups because of their working patterns – men often out in the fields, and women working from home and thus more likely to be close together when an incident occurred. In urban areas the proximity of other people seems to have made mixed groupings by social standing (such as shopkeeping or patronage of a particular alehouse) more common and cases involve witnesses of comparable standing rather than differentiation by sex. But loyalties and allegiances do not always have obvious explanations either in island, rural or urban communities. The power of the parish to control became less constant as Anne Mitson pointed out ‘the nature of neighbourhood areas ...depended on the wider area of the local town or market centre’²⁸ and perhaps those influences were key to female agency as much as local patriarchy. Clearly more work needs to be done to examine these forces.

Unsurprisingly, in matrimonial cases the majority of plaintiffs were young single females, mostly from rural areas and complaining that their intended husband was either very slow in completing the wedding process or had disappeared. As far as can be seen from the records, older women (usually widows) rarely lodged matrimonial cases. On the other hand, young single male plaintiffs were both rural and urban and complained about being ‘let down’ by a young woman after having given her gifts. Several cases are analysed in later chapters which follow this pattern. Because plaintiffs and defendants did not routinely give their ages, it is difficult to establish whether older men lodged matrimonial cases, although the Isle of Wight cases involving Agnes Curle indicate that as a widow she was an attractive prospect for a man seeking advancement.²⁹ Notwithstanding the surviving gaps in the Hampshire records from the early seventeenth century, the dates chosen for this thesis reflect the busiest fifty years of the work of the ecclesiastical courts. Patchy diocesan and parochial management in Hampshire during the last half of the

²⁸ A. Mitson, “The Significance of Kinship Networks in the Seventeenth Century: South-West Nottinghamshire” in C. Phythian-Adams (ed.). *Societies, Cultures and Kinship, 1580-1850*, (London: Leicester University Press, 1993), 70-73.

²⁹ HRO 21M65/C3/4, 895-914, Sara v Curle. See Chapter 6, Isle of Wight Division.

sixteenth century contributed to the decline of medieval communitarianism, coincident, as it was, with the gradual rise in education, national political upheavals and rapid economic changes. Little wonder that these competing forces led to the emergence of a social class whose reliance on the court as an adjudicator of spiritual morality by the early seventeenth century had become nearly obsolete. Nationally, consistory courts suffered from reputational decline amongst the populace, and although there is no tangible evidence that the Winchester court was either more or less effective than others, their relevancy to changing social patterns compounded their decline. As Martin Ingram pointed out ‘the Reformation, interrupted by the Marian reversion [between 1553 and 1558] shattered religious unity and burdened the church courts with the exceedingly difficult task of trying to maintain conformity amid the drastic and inconsistent shifts of government policy.’³⁰ Cases of a sexual nature diminished as the rates of illegitimacy fell in the early seventeenth century and the courts turned to adjudicating on matters of less spiritual importance, such as working on a Sunday or a holiday which were of far less concern to ordinary people. The records for Winchester after 1610 are largely missing, so no assumptions can be made as to whether the diocese paralleled the national trend in this respect. But it was the diminution in respect for the church courts that contributed to their closure around the end of the 1630s, most remaining business being transferred to other courts.³¹ They were reinstated in 1660 by which time rural and urban society had changed to the point that spiritual *diktats* could not regain their former importance and their very existence was recently described as ‘eccentric’ by the early modern historians Andy Wood and Laura Gowing.³²

Sources, Methodology and Methods

In deciding how to research a project that was intended to compare cultural patterns in topographically different parts of one diocese, numerous contextual studies had to be consulted and adopted or discarded as the analysis of court cases progressed. The landscape of the Hampshire diocese required a pulling together of propositions originally underpinning topographical, gender, economic, urban and rural, population, occupation,

³⁰ M. Ingram. *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987), 84.

³¹ M. Ingram. *Church Courts, Sex and Marriage in England, 1570-1640*, 364-374.

³² Cambridge University Press, Virtual Winter History Festival January 2021, A. Wood and L. Gowing, video discussion based on A. Wood. *Faith, Hope and Charity* (Cambridge: Cambridge University Press, 2020), <https://www.youtube.com/watch?v=CVDIX4i8wZg>.

class and kinship studies, amongst others, in order to contextualise down to a parish by parish level the words and deeds behind the depositions given in the Winchester consistory court. The thesis, therefore, adopts a comparative regional approach which identifies distinct 'cultural provinces' within Hampshire to move beyond the county model and outline differences in family and community structures within the county as reflected in patterns of litigation in the ecclesiastical courts.

Such an amalgam of academic studies, public records and sources using people's own words and deeds has not been attempted before in Hampshire. It has uncovered stark differences in geographical areas: for example, societal and cultural expectations and family and kinship relationships of inhabitants of the Isle of Wight compared with those living in urban Southampton, only nineteen miles away across the Solent. The application of this singular comparative local approach not only uncovers a previously unrecorded aspect of provincial Tudor domestic life but could also act as a framework for research in other counties and dioceses in England.

To open a window into ordinary people's lives and understand why non-criminal cases evoked such determination to see justice done, it was necessary to rely mainly on the Instance Cases books, part of the Winchester Cathedral records, which are held in the Hampshire Record Office, and the Isle of Wight records held in the Newport Record Office. There are gaps in the preservation of the records, due to the ravages of the Cathedral by Civil War soldiers, and the closure of the courts from the 1630s until the Restoration in 1660 and this focussed my attention on surviving records between around 1550 and 1610, with their wide cross-section of the types of complaints that led to court cases.³³ A very small number of cases randomly survive on rolls, and a long and complicated matrimonial case was found in an Office Acts book (itself a chance survivor) for 1606-1608. Rarely, cases were brought by churchwardens or the diocese itself which by their nature required statements from the proponents, they are listed in the Instance Cases books as *Ex Officio* (Office) cases, and these have been included in the analyses undertaken as they are often particularly interesting.

³³ T. B. James. *Winchester From Prehistory to the Present* (Stroud: The History Press, 2009), 14. James quotes an incident recorded by the Cathedral Clerk where 'writings and Charters [were] burnt, divers thrown into the river' and 'divers large parchmentes' were made into kites 'to flye in the Aire'. This quotation was reproduced from Hampshire County Council. *A Goodly Heritage: Hampshire Record Office 1947-1997* (Winchester: 1997), np.

The Church of England clergy database has been invaluable, giving more detail of clerical tenure than any other source, and also providing evidence of the long periods of time when some parishes in Hampshire were without any formal spiritual support, or revealing that the support they did have was spasmodic and ineffectual at best.³⁴ Unsurprisingly, those parishes that enjoyed consistent, long-standing vicars tended to be parishes with very little recourse to the court, providing evidence of unremitting clerical dedication.³⁵

In addition, contemporary Compton Censuses, Lay Subsidy Rolls, Hearth Tax Assessments and Parish Registers have all been consulted and referenced, when compiling as much as possible about specific families and kinship connections. The Hampshire Record Office and the National Archives also have on microfiche a huge number of wills and inventories which provide information not only about land ownership and useage, wealth and possessions but names and status of family members and executors, again extending kinship data and these have been consulted as needed.

Around sixty years ago Arthur J. Willis produced a typewritten index to the Winchester Consistory Court cause papers before 1700, wherein he listed as many Instance cases and deponents' particulars as possible, noting that there were many which defied categorisation through lack of information.³⁶ This, now extremely worn, typescript, was the starting point for determining the appropriate cases to be included in this thesis and was photographed page by page. Then, selected cases in each original Instance Book were photographed and sorted into a database for continuing analysis by cause type, geographical location, names of plaintiff, defendant and witnesses, occupations and a summary of each case written alongside.

Originally over 600 matrimonial and defamation cases lodged between 1550 and 1700 were analysed from the registers of the Instance Acts books of the Winchester Consistory Court from which it became apparent that the lack of records post 1610 would skew any statistics, so an arbitrary end-date was drawn around 1610. In order to capture as much data as possible from these records, it was crucially important to build an interrogatable

³⁴ Church of England Database, <https://www.theclergydatabase.org.uk>. Accessed 6 March 2020.

³⁵ The pre-eminent example of this kind of dedication was that of Sir Christopher Trychay to his flock between 1530 and 1580 in the Devon village of Morebath. See E. Duffy. *The Voices of Morebath* (New Haven: Yale University Press, 2003).

³⁶ A. J. Willis. *Diocese of Winchester, Consistory Court Cause Papers, including deposition books, before 1700*. (Folkestone: self-published, 1960), shelved in Hampshire Record Office as Willis 5/1-2.

database as a framework for all subsequent interpretation. This framework now quantifies and qualifies every matrimonial or defamatory suit during the period 1550 to 1610 in the three chosen administrative divisions, naming the plaintiffs, defendants and witnesses, their parish of residence, age, occupation, family and kinship relationships and a summary of their complaints and the narratives that surrounded their court depositions.

Columns were also allocated to other information, such as taxes paid through the Lay Subsidies, the number of hearths assessed, information from individual wills and inventories or from parish registers and additional information about civic duties and obligations and sometimes Churchwarden's Accounts. All of these helped build the most rounded picture possible of an individual's position in their local society.³⁷ There are, of course, many instances where some of this information is missing, but close analysis of the depositions often allowed a gap to be filled.



Illustration 1 – Instance Case books, Winchester Diocese, 1550-1610³⁸

The Instance Books contain details of cases brought by one individual against another usually including personal responses from both plaintiff and defendant and witness statements and are written in a mixture of formulaic Latin and verbatim English.

³⁷ C. R. Davey (ed.). *The Hampshire Lay Subsidy Rolls 1586* (Southampton: Hampshire County Council, 1981). E. Hughes and P. White. *The Hampshire Hearth Tax Assessment 1665* (Southampton: Hampshire County Council, 1991). D. Keene. *Survey of Medieval Winchester* (Oxford: Oxford University Press, 1985). A. Whiteman and M. Clapinson, (eds.). *The Compton Census: A Critical Edition* (Oxford: Oxford University Press, 1986), and various local histories as listed in the bibliography. Also accessed have been the genealogical online sites <https://www.findmypast.co.uk> and <https://www.ancestry.co.uk> particularly for tracing family relationships through birth, marriage and death registrations.

³⁸ HRO Instance Case books, photograph by the author with the permission of Hampshire Record Office.

Apart from one or two specific cases which are included in the Instance Books, Office Case Books were written up separately, and these mostly contain two-line descriptions of relatively minor cases brought by the church itself against an individual. The efficiency of the court administrators in maintaining *Ex Officio* cases in different registers from Instance Cases makes any form of correlation between the two extremely difficult not least because of time lapses, inconsistent spelling and the very limited information given in an Office Case summary, often merely a bald statement of the fine issued, or the fact that the case has been referred elsewhere. Neither were witnesses called to give statements except in a very few instances. For those reasons Office cases have generally been excluded from this thesis.

Instance cases yield a huge amount of information from individuals' statements, setting the reason for the case being brought very firmly in gender, social and cultural contexts as argued in their own words by the people who were present at the time of the alleged transgression. The biggest omission is the lack of recorded outcome for almost every case which precludes any compilation of statistics regarding the number of fines issued, penances enforced or excommunications. Unfortunately, early penance, excommunication and absolution records have not survived; what remains are fifteen post-Restoration penance documents, together with instructions to local clergy as to how, when and where the punishment should be carried out. Few of these can be linked to the original case, but their existence shows the diligence of parish officials in making sure they happened, signing them off appropriately and then returning the paperwork to the court to complete the process. Excommunication was seemingly rare; eighteen certificates and five absolution certificates remain but, although these have been examined, because they are much later than the cases covered by this thesis names do not correlate and have been excluded from analysis.

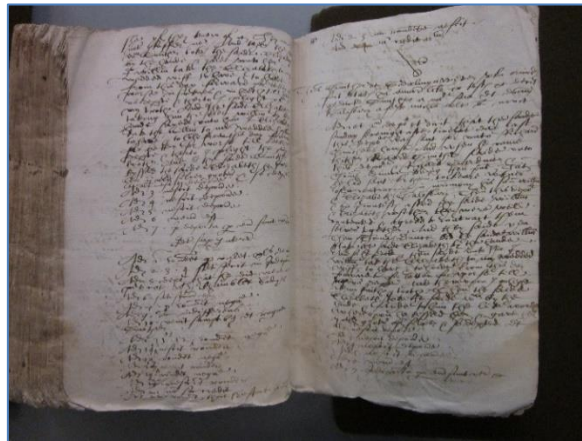


Illustration 2 – Typical pages of Instance Case book, showing responses to interrogatory questions and a pair of scissors, the witness mark of Richard Gardiner, a ‘Taylor’, 1571³⁹

Depositions, recorded verbatim by the clerk of the court largely in English, not only described the facts of the case but included huge amounts of detail about the surrounding circumstances.⁴⁰ Day to day concerns emerge frequently: neighbour disputes, drunkenness, immorality, jealousy, marital disharmony, pre-marital breach of contract, abusive relationships and others, and it is the detailed descriptions of such events that cast light on the complexities of social differentiation and how these differences manifested themselves. Places, seasons, times, clothes, food and drink, shops, individual’s occupations and wealth (or lack of), even what flowers were in bloom when events occurred are described and, as appropriate, expanded on in the data summary accompanying each case. Words are used that have completely disappeared from modern usage but are beautifully descriptive,⁴¹ master/servant difficulties have been examined, even the furnishings in a room had relevance to a case and establish context not only in terms of domestic useage but furnishings gave clues as to the wealth of the people who owned them. Usually, no

³⁹ HRO 21M65/C3/4, 851, *Smither v West*.

⁴⁰ Some Latin phrases are included, to establish facts – a witness would say that he knows the litigant parties well (*libere &c testis dicit quod partes litigant bene novit*), or he recalls when something happened but otherwise cannot recall the time (*ut recolit et aliter non recolit tempus*) and quite frequently the witness has nothing to say (*nescit respondere*).

⁴¹ HRO 21M65/C3/10, 403-5, 433-6, 438, *Noyse v Cole*. For example, in this case ‘hidlock’ describes a daughter kept hidden away from public gaze as she was pregnant with an illegitimate child

record was kept of the specific nature of the lawyers' interrogatory questions, but deponents' answers often reveal their substance.⁴²

The methods used to research and contextualise people who appeared at the consistory court have been described above, but a parallel study has been made of the history of the Hampshire landscape – the downlands, the wooded landscapes of the New Forest, and life by the sea both on the mainland and the Isle of Wight to attempt to gauge the impact of landscape and habitation on the populace. To understand the dispersal of population within these landscapes online statistical sources have been used, backed up by church and civil records.⁴³ As will be seen in subsequent chapters, very distinct patterns emerge indicating that topography played an important role in the absorption of cultural shift within communities, a feature under-explored in other studies. Topography also dictated clusters of population: from the innate remoteness of the Isle of Wight, to huddled urban communities and small nucleated villages which were satellites to and dependent on small market towns. Not only were surroundings different, but the style of building differed. In towns, many families lived literally behind and above the shop, and in the same street there were large gentry houses containing not only the family but a coterie of servants. In close proximity lived many poorer people in more cramped and often significantly less hygienic conditions. In the countryside, commercial life was carried on at home, often from the kitchen and various outbuildings and managed by the farmer's wife with the help of other family members and local workers and with a procession of tradesmen coming and going every day.

No methodology could uncover consistent evidence as to the number of cases brought unwillingly by plaintiffs; pressure from family, friends or neighbours may explain why some complaints were lodged but when the plaintiff's time in court arrived had nothing or very little to say. Conversely there were numerous cases where many witnesses were summonsed, and depositions given over multiple court sessions from which it must be

⁴² One sheet of interrogatory questions has been found in the Hampshire records and is quoted in Chapter 5, Basingstoke Division as part of the 1636 case Brackley v Baynard. HRO 21M65/C6/15, roll.

⁴³ Cambridge Group for the History of Population and Social Structure. <https://www.campop.geog.cam.ac.uk/> and S. Broadberry. "English Medieval Population: Reconciling Time Series and Cross Sectional Evidence", 2010, https://warwick.ac.uk/fac/soc/economics/seminars/seminars/conferences/venice3/programme/english_medieval_population.pdf.

concluded that despite considerable time and effort private reconciliation or settlement had been unattainable. Interesting light is thrown on the self-perceived status of some plaintiffs and defendants based on the status and occupations of their witnesses. Inevitably supporters were chosen because of the gravitas their depositions could bring to a case, which it might be hoped would sway the Chancellor to a favourable resolution. As will be seen, this strategy did not always work.

Caveats concerning the veracity of court depositions have been a recurrent theme in the works of Laura Gowing, Natalie Zemon-Davis and Suzannah Lipscomb, amongst others.⁴⁴ They warn of the danger of taking depositions at face value, arguing that all parties were concerned to put the best face possible on their statements, and it would be naïve to assume that evidence presented at Winchester was any more or less subject to exaggeration, bias or downright lies than any other court. I have tried to present as unvarnished a case as possible, but where it is evident from depositions that contradict each other that somebody is colouring their evidence to suit the occasion, then I have tried to do much as the Chancellor of the court would have done and balance the evidence as even-handedly as possible. Surprisingly often a family name or an individual would turn up in more than one case, sometimes many years apart, and database interrogation uncovered linkages which would perhaps otherwise have gone unrecorded but enabled me to track an individual or a family across fifty years or more with these linkages most frequently relating to groups of people above the very poorest whose names appeared on other records. Inevitably many cases concern otherwise unmemorialised people, often the only record of their existence being a court deposition and their signature or, far more often, their mark. These tend to be the lowest classes such as labourers and servants or female witnesses categorised by clerks only as ‘wife of...’ and for whom no wills or other public records exist making efforts to contextualise them unavailing.

A barrier to correlation between Instance and Office Cases and also unravelling kinship relationships is the fact that in Scotland and northern England, at this time, many women continued using their maiden name after marriage, being called, for example, Ann Smith

⁴⁴ Gowing. *Domestic Dangers, Women, Words and Sex in Early Modern London*. N. Zemon Davis. *Fiction in the Archives, Pardon Tellers and their Tales in Sixteenth Century France* (Cambridge: Cambridge University Press, 1987). S. Lipscomb. *The Voices of Nimes: Women, Sex and Marriage in Reformation Languedoc*. (Oxford: Oxford University Press, 2019).

the wife of John Brown.⁴⁵ There are a few instances in the Hampshire books which may indicate that this practice was more widespread than had been assumed, or it may mean that a cohabiting couple kept separate surnames whilst considering themselves to be man and wife, although such behaviour risked approbation from their local community.⁴⁶

Although my original analysis looked at cases up to 1700, the reinstated consistory courts' work contracted after the Restoration in 1660; Keith Thomas suggests that this diminution was partly because of the church courts' own disinclination to prosecute 'sexual offenders, scolds and troublemakers' thus leaving parties to bring their own cases if they so desired and his view is supported by the small number of cases brought *Ex Officio* to the court.⁴⁷ But this lack of spiritual enforcement, by default, enlarged a range of personal freedoms amongst which were 'bodily appearance, dress and demeanour, sexual relationships, behaviour towards neighbours and strangers, intellectual and political debate and social intercourse of every kind'.⁴⁸

The gradually increasing number of the middling sort and their competitiveness raises the question of whether there was an 'envy culture' at work in the last half of the sixteenth century. Why should it be surprising that people who had been exhorted to stay in their God-given place for life were envious of those who had a better life? To rise above that station was challenging: without a good name it was almost impossible, so if the ecclesiastical court could help maintain that good name and if people could afford to, they would pursue that route. From the beginning of the seventeenth century, coincident with the increasing groups of people controlling their own small economies, pressure was building to emulate the higher social classes in kindness and civility. Rates of illegitimate births dropped away, people learned to treat each other more respectfully or resolve differences in private and interference by both church and state into interpersonal behaviours dwindled. Keith Thomas's *In Pursuit of Civility* examines how a distinct

⁴⁵ HRO 21M65/C3/10, 45-7, Kyng v Kyng (also Cropford). Jane Kyng (aka Jane Cropford) was living as man and wife with, and travelling with John Whitreach, and they had a small boy with them. They worked as itinerant peddlers, selling glassware and other small wares. The case was brought by Jane's legitimate husband David Kyng but it is not clear whether he wanted her to return to him, or he wanted to be rid of her permanently. Jane deposed that she wished she were still with her husband but was known on their travels as Jane Cropford or Jane Whitreach. Witnesses deposed that they did not know her as Jane Kyng.

⁴⁶ HRO 21M65/C3/2, 145-6, Crondall v Hawkyns.

⁴⁷ K. Thomas. *In Pursuit of Civility: Manners and Civilisation in Early Modern England* (New Haven: Yale University Press, 2018), 338.

⁴⁸ Thomas, *Civility*, 338.

separation occurred between the high ranks of society and the common people which manifested itself in ways of speaking, moving and behaving, and how this trickled down to different forms of civility amongst different social groupings. His definition of civility was that it 'comprised the body of beliefs, practices and institutions which made it possible for people to live together and flourish. It called for restraint, tolerance and mutual understanding'.⁴⁹ It was this behavioural remodelling, which took longer to reach the provinces than urban areas, that ultimately reduced the influence of the Hampshire ecclesiastical court. In order to look in much greater depth into cases from around 1550 to 1610 (with occasional important outliers) and the lack of cause books for some years thereafter, it was logical to reduce the timescale and increase the depth of research on those cases that were well documented. Working in painstaking detail with all the various sources given above enabled the most complete possible picture of families, their relationships within communities, sometimes over more than one generation. Ultimately, it was this in-depth analysis that exposed the shallowness of assumption that (across Hampshire in any event) cultural and social shifts occurred concurrently and that some re-evaluation may need to be made by researchers working on similar material elsewhere in England.

Fortunately, most of the on-site research for this project was undertaken before March 2020 when all the archives and record offices were closed because of COVID-19. Since then, until the summer of 2021, there was only approximately one month when it was possible to access the original documents and even now there are considerable difficulties; very restricted opening hours, pre-reserved and short timeslots, inaccessibility of some records and lack of onsite copying facilities all hampering research opportunities. It has been necessary to place significant reliance on genealogical websites to build microhistories of family and kinship relationships. As far as possible I have ensured that online data correlated with primary research and trusted printed sources.

⁴⁹ K. Thomas. *In Pursuit of Civility, Manners and Civilisation in Early Modern England*, (New Haven, Yale University Press, 2018), 346.

Chapter 2: Historiography

‘Until recently scholarship on the consistories has tended to fall into one of two major categories: anecdotal or statistical’.¹ This 2019 comment by Susanna Lipscomb strikes a chord with my research to which I would add that there is a paucity of up to date literature which includes consistory court depositions as a key part of local historical research into community life, except incidentally.² By choosing in this thesis to concatenate topographical studies with anecdotes, underpinned with statistical evidence, new light can be shone on the daily concerns and anxieties of Hampshire people who had some interaction with the Winchester consistory court. This review brings together various strands of literature, starting with the structure of civil and canon law and its application within the consistory court. There are very few topographical and provincial historical studies of Hampshire, so reliance has been placed on local landscape studies elsewhere in England for consideration as to whether their general conclusions are appropriate to a southern county which has such a diversity of landscape. Winchester court evidence implies that there needs to be a much more nuanced approach to understanding how landscape influenced community life and to justify this argument many authors’ works have been consulted (and appropriately referenced), particularly casework on matrimonial and defamation cases in other dioceses.

Civil and Ecclesiastical Law

During the approximately sixty years that this thesis covers, with the exception of the five years of Queen Mary’s reign (1553-1558), the received theology was Anglican, having been affirmed under the Elizabethan Settlement of 1559 and the backbone to contextualising cases in a period of political and societal turbulence is a grounding in the operation of the parallel spiritual and temporal legal systems, particularly the pioneering works of Richard Helmholz, Ralph Houlbrooke and Martin Ingram who between them contextualise English

¹ S. Lipscomb. *The Voices of Nimes, Sex and Marriage in Reformation Languedoc*. (Oxford: Oxford University Press, 2019), 22.

² HRO 21M65/C3/4, 289-90, *Goodliff v Pinke*. As an example of place and time triggering memory, this particular defamation case from December 1567 was specifically remembered as events occurred ‘in the barley field during harvest’. There are numerous similar examples in the deposition books.

law from the most serious to the relatively trivial cases that came before a Bench.³ The work of Richard Helmholz sets out both canon and civil law with immense clarity and forms a perfect introduction to the increasingly competitive parallel legal systems that are then channelled into Ralph Houlbrooke and Martin Ingram's work, both of them concentrating on the operation and administration of the ecclesiastical courts.⁴ Diarmaid MacCulloch's masterful history of the Reformation is unequalled in contextualising the efforts made in legislation to command loyalty to the Anglican church by combining moderate Protestantism and conservative Catholicism.⁵

Ralph Houlbrooke and Martin Ingram successively wrote the history of the English church courts from 1520-1640, their books being both rigorous and thorough. Houlbrooke uses Winchester as one of his exemplar consistory court dioceses, his main comparator being the equally wealthy but more populous Norwich, Although he, like Ingram, comments on the influx of business during the late sixteenth and early seventeenth century, he does not emphasise that in Norwich particularly this related more to tithes, testamentary and unidentified casework or that the rate of defamation and matrimonial business only increased gradually in both dioceses, a rise that could probably be ascribed as much to population increase as to societal transgression. His observations do not include statistical evidence that has been uncovered by more recent gender studies which show that more and more women brought their own cases to court before the post-1600 decline of the courts.⁶

³ R. H. Helmholz. *The Ius Commune in England* (Oxford: Oxford University Press, 2001), and *The Oxford History of the Laws of England: The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s*, Vol 1 of the Oxford History of the Laws of England series (Oxford: Oxford University Press, 2012). R. Houlbrooke. *Church Courts and the People during the English Reformation, 1520-1570* (Oxford: Oxford University Press, 1979). M. Ingram. *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987) and *Carnal Knowledge, Regulating Sex in England 1470-1600* (Cambridge: Cambridge University Press, 2017).

⁴ R. Houlbrooke. *Church Courts and the People during the English Reformation, 1520-1570*. M. Ingram. *Church Courts, Sex and Marriage in England, 1570-1640* and *Carnal Knowledge, Regulating Sex in England 1470-1600* (Cambridge: Cambridge University Press, 2017).

⁵ D. MacCulloch. *Reformation: Europe's House Divided 1490-1700*, (London: Penguin, 2003).

⁶ Recent publications include T. Phipps. *Medieval Women and Urban Justice, Commerce, Crime and Community in England 1300-1500*, (Manchester: Manchester University Press, 2020). A. Shepard. *Accounting for Oneself, Worth, Status and the Social Order in Early Modern England*, (Oxford: Oxford University Press, 2018). J. Kermode and Garthine Walker (eds). *Women, Crime and the Courts in Early Modern England*, (Chapel Hill, University of North Carolina, 1994). B. Kane and F. Williamson (eds). *Women, Agency and the Law, 1300-1700*, (London, Routledge Press, 2013). L. Gowing.

Reference must also be made to Martin Ingram's recently published book *Carnal Knowledge*, which he described as a companion to his *Church Courts, Sex and Marriage in England, 1570-1640*.⁷ Before the Reformation the church had attempted, more or less successfully to keep a tight control on sexual morality, but Ingram argues that sexual regulation, whilst losing none of its importance became one area amongst a slew of restrictive regulation introduced as the sixteenth century drew on which, by the beginning of the seventeenth century, was largely being delegated to local worthies and churchwardens. There was an overlap between matrimonial and defamation cases coming to the consistory court (abusive language, accusations of bastardy and so on) and Ingram acknowledges that the 'reformation of manners' which placed illicit sex alongside other 'sins, vices and enormities' may have contained the caseload on the courts through resolution at parish level.⁸

Landscape and Local History

Particularly resonant for this thesis are studies of English local history, particularly Kate Tiller's book⁹ and a collection of essays on the landscape, edited by Joan Thirsk (by historians such as Christopher Dyer, Alan Everitt, Margaret Spufford and others) all of whom acknowledge the groundbreaking work of Charles Phythian-Adams.¹⁰ His work in overlaying maps of England with 'frontier valleys' and 'cultural provinces' as informal boundaries which define the communities both within them and from the outside inwards has been a useful adjunct to my research on Hampshire landscape and trading patterns, but does not always go deep enough to allow for the flexibility of traders who were able to switch outlets for their goods as conditions changed.¹¹

Generalisms about the difference not only in the types of people in villages and towns are plentiful in local history sources, but again there has been little attention paid specifically

Domestic Danger, Women, Words and Sex in Early Modern London, (Oxford: Oxford University Press, 1996).

⁷ Ingram, *Carnal Knowledge, Regulating Sex in England 1470-1600*.

⁸ M. Ingram. "Reformation of Manners in Early Modern England" in Griffiths, P., Fox A., and Hindle S., (eds.). *The Experience of Authority in Early Modern England* (Basingstoke: Macmillan, 1996), 47-88.

⁹ K. Tiller. *English Local History, An Introduction* (Stroud: Alan Sutton Publishing, 1992).

¹⁰ C. Phythian-Adams (ed). *Societies, Cultures and Kinship, 1580-1850, Cultural Provinces and English Local History*, (Leicester, Leicester University Press, 1993).

¹¹ J. Thirsk (ed.). *Rural England, An Illustrated History of the Landscape* (Oxford: Oxford University Press, 2000) and C. Phythian-Adams. 'Frontier Valleys' in *Rural England*, 236-262.

to Hampshire which has its own patterns.¹² Joan Thirsk contends that villages were ‘the mirror of a relatively harmonious collaboration between gentry, farmers and labourers’,¹³ whereas David Underdown made a case that ‘swarms of idle and dissipated young people [in towns] were not being contained within the system of household discipline’, implying a disruption to the all-important Tudor concept of stable society.¹⁴ The swarms may have been smaller in rural areas, but there is Hampshire evidence that groups of young men in areas poorly manorially controlled still behaved badly, causing upset and worse to their neighbours.¹⁵

It has been essential to consider the contribution made by landscape historians who have attempted to answer the question of whether people shaped their landscape or rather did the landscape shape them and if so, how? To do this, not only have the works previously referenced by Kate Tiller, Joan Thirsk and Charles Phythian-Adams been particularly important, but the contribution made in *Gender and Space in Early Modern England* by Amanda Flather has focussed on landscapes shaped by women in domestic and social spaces.¹⁶ These differing aspects are particularly pertinent in a diocese that combines rural, urban and island populations, and a multiplicity of topographies, each of which impacted their inhabitants in very different ways. The importance of landscape will be returned to throughout this thesis, keeping in mind the flexibility that farmers have always utilised to stay in business and Tudor landowners and husbandmen were as adept as any others in finding markets by rotating their crops or juggling cattle and sheep numbers as either climate or trading conditions fluctuated.¹⁷ This was true in urban areas as well where incomers who brought new trades were particularly welcomed as traditional markets declined.¹⁸

¹² Examples are given in Chapter 5, Basingstoke Division, of a small village (Sherborne St John) where the young men behaved much more like Underdown’s ‘idle and dissipated young people’ than Thirsk’s ‘harmonious collaborations’.

¹³ Thirsk. *Rural England*, 16.

¹⁴ D. Underdown. *Fire from Heaven, Life in an English Town in the Seventeenth Century* (London: Fontana Press, 1993), 11.

¹⁵ HRO 21M65/C3/4, *Tov(e)y v Rice*, a 1568 attempted kidnapping case between Jane Tovey (also Tovy) and Philip Rice, described in Chapter 5, Basingstoke Division.

¹⁶ A. Flather. *Gender and Space in Early Modern Britain*, (Woodbridge, Boydell Press, 2007).

¹⁷ C. Phythian-Adams. “Frontier Valleys” in Thirsk, *Rural England*, 239.

¹⁸ A. L. Merson. ‘Southampton in the Sixteenth and Seventeenth Centuries’ in F. J. Monkhouse (ed). *A Survey of Southampton and Its Region* (Southampton: Camelot Press, 1964), 218-222. Royal customs receipts went from an average of £707 for each year between 1540-45 to £2975 for the

Hampshire and Isle of Wight Literature

Although covering a period slightly later than this thesis, Andrew Coleby's book on civic administration in Hampshire from Charles I's execution in 1649 to the accession of William and Mary in 1689 emphasises the diverse nature of the county's topography and spread of population and how this affected, and was affected by, centro-local political policies in an unstable period, and what could be considered a dry topic has been rendered lively and readable.¹⁹ He concludes that the Civil War which so clearly was the people's reaction to poor government, was not only a salutary lesson to successive monarchs that the throne was not inviolable, but the separation between crown and state gave central government the opportunity to ensure that 'provincial consent and administrative effectiveness were not apparently alternatives between which the central rulers of England had to choose, rather they went together'.²⁰ The growing individualism exhibited in Winchester ecclesiastical cases in the late sixteenth century eventually became what Coleby called 'a degree of decentralisation from Winchester throughout the county, especially in the market towns and the Isle of Wight'.²¹ As the seventeenth century progressed, central government's relationship with the provinces gradually became more co-operative, each administration appreciating, although not always agreeing with, the other.²²

Gradually being updated from original print dates between 1900 and 1912, the magisterial Victoria County History of Hampshire is still the pre-eminent general local history source for Hampshire and the Isle of Wight.²³ A new section on the history of Basingstoke by John Hare,²⁴ with numerous illustrations and statistics describes the town's golden years around the cloth industry, vividly recreating daily life around a busy market town on a transport crossroads. Other small volumes, each clustering together three or four villages will be

years 1575-80 (the latter based on incomplete returns) before falling away again after the outbreak of war with Spain in 1585.

¹⁹ A. M. Coleby. *Central Government and the Localities: Hampshire 1649-1689* (Cambridge: Cambridge University Press, 1987).

²⁰ Coleby, *Central Government*, 4.

²¹ Coleby describes these as 'a maze of municipal privileges' and certain 'exemptions by Royal Warrant' for people on the Isle of Wight. *Central Government*, 4-5.

²² Coleby, 235-6, and S. Hindle. "Hierarchy and Community in the Elizabethan Parish: The Swallowfield Articles of 1596." *The Historical Journal* 42, no. 3 (1999).

²³ H. A. Doubleday, (ed.). *A History of the County of Hampshire Vols I and II*. (London: Archibald Constable & Co. Ltd., 1900 and 1903). W. Page (ed.), *A History of the County of Hampshire Vols III, IV and V*, (London: Archibald Constable & Co. Ltd., 1905, 1911 and 1912),

<https://www.victoriacountyhistory.ac.uk/counties/hampshire>. These volumes are known collectively as the Victoria County Histories and are currently being updated.

²⁴ J. Hare. *Basingstoke: A Medieval Town, c.1000-c1600* (London: University of London, 2017).

published in the future. The only earlier history of the town, published in 1889,²⁵ was written by F. Baigent and J. Millard; and whilst excelling in scholarship it was well overdue for revision. Baigent and Millard's work has the space to include civic structure, religion, trades, maps and plans and 'illustrious men'²⁶ whilst Hare covers some of the same ground more succinctly and pictorially, each book complementing the other and easing the research which underpins Chapter 5, Basingstoke Division of this thesis.

Although bringing together sources which post-date the subject matter of this thesis, a curious compilation, by the Rev. G. N. Godwin, combined military, social and political history from contemporary newsprint, pamphlets, parliamentary journals, diaries and biographies of the Civil War period in his 1882 book.²⁷ Godwin's account of the siege of Basing House in 1645 is particularly colourful, being a coda to the cases that came to court when the Paulet family's control over Basing village was absolute some fifty years earlier.²⁸

Whilst Godwin's focus mostly postdated the period covered by this thesis, the most pivotal work specifically on Winchester predates it. Derek Keene's²⁹ massive two-volume survey of medieval Winchester not only locates every house but names as many citizens as has been possible through existing records, from which many researchers, including myself have been able to draw not only inspiration but huge assistance in tracking familial and occupational relationships. Keene identified the exact location of dwellings and land holdings, and long-gone alehouses such as the Catherine Wheel in Winchester (close by the Cathedral) whose alehousekeeper John Lambert, and his particularly troublesome clientele, frequently appeared in the consistory court between 1568 and 1595.³⁰ His scrupulous analysis of every aspect of Winchester's late medieval period is unlikely ever to be equalled, let alone bettered.

²⁵ F. J. Baigent and J. E. Millard. *A History of the Ancient Town and Manor of Basingstoke* (Basingstoke: C.J. Jacob, 1889).

²⁶ Baigent and Millard, *Basingstoke*, 571-718.

²⁷ G. N. Godwin (Rev.). *The Civil War in Hampshire (1642-1645) and The Story of Basing House*. (London: Elliott Stock, 1882).

²⁸ William Paulet, Marquess of Winchester built Basing House, and the village is described in detail in Chapter 5, Basingstoke Division.

²⁹ D. Keene. *Survey of Medieval Winchester* (Oxford: Oxford University Press, 1985).

³⁰ See the section on the Catherine Wheel Inn, Kingsgate Street, Winchester in Chapter 7, Winchester (Fawley) Division. It is surprising how many individuals' records occur on various genealogical websites, such as www.Ancestry.co.uk and www.FindMyPast.co.uk. Used with care, these records can illuminate the spread of a family in an area and help clarify their place in society through familial occupations and marriages.

Tom James's³¹ acutely observed history of Winchester avoids the enormous detail of Keene's survey whilst bringing the city's heritage up to date with recent discoveries, and his work was preceded by Adrienne Rosen's PhD thesis and subsequent long essay charting the decline and gradual rise of Winchester between 1520 to 1700 which employed helpful themes such as 'expanding markets' and 'economic and social problems' although a more thorough conclusion to her essay would have been welcome.³²

Unfortunately, the majority of Hampshire Churchwardens' Accounts from the sixteenth century have not survived, but those few that did were transcribed and commented on by J. W. Williams³³ and give an insight into the work carried out by both clerics and churchwardens in fulfilling their parish obligations. Although recognisable names are few and far between, these records highlight the income and expenditure for a number of small parish churches which helps to understand the worries of churchwardens whose role it was to implement the bishops' decrees and maintain the fabric of the church whether decorated or stripped leaving limited resources. The *ne plus ultra* of descriptive church accounts are those contained in Eamon Duffy's *The Voices of Morebath* which 'bear all the hallmarks of being transcripts of a spoken text' and reading the two books in parallel has been another method of understanding how a parish managed itself.³⁴

There is a section on the Isle of Wight in the Victoria County History of Hampshire, but otherwise few academic histories exist of the Isle of Wight, more often a short chapter is tacked on to the end of a general work, so by far the most useful documents have been Jack Davies Jones's³⁵ dissertation and the memoirs of Sir John Oglander,³⁶ both of which cover the early modern period, although from completely different aspects.

³¹ T. B. James. *Winchester from Prehistory to the Present* (Stroud: The History Press, 2009).

³² A. Rosen. "Economic and Social Aspects of the History of Winchester, 1520-1670", PhD diss., (Oxford, 1975), and "Winchester in Transition, 1580-1700", in P. Clarke (ed.). *County Towns in Pre-Industrial England* (Leicester: Burns and Oates, 1981), 144-195.

³³ J. F. Williams. *The Early Churchwardens' Accounts of Hampshire* (Winchester: Warren and Son, 1913).

³⁴ E. Duffy. *The Voices of Morebath, Reformation and Rebellion in an English Village* (New Haven: Yale University Press, 2003), 17-46.

³⁵ J. Davies Jones, "The Isle of Wight, 1558-1642", PhD diss., University of Southampton, 1978.

³⁶ Carisbrooke Castle Museum. Og.271a, Oglander, Sir John, *The Oglander memoirs: extracts from the mss. of Sir J. Oglander, kt.*, https://archive.org/stream/oglandermemoirse00oglaiala/oglandermemoirse00oglaiala_djvu.txt.

Oglander's observations (as he called them) start around 1622, only a few years before the courts were closed, and they continue until 1652, eight years before the courts reopened in 1660, so even though his memoirs were written after the period of the court cases considered in this thesis, his perspective is that of a mature man looking back at how his world and that of his neighbours had changed since his birth in 1585. Oglander did not foresee his observations becoming available to an audience wider than his family and they are all the better for his unvarnished descriptions of his neighbours, both gentry and a few ordinary folk. His pithy comments enabled me to add texture to descriptions of some islanders who appeared at Winchester, or to add context to their reasons for bringing cases. We know through Oglander, for example, that Sir George Carey (Captain of the Island between 1582/3 and 1603) was extremely hospitable to those he perceived to be his peers on the island but comes across as less generous an employer in the case of Kemp versus Thomas, analysed in Chapter 6, Isle of Wight Division. Carey's arrogance eventually alienated him from the local gentry.³⁷ The yawning gap between the tightly knit gentry of the Island and those who worked for them lasted longer than it did on the mainland; cultural change and the evolution of the middling sort was slow, the manorial system remained strong and the imposing military presence on the Island throughout the sixteenth century may have all been contributing factors, but there is very little Island social history either contemporaneous or modern in print.

Finally in this review of Hampshire focussed literature, two PhD dissertations have been especially useful in charting the relationships between Protestants and Roman Catholics in Hampshire from the early sixteenth to the mid-seventeenth century. Susan Parkinson³⁸ contrasted people's religion in Winchester and Southampton between 1558 and 1603 and concluded that Southampton embraced Anglicanism relatively quickly, in sharp contrast to Winchester. James Owens³⁹ covered the whole of the diocese between 1520 and 1641 concluding that it took residents of Winchester almost a century to accept religious transformation. He argues that it was the presence of the bishop and cathedral in their midst, and the dilatory introduction of changes to the diocese's legal and institutional

³⁷ F. Bamford. *A Royalist's Notebook, the Commonplace Book of Sir John Oglander, Kt., of Nunwell*. (London: Constable & Co. Ltd., 1936), 90. HRO 21M65/C3/11, 448-450, Kemp v Thomas.

³⁸ S. K. Parkinson. "The religion of the people in Winchester and Southampton, c.1558-c.1603", unpublished PhD diss., University of Southampton, 2003.

³⁹ J. C. Owens. "Between King and Conscience: Law, Politics and Community in Early Modern England's Diocese of Winchester 1520-1641", PhD diss., University of Virginia, 2005.

structure as well as the generally poor state of rural clergy, to drive the process that made acceptance of Anglicanism such a long drawn out and piecemeal affair. Both writers agree that implementation was generally peaceful, Catholics were often fined but not harmed, and cooperation and compromise eventually prevailed.

Diocesan and Geographically Specific Literature

Numerous historians have analysed consistory caseloads in dioceses throughout the country and their focus has most often been on specifics such as the volume of defamation, matrimonial or tithe cases overall within the whole area and there has been little specificity about how specific landscapes and work/life patterns affected court caseloads. Richard Wunderli's⁴⁰ book on the London Church Courts which describes the complex hierarchical structure of the Archbishop of Canterbury's Courts around 1500 and Ronald Marchant's⁴¹ assessment of the Diocese of York are both useful comparators to processes in the Winchester diocese, and provide evidence that whilst each diocese had slightly different ways of administering their courts the proportionality of their caseloads was similar with matrimonial and defamation cases being preponderant. It is the way that court process has been used as the foundation in contextualising each case within its own landscape through the depositions of plaintiffs, defendants and witnesses that makes this thesis unique.

Autobiographical and semi-autobiographical records have been key elements, even though very few are Hampshire-based. Sir John Oglander's⁴² memoirs are almost unique in describing life on the Isle of Wight from his privileged position as a member of the gentry and Member of Parliament on an island where education for the poorer sort was sparse at best. The recordings of clerics, such as Ralph Josselin of Earls Colne, Essex⁴³ and Sir Christopher Trychay of Morebath, Devon⁴⁴ or lay people such as Richard Gough,⁴⁵ Samuel

⁴⁰ R. Wunderli. *London Church Courts and Society on the Eve of the Reformation* (Cambridge, Mass: Medieval Academy of America, 1981).

⁴¹ R. A. Marchant. *The Church under the Law: Justice, Administration and Discipline in the Diocese of York, 1560-1640* (Cambridge: Cambridge University Press, 1969).

⁴² J. Oglander (Sir). *"The Oglander memoirs: extracts from the mss. of Sir J. Oglander, kt"*. https://archive.org/stream/oglandermemoirse00oglaiala/oglandermemoirse00oglaiala_djvu.txt. Accessed July 4th, 2018.

⁴³ A. Macfarlane. *The Family Life of Ralph Josselin: An Essay in Historical Anthropology* (Cambridge: Cambridge University Press, 1970).

⁴⁴ E. Duffy. *The Voices of Morebath, Reformation and Rebellion in an English Village* (New Haven: Yale University Press, 2001).

Pepys⁴⁶ and the aristocrat Lady Anne Clifford,⁴⁷ are important for their observations on their families, servants and local community. Josselin and Trychay wrote from different perspectives – Josselin was greatly concerned with his own family and close kinship (he seemed to have little interest in his wider family network, or his wife’s family) and accumulating wealth. His edited diaries have less content regarding his relationship with his parish; other than he was dutiful and attempted to adapt to the church’s inconsistent instructions as best he might. Trychay is much more colourful; beloved by his Devon parish for his fifty-four years’ service to them, both as Catholic and Protestant, he concerned himself with all their doings, was unafraid of speaking up for them both politically and spiritually and Eamonn Duffy brings the village and its parishioners vividly to life between 1530 and 1580. The chance survival of bundles of letters by the gentry Verney family of Buckinghamshire gave Adrian Tinniswood⁴⁸ the opportunity to piece together a social history of the seventeenth century and the Civil War from the people who saw it at first hand, and his book is compelling and fascinating, setting the world of a gentry family in the middle of a time that he describes in the title as ‘love, war and madness’.

Lay contemporary sources, whilst mentioning ordinary people, tended to write about the affairs of their social contemporaries and it has been left to historians such as Keith Wrightson⁴⁹ to reconstruct the life of Ralph Taylor, a scrivener who worked diligently throughout an outbreak of the plague in 1636 in Newcastle-upon-Tyne, a recurring epidemic which also rampaged through Hampshire periodically from the 1580s to 1700.⁵⁰ Wrightson’s description of the lives of townspeople affected by plague makes for harrowing reading, which must have been replicated in almost every town in Hampshire to a greater or lesser degree.

The remarkably well-preserved parish registers of Terling, a small market town in Essex, led Keith Wrightson and David Levine to reconstruct community life between 1525 and 1700

⁴⁵ R. Gough, D. Hey, (ed.). *The History of Myddle* (London: Penguin Books, 1981).

⁴⁶ P. Gyford (ed). S. Pepys. *The Diary of Samuel Pepys*, <https://www.pepysdiary.com/diary/>. Accessed 07 March 2019.

⁴⁷ D. J. H. Clifford and A. Clifford (Lady). *The Diaries of Lady Anne Clifford* (Stroud: Sutton Publishing, 2003).

⁴⁸ A. Tinniswood. *The Verneys, A True Story of Love, War and Madness in Seventeenth Century England* (London: Vintage, 2008).

⁴⁹ K. Wrightson. *Ralph Taylor’s Summer, A Scrivener, his City and the Plague* (New Haven: Yale University Press, 2011).

⁵⁰ T. B. James. *Winchester From Prehistory to the Present* (Stroud: The History Press, 2009), 181/182.

through the village's demographic structure, economy, social system, changing relationships with the outside world through education and religion and kinship, gender and social relationships.⁵¹ A similar format, but in a slightly larger urban environment was used by David Underdown in his history of Dorchester after the great fire that consumed it in 1613; the religious and political turmoil which beset the townspeople and their endeavours to live a more godly, civil life are beautifully reconstructed, as is its dependence on the cloth industry, making parallels with Basingstoke and Winchester inevitable.⁵²

Patriarchy and women's roles in consistory court cases

In the early sixteenth century patriarchy was still the linchpin which bound together not only husband and wife, but monarch and subject and an orderly family was not just a cultural symbol but fundamental to the trope of an orderly nation. But authority shifts, sometimes it is benevolent and sometimes more despotic and even as men sought to assert their primacy in the family and in society, it was being increasingly eroded by women whose exposure to influences outside the home and education gave them the self-confidence to stand up for themselves.⁵³ A key point in this thesis is the unintended consequence of a consistorial court system which enabled women in an age when they had few legal rights, and how this agency in post-Reformation France and England was a catalyst which subtly but irrevocably shifted the overarching concept of patriarchy. Only nine matrimonial cases were lodged by men in the 1580's in Winchester, but, except in the Basingstoke division, a greater proportion of witnesses were male, giving weight to the (not entirely justifiable) argument that defamation was a women's matter whilst the difficulties of matrimony were still largely underpinned by patriarchal custom.⁵⁴ The wealth of case studies that are quoted not only from Richard Wunderli and Laura Gowing's

⁵¹ K. Wrightson and D. Levine. *Poverty and Piety in an English Village, Terling 1525-1700* (Oxford, Clarendon Press, 1995).

⁵² D. Underdown. *Fire from Heaven, Life in an English Town in the Seventeenth Century* (London: Fontana Press, 1993).

⁵³ In defamation cases, there were 34 female plaintiffs in the three divisions analysed in this thesis (Basingstoke, Fawley and Isle of Wight) and 15 male plaintiffs in 1580. As Richard Wunderli comments in relation to defamation cases: 'the commissary court in the early sixteenth century was becoming a women's court [...] the drift away from church courts by males meant the commissary court perhaps was no longer a court worthy of serious consideration'. R. Wunderli, *London Church Courts and Society on the Eve of the Reformation*, (Cambridge, Mass: The Medieval Academy of America, 1981), 76.

⁵⁴ In the 1580s, men instigated nine matrimonial cases, women only six, in the three divisions analysed, and forty-six men appeared as witnesses, and only eighteen women.

focus on London, but from dioceses all over England give comparable evidence. Both Elizabeth Foyster and Alexandra Shepard in their books on manhood and the patriarchal system discuss early modern books and pamphlets that defined the ideals of a patriarchal system both publicly and privately, and both explore how domestic reality was often more companionate than the often espoused idea of separate spheres.⁵⁵ Status and gender were displayed publicly and privately every day informing, contesting and restructuring gender identities and dislocation of any of these factors could be sufficient reason to fear loss of face and seek retribution through the ecclesiastical court. For some further rebuttal of the trope of separate spheres, Amanda Flather's book on gender relations and space particularly in domestic, social and sacred spaces has illuminated an understanding of the complexities of some depositions and helped answer the question 'why did that happen?' which confronted me when trying to untangle complex cases.⁵⁶

Authors such as Laura Gowing, Joanne Bailey, Bernard Capp, Alexandra Shepard and others have all observed that as the seventeenth century unfolded female litigants became more proactive in bringing their own cases to the courts particularly in urban dioceses like London.⁵⁷ G. R. Quaipe concentrated on female sexuality recorded in both Quarter Sessions and Consistory Court cases in Somerset (diocese of Bath and Wells), between 1601 and 1660.⁵⁸ Somerset in many ways is analogous to Hampshire, both largely agricultural counties with similar topographies, remote from London, and dotted with numerous small parishes presenting versions of similar complaints to the courts. Meticulously researched, and including long verbatim passages from depositions, Geoffrey Quaipe's colourful style is more anecdotal than statistical and eminently readable but excludes a rich mine of West Country defamation cases.

⁵⁵ E. Foyster. *Manhood in Early Modern England: Honour, Sex and Marriage* (London: Longman, 1999). A. Shepard. *Meanings of Manhood in Early Modern England* (Oxford: Oxford University Press, 2003).

⁵⁶ A. Flather. *Gender and Space in Early Modern England* (Woodbridge: Boydell Press, 2007).

⁵⁷ L. Gowing. *Domestic Dangers, Women, Words and Sex in Early Modern London* (Oxford: Oxford University Press, 1996), and *Gender Relations in Early Modern England* (London: Taylor and Francis, 2012), and *Common Bodies, Women, Touch and Power in Seventeenth Century England* (New Haven: Yale University Press, 2003). J. Bailey. *Unquiet Lives, Marriage and Marriage Breakdown in England, 1660-1800* (Cambridge: Cambridge University Press, 2003). B. Capp. *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003). A. Shepard. *Meanings of Manhood in Early Modern England*. G. R. Quaipe, *Wanton Wenches and Wayward Wives, Peasants and Illicit Sex in Early Seventeenth Century England* (London: Croom Helm, 1979).

⁵⁸ Quaipe. *Wanton Wenches and Wayward Wives*.

Social change happened unevenly in provincial rural areas where patriarchy was most entrenched and women took longer to realise their capability and empower themselves. This was particularly true of the Isle of Wight where tradition and local custom prevailed longer than on the manland.⁵⁹ During the period covered by this thesis there were many instance cases brought to Winchester by female plaintiffs where she either did not appear in person at all or a parent or other close relative spoke on her behalf.⁶⁰ There are undoubted comparisons to be drawn between Quaife's women of Somerset and those of Hampshire, but generally perhaps women in rural France were bolder, enfranchising themselves more quickly as Susanna Lipscomb and Natalie Zemon Davies suggest in their studies of French women.⁶¹ If female empowerment started earlier in some areas of mainland Europe, urban England (particularly London) was not far behind, an observation that Laura Gowing endorsed in her studies of women at the church courts in London.⁶²

Even so, women were often categorised only as, for example, 'the tailor's wife' although this was often to give credence, as Alexandra Shepard points out, to an impression being made about both male and female witnesses based on their self-declaration of monetary wealth and possessions.⁶³ Taking a wider view of women's involvement with the multiplicity of courts during the Tudor and Stuart periods, Jenny Kermode and Garthine Walker edited a selection of essays which look at criminal court prosecutions for theft, witchcraft, war widows' compensation and the role of the Court of Requests in hearing customary cases, all of which are largely outside the scope of this thesis, but also at slander legislation and the role played by church, manorial and borough courts in dealing with

⁵⁹ Chaper 6, Isle of Wight division gives several examples of the tighter grip held by patriarchs. The case between Alice Williams and Edmund Pinkforde is particularly interesting in this regard. HRO 21M65/C3/9.

⁶⁰ HRO 21M65/C3/9, 64-5, Pulter v Reve (Neve). A typical matrimonial case brought by Alice Pulter from the tiny rural village of Mattingley in July 1572 regarding her marriage to William Reve. William spoke up in court about having to wait for goodwill from Alice's father and an alleged promise of a house and 'kyne' for them, but it was Alice's brother James (for whom Alice was working as a servant) who gave the evidence on her behalf that drove William to admit that they were 'lawfully contracted as man and wyffe' already, forcing his hand to get a licence and go through the church wedding ceremony in order to get his cattle. William's definition of 'lawfully contracted' may have related to a spousal being carried out some time earlier, but what he absolutely confirmed by his words was that they had regularly had sexual relations. If Alice was present she did not speak either to confirm or deny William's statement.

⁶¹ S. Lipscomb. *The Voices of Nimes*. N. Zemon Davis. *Fiction in the Archives, Pardon Tellers and their Tales in Sixteenth Century France* (Cambridge: Cambridge University Press, 1987).

⁶² L. Gowing. *Domestic Dangers*.

⁶³ A. Shepard. *Accounting for Oneself* (Oxford: Oxford University Press, 2015), 2.

scolds, or as Martin Ingram described them 'brokers of gossip, makers and breakers of reputation'.⁶⁴ Vexatious litigants and parish troublemakers, though not exclusively female, were not a modern concept; intrusive and even obsessive scrutiny of and by neighbours was part and parcel of community life, even though numerous defendants excused their behaviour on the grounds of moral principle, reputational defence or their selfless efforts to uphold the good name of their community.

Emergence of the Middling Sort and the gradual decline of patriarchy.

Ian Forrest's book on 'trustworthy men' in the late medieval period emphasised the role played by community elders who acted as intermediaries between the bishops and local parishes.⁶⁵ These men, usually the wealthier tenants and landowners in a parish and whose word could be trusted, were empowered to keep the bishop informed of local affairs (and, presumably, *vice versa*), a role they carried out alongside other parochial duties. Their legacy endured into the early modern period, doubtless accentuating the gap between social groups in the parish but this inequality (as Forrest terms it) allowed them to act as a first line of arbitration before a court case proceeded, or as in the Swallowfield Articles⁶⁶ empowered them to attempt to prescribe local rules of behaviour outside the confines of the church itself as an underpinning of parish politics. Respected men were forerunners of the rising middling sort forming a buffer between the aristocracy and gentry and poorer working men and labourers, although doubtless parishioners could have been excused for thinking that they were exchanging one set of rulers and rules for another equally constrictive set.⁶⁷

In recent years, much more research has been published on the middling sort. In 2006 H. R. French comprehensively explored and expanded on more recent research than E. P. Thompson's seminal study of the 'making of the working class' originally published almost

⁶⁴ M. Ingram. "Scolding women cuckolded or washed": a crisis in gender relations in early modern England", in J. Kermode and G. Walker, (eds.). *Women, Crime and the Courts in Early Modern England* (Chapel Hill: University of North Carolina Press, 1994). B. Capp, *When Gossips Meet*, 269.

⁶⁵ I. Forrest. *Trustworthy Men, How Inequality and Faith made the Medieval Church* (New Jersey: Princeton University Press, 2018).

⁶⁶ Hindle. "Hierarchy and Community in the Elizabethan Parish: The Swallowfield Articles of 1596".

⁶⁷ S. Hindle. *The State and Social Change in Early Modern England 1550-1640* (Basingstoke: Palgrave, 200), 204-215.

forty years earlier.⁶⁸ A collection of essays edited by Jonathan Barry and Christopher Brooks examines the culture, society and politics of the middling sort between 1550 and 1800, arguing that ‘middle-class formation may have grown more from interrelationships within the middling sort [particularly in urban areas] than from relationships with those above or below them’.⁶⁹ However, in rural areas such as most of Hampshire, the majority of the population comprised poorer people with a small cohort of landed gentry, leaving limited space or opportunity for a society in the middle to evolve. Demonstrably, though, some depopulation of rural areas (particularly the Isle of Wight) where enclosures, poverty, increasing birth-rate and the lack of consistent governmental structure led to urban migrations where the ‘mutability of social alignment and the plasticity of social identity’ were more attainable.⁷⁰

Bernard Capp and Martin Ingram also contribute to the debate whereas Anthony Fletcher takes a slightly different viewpoint by making use of contemporary literature, including Shakespeare as well as numerous case studies to ‘analyse the elaborate and rigid schemes of gender construction which marked [the gentry] off from the masses, which he ascribed to the ‘alliance of squire and parson’ after the Civil War.’⁷¹

Both Fletcher’s and Ingram’s work may have influenced Keith Thomas’s recent book on the increasing importance of civility and kindness following the Restoration which demonstrated how a cultural change in the higher ranks of society percolated through to ordinary people and hastened the decline of the courts.⁷² In 1989 Patrick Collinson suggested it was time to reintegrate political and social history starting from the parish up,

⁶⁸ H. R. French. *The Middle Sort of People in Provincial England 1600-1750* (Oxford: Oxford University Press, 2007). E. P. Thompson. *The Making of the English Working Class* (London: Penguin, 2013).

⁶⁹ J. Barry and C. Brooks (eds.). *The Middling Sort of People Culture, Society and Politics in England, 1550-1800*. (Basingstoke: Macmillan, 1994), 24-5.

⁷⁰ K. Wrightson. “‘Sorts of People’ in Tudor and Stuart England”, in J. Barry and C. Brooks. *The Middling Sort*, 50.

⁷¹ Capp. *When Gossips Meet*. M. Ingram. “Reformation of Manners in Early Modern England” in P. Griffiths, A. Fox and S. Hindle (eds.). *The Experience of Authority in Early Modern England*, (Basingstoke: Macmillan, 1996), 47-88. A. Fletcher. *Gender, Sex and Subordination in England, 1500-1800*. (New Haven: Yale University Press, 1995), 283.

⁷² K. Thomas. *In Pursuit of Civility: Manners and Civilisation in Early Modern England* (New Haven: Yale University Press, 2018).

an observation made as a result of his discovery of the Swallowfield Articles.⁷³ Six years later Keith Wrightson took up this theme, arguing that it is invidious to concentrate on the politics of a village without examining the 'social relationships and the culture which informs them' which seems fundamental in view of research since.⁷⁴

Studies of matrimonial and defamation cases.

A crucial part of the maintenance of societal good order was the community role played in the ritualized processes that began with courtship, continued frequently with a formal spousal and culminated in a church marriage. The closer a couple's relationship became, the more (albeit, usually, well-meaning) interference there was not only from immediate family members but also friends, members of kinship related groups, local respected men, neighbours and parishioners. All these people felt they had the community's best interests in heart in either supporting the proposed match or in doing their best to end it. Goodwill had to be obtained from as wide a circle as possible and only then could the couple proceed to the first public stage of a spousal or betrothal ceremony from which point the union was accepted by the community as the formal precursor to a church wedding ceremony and before that happened negotiations between families had to be undertaken to ensure suitable dowries were forthcoming. At the other extreme young women were sometimes physically removed from their home and parish in order to prevent them meeting an undesirable suitor and, possibly, becoming pregnant and young men sent to work away from the parish to cool their ardour.

After a spousal (often known as a 'handfasting', signifying the linking of hands to form a union), as Martin Ingram says 'an indissoluble union [was] created solely by the consent of the two parties expressed in words of the present tense – a contract of marriage or spousals *per verba de praesenti*'.⁷⁵ It was commonly expected that the marriage service would take place within six months; sexual intercourse was tacitly accepted and couples deemed to be man and wife, so a six month interval was short enough to ensure that a quick pregnancy would not lead to an illegitimate birth.

⁷³ Hindle. "Hierarchy and Community in the Elizabethan Parish: The Swallowfield Articles of 1596". P. Collinson. *De Republica Anglorum: Or, History with the Politics Put Back* (Cambridge: Cambridge University Press, 1990).

⁷⁴ K. Wrightson. 'The Politics of the Parish in Early Modern England' in Griffiths, Fox and Hindle (eds.). *The Experience of Authority in Early Modern England*, 10-46.

⁷⁵ Ingram. *Church Courts, Sex and Marriage*, 132.

At the time of the cases studied in this thesis the Reformation in Hampshire was still incomplete – Winchester was slow to move from Catholicism although some rural areas with Anglican clergy moved faster, taking on board the Protestant wedding liturgy which was first established in the Prayer Book of 1549.⁷⁶ The words repeated by a couple in front of witnesses at a spousal ceremony were incorporated into the wording in the Book of Common Prayer, with some additions and gradually a spousal exchange of vows became superfluous, leaving an exchange of goods, tokens or money (or promises to do so) and sometimes a celebratory meal as the first step towards a church wedding.

The church wedding ceremony was the legal ratification of the intention to marry and moved from the church porch (where previously it had been witnessed by family, friends and parishioners standing in the churchyard) into the body of the church where the necessity for a big congregation was removed, although not prohibited.

Although of course most parents wanted their children to be happy with their marriage choices, there was a lot more at stake than love alone and that is why it is important to understand why such communal pressure was placed on couples. There is no single reason, but the closest argument is one of ‘fit’. Did this joining together of two people enhance both their family and community status? Would a new family arising from this union bring more stability and prosperity to the area or would ‘bad blood’ be detrimental to the community? Would the couple’s health and potential earnings make them self-sufficient or would they become a drain on the parish? What skills and experience could either partner bring to a marriage that would benefit themselves and their community? These and other questions were fundamental in gaining local approval to a marriage and lack of such approval could result in loss of reputation for both the couple and the families they came from.

Diana O’Hara’s *Courtship and Constraint*, Joanne Bailey’s *Unquiet Lives* and Lawrence Stone’s *Road to Divorce*⁷⁷ all emphasise the customisation of the marriage process in early modern England, from the negotiations that took place during courtship to the spousal and

⁷⁶ The Book of Common Prayer – 1549. www.justus.anglican.org, np. Accessed 5 February 2022.

⁷⁷ D. O’Hara. *Courtship and Constraint; rethinking the making of marriage in Tudor England* (Manchester: Manchester University Press, 2000). J. Bailey. *Unquiet Lives*. L. Stone. *Road to Divorce, A History of the Making and Breaking of Marriage in England* (Oxford: Oxford University Press, 1990). A. Macfarlane, “The regulation of marital and sexual relationships in seventeenth-century England, with special reference to the County of Essex” (M.Phil. diss., University of London, 1968). K. Wrightson. *English Society, 1580-1680*. (London: Routledge, 2003).

the final solemnization in church, and their views are backed up by many case studies and frequent reference back to historians such as Alan Macfarlane, Keith Wrightson, Ralph Houlbrooke, Martin Ingram and Laura Gowing. Particularly useful in O'Hara's book is her chapter on the language of the exchange of tokens as part of the courtship process, and an appendix lists the types of gifts and tokens, their specific cultural meaning and monetary values, a part of the betrothal process frequently used in evidence in Hampshire cases. She also examined the role of go-betweens and 'brokers' who helped promote marriage and whose role as witness was vital in a consistory court case. Joanne Bailey used many of the same writers to underpin her reassessment of marriage, picking up on the ongoing debate about whether marriage truly provided women with a sense of empowerment, and the question of whether even if they made a substantial contribution to the marital partnership their husbands still controlled material resources and monetary profit. Her chapter on the consequences of failed marriage persuasively argues that women were not always victims, but could and did reinvent themselves, albeit not necessarily with the same economic status, and that separated husbands who also missed the co-dependency of a companionate relationship were more likely than women to find a replacement.⁷⁸

Recently, Alexandra Shepard has used over thirteen and a half thousand depositions to English courts to assess how people accounted for their 'worth' particularly in relation to divisions of labour between men and women and her work adds more substance to perspectives on social inequality.⁷⁹ Her view contrasts sharply with that of Lawrence Stone, whose *Road to Divorce* and the earlier *The Family Sex and Marriage in England, 1500-1800*⁸⁰ whilst scholarly in both research and content, controversially argued that marital relationships in the sixteenth century were often cold and distant, only becoming more companionate and physically closer in the seventeenth century. His contention was also disparaged by Diana O'Hara who asserted that people do not fundamentally change and to argue that marriage must have become more loving because the number of wife-beating cases diminished (as Stone implies) is somewhat specious, as by the eighteenth-century violence and cruelty cases were heard by the Quarter Sessions where punishments could be greater. In the period 1550 to 1700 only a few cases of wife-beating were

⁷⁸ J. Bailey, *Unquiet Lives: Marriage and Marriage Breakdown on England 1660-1800* (Cambridge: Cambridge University Press, 2003), 168-193.

⁷⁹ A. Shepard. *Accounting for Oneself, Worth, Status and the Social Order in Early Modern England* (Oxford: Oxford University Press, 2015).

⁸⁰ L. Stone. *The Family, Sex and Marriage in England, 1500-1800* (New York: Harper and Row, 1977).
D. O'Hara. *Courtship and Constraint*.

recorded in the Winchester consistory court, far less than in – for example - the diocese of York over the same period, even adjusting the figures for population differences. Of course, this does not imply that more serious cases before 1700 did not occur in Hampshire, but if they were indicted to a higher court, such as the Quarter Sessions the records have not survived in any number and are outside the parameters of this thesis.

Many of the books and articles cited on matrimony are also relevant to defamation; the process of taking a case to the consistory court was identical no matter what the subject matter.⁸¹ Sara Heller Mendelson, in a short preamble to two defamation case transcripts, when reminding readers of the danger of taking at face value the depositions of witnesses (both male and female), points out that although accusing another of being a whore was an allegation of prostitution, it was such a common insult giving rise to cases, it often had more to do with the plaintiff losing face in the community rather than a serious accusation of persistent immorality.⁸² To allege witchcraft had the same connotations. It depended on the circumstances of the accusation which could range from almost a compliment to the most vicious insult. Some plaintiffs were far more sensitive to such accusations than others; it might have been a 'last straw' attack on a personal reputation before the case was brought or equally it might have depended on the cultural values in an area at the time – Hampshire people seemed relatively immune to panics over alleged witchcraft and very few cases were pursued. Keith Thomas's book on religion and the decline of magic explains the linkages between Catholicism and witchcraft, which became less and less powerful as Protestantism became the prescribed religion.⁸³

Frequently, as Laura Gowing adds, defamation litigation was evidence of 'the pollution of ideals of neighbourliness by malicious dispute'.⁸⁴ Both Mendelson, Gowing and historians such as Bernard Capp⁸⁵ emphasise the animosity, sometimes prolonged over years, between residents of a tight-knit community, the roots of which may almost have been

⁸¹ Testamentary and tithes cases, and the church fabric cases did not usually need numerous witnesses.

⁸² S. Heller Mendelson. "'To shift for a cloak', Disorderly women in the church courts", in V. Frith (ed.). *Women and History*, 3-18.

⁸³ K. Thomas. *Religion and the Decline of Magic* (London: Penguin, 1991).

⁸⁴ L. Gowing. "Language, Power and the Law: women's slander litigation in early modern London" in J. Kermode and G. Walker (eds.). *Women, Crime and the Courts in early modern England* (North Carolina: University of North Carolina Press, 1994), 26-47.

⁸⁵ Capp, B., *When Gossips Meet*.

forgotten. Fiona Williamson⁸⁶ adds more depth with her emphasis not only on what was said but where, and how ‘contemporaries were able to harness abstract notions of place and use them to their best advantage’.⁸⁷ Place, in this example, referred not only to outbursts made in public or private arenas, but also to the ability to jockey for or secure inclusion at a particular level within a community by demonstrating power over others. This is what Keith Wrightson⁸⁸ referred to as the ‘hierarchy of belonging’ in his essay on parish politics, although he was less convinced about the ability to move up and down within that hierarchy than Williamson who saw ‘social mobility in both directions as a fact of life for everyone’.⁸⁹ Alan Everitt saw social mobility not necessarily on a vertical scale, but quite frequently horizontally, due to physical migration from areas of poverty to areas where the prospect of work was better, and enterprising and hard-working people often managed to improve their lives away from their home parish, then might marry into a slightly higher rank and so began a climb towards the middling sort. He saw different patterns in counties where there was a well-established gentry who tended to marry within their own group, and counties where this was not the case and new blood was welcome to bolster fading families. Memorably, Everitt describes this as ‘a flowing lava of local society’ tending to solidify after a couple of generations, when the process might begin again.⁹⁰

Summary

All the studies consulted in this historiographical overview have enriched my understanding of daily life in both rural and urban environments in a fairly slow-growing provincial diocese of England during a period of religious, political and social turbulence. Susanna Lipscomb quotes Emmanuel Le Roy Ladurie as likening ‘the value of each testimony [made to a consistory court] to *pointillisme*, tiny dots that together produce a

⁸⁶ F. Williamson. “Parish Politics, Urban Spaces and Women’s Voices in Seventeenth-Century Norwich”, in B. Kane and F. Williamson (eds.). *Women, Agency and the Law, 1300-1700* (London: Routledge, 2013), 125-141.

⁸⁷ Williamson, “Parish Politics”, 140.

⁸⁸ Wrightson, “The Politics of the Parish in Early Modern England”.

⁸⁹ Williamson, “Parish Politics”, 140.

⁹⁰ A. Everitt. “Social Mobility in Early Modern England”, *Past & Present*, 33, (1966), 56-73. <https://www.jstor.org/stable/649802>.

great deal of luminosity and brilliance of colour'.⁹¹ Her description seems as apt a metaphor in rural Hampshire as in France. and these *pointillismes* will be examined in greater detail in the following chapters which concentrate on diverse Hampshire topographies.

⁹¹ Lipscomb. *The Voices of Nimes*, 28 and 31. Her quote is taken from E. Le Roy Ladurie. *Montaillou, village occitan 1294 à 1324*, (Paris, 1975) although no page number of this edition is given.

Chapter 3: Diocese of Winchester



Map 1– John Speed's map of Hampshire, 1610¹

Analysing the work of the consistory court through the depositions of people who had reason to be there in conjunction with the societal, political and religious issues of the area is an immensely interesting undertaking. But weaving the strands together to answer the question posed by the thesis title means contextualising the role of the diocese from the viewpoint of its population and the topography that made Hampshire a key part of the national economy in the early modern period.

The diocese of Winchester was founded in 676 CE and its geographical boundaries have changed very little since then. It included the whole of Hampshire and the Isle of Wight plus the (now theologically separate) Channel Islands and small pieces of Surrey, Dorset and around Southwark in London. Winchester with its cathedral was the centre of

¹, J. and M. Norgate. John Speed's map of Hampshire, 1610, <https://www.oldhampshiremapped.org.uk/hantsmap/speed1/SPD1SMAF.htm> Accessed 07 May 2020.

administration, both secular and spiritual, augmented by civil courts in Southampton, Portsmouth, Basingstoke, Andover, Romsey and Newport, Isle of Wight and there were regular Archidiaconal visitations to each parish at which local churchwardens and other officials (tithingmen, parish constables, bailiffs and local worthies) raised matters pertaining to the spiritual rectitude of parishioners.

Topography

The diocese covers just over one million acres² including approximately 94000 (38000 hectares) on the Isle of Wight³ and the topography varies from north to south and east to west, from the North and South Downs with their chalk escarpments providing ideal sheep country and cattle grazing, gradually sloping towards the sea through clays and loams supporting arable farming, and woodland and river valleys. In early modern England the Isle of Wight's economy relied on a mixture of fishing, arable and livestock farming and gradually from the mid sixteenth century saw more enclosures replacing felled woodland.⁴ Lack of what Steve Hindle describes as an 'oligarchic aristocracy' left Isle of Wight gentry with almost free rein to manage their estates as they wanted, regardless of the impact on their employees' livelihoods and dearth years sometimes heralded pockets of de-population.⁵ As this thesis reveals, patchy manorial and ecclesiastical oversight were key factors in understanding why some island villages were over-represented in the consistory court than would have been expected given their small populations.

The huge flocks of sheep in the northern half of the county were vital for Hampshire's reputation for cloth-making, whilst the much more wooded south supported timber industries and considerable numbers of self-sufficient stock-keeping smallholders, although deforestation and a series of poor harvests caused serious problems of dearth in the later seventeenth century.⁶ Downland farms were generally large enough to support substantial

² A. Mee (ed.). *The Kings England: Hampshire with the Isle of Wight* (London: Hodder and Stoughton, 1949), 3.

³ J. Davies Jones. "The Isle of Wight, 1558-1642", PhD diss., University of Southampton, 1978, 6.

⁴ J. Davies Jones. "The Isle of Wight, 1558-1642", Abstract, np. He comments that by the end of the sixteenth century the 'rapidly dwindling woodland cut supplies of oak bark used in the tanning industry causing that industry to fade away', an example of the gentry's acceleration of enclosures to enable agricultural diversification.

⁵ S. Hindle. *The State and Social Change in Early Modern England, 1550-1640* (Basingstoke: Palgrave, 2002), 215.

⁶ Table 4 (Basingstoke Division) compares data drawn from the Hampshire Lay Subsidy Rolls of 1586 and 1607, from which eight of the northern Hundreds were compared. Sessors were only able to return 64% of the revenue in 1607 that they had collected in 1586.

numbers of husbandmen, waged and day labourers to work them, with successive generations settled in hundreds of parishes, whilst the cities of Winchester and Portsmouth had larger both domiciled and transient populations. Southampton had a rapid influx of foreigners - mainly skilled incomers from the Low Countries and France who took up permanent residence, joined the local guilds and were influential in the port's development. Although there was some fluidity of population as would be expected in a port, during the sixteenth century there were over one hundred Italians, up to two thousand French, and small numbers from the Netherlands, Spain and Germany all living in Southampton from a total population of around four thousand people.⁷

Economically of vital importance to central government and the county was the naval base at Portsmouth then, as now, the home of the Royal Navy and with a diverse population that catered for the needs of mariners. The large contingents of sailors both English conscripts and foreigners stayed only for as long as their ship was docked whilst the whole Solent area acted as an import/export centre linked to a network of roads criss-crossing southern England carrying goods and people *en route* to and from its ports. Trade between the Isle of Wight and the mainland was well established with regular ferries up and down the Solent, transferring people, animals and goods in each direction. This prosperity was precarious, however, as London capitalists who had used Southampton as their main port began to switch their trade to London forcing Southampton merchants to look for new business opportunities.⁸ Portsmouth, Southampton and Winchester also housed wealthy merchants, some with substantial properties requiring a range of servants, and these centres of population were hubs for itinerant salesmen and peddlers which, coupled with the plethora of inns and alehouses, often led to the altercations and transgressive behaviour which underpinned many court cases, both matrimonial and defamatory. Basingstoke was conveniently placed on the main road to London from the south and was also a junction for eastern and western routes from north Hampshire; numerous inns and alehouses in and around Basingstoke testify to travellers' constant need for lodgings and refreshment.

⁷ C. Lambert. <http://www.tudorrevels.co.uk/records.php>. and Anon. <https://www.localhistories.org/a-timeline-of-southampton/>.

⁸ A. Ruddock. "London Capitalists and the Decline of Southampton in the Early Tudor Period". *The Economic History Review*, 2 (1949), 137. <http://www.jstor.com/stable/2590103>. T. B. James. "The Town of Southampton and its Foreign Trade 1430-1540" in M. Hicks (ed). *English Inland Trade*, (London: Oxbow Books, 2015), 11.

As Kate Tiller points out, the doubling population of England between 1560 and 1640⁹ brought huge pressure on rural areas to increase crop production and improve animal husbandry. At the same time Hampshire's staple industry (cloth production) was declining, leaving the largely rural population victims of price inflation (caused by scarcity of product) on the one hand and land loss (through enclosure) on the other.¹⁰ Social structures needed to become more fluid to accommodate the new-found prosperity of those with land, whilst supporting the increasing numbers of the landless who lived by their labours at best, or from hand-to-mouth if not in complete poverty. It should be no surprise that resentment caused dissention and led to fractured social relationships, which could not necessarily be remedied locally within what Keith Wrightson called 'parish politics'.¹¹

Population

It has been estimated that the population of England and Wales in 1600 was just over four million and, according to Stephen Broadberry,¹² at the same date the population of Hampshire was 105,000, or 2.53 per cent of the total. These figures are extracted from the Cambridge Group for the History of Population and Social Structure's manorial data gathered nationwide to measure the speed of population recovery following the ravages of the Black Death.¹³ Just a century later in 1700 the population reached over five million,¹⁴

⁹ K. Tiller. *English Local History, An Introduction* (Stroud: Alan Sutton Publishing, 1992), 121.

¹⁰ T. B. James. *Winchester from Prehistory to the Present* (Stroud: The History Press, 2009), 117-8.

¹¹ K. Wrightson. "The Politics of the Parish in Early Modern England", in P. Griffiths, A. Fox and S. Hindle (eds.). *The Experience of Authority in Early Modern England* (Basingstoke: Macmillan, 1996), 10-47.

¹² S. N. Broadberry, 'English Medieval Population: Reconciling Time Series and Cross Sectional Evidence'. Accessed 31 October 2018, https://warwick.ac.uk/fac/soc/economics/seminars/seminars/conferences/venice3/programme/english_medieval_population.pdf, 24.

¹³ Broadberry, 'English Medieval Population', Accessed 31 October 2018, https://warwick.ac.uk/fac/soc/economics/seminars/seminars/conferences/venice3/programme/english_medieval_population.pdf, 24, and The Cambridge Group for the History of Population and Social Structure. Accessed 31 October 2018, <https://www.campop.geog.cam.ac.uk/> Hampshire population figures between 1377 and 1600 increased by only 0.17% against a national average of 2.2%, an indictment of the frequency and decimation of the plague in Hampshire. The horrors of the plague are revealed in a 1605 letter to Sir Henry Whithed describing the pathetic situation in Andover when ninety-four people became infected within three days, causing the town's officials to either shut them up at home or remove them to newly built 'in the feildes nyne several pest howses for the removeadge of the said infected' which 'amounted to xlvj persons' from two households who were 'shutt up and not able to relieve themselves'. Hampshire Record Series Volume 1, *Sir Henry Whithed's Letter Book, Volume 1 1601-1614*, (Hampshire County Council, Winchester, 1976), 40.

¹⁴ The Cambridge Group for the History of Population and Social Structure. Accessed 31 October 2018, <https://www.campop.geog.cam.ac.uk>

or an increase of 23 per cent despite the Civil War; attributed to increased urbanisation,¹⁵ immigration, the retreat of the plague, improved agricultural practices, and better communications which included the dissemination of health advice. Bucking the national trend, by 1700 Hampshire's population had only increased by around 9 per cent to just over 115,000.¹⁶

The following table highlights the distribution of population in Hampshire in 1600. These figures, coming as they do from various sources, can only be estimates.¹⁷ What they do show, very clearly, is that at least three out of every four people lived in a rural environment, and what small amount of manufacturing existed was largely through cottage industries. The obvious exception was Portsmouth and its naval shipbuilding work.

	Adult population		% of total population
Basingstoke	3000	Urban	2.8%
Portsmouth	2500	Urban	2.4%
Southampton	4000	Urban	3.8%
Winchester	6000	Urban	5.7%
Total	15500	Urban centres	14.8%
Isle of Wight	10000	Mostly Rural	9.5%
Total	79500	Other Rural/small towns	75.7%
Total Hampshire	105000		100%

Table 1: Estimated population of Hampshire, 1600, showing percentages of urban and rural inhabitants¹⁸

Administratively, Hampshire comprised seven divisions: Kingsclere, Basingstoke, Andover, Fawley, Alton, New Forest, Portsdown and the Isle of Wight. These divisions applied to civic administration, and each had its own Petty Sessions hearing minor cases outside the remit of ecclesiastical courts. In total eleven Parliamentary Boroughs, including two on the Isle of Wight, ensured local representation in central government. Specifically, this thesis compares the cases brought only from three of these divisions; the Isle of Wight, Fawley

¹⁵ The Cambridge Group 'Population 1680'. Figures taken from the Compton Census and Hearth Tax enumerations circa 1680.

¹⁶ The Cambridge Group, 'Population 1680'.

¹⁷ Sources for this table are given later in this chapter.

¹⁸ M. Grant. "The Small Towns of North Hampshire 1600-c.1800. Part 2: Population Growth and Urban Development, *Hampshire Studies* 64, (2009), 182-199. The Cambridge Group for the History of Population and Social Structure. Accessed 31 October 2018, <https://www.campop.geog.cam.ac.uk>.

(which includes Winchester and Southampton) and Basingstoke each with discrete topographies and occupational differences.

Although the management of rural areas was still predominantly through the manorial system, Winchester and other towns were administered by Mayors and Aldermen or Burgesses, supported by a Council. In a rural area everyone knew everyone else, even if only by reputation, and parish control was theoretically comparatively straightforward, but this, of course was not true of Winchester and the other urban areas, where governance was a more complex process dependent on the good offices of both church and state working together.

In the seventeenth century Hampshire consisted of 224 parishes, and the diocese also administered another 104 in Surrey, and Southwark.¹⁹ There were two censuses taken of the total number of communicants in the diocese before and after the Interregnum, the second of which is slightly later than the period covered by this thesis but is nevertheless indicative of the continuing importance of the church in its community and the duty of every parishioner to attend their local church. The first census, taken in 1603 indicates that of nearly 94000 adult inhabitants, 98.4 per cent were communicants, and a later summary from 1676 shows a slight drop to 94.1 per cent from a total of just over 150000 inhabitants.²⁰ These figures are probably not wholly accurate, depending as they did on the skill of each parish census taker and possibly some deliberate or accidental manipulation of the figures. What these figures do convey, though, is the importance of the church throughout the century in every community and, coerced or not, how over 90 per cent of those over the age of sixteen regularly presented themselves at church. The Cambridge Group's estimate assumes a Hampshire population of around 105,000 at the beginning of the seventeenth century, a difference of some ten per cent to the census figures which could possibly be accounted for, at least in part, by the omission of children from the census figures.²¹

During the period covered by this thesis, Winchester itself was well into a period of decline due to epidemics and growing poverty exacerbated by the failing cloth industry. The rise in

¹⁹ A. Thomson. "The Diocese of Winchester before and after the English Civil Wars", PhD diss., University of London, 2004, 312-316.

²⁰ Thomson, "The Diocese of Winchester", 129.

²¹ Cambridge Group for the History of Population and Social Structure. Accessed 31 October 2018, <https://www.campop.geog.cam.ac.uk>

immigration which many urban areas experienced largely passed Winchester by.²² Tom James estimated that early in the seventeenth century Winchester's population was just over 6000²³ (25 per cent less than the estimated 8000 in the mid twelfth century), and that of Southampton just over 4200 and also declining, whereas at the same time the population of Portsmouth was around 2500²⁴ and growing due to continental trade links and the presence of the Royal Navy. John Hare's updated contribution to the Victoria County History of Hampshire gives an estimate of 1850 communicants²⁵ in Winchester in 1603 a figure taken from diocesan population returns.²⁶ These three towns comprised the biggest urban areas in Hampshire.

If an extrapolation is made of the number of communicants in Basingstoke in 1603 given (somewhat suspiciously) as exactly 1000 in the same diocesan population returns and applying a similar multiplying factor as for Winchester, then the population of Basingstoke might have been around 1600, justifying its position as the fourth largest town in Hampshire.²⁷ Geographically situated on trade routes in the north of the county, its thriving market and still active wool trade all contributed to its significance, although as with Winchester the collapse of the wool trade began to affect Basingstoke as the seventeenth century progressed.

The Isle of Wight was unique in that it had commercial seaports on the Solent, and numerous families involved in small scale fishing, downland oviculture, dairy farming and arable crops all contributed to the Island's self-perceived independence. Servicing the needs of the military and constructing improved defences also provided employment and

²² In the whole of Hampshire between 1520 and 1539 only 96 aliens were listed in the tax returns, 47 of them in Winchester, nearly all of whom were French. See 'England's Immigrants 1330-1550'. Accessed 07 Jan 2019, <https://www.englandsimmigrants.com>.

²³ James, T. B. *Winchester From Prehistory to the Present* (Stroud: The History Press, 2009), 72, 116.

²⁴ T. Lambert. 'A Brief History of Portsmouth'. Accessed 31 October 2018, <http://www.localhistories.org/portsmouth.html>.

²⁵ A communicant being someone who takes communion in church, thus at least adolescent or older.

²⁶ J. Hare. *Basingstoke: A Medieval Town, c.1000-c.1600, Victoria County History of Hampshire*, (London: University of London, 2017), 5.

²⁷ Hare, *Basingstoke*, 6.

there was at least one family in the south of the island who became wealthy from ropemaking.²⁸

Although nominally the Channel Islands were part of the diocese, they had always dealt with their spiritual problems largely independently, and during the period analysed only one Instance case in 1570, is recorded from the Islands, a time when the religious affiliation of the Channel Islands was divided. Many Channel Islanders were from Huguenot stock, often Calvinists fleeing France after the Reformation, their language, traditions and customs still rooted in their French heritage.²⁹ There was no regular direct ferry service to the South Coast, and presumably language difficulty as well as the cost both in money and time of pursuing a case at Winchester was prohibitive for most islanders, making the alternative of resolving disputes at home logically and culturally preferable. Rigorous Calvinism may also have curtailed the incidence of immoral or lewd behaviour, keeping it close hidden inside communities, so rendering the more public nature of an ecclesiastical court case in Winchester unnecessary. The 1570 case involves an allegedly forged marriage licence – the Bishop of Winchester’s signature on it was in doubt, which may explain why that case was taken to the Consistory Court.³⁰

The area immediately surrounding the bishop’s Palace in Southwark, London as well as small parts of Surrey and Dorset were historically administered from Winchester. No cases from Southwark were heard in Winchester during the period 1550-1610, a few involving Surrey locations were heard, but mostly because parties to a case moved in and out from Hampshire’s eastern boundary, usually to avoid discovery. There were no cases emanating from Dorset.

²⁸HRO 21M65/C3/9, 314-325, 336-7, 341-5, 353-62, Williams v Pinkforde, described in detail in Chapter 6, Isle of Wight Division.

²⁹ Dr Darryl Ogier, Archivist of the States of Guernsey kindly translated a sixteenth century Land Grant for my analysis of the case against James Etture and Michaelle Le Lorett, HRO 21M65/C3/4, 804-805, Etture v Le Lorett. He explained that official records at that time were still in French, that being the language that the Islanders most commonly spoke. See A Diversity of Cases, Chapter 8

³⁰ HRO 21M65/C3/4, 804-805, Etture v Le Lorett.

Social Structure and Occupation of litigants at Winchester Consistory Court from Basingstoke, the Isle of Wight and Winchester (Fawley Division)

These three divisions have been used as exemplars of life in a small, but thriving, market town surrounded by rural parishes, life on an island and life in large towns. They have been selected as being sociologically and topographically diverse and identifying with what Charles Phythian-Adams called 'cultural provinces', meaning areas historically bound together by location, containing a 'spectrum of local societies, with their own identities and subcultures, [looking outwards towards] a regional network of towns which also look outwards'.³¹ Occupations in each division are summarised in Appendix 2.³² These divisions illustrate patterns of life, and witness statements provide qualitative substance to underpin quantitative evidence. A short chapter describing some of the more unusual cases brought from the wider diocese has been included to illustrate the diversity of human behaviour that permeated the court's business.³³

Maps showing the geographical boundaries of each division precede the appropriate chapters.

Social and political life

There has been little historical focus on the influence wielded by women in Hampshire communities in the early modern period so to begin to address this omission this thesis aims to draw on social and cultural data evidenced in Winchester consistory court cases. Most females whose occupations were stated or could be inferred from the depositions of others were servants or the working wives of husbandmen, but some women ran small businesses, perhaps keeping alehouses, or working as laundrywomen, while others worked with their shopkeeper husbands or in cottage industries. In court papers witnesses were recorded as 'the wife of...' followed by their husband's name and his occupation, or widow (*vidua* in Latin) or 'spinster' giving no indication of their social or economic standing and only rarely legitimising their own profession. In the Winchester Consistory Court records, plaintiffs' and defendants' occupations were not recorded, nor their ages; neither is their

³¹ C. Phythian-Adams. "Frontier Valleys" in J. Thirsk (ed.). *Rural England, An Illustrated History of the Landscape*. (Oxford: Oxford University Press, 2000), 238-240.

³² See Appendix 2, Occupations.

³³ See Chapter 8, A Diversity of Cases.

home location always recorded by the court clerk, although verbal evidence often pinpoints location. Female witnesses were routinely asked their marital status and age exactly as were male witnesses, together with ancillary questions about their length of time in their present location, where they had lived before, and how long they had known the plaintiff and defendant. Many witnesses did not know their exact age, replying only that they were 'about forty years old', employing multiples of five years to estimate their true age or giving an age 'by memory'.

From both male and female depositions, a vivid picture emerges of daily life in towns and villages punctuated not by a daily calendar but by church festivals, political events, seasons of the year, memorialised family anniversaries or even recollections of events on the night of a full moon. As well as specifying exactly where the events leading to a case occurred, a witness might place an event 'on or about the Thursday before Easter [or any other feast day] last past' occasionally adding the exact day or time, although sometimes time can be established by a comment that 'it was in the morning'³⁴ or 'during the mylkinge of the kyne'³⁵. Often there are details of who was 'supping together'³⁶ and even what was eaten and drunk³⁷ as a way of contextualising a witness statement. Location triggered memory, as did clothing worn,³⁸ others present,³⁹ weather,⁴⁰ even plants in flower⁴¹ all add colour and context to a deposition, especially if subsequent witnesses recalled the same specifics.

Alongside other authors, Laura Gowing, Martin Ingram and Sara Heller Mendelson express doubts about the veracity of some court depositions contending that when witnesses admitted to being paid there was a likelihood that the court heard what the litigants and witnesses thought was appropriate not necessarily the precise truth.⁴² Nearly every witness statement begins by the witness describing when and where an event took place, often qualified by 'as best I can remember', but very rarely does anyone express any

³⁴ HRO 21M65/C3/3, 200, 205, 208, 211, *Passyon v Wyeth*.

³⁵ HRO 21M65/C3/4, 475-476, 510-515, 521-522, 525-526, 531-532, *Tovy v Rice*.

³⁶ HRO 21M65/C3/10, 179-181, 197-198, *Cordrye v Mawdelyn*.

³⁷ HRO 21M65/C3/9, 368-374, *Knight v Stynt*.

³⁸ HRO 21M65/C3/4, 365-369, *Hicks v Haine*.

³⁹ HRO 21M65/C3/10, 507-512, *Parratt v Lambert*.

⁴⁰ HRO 21M65/C1/28, 19, *Ex Officio v Aylward*.

⁴¹ HRO 21M65/C3/4, 865-866, *Edes v Luckyn*.

⁴² Gowing. *Domestic Dangers and Gender Relations*. Ingram. *Church Courts, Sex and Marriage in England, 1570-1640*. S. Heller Mendelson. "'To shift for a cloak', Disorderly women in the church courts", in V. Frith (ed.), *Women and History, Voices of early modern England*. (Toronto: Coach House Press, 1995), 3-18.

uncertainty about the events themselves, and there are a number of cases in the Winchester records where one witness's depositions were totally contradicted by other witnesses who avowed that what had been said was untrue due to reputational issues, alcoholism or, occasionally, deafness or poor sight.⁴³ Memory was key to credible depositions – witnesses were extremely keen to conflate their statements with as much detail as they could,⁴⁴ and were not slow to confront witnesses they did not deem to be reliable, eagerly putting forward the reasons why someone's statement should be disregarded.⁴⁵

The status of witnesses was intended to bolster either a plaintiff or defendant's case, the hope was that the higher the status the more gravitas and presumption of truth would be ascribed to their testimony. As what Laura Gowing called 'the narratives of litigation' went directly to the Chancellor, the possibility of being found to be a liar meant loss of good name and humiliation in a community and there is little evidence that it happened more or less frequently in Winchester than anywhere else.⁴⁶

Although there is plenty of detail about some areas of people's lives, there are others which are conspicuously missing. There are rarely mentions of health matters or physical attributes, for example. Unusually, one case involved an argument between witnesses about what one particular witness could have heard during the event that took them to court because he was 'verrie harde of hearing and kept black woolle in his eares' so he would have heard nothing⁴⁷ and another who kept excusing his wife's absence as due once to 'a greate snowe fallen this morning' then a second time because she was sick and a third

⁴³ HRO 21M65/C3/10, 293, 301-2, 371, 373, 384-6, Joan Arthure v Peter Ryves, a 1593 defamation case from Newport, Isle of Wight, when six witnesses were brought to attempt compurgation, and five of the witnesses turned on the sixth accusing him of being a drunkard who would take money from anybody and say anything they wanted in order to spend it on drink. There is no recorded outcome, but it is likely the case failed on such evidence. HRO 21M65/C3/4, 288-9, 326, 331-2, 334, Catherine Barter v Alive Oram, a Cheriton defamation case from 1567 records witnesses saying that one witness heard nothing 'because he is verrie hard of hearing and keeps black woolle in his ears'. In 1571 the behaviour of a defendant in church was witnessed by a man as being 'verrie unorderly', although one witness admitted that he 'was not of perfect sight.' See HRO 21M65/C3/5, 29-31, 103, 105-7, 109, 252-255, 260, Joan Rumbold v William Ilderwell. This case is analysed in Chapter 8, A Diversity of Cases.

⁴⁴ HRO 21M65/C3/9, 485, 496-499, Davy v Compton.

⁴⁵ HRO 21M65/C3/10, 293, 301-302, 371, 373, 384-386, Arthure v Ryves.

⁴⁶ Gowing. *Domestic Dangers*, 42-3.

⁴⁷ HRO 21M65/C3/4, 288/9, 326, 331/2, 334, Barter v Oram.

time because she was 'dangerously sick with smallpox'.⁴⁸ The most commonly hurled insult relating to ill-health, particularly by women to other women, was an accusation of having the French Pox, as it was called (syphilis) which was always considered the fault of the woman whose loose morals had led to this disaster. Very rarely were men gossiped about as being diseased and even in the few instances where a man was suspected it was in an almost dismissive, boys will be boys, way. Sometimes witnesses tell of the attempts made by local midwives (who also acted as nurses) to cure the disease. It clearly was not always fatal: in the cases between Jane Cowslet and Elinor Hopkyns the court reported that Elinor accused Jane of being 'burnt' in 1561, but Jane reappears in the records in a totally unrelated case in 1586, some twenty-five years later.⁴⁹ These are rare examples; more frequently witnesses discredited each other for other reasons including drunkenness, or of being slow-witted. No mention is given of physical characteristics such as height or weight or physical strength or weakness, such physical characteristics perhaps were not important or felt to be inappropriate to mention in a court setting. In only one case is complexion and hair colour mentioned, and that is to emphasise the differences between two men who therefore could not be mistaken for each other.⁵⁰

It is clear from the emphasis on providing occupational details for witnesses that wealth or the lack of it was important. People frequently testified as to how much they had been 'seized in Her Majestie's Subsidie' (in other words, taxed) on the possession of goods and land which was a creditable indicator of social standing. Equally, dismissive remarks such as 'he is a verrie poore man (or woman) who lives by his (her) labour' was sometimes, but not always, a derogatory statement indicative of untrustworthiness or status, unless qualified by 'known as an honest person'. The names of the gentry and the priest were always prefaced with Mr, also indicative of status and that their testimony would be beyond reproach.

Female literacy was very low especially during the early part of this period; more women could read a little than write but even so were reliant on oral news and gossip, posters, pamphlets read to them by others and ballads to expand their cultural and social horizons.

⁴⁸ HRO 21M65/C3/28, 19, Ex Officio v Aylward.

⁴⁹ HRO 21M65/C3/2, 24-27, 38-47, 181-183, 193-201, Cowslet v Hopkyns, described in detail in Chapter 5, Basingstoke Division.

⁵⁰ HRO 21M65/C3/11, 371-374, Tichborn v Harrison and Oxford. Described in Chapter 8, A Diversity of Cases.

It was extremely unusual for a woman to attempt her own signature on a deposition, and even their mark was occasionally inconsistent. Rural and illiterate ordinary women were subjected to pre-existing rules and expectations of family and community standards more rigorously than women in more crowded urban settlements, where travellers quickly brought news from outside and some schooling was more prevalent. Women's expectations and their courage in bringing court cases are extensively analysed in case studies which illustrate how matrimonial and defamation cases gave agency to otherwise anonymous women who made a stand against perceived injustice either as plaintiff or defendant. It is important to recognise the fortitude of women taking a case to court on their own account.

Life for the majority of people was slightly less onerous than it had been two or three centuries earlier. With the passing of a series of Poor Laws from 1563 to the Poor Law Act of 1601 the first flickerings of a parochial welfare system to help the poor and needy was being put in place, pushing responsibility on to the parish although this was a double-edged sword in that parishes became ever keener to remove non-native residents who might become a drain on parish finances. A 1590 disagreement about the ownership of a goose in Warblington resulted in the removal of the defendant, Mary Coopys, (who had called the defendant, Thomas Gay, a 'whoremaster knave') to Bourne in Sussex, depriving her of her home and, presumably, the goose.⁵¹

Isle of Wight division (23 parishes)

The Isle of Wight's geographical position at the mouth of the Solent to some extent inured it from the vicissitudes of change that were affecting mainland Hampshire throughout the period 1550-1610. With a population of between nine and ten thousand, of which just over one thousand people inhabited the only sizeable town of Newport, its topography determined its self-sufficiency. A mixture of woodland, greensand suitable for arable farming, chalk downland ideal for sheep-grazing and coastal fishing was sufficient to support the population and allow for trade, but towards the end of the sixteenth century bigger farms began to swallow up smaller plots with 'houses standing empty and armies of sheep nibbling the country population out of subsistence'⁵² leading to some depopulation. It is certainly clear, as will be seen in Chapter 6 that a seemingly disproportionate number

⁵¹ HRO 21M65/C3/9, 568-9, Gay v Coopys.

⁵² Davies Jones, "Isle of Wight", 13.

of Islanders appeared at the consistory court from a small number of families, an indicator of a long-standing hostility between some islander families, supporting a comment by Sir John Oglander⁵³ that the Island gentry 'did not Love one the other [but they did] respect one the other, but not by way of true Fryndship'.⁵⁴ During the seventeenth century islanders not only mistrusted each other but lived in constant fear of invasion by the French or Spanish, no overall Governor kept control of the Island and with the reinforcement of military forts facing the Solent, there were more soldiers billeted on the island whose presence can have done little to calm inhabitants' nerves. Simultaneously, more enclosures made livings precarious, small wonder then that quarrels and fights together with matrimonial difficulties made the island an uneasy place to live. Evidence suggests that this mistrust flowed not only within the elite, but also from servants to masters and across peer groups. John Briggs, a servant, took George Oglander (a member of the gentry Oglander family) to court after Briggs was convicted by the local magistrate of stealing a horse but – for the consistory court – more importantly accused of 'having to doe' with Oglander's wife and numerous women across the north part of the island.⁵⁵

Fawley Division, including Winchester (38 parishes)

Fawley administrative division occupied the heart of Hampshire, adjoining every other division except Kingsclere and the Isle of Wight at some point along its boundary. At its centre lay Winchester with no other towns of any size except Southampton on the Solent. As with Basingstoke, Winchester lay on the main highway from the coast to London, and its markets and fairs brought a variety of traders whose diversity of skills became the basis of the city's resurgence as the clothmaking industry crumbled. Unemployed clothworkers, many working from their homes in Winchester's outlying villages, were forced to change their trade and became producers of fresh produce to sell at the markets, and the abundance of grain encouraged the development of a brewing and malting industry. Both Tom James and Adrienne Rosen credit this occupational diversification as the main impetus

⁵³ Carisbrooke Castle Museum, Og.271a, Oglander, Sir John, *The Oglander memoirs: extracts from the mss. of Sir J. Oglander, kt.*, https://archive.org/stream/oglandermemoirse00oglaiala/oglandermemoirse00oglaiala_djvu.txt. Sir John Oglander was MP for the Isle of Wight from 1625-1629, a politician and prolific diarist.

⁵⁴ F. Bamford. *A Royalists's Notebook: The Commonplace Book of Sir John Oglander, Kt of Nunwell, 1622-1652* (London: Constable & Co Ltd., 1936), 87.

⁵⁵ HRO 21M65/C3/11, 380-1, 385-7, 393-5, 398-401, Briggs v Oglander, described in detail in Chapter 6, Isle of Wight Division.

behind the steady revival of Winchester and its surrounding areas.⁵⁶ Even though Winchester had long since lost its position as the capital of England, the presence of the cathedral, the County Assizes and Winchester College as well as its position on a major trade route from the south coast to London made the city a draw for not only itinerant travellers but merchants who made it their home and all of these brought money to the city underpinning the established shops, markets and fairs.

Southampton reached its peak of commercial prosperity during the years 1500-1530, but between then and 1560 the declining wool trade and the loss of income from taxes on the trade in sweet wine and currants, both of which went to London, badly affected Southampton which spent most of the remainder of the century coping with small revivals followed by relapses despite the Corporation and the Guilds doing their best to keep business stable.⁵⁷

Particularly applicable to Winchester, but to a lesser extent true of other towns in the county, there were numerous 'reverse commuters', individuals whose homes were in an urban environment, but who worked part or most of the time in the countryside. Witnesses to several urban Winchester cases gave their place of residence as an urban parish but described themselves as husbandmen. In the sixteenth century there was still a lot of green space within the city boundaries, and it is perfectly possible that some of these men managed land both inside and outside the city. Robert Dickens, a shearman, together with his wife Agnes testified as witnesses in 1568 in a case where Richard Smith was defending himself against accusations of living as man and wife with their servant Agnes Cover. They wanted Smith either to marry Agnes or 'let her be'.⁵⁸ The Dickens's were parishioners of St John, in the centre of Winchester. A husbandman named Robert Scott who appeared in a defamation case as a witness in 1566 lived in the urban parish of St Peter, Cheesehill.⁵⁹

⁵⁶ James. *Winchester, From Prehistory to the Present*, 118. A. Rosen. 'Winchester in transition', in P. Clarke (ed.). *County Towns in Pre-Industrial England* (Leicester: Burns and Oates, 1981), 144-195.

⁵⁷ F. J. Monkhouse (ed.). *A Survey of Southampton and Its Region* (Southampton: Camelot Press, 1964), 218-222.

⁵⁸ HRO 21M65/C3/4, Cover v Smith, 393, 413.

⁵⁹ HRO 21M65/C3/4, Giles v Rogers, 63-4.

Basingstoke Division (40 parishes)

The Basingstoke administrative division covered an area of Hampshire from the Berkshire border to the north, the Surrey border to the east, just north of Winchester and Alton to the south with Kingsclere and Andover to the west. Geologically mainly chalk upland the area supported highly important and numerous flocks of sheep, together with some arable farmland. The golden age of prosperity for Basingstoke was between the late fifteenth and mid-sixteenth centuries when the expanding cloth industry brought jobs, craftsmen to cater for this growth and investment in roads and buildings. This prosperity slowly declined at the end of the sixteenth century and a century later in 1669 the Duke of Tuscany, travelling through from Salisbury to London noted in his diary that ‘the town [Basingstoke] is wretched, both in regard to the buildings [...] and the total absence of trade’.⁶⁰

Fanning out around Basingstoke were numerous small agricultural parishes, some with impressive churches and manor houses. Most of the population was employed either directly on the land or in trades that existed to support the farming community. The most prestigious building by far was Basing House⁶¹ (not contemporaneous with, but almost the same size as Buckingham Palace) which, throughout the sixteenth century, provided ceaseless work for building tradesmen, and the House, its Great Park and ancillary estates provided constant employment for villagers. Two long and complicated cases were taken to the consistory court in 1577 and 1597 from Basing, which are analysed in some detail in Chapter 5, reflecting the social and moral problems of a small community.

Summary

The records of English consistory courts have been mined extensively over recent years, although far less research has focussed on setting the depositions of both plaintiffs, defendants and witnesses into their own social and cultural contexts, and this thesis draws some significant and supportable findings as to the concerns, worries and anxieties that beset ordinary people whose lives had been punctuated by spiritual difficulties either pre-

⁶⁰ F. J. Baigent, and J. E. Millard. *A History of the Ancient Town and Manor of Basingstoke*. (Basingstoke: C. J. Jacob, 1889), 80.

⁶¹ Besieged and completely demolished by Cromwell’s troops in 1645. See W. Emberton. *Love Loyalty, The Close and Perilous Siege of Basing House, 1643-1645* (Basingstoke: self published, 1973). Baigent and Millard. *Basingstoke*, 413-433. Rev. G. N. Godwin. *The Civil War in Hampshire (1642-45) and The Story of Basing House* (London: Elliot Stock, 1882).

or post-marriage or by malicious slander, by contextualising their words with the environment they came from, whether rural, island or urban and their struggles to maintain or improve their place in society in response to the fluidity of changes in society around them.

The treacherous water surrounding English religious practice after Henry VIII's break with Rome in 1534 was made more turbulent by the religious predisposition of successive bishops of Winchester who needed to be seen to be supportive of the monarch. The influence of Catholic Stephen Gardiner (1551-53 and 1553-55) followed by the Protestant Robert Horne (1560-80) left Winchester slow to accept Anglicanism fully.⁶² Theological *volte faces* were no doubt transmitted through local priests and down to parishioners, possibly influencing upsurges of particular categories of ecclesiastical cases throughout the period. The Elizabethan Settlement of Religion in 1559 was intended to ease religious tensions enshrining Protestantism as the official faith whilst retaining some Catholic traditions as a compromise. This gained broad support across England, but acquiescence took longer in some parts of Hampshire than others. Southampton for example adopted Protestantism without fuss, but Winchester was much slower, and this pattern was replicated in the parishes where religious theology still relied to some extent on the personal inclinations of the local elite and the priests in charge.⁶³

Canon law was still a yardstick by which everyone's spiritual and moral behaviour could be measured, but there is Hampshire evidence that parishioners, whilst generally trying to follow their priest's instructions occasionally turned on them for real or perceived theological or unspiritual misdemeanours, even successfully ousting them from their livings. Equally there are instances in the records of well-loved clergy serving their communities faithfully for many years until they died in post. Chapter 7 includes a section on cases involving the clergy, and there are cases involving local clerics in each chapter.

Occupation and status made a difference to bringing a case. Recourse to the spiritual court was the ordinary people's way of getting an impartial judgement on their good name. There needed to be a forum where spiritual concerns could not only be addressed but be seen by their community to be resolved ensuring cultural adherence, and until their

⁶² S. K. Parkinson. "The Religion of the People in Winchester and Southampton, c.1558-c.1603", unpublished PhD diss., University of Southampton, 2003, 45.

⁶³ Parkinson. "The Religion of the People, 187-193.

closure in the 1630s, and to a lesser extent after the Restoration in 1660 the consistory courts continued in this vital role. Of prime importance has been the necessity of contextualising people in their own place and time and not superimposing modern morality or ascribing an unproveable justification to a harrowing deposition.

Dividing this thesis into chapters which reflect administrative divisions and by concentrating on defamation and matrimonial cases underpinned by family and occupational structures is a unique approach and a valuable addition to local history by using the consistory court as a vehicle for understanding how social and cultural patterns affected and were affected by the gradual emergence of a middling sort and an economy reliant on market conditions, during the late sixteenth and early seventeenth centuries.

Chapter 4: Role and Process of the Consistory Court

Religious evolution and the Consistory Court

Post-Reformation abolition of the confessional increased the caseload of the Consistory Court, whose role was, in part, to be the conscience of people who no longer could be guided in private by their parish priest. As Diarmaid MacCulloch points out ‘the priest in confession is cast in the role of judge’ and the consistory court with its robed Chancellor performed a similar role.¹ Hearing confession had been a cornerstone of Catholic control, but publications like the *Dialogus de fundamentis legume Anglie et de conscientia* by the lawyer and Protestant Christopher St. German in 1528 ‘set conscience in the minds of every reasonable soul as a light whereby he may discern and know what he ought to do and what he ought not to do’.² The emphasis placed on self-regulation in matters of conscience and writings by other contemporaneous humanists³ led to a gradual transformation of both English common law and canon law as practised in the consistory courts. As ever, some individuals took this slackening of religious control as a reason to behave inappropriately in their communities and without the fear of censure from the church, and others took exactly the opposite view believing in the importance of civility and kindness towards each other. Matters of conscience became a *raison d’etre* for a plaintiff bringing a case to Winchester and equally for their opponent’s stout defence. Witnesses, who could be summoned themselves if they were found to have lied in court, frequently cited their conscience as a reason for bearing witness.⁴ Reputation and the need to maintain good credit (*bona fama*) were crucial matters and those that transgressed brought shame not only to themselves, but their family (sometimes for generations) and equally importantly impugned the reputation of their whole community.

¹ D. MacCulloch, *Reformation Europe’s House Divided 1490-1700*, (London, Penguin, 2003), 14.

² C. Saint-German. *Secunde Dialogue*, in L. A. Knafla, “Conscience in the English Common Law Tradition”, *The University of Toronto Law Journal*, Vol. 26, 1 (1976), 1-16, <https://www.jstor.org/stable/825452>. Accessed 2 December 2019.

³ See the works of Thomas More (1478-1535), Johannes Reuchlin (1455-1522) and Desiderius Erasmus (1466-1536) as examples.

⁴ HRO 21M65/C3/11, 52-65, 68-71, Wakefield v Wakefield and Rich.

The cases concerning the Wakefield family of Basing (see Chapter 5, Basingstoke Division) highlight this most effectively.⁵

Over the century and a half between 1550 and 1700 the presence of the church, however volatile was a beacon of permanence in every community and, depending on the rigour and conscientiousness of clerics and churchwardens, maintained tight control over the morals of its parishioners. It is therefore unsurprising that between 1550 and the 1610s consistories were busier than they had ever been or would be in the future. Both Ralph Houlbrooke and Martin Ingram comment on this expansion of the business of the courts, although they disagree on the causes for the expansion. Houlbrooke contends that the areas of greatest growth (defamation and tithe cases) came about because of the church's weakness after the Reformation and its increasing inability to preserve religious and moral uniformity and authority'.⁶ Conversely, Ingram sees the expansion as 'administrative convenience [and] a reasonable desire to increase the profits of justice by boosting the more lucrative instance side of the courts' work [...] which did not necessarily imply any diminution in the church courts' moral stature'.⁷ The church did exercise authority by imposing fines on miscreants, and charges were also levied to cover the costs of issuing summonses and employing legal assistance, but the amount of income in a relatively wealthy diocese (as Winchester was) would not have made a very noticeable difference to the church coffers.

Diarmaid MacCulloch asserts that 'lack of government control [...] led people to make religious decisions for themselves and gradually the Church in England became a vast federation of parishes, with virtually no central structure'.⁸ It is certainly true that clerical standards were variable during the sixteenth century, and Winchester registers reveal complaints about drunk vicars, improperly dressed vicars, one who clearly had serious mental health problems (to judge by his treatment of his wife) and priests who did not turn up for services or refused to preach sermons. Pluralism was a problem, clergy salaries were inadequate, forcing some clerics to look for additional work (often in a second parish)

⁵ HRO 21M65/C3/4, 83, *Wodes v Whitcombe*, 21M65/C3/7, 145-147, 162-163, 206-207, 226, *Wakefield v Thorpe*, 21M65/C3/11, 52-65, 68-71, *Wakefield v Wakefield and Rich*.

⁶ R. Houlbrooke. *Church Courts and the People during the English Reformation, 1520 – 1570* (Oxford: Oxford University Press, 1979), 214-260.

⁷ M. Ingram. *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987), 14.

⁸ D. MacCulloch. *Reformation*, 528.

to keep their families above the poverty line.⁹ In a period of rapidly rising prices and a run of bad harvest years tithe payments diminished significantly, causing hardship not only to tithe-payers but to the vicar, for whom such payments represented a proportion of their annual income.¹⁰ It is little wonder with struggling or poor leadership from the church at a local level, even taking account of the hard, unrewarded work of many churchwardens, that for some parishioners taking a case to court was a more reliable method of resolution than relying on local arbitration and settlement. Hampshire communities seem, mainly, to have taken the see-sawing of religious instruction after the Reformation in their strides, and churchwardens' accounts¹¹ show numerous examples of whitewashing church walls (to remove religious paintings), selling off chalices, statues, crosses and other treasures, removing rood screens, buying new Bibles and prayer books, and replacing altars with communion tables. What may have particularly incensed local communities was the abolition of church ales which were not only money-earners but an integral part of feast days and celebrations. During the 1540s 'many saints' days and celebrations were banned and church dedication restricted to a single Sunday in October'.¹² He goes on to point out that villages often disobeyed these infringements on their popular culture, with the support of their churchwardens and feasts with church ales carried on in some places into the 1620s.¹³

This upheaval lasted for generations, mixing religious and political instability in one cauldron, which gradually moulded individuals' searches for their own path to salvation based on conscience rather than doctrinal teaching.

⁹ Pluralism was a big problem in dioceses in the sixteenth century. Martin Ingram quotes Bishop Jewel's report to Archbishop Parker in 1561 in which he indicated that 'to serve more than 300 Wiltshire parishes and chapelries there were only 220 clerics (including unbeneficed curates). At least 54 of them were pluralists and only 173 resided'. Hampshire had similar problems – particularly on the Isle of Wight, and reference is made to these problems in Chapter 6. Ingram. *Church Courts, Sex and Marriage*, 86.

¹⁰ A. Thomson. "The Diocese of Winchester before and after the English Civil Wars", PhD diss., University of London, 2004, 231-236. Stipends varied hugely from deanery to deanery within the diocese, but according to Thomson, somewhat over 70% [of the clergy] earned between five and twenty pounds a year in the 1630s, rising to £61 13s 0d. by the late seventeenth and early eighteenth centuries.

¹¹ J. F. Williams. *The Early Churchwardens' Accounts of Hampshire* (Winchester: Warren & Son, 1913).

¹² D. Underdown. *Revel, Riot and Rebellion, Popular Politics and Culture in England 1603-1660*, (Oxford: CxIarendon Press, 1985), 47

¹³ Underdown, *Revel, Riot and Rebellion*, 92-3.

There must have been many people who, whilst dutifully attending church, did so with quiet scepticism, especially perhaps in Winchester which, in view of its position as a cathedral city, retained its catholic adherence longer than in a rural area centred on a market town (Basingstoke) or the port of Southampton which adopted Anglicanism without fuss. The Isle of Wight, whilst embracing puritanism (possibly due to the inclinations of Sir Edward Horsey and Sir George Carey, Captains of the Island), combined faith with a fondness for celebration, but only after Church, not before service.¹⁴

Outside the spiritual and temporal courts, the rural manorial courts had long functioned as policy-making bodies and local arbiters, dealing not only with the ubiquitous land management and agricultural issues, but also punishing violence and disorder in parishes, working with a judge and locally chosen jury of elders, whose aim was to secure peace and harmony in the community, quickly and cheaply. It was these courts that would have been most familiar to labouring people within Hampshire.¹⁵ Unfortunately, although many manorial court records exist for Hampshire, there has to date been no in-depth research study made of them as part of local history records although as with this thesis the decline of the leets from the viewpoint of both the gentry and the people that worked for them would add considerably to modern knowledge of the way of life within Tudor Hampshire.

The role of the civil court was to punish the guilty, the role of the Consistory Court was to admonish and reconcile, and it was ultimately this somewhat toothless ability of the Consistory Court to punish that was to hasten its decline after the Restoration. The bitter rancour between the Church and Charles I during the Civil Wars and the subsequent 'dismantling of the whole structure of the pre-war Church'¹⁶ during the Interregnum, brought about a sea change in society that weakened the Church's ability to control people

¹⁴ J. Davies Jones. "The Isle of Wight, 1558-1642", PhD diss., University of Southampton, 1978, 222-235. Sir Edward Horsey was Captain of the Island between 1565 and 1583 and Sir George Carey was Captain between 1582/3 and 1603.

¹⁵ Manorial records are much undervalued and unexamined as sources of research – for example Brodie Waddell estimates that in Hampshire alone between 1550 and 1850 there are extant documents relating to 132 manors. His view of the continuing power of the manorial courts is somewhat at odds with that of Keith Wrightson and David Levine (*Terling*) who believed the power of court leets in anything other than land transactions had virtually ceased by the turn of the sixteenth century. Although outside the remit of this thesis, it would be an interesting research project to attempt correlation between parishioners appearing in both manorial documentation and that of the consistory court, which may well have been the court of next resort for unsatisfied rural litigants. Waddell, B. "Governing England through the manor courts, 1550-1850", *The Historical Journal*, 55:2, (2012), DOI: <http://dx.doi.org/10.1017/S0018246X12000040>.

¹⁶ MacCulloch. *Reformation*, 525.

by religious strictures. Small wonder then that after 1660 this power to intimidate was not rekindled and case numbers never recovered.

This thesis contends that the diminishing spiritual control exercised by the church was in great part caused by its own actions. Translation of the Bible into English and the abandonment of Latin in church meant that literate and illiterate folk understood the Gospels in a way that was more meaningful to them, taking away the mystery of church services and becoming part of their educative process fostered by an embryonic and patchy school system for some children of ordinary people. Although the ability to write was still rare in the provinces, even for tradespeople, many more could read a little and printed matter of all kinds and diverse opinions became more commonplace. With knowledge came power and ambition and the steady growth of the middling sort who were better able to resolve their community relationships without recourse to a court to help them. This subject will be discussed further in the conclusion of this thesis.

Consistory Court Process

Since the Norman Conquest two parallel but separate legal systems had evolved under civil and ecclesiastical jurisdiction, each with a hierarchical procedural system dependant on the severity of the case. Civil law, through courts ranging from Borough Magistrates, Quarter Sessions and Assize Courts, tried offenders accused of crimes from stealing a loaf of bread to murder and also investigated civil matters, whereas the church, through Consistory Courts and the Courts of Arches and Chancery, oversaw matters which impacted spirituality including matrimonial issues, defamation, tithe payments, testamentary disputes, the behaviour of clerics and matters pertaining to the fabric and maintenance of church property. Common law courts, such as Piepowder Courts, dealt with commercial matters, maintained trading standards and the administration of the many markets and fairs held throughout the country, and estates were managed through manorial courts (leets). In a society where women had very few rights, all these legal systems were run by men, just as families were daily accountable to an over-arching patriarchy. Uniquely though, under English canon law since the thirteenth century women were able to bring cases in their own name or they could be central to a case brought by a family member on their behalf and over the succeeding centuries very gradually more women did so. As

Richard Helmholz¹⁷ reminded his readers, even though civil and canon law evolved separately there were many overlaps. For example, some relatively trivial alleged witchcraft cases like a woman putting an evil eye on a neighbour's cow or pig (*maleficium*)¹⁸ or in a 1575 case where a disgruntled poundman alleged that because of 'old mother Hunt' he could 'no sooner shake a pig or pound her cattell but presently either I or my master have a shrewd turn' were dealt with by the consistory court, whereas more serious witchcraft accusations were taken straight to one of the civil courts where the punishments could be much greater.¹⁹ One or two Winchester cases involve a defendant being brought from Wolvesey Prison to the Consistory Court because a civil crime outside the remit of the consistory court was suspected in parallel with a moral transgression. Ecclesiastical courts had no power to commit an individual to jail but were able to hear the part of a case involving morality which might also involve common law issues.²⁰

The simplest way to understand ordinary people's relationships with the consistory court is by analysing their depositions which enable us to see through their eyes how sixteenth century daily life was bounded by rules laid down by law and society. The multiplicity of courts gave some plaintiffs a choice of where to take their grievance and once the court fee was paid, then, as Edward Stringham and Todd Zywicki point out, 'hypothetically the courts will cater toward the plaintiff'.²¹ Often of importance to the plaintiff was the speed with which consistories could conclude their business, eclipsing the time taken to reach a result in a civil court. In these cases, the cost of lodging and pursuing a case paled into insignificance if a fast resolution was needed in, for example, an abduction case or pre-marital pregnancy.

Cases brought were heard either as Instance Cases or Office Cases, as described in the Introduction chapter, and recorded in separate volumes. A clerk acted as scrivener, recording verbatim the depositions of the plaintiff, defendant and witnesses, and their

¹⁷ R. Helmholz. *The Oxford History of the Laws of England: The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s*, Vol. 1 of the Oxford History of the Laws of England series (Oxford: Oxford University Press, 2012), 135, 136.

¹⁸ Early 17th century; earliest use found in George Abbot (1562–1633), Archbishop of Canterbury, <https://en.oxforddictionaries.com>. Accessed 01 May 2020.

¹⁹ HRO 21M65/C3/7, 23-3, 32-3, Hunt v Spering.

²⁰ HRO 21M65/C1/28, 24, *Ex Officio* v Gilbert. For example, William Gilbert was summoned from jail and sentenced to forfeiture of a bond for trying to marry the underage Jane Gosbey.

²¹ Edward P. Stringham and Todd J. Zywicki. "Rivalry and Superior Dispatch: An Analysis of Competing Courts in Medieval and Early Modern England", *George Mason University Law and Economics Research Paper Series*, 10-57, (November 2010), <https://www.jstor.org/stable/41483672>.

responses to the interrogatory questions that were put to them. Few plaintiffs or defendants would have their own lawyers present, but even if they did so, those lawyers would not speak in court; most litigants would have depended on their ability to bring respected and educated local worthies as their witnesses.

The few Office Cases (those brought by the church itself) written up in the Instance Case books concern clergymen who were derelict in their own duty, incest, adultery, under-age marriage or paedophilia, and these cases were brought by church officials either from Winchester directly, or by parish churchwardens as a result of an Archidiaconal Visitation. From occasional witness statements, some defendants were clearly familiar with the court and its processes, but inconsistent clerical spelling and the paucity of information in the Office Cases books makes identifying individuals across both sets of records a Herculean task.

It is apparent, though, that as the sixteenth century drew to a close, fewer and fewer Instance cases were brought *Ex Officio* to the court following an Archidiaconal Visitation. Minor misdemeanours such as playing football in the churchyard, insufficient maintenance of church fabric or working on a Sunday were usually resolved as Office cases, outside the parameters of this thesis.

Winchester Consistory Court

There is only one original court structure still in existence – in Chester Cathedral – it is situated on the ground floor in a side chapel, with direct external access, a passageway and side door leading directly into the court space for the officials and, internally, a short flight of steps and elaborate traceried double doors separate it from the main body of the cathedral. Officiating was a Chancellor (who was an ecclesiastical lawyer) with lawyers to assist, a clerk and an Apparitor whose role, sitting in a raised chair, was to oversee the management of the court in session. The plaintiff, defendant and witnesses were ranged on benches around the central table, and small doors in the panels behind the benches, opened to allow opposing factions to enter from either side. On a few occasions in Winchester an Apparitor made a witness deposition, usually to confirm identification or matters of fact as in a 1571 case when Elizabeth Salisbury was abducted by Philip West to prevent her marrying William Smithers. The Apparitor was tasked with interviewing

Salisbury before the case came to court to try to establish whether a spousal contract had been properly made between Salisbury and Smithers.²²



Illustration 3 – Chester Consistory Court, showing the Apparitor's raised chair on the right²³

Winchester's consistory court was also inside the cathedral, but on the upper floor and no trace of it remains. It is likely to have looked very similar, with a large central table surrounded by benches. The canopied structure and higher benches alongside for court officials were clearly intended to underscore the domination of spiritual authority over those present, just as the presence of the robed Chancellor exuded power and command as in any other courtroom whether criminal or secular. It is likely not coincidence that the canopy resembles the canopy over a monarch or bishop's throne. The very presence of a courtroom inside the diocesan mother church was deliberately intended to inculcate deference from those attending as many from remoter parts of Hampshire most probably would never have been inside such an awe-inspiring building before. Such was the plethora of courts in Tudor times, from Assizes to manorial leets that the process for delivery of justice whether at a major or minor level was familiar to everyone, and therefore needed to be just as formal in a spiritual court as anywhere else.

Types of cases studied

Cases brought by individuals to the consistory courts in all dioceses of England were most frequently for defamation, seconded by matrimonial ones. The remainder were largely tithe and testamentary cases, with disciplinary and miscellaneous or uncategorizable ones filling the remainder of the calendars. For this reason defamation and matrimonial cases

²² HRO 21M65/C3/4, 843-6, 849-50, 81-3, Smithers v West.

²³ Chester Consistory Court, <https://www.geograph.org.uk/photo/2820557>. Accessed 13 August 2020.

form the bulk of this Winchester study, although other cases have also been checked for name matches, as for example a litigant who has persistently lodged complaints of defamation may also complain of unpaid tithes or argue the legality of a will. Perverse and phonetic spellings may have meant a few name matches have been missed, but it is not surprising to find that there were recurrent litigants in Tudor as well as modern times.

Defamation

Defamation cases were the vehicle by which women most often brought cases against other women, and they were frequently the result of a public quarrel where insults were hurled, sometimes descending into hair-pulling or other physical assault. By far the most common insult was to call someone a whore or a jade or allege that they had venereal disease. Of course, angry men also used these insults against women as women frequently accused men of being whoremasters. There were only a relatively small number of men taking other men to court for defamation – quarrels were usually resolved by a fist fight lasting only until one man fell to the ground. Threats were used frequently, often as precursors to a specific event and witnesses (sometimes somewhat gleefully) repeated these threats to the court as in 1573 when the vicar of Kings Worthy, the extremely short-tempered Richard Addison threatened to whip one of his parishioners in the churchyard in public, to which the parishioner responded ‘as to that, I could not give a Turde’.²⁴

The veritable avalanche of legislation which prescribed every aspect of public and private life in Elizabethan England would likely have caused some defamation suits to be brought through jealousy rather than pure malice. For example, the sumptuary laws²⁵ were designed in part to ensure that every element of society dressed according to its degree, and church seating plans which restricted better sited pews to those who paid for them, assigned the poor to the back, causing many a scuffle in church when a usurper tried to sit in someone’s allocated seat. Even the dead were buried in better quality shrouds and separately from the poor of the parish, so, as Steve Hindle²⁶ remarks ‘inequality of wealth and power meant that the wealthier parishioners were able to define the meaning of place

²⁴ HRO 21M65/C3/5, 273-7, Addison v Webb. See Chapter 7, Winchester (Fawley) Division for four cases involving Rev. Richard Addison.

²⁵ Enforcing Statutes of Apparel, 1562 (4 Elizabeth I) and 1574 (16 Elizabeth I), [www.http://elizabethan.org/sumptuary/](http://elizabethan.org/sumptuary/). Accessed 29 June 2019.

²⁶ S. Hindle. “A sense of place? Becoming and belonging in the rural parish, 1550-1650”, in A. Shepard and P. Withington (eds.). *Communities in Early Modern England* (Manchester: Manchester University Press, 2000), 96-114.

and community'.²⁷ It is no wonder, therefore, that as well as alcohol and hot-headedness jealousy and malice fostered so many defamation suits.

By the seventeenth century defamation cases were dropping in number. As the strictures of Puritanism and patriarchy shifted, there was less appetite to pursue litigation against a neighbour or acquaintance for malicious slander or discreditation. This seems to have been partly due to increasing clerical recruitment which raised the standards of their ministries and enabled community disputes to be dealt with outside a court environment.²⁸ And, as has been discussed before in this thesis there was a gradual move towards a more civil society, the emerging middling sort emulating the gentry in kinder and more tolerant behaviours.²⁹ After the Restoration in 1660 as society's emphasis on common civility and kindness strengthened,³⁰ the incidents of abusive language and behaviour whilst not necessarily diminishing, were more tolerated.

Matrimonial

To make an advantageous marriage was of prime importance, for prestige as well as for securing a family's succession. It was essential to try to gain the goodwill of one's family and friends before a quasi-legal spousal ceremony was held where gifts or tokens were usually exchanged to seal the couple's intentions. A church wedding was typically expected to take place within six months of a spousal, allowing time for the banns to be read and a licence obtained. However, there was many a slip in the process, and breach of contract cases were commonly taken to court.

Spousal ceremonies could be carried out anywhere, the vows exchanged between the couple were almost identical to those used at church weddings today and the role of the priest or registrar was undertaken usually by a local worthy or even the father of the would-be bride.³¹ Occasionally as in the attempted forced betrothal between Jane Rice

²⁷ Hindle, "A sense of place?", 110.

²⁸ M. Ingram, *Church Courts, Sex and Marriage in England, 1570-1640*, (Cambridge, Cambridge University Press, 1987), 366.

²⁹ Such movements to civility were illustrated by Edmund Spenser in *The Faerie Queene*, (London, William Ponsonbie, 1596), where he says: They teach us, how to each degree and kind, We should ourselves demean, to low, to high, To friends and foes, which skill men call Civility. Accessed 27 Feb 2022. <https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/784/faeriequeene.pdf>, np.

³⁰ L. A. Pollock. 'The Practice of Kindness in Early Modern Elite Society', *Past and Present*, 211, (May 2011), 121-158. [http://www.jstor.org.winchester.idm.oclc.org/stable/23014813](http://www.jstor.org/winchester.idm.oclc.org/stable/23014813).

³¹ HRO 21M65/C3/2, 25, 35-8, Deane v Lampden and HRO 21M65/C3/2, 71-3 Godwyn v Lamdene. Two cases involving Henry Lamdene (Lampden) in 1561 attempted to sort out his marital

and Philip Tovy in 1568, another family member (in this case Thomas Tovy, Philip's brother) attempted physically to force Jane's hand into that of Philip before speaking the spousal words, in order to validate the ceremony in front of witnesses.³²

The period of engagement between spousal and marriage not only gave tacit community respectability to sexual relationships between the couple but as Martin Ingram points out it made a 'conditional contract fully binding and [gave] immediate *de praesenti* force to a future contract'.³³ Unsurprisingly many brides were pregnant on their wedding day, and although the 'fault' for becoming pregnant was ascribed to the woman, a defaulting man was often pursued in an effort to ascribe paternity and extract costs for the upkeep of the child.³⁴

Matrimonial cases are often enlivened by descriptions of the clothing worn by participants at a spousal; often witnesses were able to contextualise cases by remembering the exact clothing worn, and by the precise descriptions it seems likely that the garments worn were much finer than usual to emphasise social status, or maybe witness envy played a part.³⁵ Items of clothing or pieces of cloth (often intended to be worn at the wedding) were often exchanged as spousal tokens, and the return of these formed the basis of many complaints after a relationship had broken down. It was a matter of pride that the items were often described as 'best quality' or 'close woven linen' to emphasise their cost and therefore specialness.

relationships, in one of which he and Agnes Deane went through a spousal sitting at the table in the house of Richard and Joan Butler for whom Agnes was a servant. These cases are analysed in Chapter 7, Fawley Division.

³² HRO 21M65/C3/4.475-6, 510-515, 521-2, 525-7, 531-2, Tovy v Rice. This case is analysed in Chapter 5, Basingstoke Division.

³³ M. Ingram. *Carnal Knowledge*, (Cambridge: Cambridge University Press, 2017), 56. R. Helmholz. *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1974), 47-57.

³⁴ Historians differ in their estimates of the percentage of brides who were ascertainably pregnant on their wedding day. Martin Ingram suggests it was up to twenty per cent, although percentages varied in different parts of the country, Laura Gowing concludes that it was between sixteen and twenty five percent of women. The illegitimacy rates were much lower, both historians agree on a number of less than five per cent of total births, from which it must be concluded that unless there were legal reasons for not marrying, most couples preferred wedlock to the stigma of bastardy. Ingram, *Carnal Knowledge*, 26. L. Gowing. *Gender Relations in Early Modern England* (London: Taylor and Francis, 2012), 18.

³⁵ HRO 21M65/C3/4, 335-341, Hicks v Hayne. This is a contested matrimonial case of 1567, where the bride's father recounts that the groom wore a 'leather jerkin, a paire of white hose, a white dublet, a hatt and a pair of low heled shoes' whilst the bride was wearing a 'russet frocke, a canvas apron and a black hatt'.

Gifts and tokens also help establish the priorities between couples. Obviously the poorer the couple the less monetary value that could be ascribed to gifts, but the symbolism of exchanging something so small as a 'bent (or bowed) groat' implied far more than its economic worth. Young men aiming to succeed as husbandmen would be offered animals to start flocks and herds, young women received household items and only occasionally in many dioceses (Winchester included) was the exchanging of rings mentioned in court as proof at a spousal of matrimonial intent.

The actual wedding ceremony was often carried out in the porch of the church. The hapless Henry Lamdene, having been through a spousal with Agnes Deane, then went through a porch ceremony with Elizabeth Godwyn some five months later and it then became the work of the consistory court to determine, having heard witness depositions, whether his liaison with Agnes Deane or subsequently with Elizabeth Godwyn was legal in the eyes of the church and the community. Regrettably there is no record of their judgement.³⁶

Freedom to choose a marriage partner for oneself gradually overcame parental determination until, as Lawrence Stone says, 'the Marriage Act of 1753 finally brought [civil law] a little more in line with human behaviour'.³⁷ The greatly reduced interventional role of the church was not, however, finally abolished until the nineteenth century.

Witnesses

Witnesses were chosen as much for their rank as for their evidential capability by litigants who were able to do so. The ability to frame a deposition to favour either plaintiff or defendant was paramount hence there were far fewer women called as witnesses than there were men (whose sex implied more weight and gravitas to their testimony), particularly in matrimonial cases. Defamation cases contested by two women drew more female witnesses who often very robustly defended one of the litigants against the other. Only occasionally, and seemingly because there was no other choice, very poor people were called as witnesses but their testimony was not necessarily highly valued and their

³⁶ HRO 21M65/C3/2, 25, 35-8, Deane v Lampden and HRO 21M65/C3/2, 71-3 Godwyn v Lamdene.

³⁷ L. Stone. *Road to Divorce, A History of the Making and Breaking of Marriage in England* (Oxford: Oxford University Press, 1990), 20.

veracity suspect as Natalie Zemon Davies and Amanda Flather amongst others point out.³⁸ The majority of court cases were between members of the evolving middling sort: tradesmen, craftsmen and the like, and most of their witnesses came from their own social groups.

Surprisingly few witnesses were named as failing to appear at the court when summonsed although those that did not turn up were usually re-summonsed to appear at a later date and, provided they did so, citing an acceptable reason for their default then no punishment was imposed on them. Nevertheless, cases did sometimes collapse because of a non-appearance, or because the defendant or witnesses did appear but had nothing to say in answer to the interrogatory or what they did say was undermined by other witnesses.³⁹ Occasionally more truculent defendants or witnesses would announce that they were not legally obliged to testify and therefore would not do so as a 1568 case between two men, Egg and Dowling confirms. William Dowling in the presence of four witnesses accused Egg of being the father of Dowling's wife's new baby, and then, when Egg brought the case against him Dowling declared that he was not bound by law to defend himself.⁴⁰ Dowling's wife Joanna had nothing to say to any of the many questions asked of her, and Mr Egg (no first name given) was not called at all.

Summary

Consistory Courts (sometimes now called Commissary Courts) still exist in the twenty first century although their role is confined to business matters concerning church land and property and occasional judgements over arcane ecclesiastical laws. It no longer has the power to try clerics for matters of misconduct which fall either under the jurisdiction of modern civil or criminal courts except if a case involves doctrinal, ritual or ceremonial issues. The court was stripped of its powers to hear defamation cases in 1855 and in 1857 testamentary cases were transferred to the Court of Probate, by which time the work of the court had 'long since fallen into desuetude'.⁴¹

³⁸ N. Zemon Davies. *Fiction in the Archives, Pardon Tellers and their Tales in Sixteenth Century France* (Cambridge: Cambridge University Press, 1987). A. Flather. *Gender and Space in Early Modern England* (Woodbridge: Boydell Press, 2007), 12-13.

³⁹ HRO 21M65/C3/10. 293, 301-302, 371, 373, 384-386, *Arthure v Ryves*, attempt at compurgation but a drunken witness was accused of lying by other witnesses.

⁴⁰ HRO 21M65/C3/4, 461-463, 465, 490-491, *Egg v Dowling*.

⁴¹ H. Giffard. *Halsburys Laws of England, Ecclesiastical Law*, Vol. 34 (London: Lexis, 2011), 866-884.

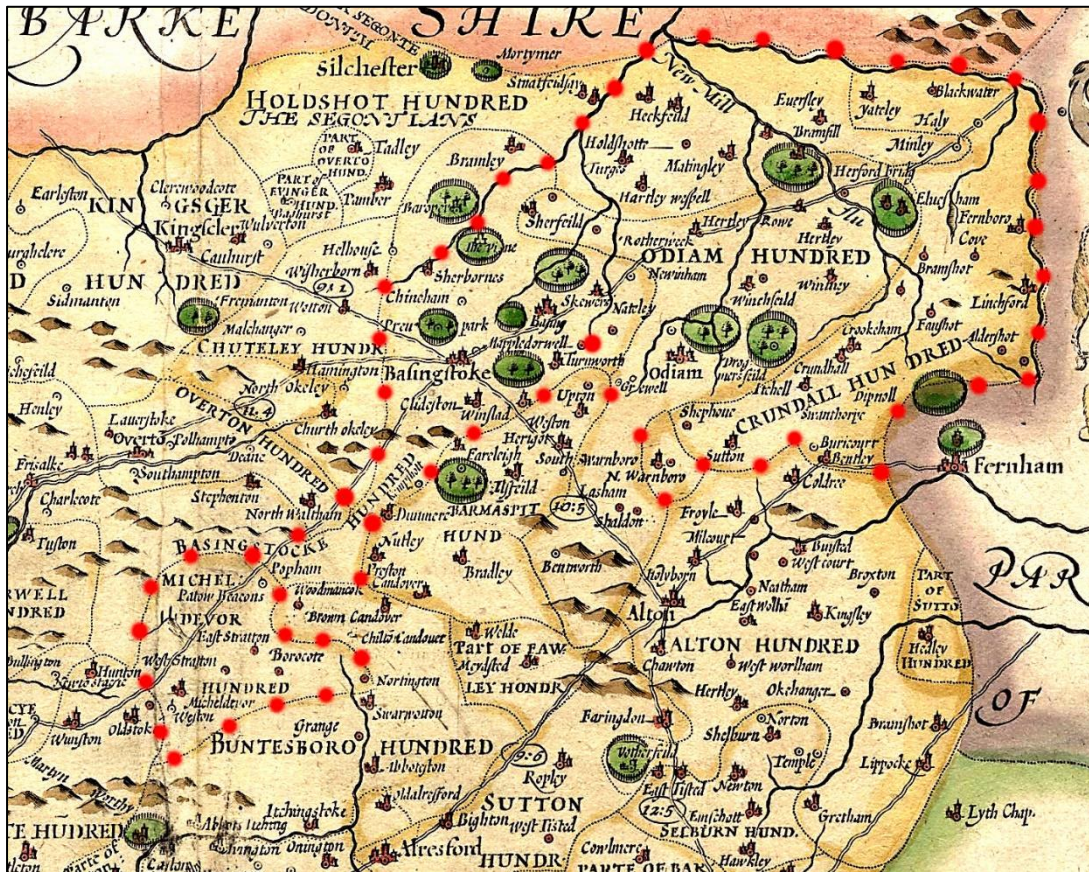
The cause of this desuetude was not just the streamlining of England's judicial processes. It was one consequence of a more fundamental societal shift which enabled people to move between strata of society according to ability. This fluidity rendered religious intervention to prescribe behaviour or to defend morality issues more and more irrelevant. Women became more confident, seeking more control over both their public and private lives; fortuitously for them, by the middle of the seventeenth century there were more and more independent congregations springing up, reflecting as Diarmaid MacCulloch points out that a 'disproportionate number of women joined [them] because they had more room to assert themselves than in the established church'.⁴² This transference surely would have happened more quickly in urban, rather than rural, areas, but dovetails with the statistics that show increasing numbers of women bringing cases to Winchester towards the end of the sixteenth century. If many of these women felt, by the lack of appropriate punishment of defendants, that the church did not care about them, then it is little wonder that they went elsewhere, where they felt they may still worship their God but be accounted more equal than in their parish churches.

The following chapters of this thesis expand on many of the themes covered in chapters so far, concentrating on three very disparate types of communities, comparing and contrasting their usage of the ecclesiastical court in Winchester.

⁴² D. MacCulloch. *Reformation*, 665.

Chapter 5: Basingstoke Division

Topography and Population



Map 2 - Basingstoke Division (outlined with red dots), from John Speed's 1610 map.¹

In the sixteenth and seventeenth centuries the Basingstoke administrative division covered an area of Hampshire from the Berkshire border to the north, the Surrey border to the east, just north of Winchester and Alton to the south and Kingsclere and Andover to the west. Irregularly shaped, a narrow isthmus projected down almost to Winchester, surrounding the ancient forest around Micheldever, inhabited and worked since the Bronze Age. Geologically the remainder of the division was mainly chalk upland supporting the sheep which were the basis of Hampshire's woollen trade. The northern boundary of the division follows the watershed where rivers begin both to drain north towards London and the East Coast or to the South towards the Solent through river valleys cut into the

¹ J. and M. Norgate, *Old Hampshire Mapped*, (1996-2006). John Speed map of Hampshire, 1610, <https://www.oldhampshiremapped.org.uk/hantsmap/speed1/SPD1SMAF.htm> Accessed 07 May 2020.

chalk by erosion. These valleys were settled and fertile enough for the growing of arable crops and it was the expansion of this arable land that became vital to Hampshire's economy as the wool trade collapsed.

The market town of Basingstoke's prosperity during the sixteenth century was built on the manufacture of kersey,² using both locally produced and imported wool. Much of the cloth production was done in local villages, subsequently finished and sometimes marketed and sold in the town. As well as weavers, fullers and dyers, ancillary craftsmen and traders held together a strong economic community. All were dependent on the farmers and husbandmen who not only maintained the sheep flocks but grew arable crops and kept cows, pigs and poultry to provide food. The resultant kinship linkages, both through blood relationships and long-standing community and trading structures oiled day to day life, facilitating production and labour exchange whilst maintaining status and the unity of family life.

Peter Laslett described the pre-industrial period as one when 'the whole of life went forward in the family, in a circle of loved, familiar faces, known and fondled objects, all to human size [...] which has gone for ever', which may be somewhat idealistic but emphasised the security people felt in their rural order.³ It should not be underestimated, however, how far-reaching this circle of affinity was, especially in rural areas where home and workplace were most frequently the same building, with suppliers, tradespeople and neighbours constantly coming in and out. This was what Amanda Flather termed 'the relatively open and multi-functional character of domestic space, with its constant flow of [visitors, making] absolute social and spatial control impossible to achieve' and affording endless opportunities to exchange news and gossip.⁴ Laslett's family circle analogy could properly be compared to the innermost concentric circle caused by a stone thrown in a pond; families did not exist in a vacuum and the effect of ecclesiastical court cases was deeply affecting to kinship groups however closely-knit or widely spread. A typical case was brought by Alice Hankin in 1567, although Alice gave no evidence herself.⁵ 'On the Wednesday fortnight passed All Hallows Day last' (that is mid-November 1566) she went

²Kersey is a kind of coarse ribbed cloth with a short nap, woven from short-stapled wool, used in Tudor times for hose and work clothing.

³ P. Laslett. *The World We Have Lost, Further Explored* (Abingdon: Routledge, 2000), 21.

⁴ A. Flather. *Gender and Space in Early Modern England* (Woodbridge: Boydell Press, 2007), 59.

⁵ HRO 21M65/C3/4, 245, 248-9, Hankin v Lipscome.

through a spousal ceremony in her father's house at Monk Sherborne with John Lipscome a husbandman from nearby Preston Candover. Apart from her father being present, which means he must have given his goodwill, a young husbandman named Seth Merriot carried out the ceremony in the presence of Rob Bever (husbandman) and William Parmenter (a potter), all of whom recount the event almost word for word. Alice received a groat as a token from John. There was no specific reason given as to why this case had been brought, but although nearly twelve months had elapsed the common expectation that the church ceremony would happen within around six to nine months had not been met and Alice Hankin (or her family) wanted no further delay. There are no records to show whether they ever did marry, although records show that both John Lipscome and Seth Merriot remained farming in the area for years afterwards. In the 1586 Lay Subsidy Rolls Lipscome was taxed at £6 and Merriot for £4 in goods. By 1594 John Lipscome was in Weston Patrick, less than five miles away from Preston Candover, where his brother farmed and where John made his will and compiled an inventory.⁶ Alice Hankin's father John made his will and inventory in 1574, revealing that he too was a husbandman.⁷ This case perfectly encapsulates the close ties that existed, not only within families, but with other local families with whom they traded, worshipped and socialised.

Being on main transportation routes, Basingstoke town had a flourishing market, and numerous inns and alehouses to provide refreshment for travellers ameliorating the effects of the declining wool trade longer than further south in the county. Unlike south Hampshire where product of all kinds was mostly shipped through Southampton to the Continent, goods from the Basingstoke area were shipped through both Southampton and London giving significant trading advantages. This exemplifies the fluidity of what Charles Phythian-Adams called 'cultural provinces' or 'bounds' within which 'a spectrum of local societies [are] linked by a regionalised network of towns [...] which have more in common culturally with each other than with societies in neighbouring provinces', although his

⁶ Hampshire Record Office, (hereafter HRO), 1594A/068, Will and Inventory of John Lipscome, Weston Patrick. Unfortunately, Lipscome's will is illegible in parts, and the name of his wife is missing.

⁷ HRO 1574B/089, Will and inventory of John Hankin, Monk Sherborne.

model does designate north-east Hampshire as being an 'overlap zone' between the 'French channel and the Thames cultural provinces'.⁸

By the 1520s Basingstoke had become the third most prosperous town in the county. John Hare remarked that while it had 'only half the population of Winchester its [taxable] assessment was three-quarters of that of the former capital of England'.⁹ However, rapid expansion was followed by decline and some decay as noted by the Duke of Tuscany in 1669 as noted earlier.¹⁰

As a crossroads for highways from the south coast to London and east/west to Surrey/Sussex and Berkshire/Wiltshire, Basingstoke formed a central point around which were numerous small agricultural parishes, some with impressive churches and manor houses, and all of which were involved, directly or indirectly, with either the wool or timber trades.

Of the forty-one cases for defamatory or matrimonial causes (plus seven for disciplinary reasons) that were heard at the court from the Basingstoke Division between 1560 and 1610, only four came from Basingstoke town (Basingstok Infra), whilst the villages close to Basingstoke (Basingstok Extra) were comparatively over-represented, bringing twelve cases (25 per cent of the total). At the end of the century, poor harvests and high inflation may well have deterred litigants from remoter villages, as the struggle to keep nourished would have precluded money left over to pay court fees. The decreasing value of land and goods may also have played a part as between 1590 and 1599 only eight defamation, one disciplinary and three matrimonial cases came to the court. However, more surprisingly, thirty-five of the forty-eight cases came from villages between fifteen and twenty-four miles away, nearly a day's journey on horseback or by cart, which meant that plaintiffs, defendants and witnesses would all have lost at least one day's wages; some witnesses were paid for their attendance, and the promise of recompense must have counterbalanced the loss of income for many called to Winchester, but also offered the opportunity of a day or two away from the relentless normal grind.

⁸ C. Phythian-Adams. 'Frontier Valleys' in Thirsk, J., (ed.). *Rural England, An Illustrated History of the Landscape* (Oxford: Oxford University Press, 2000), 238-40.

⁹ J. Hare. *Basingstoke: A Medieval Town, c.1000-c.1600, Victoria County History of Hampshire*, (London: University of London, 2017), 6.

¹⁰ F. J. Baigent and J. E. Millard. *A History of the Ancient Town and Manor of Basingstoke* (Basingstoke: C. J. Jacob, 1889), 80.

As agricultural workers were by far the largest occupational group in Hampshire, it is unsurprising that almost one-quarter of witnesses who testified in the forty-one cases between 1560 and 1609, were husbandmen, a total of twenty-two in defamation cases and ten in matrimonial cases. The following table gives more detail:

Occupation	Defamation cases	Matrimonial cases	Total
Husbandman	22	10	32
Tailor	8	3	11
Yeoman	6	1	7
Shearman	4	2	6
Miller	3	-	3
Sawyer	2	2	4
Smith	4	-	4
Other trades	39	6	45
Unknown	16	9	25
Total	104	33	137

Table 2 Occupations of witnesses from Basingstoke Division, 1560-1609

Between 1561 and 1597 a total of ten cases came from the two small villages of Basing (four) and Sherborne St John (six), and this chapter will highlight these cases, along with others from the division. There seems to be no one reason for this, although a higher number of late adolescent young men were involved not only as plaintiffs and defendants, but also as witnesses, especially in the cases involving violence to women, than in cases coming from other villages, which may indicate an element of gang behaviour or what Keith Thomas calls ‘the spontaneous behaviour of the common people’.¹¹ Horseplay, which tips over into something more sinister was, and still can be, a regrettable characteristic of some groups of people with influencing power over each other. A consistent thread running through this thesis is the unexpectedly high number of cases from villages lacking manorial or spiritual direction. This was true of Sherborne St John, but not the village of Basing where work was still plentiful both on the land and in the household of the Marquess of Winchester who owned Basing House. Though there may have been underlying anxieties resulting from poor harvests and outbreaks of plague

¹¹ K. Thomas. *In Pursuit of Civility: Manners and Civilization in Early Modern England* (New Haven: Yale University Press, 2018), 104.

(especially in 1574-5), the population was increasing overall and the tenor of village life was relatively smooth.¹²

The Lay Subsidy Roll of 1586 gives a clear summation of the tax levied on individuals in the Hundreds of Basingstoke, on both land and goods. It shows that the Hundreds to the north and north west of Basingstoke (towards the border with Berkshire) which, using Phythian-Adams's conceptualisation, faced towards London rather than the south coast for trading purposes, actually had a proportionately higher population of those well enough off to be liable for tax payments.¹³ Counter-intuitively the residents of the town itself together with its immediate surroundings (the Hundreds of Basingstok Infra and Basingstok Extra) were only liable for around sixty per cent of the tax owed in rural Odiham Hundred, high on the downland and with a widely dispersed population. This lower rate reflected the smaller amounts of land worked, often by copyhold, closer to the town, whereas further north in the division there were more extensive holdings with a corresponding increase in taxable land and goods. The gentry, who obviously would pay more tax, also lived further outside the environs of Basingstoke where close-quartered inhabitants had small dwellings.

Basingstoke Division (54 Parishes in each census)	Conformists	Papists¹⁴	Nonconformists
1603	9736	28	9 ¹⁵
1676	10958	73	261

Table 3 - Compton Census reports of 1603 and 1676, revealing a communicant increase of 12.55% over seventy-three years.¹⁶

¹² Baigent and Millard, *Basingstoke*, 348.

¹³ C. Phythian-Adams (ed.). *Societies, Cultures and Kinship, 1580-1850* (Leicester: Leicester University Press, 1993), 1-23.

¹⁴ NB. Papists is the term used for Catholics in the Compton Census.

¹⁵ NB. The total of nonconformists given for 1603 seems very low. There were problems with compiling returns, and it is possible that in some parishes nonconformists were unlisted. Attendance at nonconformist chapels did expand rapidly, however, during the seventeenth century; women notably forming a majority of their congregations.

¹⁶ NB. Again, there was some inconsistency in returns compilation. Some parishes recorded only men over eighteen, some recorded men and women, others recorded a family unit as a return of one. Clerical errors and inadvertent or deliberate bias may also have played a part. These returns do, however, indicate greater tolerance towards religious adherence other than Anglican conformism.

Basingstoke Hundreds	No of people taxed for Land		No of people taxed for Goods		Total number of people taxed		Total taxable sum	
	1586	1607	1586	1607	1586	1607	1586	1607
Basingstok Infra, inc. Hesill	15	16	38	38	53	54	£14 10s 8d.	£9 15s 4d.
Basingstok Extra	21	26	50	58	71	97	£19 13s 8d.	£17 9s. 0d.
Holshott	53	35	56	51	109	86	£23 18s 0d.	£17 15s 8d.
Odiham	67	90	119	87	186	177	£58 0s 8d.	£38 8s 0d.
Crandall	19	31	83	55	102	133	£27 18s 0d.	£17 1s 8d.
Barmanspitt	14	14	40	20	54	34	£18 9s 0d.	£10 8s 8d.
Bentlie (The Libertie of)	4	10	10	5	14	15	£3 18s 8d.	£3 14s 4d.
Micheldever	16	12	46	26	62	38	£21 5s 0d.	£10 17s 4d.
Totals	209	234	442	340	651	574	£187.13s 8d.	£120.2s 8d.

Table 4 - Population liable for tax in the Hampshire Lay Subsidy Rolls, Basingstoke Division, 1586 and 1607, by Hundred.

This table shows that over a period of twenty-one years (1586-1607) the Sessors' returns would only raise approximately 64% of the revenue that they had in the earlier Lay Subsidy, from 12% fewer people.¹⁷ Instance Books record forty-two tithe cases taken to Winchester court between 1581 and 1603,¹⁸ often instigated by the local vicar (who was entitled to 10% of each tithe payment as part of his stipend), and these cases occurred at a time of a series of 'dearth harvests' when some of the very poorest people were alleged to have resorted to eating the corn destined for the following year's seeds to stave off hunger. The declining wool trade and the beginnings of the enclosure movement, particularly in the north of the county (Holshott and Odiham Hundreds), led to some rural depopulation, with more people moving to the outskirts of Basingstoke (Basingstok Extra Hundred), and those that remained were taxed at lower levels because of a decline in both the value of goods and of land.¹⁹ In 1586 in the Holshott Hundred, Thomas Nightingall was taxed at £5 on his goods, whereas in 1607 his son Humphrey Nightingall's goods only amounted to £3, but in the Barmanspitt Hundred to the south of Basingstoke where the Upton Grey parishioner Thomas Kinge farmed, his rating was 40s (£2) for his land in 1586

¹⁷ Sessors were local elders, co-opted to enforce the subsidy regulations, and in the 1607 roll they were named and bracketed together at the end of the section for each Hundred. The word Sessor is an early precursor of the modern noun Assessor.

¹⁸ HRO 21M65/C11/3.

¹⁹ See Table 4, above.

but by 1607 this rating was increased to £4.²⁰ These examples may reflect the ability of families to manage their wealth, perhaps by buying or renting more land from those too poor to cope, but also their capability to switch trading routes, either north or south as conditions determined. Even the wealthy were affected by this downturn – Sir Henry Wallop of Farleigh (Barmanspitt Hundred) was taxed on his land at £70 in 1586, but at £50 in 1607.

Rural cases

As will be seen in this and the following chapters, rural cases often involved families who were well known to each other and often very competitive. Behind a matrimonial case was often hard-headed commercial pragmatism: a young man seeking to marry a girl who may inherit land and goods someday, or a daughter being urged by her father to marry a suitor who had similar prospects. Frequently these cases were the culmination of plans laid almost from birth, although sometimes a widow who had already acquired land and goods was pursued by one or more suitors anxious to become her husband and immediately profit from her wealth.

1598. Dene v Web.²¹ Defamation, accusation of immorality.

Sometimes judgements were made about people on scant evidence; witnesses sometimes say that they did not hear or see defamatory remarks being made but were told it second hand and just repeated it. This is particularly true in cases of sexual morality.

In a case from Hartley Wespall in 1598 Margaret Web repeated a slander about Elizabeth Dene being a whore, shocking their small village. The vicar and churchwarden attempted to restore the status quo by scaring Web into apologising, but Dene still took her to court for 'harming her reputation grievously'. The consistory court was the only route that women could take on their own account to redress a wrong, and defamation cases were frequently brought by a married woman, not only because her reputation and heavenly salvation was at stake but because rumours of infidelity could only too easily drive a wedge

²⁰ C. R. Davey, (ed.). *The Hampshire Lay Subsidy Rolls 1586*, (Winchester: Hampshire County Council, 1981), 44, 53-54 and Isle of Wight Record Office (hereafter IOWRO), JER/WA/37/10, Basingstoke Lay Subsidy Roll for 1607.

²¹ HRO 21M65/C3/11, 3-6, Dene v Walker and Dene v Web. The reference of the case notes, given in the title, is also relevant for all quotes from cases discussed hereafter throughout this thesis.

between a couple and the husband find himself being called a cuckold or a witold²² demeaning him as well. Worse, any children could be labelled bastards and their and her own inheritances lost which could mean them all being thrust on the parish for relief at a time when Poor Laws were very rudimentary.

No outcome of Dene and Web's case is recorded as is true for the majority of cases brought to Winchester.

1607. Ex Officio v Bearde and Browne.²³ Matrimonial, competing suitors and a sequestration.

This rural case concerned a girl aged eighteen years, also originally from Hartley Wespall, but unusually for this type of case it was not brought by her family (usually the father) but the church itself which disputed the legality of Elizabeth Mulford's status.

Her suitor, the defendant William Bearde contracted with her for marriage in 1607, and it was reported that Richard Churcher had met Elizabeth and William Bearde going on horseback to be married, Churcher pulled her off the horse, put her on another one he had brought with him and rode off with her to Sussex where he married her in church on 17th August 1607 (Julian calendar), but without a licence. Elizabeth was sequestered by the Commissioners at Winchester, with neither man being allowed to see her, and the teenager was moved between several houses during this process. She does not appear at the court; the case was brought Ex Officio against William Bearde and William Browne and concerns only Bearde and Churcher both of whom claim her and are made to post bonds to cover her 'diett and maintenance' as well as promise not to have any contact with her and certainly 'no carnall use of her body'. Throughout this case which involves Elizabeth ending up in the home of Thomas Beddam a wealthy and respected goldsmith of Winchester, William Bearde is supported by William Browne a yeoman from Warnford, and Richard Churcher by Zacharie Loder (yeoman) who is related to Churcher by marriage but also to the Mulford family.²⁴ The clerk's report remarks that since Churcher and Mulford's illegal marriage they

²² Cuckold – a husband who does not know of his wife's adultery, a witold does know but chooses to accept it.

²³ HRO 21M65/C1/28, 45-50, *Ex Officio v Bearde*. In this book only, individual cases are not numbered, depositions appearing in chronological order, being recalled at subsequent sessions.

²⁴ HRO 1573B/095, will of John Mulford of Old Basing and Joan Mulford (widow) 1590A/60. In Joan's will she describes Zakrye Loder as her son-in-law and appoints him as sole executor. HRO 1638A.107, will of Zachary Loder of Basing. According to his own will drawn up in 1638 Loder was a very wealthy man who leased part of his lands from the Marquess of Winchester who owned Basing

had been living together by Loder's consent at his house in Basing, which implies that either Loder did not know that the marriage had been performed without a licence or that Loder was colluding with his kinsman Churcher in the expectation that William Bearde (who also lived in Basing with his family) would not contest the arrangement. What is very unusual about this case is the amount to be held in bond by the court towards Elizabeth's upkeep. The first and second time the Commissioners demanded bonds of £100 each from Bearde and Churcher and by the third occasion this had increased to £200, enormous sums of money reflecting not only the perceived seriousness of the case but the wealth (or access to money) of Bearde and Churcher.²⁵

It is likely that this case was brought by the church as the only court entitled to hear matrimonial cases and this one would have been public knowledge and deemed unresolvable at local level. There were several branches of Elizabeth Mulford's family living within roughly a ten-mile area of Hartley Wespall (in Mattingley, Stratfield Turgis, Sherborne St John and Basing),²⁶ several of whom had incomes sufficient to be taxed on the value of their goods and lands. Although it is not possible to determine exactly where she fitted in to the family, there is some evidence that the Mulford and the Bearde families were well acquainted, as in the 1585 will of Richard Mulford he leaves his daughter Alce (Alice, misspelt by scrivener?) Beard a cow and instructions that his executors sow her husband's crop the next season.²⁷

This case demonstrates not only the power of the patriarchy to manage the life of a young, impressionable girl, who is not given the opportunity to speak for herself, but also the closeness through inter-marriage and kinship of families of similar status in small rural communities. The expense of bringing this case underlines the gravity of it in the eyes of the Church who promoted the case and emphasised the necessity of presiding over matters of Christian morality as a salutary lesson to other would-be transgressors. Also transparently obvious from this case is the competition between the Churcher and Bearde

House. Loder tried to ensure in his will that these lands would continue to be farmed by his sons and daughters (and their husbands) after his death thus preserving the family wealth and status.

²⁵ £100 in 1607 equates to around £30,000 and £200 to £60,000 in 2020, <https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator>. Accessed 01 September 2020.

²⁶ Part of the A340 road through Tadley is still called Mulfords Hill, bisecting and memorialising a part of their landholding.

²⁷ HRO microfiche 1585A/79. Will of Richard Mulford senior of Old Basing, Yeoman, 1585.

families to ‘win’ Elizabeth Mulford into their family circle. Both the Churchers and the Beardes were aspiring middling sorts, the Mulfords arguably had already taken the next step towards yeoman status, making Elizabeth a pawn in the whole scenario, albeit a pawn supported by another well-to-do family – the Loders of Basing and also the wealthy Beddams (the goldsmiths of Winchester with whom Elizabeth was latterly placed during her sequestration).

The small volume that this case is written up in contains a series of reports, detailing the Commissioner’s rulings on some particularly serious and unusual cases between 1606 and 1608, no verbal depositions are recorded and the volume ends abruptly so although we know there was a further hearing scheduled for April 1608 the pages are missing, so unfortunately the outcome of this case is unknown.

Cases from Sherborne St. John

Sherborne St John was, and is, a small village approximately five miles from Basingstoke, abutting Pamber Forest, with two manor houses and swathes of farmland. Between 1500 and 1520 The Vyne was built at Sherborne St John, an enormous conversion of a number of medieval monastic buildings. From its completion until 1540 the Sandys family periodically lived there, although from then until its sale to forestall bankruptcy they preferred to live elsewhere in Hampshire and the house remained largely unoccupied.²⁸ It was ultimately sold in 1653 to the Speaker of the House of Commons (Challoner Chute) who remodelled it, reducing it by nearly two-thirds to the size it is now. Throughout the period covered by this thesis, there was no consistent manorial control of the village, the land being managed by stewards on behalf of the Sandys family.

²⁸ R. H. Fritze, “Sandys, William, first Baron Sandys”, (Oxford, Oxford Dictionary of National Biography, 2004). <https://doi.org/10.1093/ref:odnb/24653>. Accessed 28 Feb 2022. Henry VIII gave Mottisfont Abbey and its lands to William Sandys in 1536 and from then, until and after Sandys’s death in December 1540 the family split their time between both properties. They lost a huge amount of their wealth during the Civil War.



Illustration 4 – The Vyne, Sherborne St. John.²⁹

It was common throughout England in the latter half of the sixteenth century for there to be a rapid turnover of vicars, rectors and curates in any one parish, and considerable periods where there were no incumbents at all. In Sherborne St John between 1564 and 1631 there were ten vicars (sometimes rector or curate – their seniorities changed regularly), of whom four died in office, and three served in more than one capacity, departing and returning sometime later. Neither was there a clerical patron for most of the time, leaving the incumbent bishop responsible for the institution and support of the Sherborne St John parish priest. The post-Reformation religious turmoil that led to a severe shortage of competent clergy throughout England makes it likely that an overstretched cathedral administration paid insufficient attention to the spiritual needs of local parishioners in remote areas. Per capita, during this period Sherborne St John was unmatched by any other village in Hampshire for the number of cases of violence brought to the consistory court and here a combination of the lack of constant manorial rule and inconsistent spiritual stewardship left villagers to manage themselves with limited success.

By the time of the 1676 Compton Census there were one hundred and ninety conformists, a slight decrease from the two hundred communicants reported in 1603, indicating that population levels were very stable.³⁰ It is somewhat unusual, therefore, to find that of four matrimonial and two defamation cases recorded between 1567 and 1594, three are specifically about male violence against women, two about disputed paternity and one a matrimonial breach of contract.

²⁹ Visit Hampshire, www.visit-hampshire.co.uk. Accessed 1st May 2020.

³⁰ A. Whiteman and M. Clapinson, (eds.). *The Compton Census of 1676: A Critical Edition* (Oxford: Oxford University Press, 1986), 85.

1568. Tovy v Rice.³¹ An attempt at forced marriage or abduction

In 1568 Jane Rice was ‘milking kyne’ in a Sherborne St John field when she was forcibly surrounded by a group of young men and made to go through a spousal ceremony there and then with Philip Tovy. She testified how frightened she was as she had heard that they had previously abducted another young girl (Jane was fifteen or sixteen), spirited her away and received payment for her forced marriage to a stranger.

The Tovy (Tovie) family were established landholders in Pamber; as early as 1440 a conveyance of land in Sherborne St John and Pamber was made between John Tovy and William Carter,³² and by 1586, eighteen years after he was a witness for his brother Philip, plaintiff in Jane Rice’s case, Thomas Tovie was taxed on his land for 40s in the lay subsidy roll.³³ Richard Gostling, one of the other witnesses was also taxed at 40s in 1586, and one Richard Baynard (probably an ancestor of George Baynard whose case against Richard Brackley appears with other cases from Basingstoke town, below) was also a witness, asked by the Tovy family to speak to the local vicar and press the suit because Tovy had heard that Jane had inherited some land ‘to the north’. Jane’s father Guy, mentioned peripherally, was taxed on his goods at £10 in the same lay subsidy and it is possible that the Tovy family were poorer than the Rice family, and hence Jane Rice would have been a good matrimonial prospect for Philip Tovy. Yet another witness, John Stiff, was related to Thomas Stiff (Styffe) who was taxed on his goods at £10 in 1586 and acted as a Sessor in 1607 when he was himself only taxed at £3. These families all knew each other well; they worshipped at the same local church, their children knew each other almost from birth and their trades were reciprocal – most were husbandmen, although Stiff was a wheeler and Thomas Tovy a weaver.

The case revolved around whether there had actually been a contract made between Tovy and Rice, despite protestations from Tovy’s supporters that there was, and Rice that there was not. The final word came from the last witness, Richard Gostling (Goslinge) who said that he and others had been asked by the local churchwardens to be arbitrators of this

³¹ HRO 21M65/C3/4, 475-6, 510-15, 521-22, 525-26, 531-32, Tovy v Rice. Both the Tovy and Rice families are listed in the 1586 Lay Subsidy Rolls, Thomas Tovie (or Tovy, father of the Plaintiff and also one of the Witnesses) being taxed for land worth 40sh (£2) and Guy Rice (Jane’s father) being taxed for goods worth £10.

³² HRO 19M61/450, Conveyance (demise and feoffment) of lands and tenements in Sherborne St John, and 1 croft lying in Pamber, Tovy and Carter.

³³ Pamber hamlet lies adjacent to Sherborne St John. Pamber Forest was a prime source of timber for shipbuilding, and the parish was also surrounded by a substantial acreage of agricultural land.

dispute before a decision was made whether or not to take it to the Archidiaconal Visitation and their decision had been that there was no contract. The family faction, led by Tovy kin was split, some of their witnesses were discredited, the local vicar and churchwardens had been involved, Richard Baynard as part of the local gentry tried to intervene, and different trades were represented (weaver, shoemaker, wheeler) as well as the local husbandmen, clearly illustrating how supportive and also divisive relationships in small villages could be.

To build up the picture of what happened in this complicated case, Thomas Tovy told the court the precise details of the clothes Philip and Jane were wearing in the field: 'he wore a bucke leather Jerkyn, a payre of russet hose, a hat' and she wore 'a gray russet frocke, a white apron and a black felt hat'. None of the witnesses disagreed with this, but Thomas added that Jane was sixteen years old, another witness said she was only fifteen and witnesses also disagreed on tokens allegedly exchanged between the couple a few days earlier – one averring that Jane had received 'a sixpence' and Philip Tovy had received a 'dozen points' while she promised him 'better later', whilst another witness said that Philip had given Jane 'a purse of 5 shillings' and she gave him 'an hand kercher'.³⁴ In the face of such fundamental disagreement amongst the witnesses, it was highly unlikely that the court would accept a plea of compurgation.

Eight witnesses had deposed on behalf of Philip Tovy, the plaintiff, but their stories did not hold together and although the outcome is unknown it seems likely that Jane retained her good name and that of the Rice family.³⁵

This case happened in a village only three or four miles away from Hartley Wespall where the case concerning Elizabeth Mulford (and also the defamation case between Dene and Web) took place and powerfully illustrates the rough and threatening behaviour which successive generations of young men felt able to display towards women, whose recourse was largely through a parent or other male relative taking action on their behalf.

³⁴ 'Points', or silken points, were pieces of lace used as kerchiefs, and were quite commonly given as spousal tokens. See D. O'Hara. *Courtship and Constraint, Rethinking the Making of Marriage in Tudor England* (Manchester: Manchester University Press, 2000), 91. O'Hara's book is particularly useful on the complexities of the courtship process and family involvement in the sixteenth century.

³⁵ Five or six witnesses (some dioceses differed) were necessary for an attempt at compurgation. If they all told the same verifiable story then the Chancellor would deem it creditable and give judgement for either the plaintiff or defendant as the witness depositions suggested. If there was dissent among the witnesses, then the compurgation attempt was deemed to have failed and legal precedent and judgement followed.

1584. *Smyth v Smyth*.³⁶ Rape, followed by domestic violence.

In late September or early October 1584, Agnes Smyth was found on the threshold of her home in Sherborne St John, cradling a child in her arms, having been locked out by her husband.

Although Agnes was accused of ‘destroying her childe’ it is unclear from the depositions whether or not the child was dead.³⁷ Agnes was almost mute with grief and shock and only with difficulty did her mother-in-law and other village women who had been summoned in great haste elicit from Agnes that she had been raped by one Thomas Fry, a local carter. Fry had allegedly told a witness that what he had done was of Agnes’s asking, not his own, before he promptly fled the village and signed up for Her Majesty’s Service. It is also not clear whether the child she was holding was the result of the rape or whether she had been assaulted in the recent past. Her unsympathetic mother-in-law accused Agnes of committing a ‘wicked deede’, blaming it all on Agnes’s ‘continuall drunckennesse’. Agnes insisted that Fry had forced himself on her against her will, whereas the other female witnesses displayed sympathy for her plight. What Agnes could not, or in any event did not, do was to present tangible proof that she had adequately resisted her rapist, a legal requirement in both secular and consistory courts.³⁸ What was clear was that the case had come to court in only a month or six weeks; Fry had not been caught, and the blame was being squarely placed on Agnes herself. It is unsurprising that Agnes was considered at fault for her predicament – both medical and religious teaching of the time theorised that women were physically, morally, mentally and emotionally weaker than men and Susanna Lipscomb points out ‘as it was believed that women needed a sexual climax to conceive [it followed] that a woman who became pregnant after rape had obviously not been raped’.³⁹

The law considered a wife to be the property of her husband, and thus he was perfectly entitled to throw her out to protect his own good name.

³⁶ HRO 21M65/C3/9, 178-80, 187-8, *Smyth v Smyth*.

³⁷ If there had been serious suspicion that Agnes had killed her child, her case would not have been eligible for anything other than the County Assizes.

³⁸ G. Walker. ‘Rereading Rape and Sexual Violence in Early Modern England’, *Gender and History*, 10, 2002, 8, https://www.researchgate.net/publication/229753166_Rereading_Rape_and_Sexual_Violence_in_Early_Modern_England. S. Brownmiller. *Against our Will: Men, Women and Rape* (New York: Simon and Schuster, 1975), 121.

³⁹ S. Lipscomb. *The Voices of Nimes* (Oxford: Oxford University Press, 2019), 49.

Unfortunately for Agnes, it seemed that her husband John Smyth had abruptly ‘departed his master’s service and had run away’, leaving her homeless. Although he was the plaintiff in the court case, he apparently did not turn up or testify. There is no record of the occupation of John (also called Thomas by one witness) except that he was one of Thomas Stiff’s men. Stiff’s will shows him to have been a wealthy man, owning corn and fulling mills, who was also a craftsman leaving a joinery shop with all its tools to his son,⁴⁰ and being seized for £10 in goods in Bramlie (Bramley) and £3 for goods in Sherfelde (Sherfield upon Loddon) in the 1586 Lay Subsidy, so John Smyth could have worked for him in any of a number of trades.⁴¹ Stiff’s will shows him to have been a very benevolent man: to his family, to local churches and he also left legacies to poor parishioners in several local villages, so possibly Agnes benefitted from his charity. The concept of charity was a religious cornerstone, and the listing of bequests in wills commonly begins with bequests to ‘the cathedrall church in Winchester’ and the local parish church before moving on to itemise the bequests to family and servants. In Stiff’s case the poor parishioners who were beneficiaries came before his personal bequests, emphasising not only his ability to distribute largesse as he could but also his mindfulness of the importance of doing so.

There are no other details about Thomas Fry, the alleged rapist who ran away, but there was a large, extended Fry family, several of whom were husbandmen living within less than a ten-mile radius of Sherborne St John. Although it has not been possible to find details on Thomas, it is likely that (being a carter) he was a member of that family, and by necessity through his occupation would have been to one of Thomas Stiff’s mills and thus become acquainted with John and Agnes Smyth, reinforcing the commonality of social and business ties between inhabitants of adjoining parishes.

1594. *Fawconer v Hellier*.⁴² Sex between master and servant, abduction.

The third case of violence against women concerns Joan Oakes, although the case was brought in 1594 by Gregory Fawconer against Vincent Hellier.

⁴⁰ The son to whom he left the joinery shop may have been John Stiff, who was one of the witnesses at the court case between Philip Tovy and Jane Rice. John Stiff was a wheeler, so a skilled woodworker.

⁴¹ Will of Thomas Stiffe, England and Wales, Prerogative Court of Canterbury Wills, 1384-1858, Piece 89: Cobham, Quire Numbers 1-57 (1597), www.Ancestry.co.uk. Accessed 27 August 2020.

⁴² HRO 21M65/C3/10, 393-6, 398-9, 401-2, *Fawconer v Hellier*.

Hellier was Oakes's master who impregnated her, giving her 10s initially and promising her a further £5 after the child was born. Although he and his wife and son took Joan to stay in Wiltshire during her pregnancy Hellier not only 'kept removing her from house to house to have his lust of her' but refused to pay her the owing £5, so she threatened to return to Sherborne St John and make public his misdeeds. However, Joan became very ill after the birth of the child, which died, so she was removed again to live with her sister in Speen, near Newbury, Berkshire. This dead child was the second that Hellier had had with Joan, and he had, apparently, paid for the first one, although Joan bitterly regretted knowing him.

This case is interesting in that although Gregory Fawconer was the Plaintiff, it is not recorded how he became involved or why he brought the case. Research has revealed that a George Fawconer was instituted vicar of Sherborne St John on 28th January 1589 where he remained until his death in post in 1598.⁴³ It would be stretching coincidence if a Gregory Fawconer who lived in Wiltshire was not a relative of George Fawconer (possibly his son?) who Hellier knew from the past, and Gregory had either housed (or arranged lodgings for) Joan Oakes or met her and was so moved by her story that he brought the case on her behalf. Marriage records exist for Kington St Michael in Wiltshire for 1606 when one Grigorie Fawchoner married a Joan Francis and again in 1608 when Grigorie Fawconer (changed spelling) married Aline Pinchine in the same village.⁴⁴ It is even possible (but unproveable) that Joan Oakes and Joan Francis were the same person.

Despite the lengths that Vincent Hellier and his family were prepared to go to in order to conceal Hellier's transgressive behaviour, it is noteworthy that as well as Gregory Fawconer, Joan's sister and four other women testified on her behalf, an example of outraged women banding together for one of their own. Did the Rev. George Fawconer intervene to persuade Grigorie to provide or find lodging for Joan, and if he did was it the morally correct thing to do – was his motivation to assist both the Helliers and Joan Oakes,

⁴³ Baigent and Millard, *Basingstoke*, 141-2. Church of England Database, <https://www.theclergydatabase.org.uk/jsp/DisplayVacancy.jsp?CDBAppRedID=58919>. Accessed 06 September 2020. Prior to his institution at Sherborne St John George Fawconer BA had been a schoolmaster at the School of the Chapel of the Holy Ghost in Basingstoke on a stipend of £10 per annum and thereafter combined his clerical duties with some school teaching. Records show that in 1594 he taught from Lady Day (25th March) until Christmas and was paid £8 1s 3d.

⁴⁴ <https://www.findmypast-co-uk.winchester.idm.oclc.org/transcript?id=PRS%2FWILT%2FBURS%2FBH%2F0163185>. Accessed 27 August 2020.

or was he complicit in covering up sinful behaviour? George Fawconer did not provide a deposition to clarify his role in the affair, perhaps remaining silent was less of a risk to his own reputation.

The remaining three cases from Sherborne were representative of the commonest reasons to go to the ecclesiastical court.⁴⁵ They are concerned with paternity, a matrimonial breach of contract and a cuckolding case where two drunken men fell out at the supper table and one accused the other of being cuckolded by his wife with a 'table man'.

Cases from Basing

Basing is slightly closer to Basingstoke than Sherborne St John, only approximately three miles as the crow flies from the town itself. The 1676 Compton Census recorded two hundred and seventy-nine conformists and twenty-seven catholics, a drop from three hundred and twenty conformists but fewer (thirteen) catholics than were recorded in 1603.

Basing House was central to village life, exactly as The Vyne was in Sherborne St John, but although Basing was a larger village only four cases went to the consistory court between 1561 and 1597, none of which involved violence. This may have been coincidence or more likely because the devoutly catholic Paulet family from Basing House kept a traditional and tighter control over their villagers than was the case in Sherborne where the Sandys family were largely absentee landlords.

⁴⁵ HRO 21M65/C3/8, 160-62, Forde v Lewenden, 21M65/C3/4, 263, 277-8, Goodier v Coles (also Collins, Colly), 21M65/C3/8, 459-60, Haskerd v Salkeld.

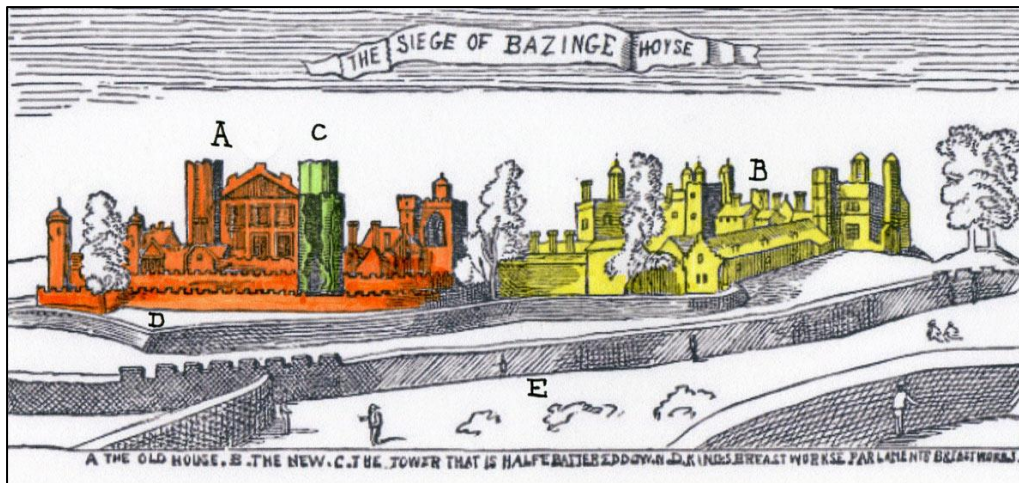


Illustration 5 – View of Basing House from the south side during the siege: A The Old House B The New House C The Tower that is Half Battered Down D King's Breast Works E Parliament's Breast Works: Siege of Basing House in the English Civil War: engraving by Wencelaus Hollar 'himself a member of the garrison' ⁴⁶

The construction of Basing House, the most prestigious manor house in the area began in 1535.⁴⁷ A complex set of buildings, gardens and parkland which together with the village houses in Basing and large tracts of farmland became the home of the Paulets, successive Marquesses of Winchester. A century later, in 1645, Cromwell's army set siege to, and completely destroyed the building, only the Great Barn and some brick foundations remain. Wenceslaus Hollar's drawing of the siege gives a sense of the scale of the great house, its gardens and home park at the time. It is easy to see why Cromwell's forces were so determined to sack Basing House; (apart from the treasure it was known to hold, much of which was taken by his militia), there could be no mercy shown to such blatant Roman Catholics.⁴⁸

A new book on the siege is due to be published in May 2022. Written by Jessie Childs it focusses on the two years of the siege, reimagining the stories of people involved on both sides as well as ordinary men and women who were caught up in the crossfire.⁴⁹

⁴⁶ Basing House illustration, www.BritishBattles.com. Accessed 01 May 2020.

⁴⁷ W. Emberton. *Love Loyalty, The Close and Perilous Siege of Basing House, 1643-1645* (Basingstoke, self-published, Basingstoke, 1973). Baigent and Millard, *Basingstoke*, 413-433.

⁴⁸ A legend exists to this day of gold plate being melted down to keep it out of Cromwell's hands, moulded into the form of a golden calf and buried in the grounds by Jesuit priests who were sheltering in the house, and slaughtered when the house was taken. If it did exist, it has never been found. Emberton, *Love Loyalty*, 101-2.

⁴⁹ J. Childs, *The Siege of Loyalty House: A Civil War Story*, (Bodley Head, London, 2022).

1561 and 1567. *Unknown v Wegley and Wodes v Whitcombe*.⁵⁰ *Incontinence and (second case) matrimonial breach of contract.*

A Basing case in 1561 involved ‘unlawfull copulation’ between a villager (Thomas Wegley) and an unknown female plaintiff; the only evidence is a very short deposition from Wegley denying the allegation.

The more detailed 1567 case involved two servants of the powerful Wakefield family. John Wodes, the plaintiff, alleged that he had given his would-be wife rings and money to seal their matrimonial contract. In reply, Joan Whitcombe’s personal statement was that he had indeed given her these things but that he had asked for them back two days later in order to buy sheep and she had returned them. In any event, she claimed, they were not in the way of a matrimonial contract as she had neither her ‘ffriendes goodwill, neither her mother nor Master and his Dame’. She also said that as it had all happened two years earlier she did not feel bound by it. Wodes did not lodge a personal statement for himself, although he felt sufficiently strongly about his situation to bring the case to Winchester.

Cases like Wodes and Whitcombe were common – the longer the gap between an agreement to marry and the actual church ceremony, the more likely it was to fail. In this case, although there was some giving of tokens, no spousal appears to have been carried out, making their ‘contract’ easier to break. As will be seen, the Wakefield family were wealthy and influential members of Basing parish, although not Catholic they enjoyed a good relationship with the Marquess of Winchester, whose influence enabled Bernard Wakefield to gain a royal post.

1577 and 1587. *Wakefield v Thorpe, and Wakefield v Wakefield and Rich*.⁵¹ *Defamation, and (second case) continual incontinence/adultery.*

The other two Basing cases are more unusual, both involving the Wakefield family. The 1577 case concerns Alice Thorpe an old woman from Basing village who, in the street, called John and Bernard Wakefield’s elderly and frail Aunt Katherine a ‘bawdy old whore’ in the hearing of villagers and three members of the Mulford family, who have been mentioned before in the Sherborne St John cases. Alice Thorpe seemed to cause trouble in the village on another occasion when, in 1585 she appeared at Winchester as a defendant

⁵⁰ HRO 21M65/C3/2, 15, *Unknown v Wegley* and HRO 21M65/C3/4, 83, *Wodes v Whitcombe*.

⁵¹ HRO 21M65/C3/7, 145-7, 162-3, 206-7, 226, *Wakefield v Thorpe*. HRO 21M65/C3/11, 52-71, *Wakefeld v Rich and Wakefeld*.

for a second time having defamed a neighbour's wife by calling her 'a Gyll' and accusing another of the theft of 'half a quarter of otes'. Thorpe also accused her neighbour, Richard Hether's wife of leaving a 'cucking stole' outside Thorpe's door (which she then used for 'fyre wode'). Richard Hether fared no better as Thorpe called him a 'knave' for having a 'whore called Bessie Bell'.⁵²

The Lay Subsidy Roll of 1586 valued John Wakefield's goods at £10, and the Wakefields continued financially to prosper, as was evidenced ten years later when his brother Bernard (as Churchwarden) was obliged to call John's wife, Helene Wakefield and her alleged lover David Rich to court for continual incontinence. This matter had been raised by the churchwardens before, but no resolution had been reached and following a visitation the bishop ordered that the case be resolved. By this time Bernard Wakefield described himself as 'one of the Ordinary Yeomen of the King's Chamber'⁵³ and political expediency led him to try, partly successfully, to recuse himself, and successfully canvass for his brother John to be removed as a Churchwarden prior to the case hearing.

1586 was the year that John, Bernard and their brother Zacharie's father (William) died and by his will they inherited more land and goods which they managed well enough for the sessors to rate them in the 1607 Lay Subsidy as owning land worth £45 (John) and £25 each (Bernard and Zacharie).⁵⁴ Despite the vagaries of land ownership, bad harvests and inflation Bernard retained his wealth, dying in 1613 leaving legacies of over £150 to relatives, servants and the local church as well as large amounts of land.

With his position at court, which may have been helped by the patronage of the Paulet family, the mortification that an incontinence/adultery case must have caused would have been considerable for the whole family, but little long term harm seems to have been done to the family reputation. The family stayed on in Basing – in the 1665 Hearth Tax Assessment there are three Wakefields listed (although the spelling has changed to Wackfeild). Mister Wackfeild and Edward Wackfeild were charged for five and four hearths, although John Wackfeild was deemed not chargeable for six hearths which may

⁵² HRO 21M65/C3/9, 283-4, 289-91, Hether v Thorpe. Cucking Stools were made as 'instruments of ritual humiliation for women, normally in punishment for the social offence of scolding or back-biting, but also for sexual offences like whoredom or bastardy'. See E. Duffy. *The Voices of Morebath*, (New Haven: Yale University Press, 2003), 185-6.

⁵³ The National Archives, Kew (hereafter TNA). PROB 11/122/84. Will of Barnard Wakefeild of Old Basing, Ordinary Yeoman of the King's Chamber, 1613.

⁵⁴ IOWRO, JER/WA/37/10, Basingstoke Lay Subsidy Roll, 1607.

have been in workshops rather than domestic settings - an indication that successive generations were still living in some prosperity.⁵⁵

The case, earlier in this chapter, describing the sequestration of Elizabeth Mulford is pertinent to the cases involving the Wakefields. The families were closely linked, Wakefields were executors to the wills of members of the Mulford family and vice versa. Considerable monetary loans were to be accounted for as part of the dispersal of their various estates, one Jerome Mulford, a smith, left inventory of £19 8s 8d in 1590, but also placed an obligation on John Wakefield to look after Elinor Mulford (his widow) and discharge his debts which amounted to £38 10s 0d, double his assets and all but £10 of it owed to John Wakefield.⁵⁶

It is important to compare the numbers and causes of cases from these two manorial villages with the frequency and causes of cases brought from the more dispersed villages in the northern part of the Basingstoke Division and this will now be examined.

Whereas Basing and Sherborne St John are relatively close to Basingstoke, and hence readily accessible for trading purposes, the more northerly part of Basingstoke Division, further from towns, abutted the boundary with Surrey and Berkshire and consisted largely of uplands supporting the vast flocks of sheep that were the source of wool for kersey manufacture. The population was more dispersed; small villages separated from each other by tracks, rather than roads, and this separation meant most parishioners relied more on their own communities for day-to-day social contact than did villages adjacent to busier roads.

Taking six parishes from this northern area – Elvetham, Hartley Row, Hartley Wespall, Heckfield, Mattingley and Yateley, records show that between 1572 and 1617 only eight cases came before the ecclesiastical court, and two of those were contextually similar and heard on the same day in 1596. Apart from Hartley Wespall which had a conformist population of one hundred in 1603, the other parishes varied between one hundred and sixty-nine and four hundred souls each. To put it simply, the communicants of these more outlying villages numbered around eleven hundred people altogether, or nearly five times as many as in Sherborne St John which presented six cases over a similar period. The

⁵⁵ E. Hughes and P. White, (eds.). *The Hampshire Hearth Tax Assessment 1665* (Southampton: Hampshire County Council, 1991), 238.

⁵⁶ HRO 1590AD/28, will and inventory of Jerome Mulford, smith of Old Basing.

occupations of those attending the court from these villages were primarily husbandmen or tradesmen and their wives, there is no obvious difference in age groups, and witnesses were often either related by blood, marriage or through community kinships.

Environmental differences (weather or harvest conditions) could not be great enough to explain why the Sherborne St John group were more prone to violence than the other villages, but each of the bigger group of villages was surrounded by large farms where the traditional structure of manorial courts and spiritual control were still paramount and administered by the local gentry. The combination of secular and spiritual control made it much more likely that dissention could be dealt with almost immediately and, importantly, locally, meaning there was neither the time, the money or (crucially) the inclination by ordinary folk to take matters further afield, unless local resolution strategies had completely failed. In Sherborne St John there was no gentry focal point for much of the period to take this control, whereas in Basing the Marquess of Winchester fulfilled his disciplinary role, with only the yeomen or gentry family of the Wakefields being concerned with their own elevation and losing some control over their own family members. Even with the Wakefields, they could argue that the adultery case was the fault of Helene Wakefield who had married into the family, and was not their own blood line, an argument which would have helped prevent loss of face and credit.

To compare the northern (upland) part of Basingstoke division with the area south of Basingstoke on the border of Fawley and Alton Divisions gives an insight into how the changing topography may have influenced the cases taken to the consistory court. The southern part of the division encompasses the Candover Valley on its eastern flank and Micheldever Forest on the west. Again, six villages have been used to look at population and case numbers. These are Dummer, Preston Candover, Chilton Candover, Micheldever, Bentworth and Chawton. No cases were recorded from either Dummer or Chawton in the years between 1560 and 1630, three from Preston Candover (two defamation, one matrimonial), and one each from Chilton Candover, Micheldever and Bentworth (all defamation). The communicant population of these villages totalled eight hundred and fifty-one in 1603,⁵⁷ roughly three quarters of the population of the six villages referenced for the northern section of the division. The area to the immediate north and east of Basingstoke supported the majority of the cloth-making industry, whereas the geology of

⁵⁷ Whiteman and Clapinson, *Compton Census*.

the southern part of the division varied between chalk sandwiched between areas of sands and clays, enabling a mixture of arable farming, forestation which gave rise to a timber industry and animal husbandry which included a considerable amount of free-range pig rearing in the woodlands.⁵⁸ The large amount of woodland in this part of the division restricted the size and number of habitation sites, and thus population was sparser.

Basingstoke urban cases

Surprisingly, for a town the size of Basingstoke – the third largest in Hampshire and with a communicant population of one thousand or more – there were only four cases taken to the consistory court between 1550 and 1630, and all of these were for defamation of character.⁵⁹ The *Cowslet v Hopkyns* cases which follow are an example of the overlap between town and country. Both the Cowslet and Hopkyns families were prominent innkeepers in the centre of Basingstoke, but also owned land on the town's periphery and the animosity between the women of the two families was carried on wherever they were.

1561. Cowslet v Hopkins and Hopkyns, and Hopkins v Cowslet⁶⁰. Defamation, accusation of venereal disease, counter accusation of adultery.

A long running feud was exposed in a series of cases coming from the southeast of Basingstoke town during the latter part of the sixteenth century. The area known as Hackwood Field, Winchester Field and Hatch Field was not enclosed and adjoined common meadow lands which provided hay and grass for animal feed, the only fencing and hedging being around the outside to separate animals from growing crops. Occasionally neighbours fell out because of animal incursion or higher than permitted numbers of animals being allowed to graze to the detriment of other people's livestock, but unusually the spark which ignited the case between Jane Cowslet and Elinor Hopkyns and her husband John took place in 1561 over a swarm of bees which had settled on a boundary tree between the two families' gardens.

⁵⁸ E. Klingelhofer. 'Settlement and Land Use in Micheldever Hundred, Hampshire, 700-1100', *Transactions of the American Philosophical Society*, 81, 3, (1991), 28 and 45, <http://www.jstor.org/stable/1006480>. Accessed 04 May 2020. Autumn pig pasturing in the forest is known as pannage; the animals eating acorns, beechmast, chestnuts and other nuts.

⁵⁹ HRO 21M65/C3/4, 259, 265-268, *Hall v Primer*, 21M65/C3/5, 320-321, *Chapman v Jones*, 21M65/C3/9, 256-261, 274-311, *Exoll v Smyth*, 21M65/c3/9, 287-291, *Hether v Thorpe*.

⁶⁰ HRO 21M65/C3/2, 24-27, 38-47, 181-183, 193-201, *Cowslet v Hopkyns and Hopkyns*, and HRO 21M65/C3/2, 63-71, *Hopkyns v Cowslet*.

John Hopkyns was standing on the pale (fence) trying to catch them in a basket to 'hyve' them when Cowslet hit the swarm with a 'logge' causing the bees to scatter and prompting Elinor Hopkyns to call Cowslet a 'whore, a shitten whore and a shitten Jade'. Elinor was so incensed that she told anyone who would listen in the local inns and shops that Cowslet was 'burnt' (diseased) and that 'her cunt was lined with plaisters and brymstone, but my [Hopkyns] old cunt never came to that'.⁶¹ Not content with such slanderous accusations, Elinor had then elaborated that she knew the goodwife 'mydwyffe' who had tended Jane with 'plaisters of brymstone and butter' and apparently healed her. Jane was able to call fourteen witnesses who all testified that Jane's name was grievously impaired by Elinor's malevolent outburst and they further testified that Hopkyns had said that Cowslet rode out one day side saddle but returned sitting astride a large bag of lime, the imputation being that the lime was to be used to help cure Cowslet's 'French pox'. Cowslet also complained that Hopkyns had caused a large letter C (for Cuckold) to be painted on Cowslet's door, defaming her husband as well as herself, which Hopkyns denied. Of course, the witnesses were able to say that they felt that the plaintiff Cowslet's good name had been much injured although none went so far as to say that Cowslet had not, in fact, been diseased.

The febrile atmosphere between the two women was not calmed by this hearing; a month later they were back in court when the roles of plaintiff and defendant were reversed. This time Hopkyns was complaining about Cowslet who, when they were putting out washing to dry had been heard by several people accusing Elinor of having a 'knave boy' in her bed, who had been 'plucked out by his heeles'. Four different witnesses were called in this case, who all took the view that an accusation of adultery or fornication was not made maliciously by Cowslet and it did not impair Hopkyns's good name.

The outcome of their feud is not recorded, but it would seem likely that Jane Cowslet prevailed over Elinor and John Hopkyns by the sheer number of credible witnesses she was able to produce, and even Elinor Hopkyns's counter suit may have lost with her witnesses supporting Jane Cowslet.

These cases are particularly interesting because of the large number of witnesses called, in the first case eleven men and three women, more than sufficient for compurgation,

⁶¹ A 'plaister' being a thick paste of brimstone and butter, applied to the affected area. The brimstone (sulphur) had anti-bacterial properties and was acidic, whereas the butter was alkaline, presumably making the paste soothing if not curative.

especially as all the witnesses were in agreement as to what happened. They were mostly prominent local people, although two came from Winchester and one from Shaw, near Newbury, but testified that they knew either Cowslet and/or both Hopkyns well, as both families were large and had several branches throughout the town. Both families were innkeepers as well as landholders, so would have had a wide and overlapping range of acquaintances and customers. The second case brought four female witnesses, none of whom had been involved in the first case. Most of the witnesses lived close by Hackwood Field on the south-east side of Basingstoke, where Cowslet and Hopkyns argued whilst hanging their washing to dry on the hedges, causing Hopkyns to bring the second case. The witnesses in the first case varied in their trades, a farmer, fletcher, woollen draper, linen draper, carpenter, sawyer, milliner and gentleman were called because of their presence at one of Elinor Hopkyns's outbursts and were well-to-do shopkeepers and members of the emergent middling sort of the town familiar to each other from their trade guilds as well as the social environment of the inns. William Belchamber was the Gentleman witness persuaded to speak up for Jane Cowslet – he came from one of the richest and most respected families in Basingstoke.

To counteract her declining reputation, Elinor Hopkyns called four female witnesses to defend her reputation in the second case (in which Jane Cowslet accused Elinor of being a whore and having other men in her bed), but there is no record of either the occupation or marital status of these women. Elinor's husband John Hopkyns was an innkeeper and Royal Postmaster in Basingstoke from 1546 to 1581, amassing considerable wealth, and, albeit a century earlier was, like Richard Brackley and George Baynard in the interrogatory following later in this chapter, an Alderman of the Guild of the Holy Ghost (1566). In 1559 John Hopkyns was taxed at £20 in the Queen's Subsidy, the same amount as James Cowslade, husband of Jane.

The Cowslades (Cowslets) had been prominent residents of Basingstoke since the early sixteenth century, James keeping the family inn from 1552-1576, being succeeded by his widow Jane from 1581 to her death in 1592.⁶² In 1578 and again in 1585, Jane Cowslet (now Cowslade) appears as a small landholder being required under frankpledge to

⁶² Hare. *Basingstoke*, 69. Baigent and Millard. *Basingstoke*, 137, 398. HRO 1592A/031, will and inventory of Jane Cowslade of Basingstoke, Hampshire, widow.

maintain a gate on her land at Hackwood,⁶³ and in 1586 she was assessed in the lay subsidy for £5.⁶⁴ The inventory survives for James Cowslade, and although it does not indicate which inn the family ran, it was a substantial building with twelve bedchambers containing twenty-seven beds and associated furniture, plus parlours and servants' rooms, as well as cattle and arable land together with farming equipment.

These cases highlight how the wealthier people in the town had the appetite to pursue cases, and the money to be able to do so. These cases also re-emphasise the competitive nature of prominent tradespeople in a market town, bound up as it was with their desperation to maintain their reputations. Primarily between two married women of equal status, if they felt constrained by a patriarchal system that still saw them being 'owned' by their husbands, they overcame its restrictions, having no qualms about appearing in the consistory court, making no linguistic concessions to the solemnity either of their surroundings in the cathedral or the imposing nature of the Chancellor in robes and other senior churchmen before them. They exemplified the growing cohort of women who were far from subservient, ran businesses as full partners to their husbands and were 'central players in early modern parish politics: influencing, guiding, criticizing and reporting on the actions of others'.⁶⁵

Distance to travel to Winchester did not appear to hamper their suits – their comparative wealth would assure them either of a cart or horse as transport, and anyway Basingstoke was a staging post on the main coach road to Winchester, and within a journey time of no more than three hours.

The Cowslets and Hopkyns families were certainly prominent members of the middling sort within Basingstoke, able to afford to pursue their vendettas against each other, but in contrast the case between two more women, (Exoll v Smyth, detailed below), took place entirely within a small area of the town and describes their way of life at a slightly lower level than Jane Cowslet and Elinor Hopkyns, although both sets of families were next door neighbours and events escalated after an event in adjoining gardens. With Jane and Elinor it was trying to catch a swarm of bees, with Joan Exoll and Beatrice Smyth it was children

⁶³ Baigent and Millard. *Basingstoke*, 348 and 629.

⁶⁴ Davey. *The Hampshire Lay Subsidy Rolls, 1586*, 39.

⁶⁵ F. Williamson. 'Parish Politics, Urban Spaces and Women's Voices in Seventeenth-Century Norwich', in B. Kane and F. Williamson, (eds.). *Women, Agency and the Law, 1300-1700* (London: Routledge Press, London, 2013), 125.

falling out of their boundary hedge and damaging rosemary plants. Before analysing Exoll and Smyth's case, the following case between Joan Chapman and Richard Jones typifies the type of incident that must have occurred frequently in both the Cowslet's and Hopkyns's inns, although as far as is known the Angel Inn was not part of their properties.

1573, Chapman v Jones.⁶⁶ Defamation in an alehouse

Many of the cases that went to Winchester were apparently very straightforward, as this example demonstrates.

Joan Chapman accused Richard Jones of calling her a 'bawde', that is a prostitute. This insult was thrown at her according to three witnesses, in the Angel Inn in Basingstoke, a building first mentioned in the quit rent roll of the Corporation dated 34.Henry VIII (1543), and was still in business in 1784 being demolished around 1960.⁶⁷ A finely decorated tenement building, it was situated right in the centre of the town, with a causeway⁶⁸ between the inn door and the church gates.⁶⁹

There is very little evidence, even from the three witnesses: one said that it took place around Michaelmas last (that is, the end of September 1572) whereas the other two witnesses were sure it was just before Christmas 1572. They all agreed that Richard Jones had called her a bawde, but one witness amplified it by saying that Chapman had called Jones a thief, to which he had replied 'if she saith that I am a thief, then I sayeth that she is a bawde', commonplace tropes in a 'tit-for-tat' argument. There is no evidence of personal details of these people, although two of the witnesses, both young men bear surnames that are listed in the 1586 Lay Subsidy Roll for Basingstoke, their Christian names differ though, so it may be their fathers who appear in the Roll. It seems likely, as there is no outcome recorded, that the Chancellor told Jones to apologise, and admonished them both to behave more circumspectly in the future.

⁶⁶ HRO 21M65/C3/6, 320-1, Chapman v Jones.

⁶⁷ Baigent and Millard. *Basingstoke*, 564 and 557. Hare. *Basingstoke*, 68.

⁶⁸ The causeway was a pathway raised above the level of the street, to enable pedestrians to keep out of the mud. In this instance it would also have enabled passengers on the waggons, and later coaches, that made regular stops at The Angel to get in and out in comfort and safety. The inn was on Winchester Street part of the main road between Winchester and London. Where the road meets the Market Place the causeway would have run down what is now New Street towards St Michaels Church.

⁶⁹ Baigent and Millard. *Basingstoke*, 565. Hare. *Basingstoke*, 68. Hare's book has an illustration of elaborately painted walls inside the building, as photographed before demolition.

1585. Exoll v Smyth.⁷⁰ Defamation and neighbour involvement.

This illuminating case was heard in 1585 between Joan Exoll and Beatrice Smyth, neighbours sharing a common boundary in the centre of Basingstoke. It arose because of a most trivial incident – Smyth’s children had been climbing the boundary hedge between the two gardens to look into a bird’s nest when they fell and damaged Joan Exoll’s rosemary plants on the other side.

Exoll’s remonstrations to the children led Smyth to accuse Exoll of having had a child before she was married to her present husband, alleging that this child was living in Newbury, just across the county border into Berkshire. Smyth asked Exoll why she did not go and fetch the child as she was incapable of having a child with her current husband.

Just beside their houses lived Edward Potter, a fuller and his lodger Joan Butcher, whose husband had left her a year or more ago and who was now renting Potter’s loft. It was Joan Butcher who overheard the argument and she repeated what she had heard around the town. Eight further witnesses gave depositions, of whom at least one was being paid by the defendant’s husband for ‘losse of worke’. The most impressive witness was Edward Potter, who described very clearly where all the windows were in his property, some of which opened out onto Smyth’s and Exoll’s gardens and how there were no holes in his walls (thanks to John Ewans, a mason and another witness) but still he and Joan Butcher had both heard and seen this disturbance.

At the end of this very long case, four witnesses spoke up for the plaintiff and four for the defendant, but it was made clear that Joan Butcher who spread the story and Beatrice Smyth who defamed the plaintiff initially were both ‘pore women of very small credit’ whose testimonies were therefore deemed of low value.

Joan Exoll’s husband Richard left a very comprehensive will and inventory⁷¹ on his death in 1604, appointing Joan as his executor. His estate was valued at £128,⁷² befitting a house that had three chambers and an outhouse on the ground floor as well as a shop, three chambers upstairs and a malt loft, and a separate well house outside. There was enough

⁷⁰ HRO 21M65/C3/9, 256-261, 274-281, 309-311, Exoll v Smyth.

⁷¹ HRO 1604A/21, will and inventory of Richard Exoll.

⁷² Approximately £18000 in 2020. Bank of England, *Policy Inflation Calculator*, <https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator>. Accessed 24th March 2021.

pewter and 'lynen' for them to be listed separately, and outside 'a little hog, a cocke, eight hennes and two hounds' and 'Twenty loades of wood, a grinding stone and an axe [amongst other items]'. Exoll was a shoemaker by trade, he and his family lived Christian lives – a 'Service Book' was on the table in the main bedchamber, and bequests were made both to the cathedral, the church in Basingstoke and £10 to 'poore people in Basingstoke to be bestowed where needs is'. Having no children of his own, he did not forget his godchildren to whom he bequeathed £2 apiece, underlining the humiliation that Beatrice Smyth's defamatory remarks to Joan Exoll must have caused. Whether the accusation of Joan's illegitimate child was true or not is impossible to prove, but Richard left a William Exoll £5 in his will, without specifying any relationship.

The processes used in fulling required large amounts of water, and John Hare describes a number of fulling mills in Basingstoke at this time, on the north-east of the town on the river Loddon⁷³ and this is supported in Potter's evidence when he talks of the windows in his millhouse.



Illustration 6 - Extract of 1762 Map of Basingstoke, showing in the centre of the picture a mill across the River Loddon and associated buildings.

⁷³ Hare. *Basingstoke*, 33.

It is not possible to pinpoint exactly where this little community lived in Basingstoke, but the Duke of Bolton's map of Basingstoke dated 1762⁷⁴ shows two buildings which may have been mills on the edge of the river Loddon, and what appears to be a millpond adjacent to one of them, with a few smaller residential buildings close by. There is still a park just to the north-east of the centre of Basingstoke (Eastrop Park) which has two ponds, one of which is almost exactly where the millpond is depicted, although it cannot be proved as to whether this was the location of Potter's mill.

The people involved in this case must have known each other well – they were all connected to the wool trade, a fuller, two carriers, three shearmen and a husbandman's wife, - the exception being the mason Ewans but only James Smyth (Beatrice's husband) is listed for tax in the 1586 Lay Subsidy for £3 on his goods. Unusually, one witness Roger Randall was seventy-seven years old when he made his deposition, a still-working tailor and literate.⁷⁵ His signature, although slightly shaky but pressing very firmly on the page, is beautifully clear, and the deposition itself detailed and temperate, showing no sign of diminishing mental faculty given his advanced years.

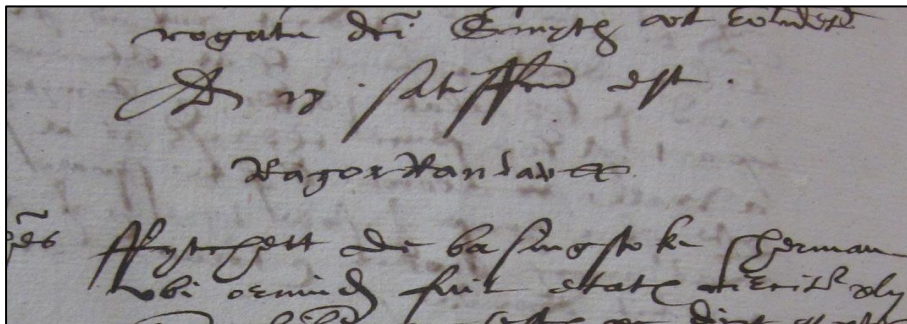


Illustration 7 - Roger Randall's signature on his deposition, made at the age of seventy-seven. Exoll v Smyth, 1585.⁷⁶

A small detail in this case is the specific mention of rosemary plants. Rosemary has been grown for both culinary and medicinal use in England since Roman times, and symbolically the plant is also associated with love and remembrance, so perhaps to Joan Exoll the damage done by her neighbour's children may have meant more than just a broken plant or two. The plants may have served as a constant remembrance of her alleged illegitimate

⁷⁴ HRO 23M72/P1/1, Map of Basingstoke 1762, prepared for the Duke of Bolton.

⁷⁵ Randall (or Randoll) had been a tailor/clothier in the town for at least thirty years when this case was heard, as he is mentioned as paying an amercement of 4d. at the Court of Frankpledge on 17th November 1554. Baigent and Miller. *Basingstoke*, 341-2.

⁷⁶ HRO 21M65/C3/9, 276, Exoll v Smyth.

child, in which case the irony of them being broken by other children may not have escaped her, only serving to fuel her anger.⁷⁷

1636. *Brackley v Baynard*.⁷⁸ *Interrogatory in a defamation case.*

Normally deposition books do not show the questions asked of witnesses, the clerk merely listing each answer numerically. Sometimes it is possible to deduce what the question was, but very frequently the clerk merely writes that the witness gave no response. However, very unusually, a fragmentary interrogatory roll exists of two questions asked in a 1636 Basingstoke case, which bears reproducing, partly because of the importance of the two men involved. More importantly it is evident that the court's style was to ask leading and multiple questions at the same time, which if not confusing some witnesses did impress upon them their obligation to speak the truth.

3 *Item. Did you heare Mr Baynard say any other words to Mr Brackley than these viz: get thee to thy paltry dealing or paltry at Buttermarket and did he name any wooman? Or doo you believe in your conscience that Mr Baynard did mean any wooman or that Mr Brackley was a whoremaster? Declare the truth upon your oath.*

4 *Item. Doo you know or believe in your conscience that the sayde Mr Baynard spake the professed words afore indicated with intent to take away the good name and fame of Mr Brackley? Or is the saide Mr Brackley of any less fame or credit amongst his neighbours since the speaking of the sayde words than he was before. Declare the truth upon your oath.*

Illustration 8 - Interrogatory questions relating to a defamation case between Richard Brackley (also Brackley) and George Baynard of Basingstoke, in the Winchester Consistory Court, January 1636.

In this case Richard Brackley was aggrieved at having been accused of underhand or vulgar dealing (either with people or goods) and also of being a whoremaster (that is, consorted with prostitutes) and the defendant George Baynard was attempting to defend his words. Unfortunately, witness replies have not survived, but the court was obviously concerned about Brackley's reputation. Both Brackley and Baynard were prominent citizens of Basingstoke; being elected members of the Guild of the Holy Ghost (an educational trust for young boys) and served terms as Aldermen and Wardens of the Guild between the 1620s

⁷⁷ In Shakespeare's *Hamlet*, (Act IV, 5, 173) Ophelia hands her brother Laertes sprigs of rosemary, saying 'There's rosemary, that's for remembrance; pray you, love, remember', before she is found drowned.

⁷⁸ HRO 21M65/C6/15, *Brackley v Baynard*, Roll.

and 1640s.⁷⁹ The outcome of their suit is not known, although they both died as wealthy men. Baynard seems to have been an arrogant man of short temper; in 1626 loans were asked for by King Charles I and a list was made of those responding. Richard Brackley gave 40s, but the list says that George Baynard 'refuseth', the only local worthy who did. Later in 1636/7 Baynard was in dispute with the churchwardens of St Michael's Church (mother church and the largest in Basingstoke) over a matter of 36s due to the church in rates and on 27th September was ordered to pay it by Allhallowstide (1st November). He was also ordered to sit separately from his wife and family in the church. This seems to have been a, perhaps unforeseen, consequence of a case Baynard took to the Court of Arches against Ambrose Webb, Vicar of Basingstoke who had 'repelled Baynard from the sacrament of the Lord's Supper, and for some irregularities in the performance of divine worship'. Giving him only a month to pay was an indication of Baynard's ability to pay, but there is no record as to whether he fulfilled his obligation.

In 1642 Basingstoke appointed its first Mayor – George Baynard, who served only a single term but was followed in 1643, 1657 and 1661 by Richard Brackley.⁸⁰

This case demonstrated that anti-social behaviour was not solely the province of the lower orders of society; potential loss of 'fame or credit' as the interrogatory question has it was equally important to the middling sort and gentry. From the two interrogatory questions, it appears that Baynard's temper had led him into trouble with Brackley, and the two of them must have been very well-acquainted, moving as they did in Basingstoke's gentry circles, worshipping at the same church and rising side by side through the ranks of the municipality. There is a memorial to the Brackley family in St Michael's Church, as sadly many of them died of the plague that rampaged through Basingstoke in the 1660s. There is no memorial extant to the Baynards.

⁷⁹ Baigent and Millard, *Basingstoke*, 124-131. Hughes, and White, (eds.), *The Hampshire Hearth Tax Assessment 1665*, 233. TNA, PROB 11/213/371, (Baynard will). Brackley retained his status, as in 1665 he was assessed for eight hearths (as Mister Richard Brackly) in the Hampshire Hearth Tax Assessment, and the Inventory made after his death in 1666 showed goods and chattels to the value of £382 11s. 6d. or nearly £47000 in modern currency. Baynard died in 1650 leaving his farm and other lands, tenements and hereditaments to his children alongside bequests to his servants, friends and the church, proving himself to be an equally wealthy man. HRO 1666AD/018, Inventory of Richard Brackley, Basingstoke, Gentleman.

⁸⁰ Emberton, *Love Loyalty*, 1.

Summary

Taking the Basingstoke Division in isolation over the period 1550 to around 1630, some questions arise.

Firstly, there is the anomaly of a cluster of cases from Sherborne St John, including threats of, or actual, violence against women, which is not replicated in other divisions of Hampshire during this period. Was this a reaction to under-employment amongst a group of young men, or were they indulging in banter that went too far? Were they really associated with a gang who had allegedly kidnapped a girl before and forced her into marriage with a stranger? Work and sociability were closely entwined in a small village where everyone knew everyone and gossip was endemic, so was violence a manifestation of a lack of community leadership or simply 'the machismo of violence, drinking prowess and sexual bravado that brought them honour in the eyes of their comrades'?⁸¹ In the Jane Rice case she was either fifteen or sixteen years old and her assailants, the Tovy brothers were older (Thomas Tovy, witness, being thirty-one years old). The other witnesses were between thirty and fifty years old, mostly local husbandmen, who may have tried, but spectacularly failed to calm matters down. The events took place around St Andrew's Day (30th November) a quiet time in the farming calendar, meaning the men had more time on their hands. Did they plan this outrage against Jane when they were working together to bring in the harvest, or was it a spur-of-the-moment occurrence? They all were, or should have been, members of a village society which was committed to upholding moral standards, so why did none of them manage to defuse the situation? Some of these men must have been married with children of their own, so why did they not stop to think how they would have reacted had Jane Rice been one of their own offspring? None of these people were the very poorest; some families had been in their village for generations and had Philip Tovy and his brother proceeded more circumspectly than they did, Philip may well have achieved his apparent aim of marrying Jane Rice, obviating the need for the case.

Secondly, the Basingstoke case concerning Joan Exoll and Beatrice Smyth highlights a moment in time when a tight community in one small corner of the town heard an altercation between two women and immediately took sides, and the case between Jane Cowslet and Elinor Hopkyns demonstrates an equally close-knit community (on the other side of Basingstoke) being prepared to defend the honour of one or other of the

⁸¹ K. Thomas. *The Ends of Life* (Oxford: Oxford University Press, 2009), 173.

protagonists. Both of these cases concerned members of the middling sort, albeit perhaps at different stages in that emergence, both had skilled tradesmen as witnesses, and in neither case was there a problem either with paying court fees or attending in Winchester to defend themselves. Both urban and rural societies were part of webs of interdependence, living and working cheek-by-jowl and the four women in these two cases would have understood that one of the main purposes of their lives was to maintain and enhance their public reputations. The Church taught them, particularly women, to sublimate themselves for the greater good, but gossip and casual conversation was the life blood of relationships inside and outside the home, and it was little wonder that tittle-tattle and small quarrels spilled over into defamation on occasion. Men would probably have dealt with it differently – ability to fight was a virtue and a courageous thing to do, so differences between men of equal status and (presumably) roughly equal age and physical ability could be, and usually were, quickly resolved without troubling the consistory courts. Both these cases happened in the late spring – around the end of May and early June, known commonly as the ‘dearth period’ when winter food stocks were running low or exhausted, the new sowings not yet matured and prices rose, leaving housewives’ budgets and tempers more frayed than usual.

The villages referenced in the southern part of Basingstoke division had smaller populations than the six analysed in the north. The south was characterised by a more mixed economy, not just sheep, but other animal husbandry including pig rearing alongside an extensive timber industry as well as arable farming. This diversification amongst fewer people may have gone some way to insulating them from the peaks and troughs of workloads associated with sheep farming (peaks at lambing and shearing times, lower workloads at other seasons), and predictable annual work patterns may have smoothed their circadian rhythms into a more placid acceptance of life.

The cases outlined in this chapter also have a common thread running through them – that the plaintiff in a defamation case is often of a slightly higher rank in society than the defendant. This is a sharp contrast to the first case discussed in the next chapter on the Isle of Wight, where a servant had the temerity to pursue his seniors for defamation. In matrimonial cases where there has been an alleged breach of contract if betrothal was not followed by marriage, the plaintiff and defendant are more likely to come from similar social groups, and in the sequestration case of Elizabeth Mulford, the two would-be husbands are of roughly equal status. In an increasingly polarised society pre-marital

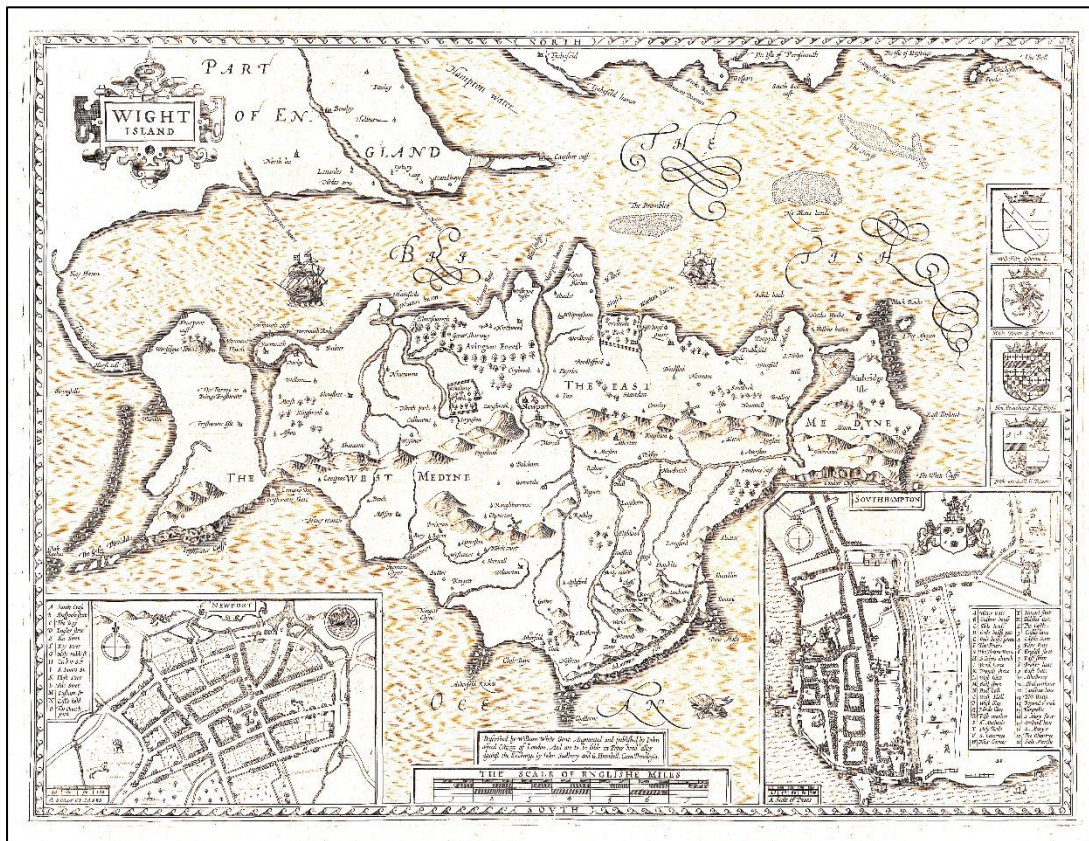
relationships were more likely to be formed horizontally than vertically across communities as people mixed more freely with their own sort.

Although defamation was the commonest complaint brought to the consistory courts throughout England, the evidence brought in matrimonial cases is equally interesting in what is uncovered in broken relationships and how these breakages were occasioned – was it the fault of the couple alone, or did family intervention force a relationship to end? How great an influence was patriarchy and the goodwill of friends and family? There is not enough evidence in one division to make a judgement, and more analysis will be made across the three divisions in the conclusion to this document.

The next chapter looks at cases brought from the Isle of Wight; a very different community where societal tensions are often very different to those seen on the mainland.

Chapter 6: Isle of Wight Division

In 1632 the MP and diarist Sir John Oglander complained that 'I confesse for my parte after the death of Sir Rychard Woorselley I could not fynde any to place my true Fryndship upon. Butt Certaynely they did all in a Generoll love and respect one the other, but not in ways of true Fryndship'.¹ As will be seen in this chapter, the roots of this suspicion not only of outsiders but of their neighbours had been prevalent for generations and underlay the majority of the cases going to the consistory court from the Isle of Wight between 1550 and 1610.



Map 3 – John Speed's map of the Isle of Wight, 1611²

¹ F. Bamford (ed.). *Sir John Oglander, Kt., A Royalists's Notebook* (London: Constable & Co, 1936), 87.

² J. and M. Norgate. *Old Hampshire Mapped, (1996-2006)*, <https://www.oldhampshiremapped.org.uk/hantscat/html/h0106896.htm>. Accessed 27 March 2020.

The focus of this chapter is a community constrained within the bounds of an island, many of whom most likely did not leave it during their lifetime and whose world was circumscribed by its shoreline. For them their major concerns were making a sufficient living to feed themselves and their families whilst helping deter threats of invasion from the French and Spanish. This instability did nothing to promote harmonious relationships at all levels in island society, and between 1550 and 1610 seventy-two cases were taken to the ecclesiastical court in Winchester, a higher proportion *per capita* than from other divisions of Hampshire. As with Basingstoke Division, there were several families whose names recur across more than one case and some of these will be referenced later in this chapter. Sensitivities over reputation, questionable morality and perceived dishonesty and avarice, sometimes all in one case, were not easily overlooked and squabbles and alleged slights resounded from one generation to another and through parishes for decades. In some parts of the island a lack of consistent spiritual oversight did little to dampen these ongoing animosities. Evidence has emerged, and will be examined in this chapter, that a series of seemingly unrelated circumstances concatenated together during the latter part of the sixteenth and early seventeenth century contributing towards the 'lacke of true fryndeship' that Sir John Oglander noted, meaning not only within the gentry but at all levels of society on the island.

No case exemplifies this more clearly than the protracted matrimonial issues between Alice Williams and Edmund Pinkforde, dealt with in some detail later in this chapter. Dislike between two patriarchs from the middling sort and their determination to engineer a landgrab from an ineffectual young man who had just lost his father are concealed at the outset by Alice Williams (who never speaks for herself) pursuing Edmund Pinkforde to marry her, despite his alleged arrangement with another young woman. It is the two fathers who attempt to coerce Edmund, offering him money and 'schooling' to marry, both men call on numerous witnesses to support their cases, including the local vicar and both sets of witnesses paint stark pictures of paterfamilias who saw a golden opportunity to enrich themselves through Edmund and his land. This authoritarianism defined the social structure of the island in the latter quarter of the sixteenth century to more closely

resemble the later medieval period than that of a society moving slowly but inexorably towards what Archbishop Cranmer called 'the nurture and civility of good manners'.³

Topography and Population

Separated as it is from the mainland by the Solent, the Isle of Wight has always had its own unique identity, and in the sixteenth and seventeenth centuries had a strategic importance out of proportion to its size. Its position made it vulnerable to attack from both the French and Spanish but almost indefensible by its population in 1600 of around 9000 souls (including women and children), most of whom were employed tending sheep and cattle on the downlands, growing arable crops on the lower slopes, managing areas of oak forest, warrening of rabbits and fishing.⁴ Jack Davies Jones estimates the population had risen to 'perhaps 14000 at the outbreak of the Civil War', an increase of just over 64% from 1600, a proportion of which must be attributed to increased numbers of militia defending the Solent approaches.⁵ This must have altered the balance between local people and 'others' as it was known that there had been some depopulation in the early part of the seventeenth century, especially of young people for whom enclosures led to unemployment as bigger farms on the Island began to swallow up smaller plots with 'houses standing empty and armies of sheep nibbling the country population out of existence'.⁶

The isolation of the island did not help in improving medical care as fast as the mainland which led to higher infant mortality or earlier adult deaths. Lack of records make it impossible to prove a higher death rate amongst young, fertile adults, but if this was so then birth rates for subsequent generations would inevitably be suppressed.

Those that stayed would have found daily movement from place to place difficult. John Speed's map of the island, published around 1611, showed no roads, and most villages developed close to the numerous rivers that cut through from the uplands to the coast.⁷ The exception was the capital, Newport, which was laid out in a grid formation of streets,

³ Thomas Cranmer, *Catechism, Fol. XLV, 1548*, <https://quod.lib.umich.edu/e/eebo/A19564.0001.001/1:5.5?rgn=div2;view=fulltext>. Accessed 26 May 2020.

⁴ J. Davies Jones, "The Isle of Wight, 1558-1642", PhD diss., University of Southampton, 1978, 15.

⁵ Davies Jones, "The Isle of Wight, 1558-1642", 55.

⁶ Davies Jones, "The Isle of Wight, 1558-1642", 114-7.

⁷ Old Hampshire Mapped, Jean and Martin Norgate, (1996-2006), <http://www.geog.port.ac.uk/webmap/hantsmap/hantsmap/hantsmap.htm>.

surrounded by rivers, and what the inhabitants called highways radiating out to some villages, and even smaller tracks or 'ways' connected smaller parishes. This delineation was clearly important as witnesses at the consistory court were often at pains to describe where incidents took place, for example 'on the highway under the backe wall of Lady Worsley's house',⁸ 'on the way [track] back from reaping at Mr Dillington's harvest',⁹ 'on the street in Freshwater'¹⁰. There also seems to have been a ferry service of sorts from Newport down the inlet of the river Medina to the coast, as one case is set firmly on John Allchin's boat taking passengers from Northwood to Cowes, and the on-board argument which led to a defamation case took place 'during the ebb and flow of the sea'.¹¹ Horses are mentioned in a very few cases and husbandmen had the use of carts, but most people had no option but to walk to move around. Gradually a spider's web of 'ways' grew around the perimeter of the island as well as radiating out from the centre, but the topography and crumbling cliffs made these difficult to build and hard to maintain, as they are to the present day.

Occupations

Inevitably given the agricultural tradition of the island, the majority of witnesses whose occupations are given with their depositions at Winchester between 1560 and 1610 were husbandmen. Of 126 witnesses, no less than forty-seven were husbandmen, and four were their wives, just over 40 per cent. Ten gave their status as yeoman, plus one wife, totalling nearly 9 per cent. Thus almost half the total number of witnesses were directly employed on the land. The next most numerous group were tailors; seven appeared, then vicars of whom six were called (five of them in matrimonial cases, which would not be unexpected). Four sailors or seamen appeared, but nobody described himself as a fisherman, which might have been expected on an island surrounded by rich fishing grounds. Other trades such as butcher, baker, glover, hosier and weaver were represented only once or twice at the court. Uniquely amongst all the records studied John Hooper described himself as a wantcatcher (molecatcher), see the Lynbury cases from Godshill below. Around seven per cent of witnesses were women with given occupations or status, this percentage could be slightly higher but for the witnesses categorised as 'unknown'.

⁸ HRO 21M65/C3/12, 197-9, Kingswell v Fallicke.

⁹ HRO 21M65/C3/4, 887-9, Tracy v Tracy.

¹⁰ HRO 21M65/C3/5, 272, 274-5, 283, Jackman v Porter.

¹¹ HRO 21M65/C3/12, 127-9, Day v Bates.

Occupation	Defamation cases	Matrimonial cases	Total
Husbandman	33	14	47
Yeoman	7	3	10
Tailor	5	2	7
Vicar/Rector	1	5	6
Clerks	3	1	4
Mariner	3	1	4
Gentleman	1	2	3
Other trades ¹²	15	4	19
Wives, widows, spinsters	9	8	17
Unknown	5	2	7
Total	82	44	126

Table 5 - Occupation of witnesses from the Isle of Wight, 1560-1610.

Governance and Defence of the Isle of Wight

At best, governance was inconsistent as the island lacked a hereditary, landed aristocracy. Some gentry families were more cognizant of their obligations to their tenants than others and, as in some rural villages in the northern part of the Basingstoke Division, lawlessness and spiritual transgression was clustered in some parishes on the island. Other rural islanders either moved to the capital, Newport, or left the island altogether, some of necessity begging for subsistence on the mainland.¹³

The Isle of Wight had been briefly plundered by the French in 1418,¹⁴ wars of religion had been fought throughout Europe during the sixteenth century; and England's continuing defensive weakness was brutally exposed in 1545 when a French landing saw a number of islanders killed and some houses burnt, a French tactic to draw defenders away from Portsmouth, the Royal Navy headquarters and their ultimate target. This event prompted Henry VIII to order a string of military forts to be built around the Island with a dual purpose: ostensibly the islanders would be protected, but such an obvious military presence would hopefully deter future raiders from making their way up the Solent and on to the mainland.¹⁵ Sir Richard Worsley, captain of the island and constable of Carisbrooke

¹² These include 2 bakers, 2 butchers, 2 glovers, 2 masons and 2 ropers, 1 barber, blacksmith, bucket maker, chapman, hosier, locksmith, shoemaker, wantcatcher and weaver.

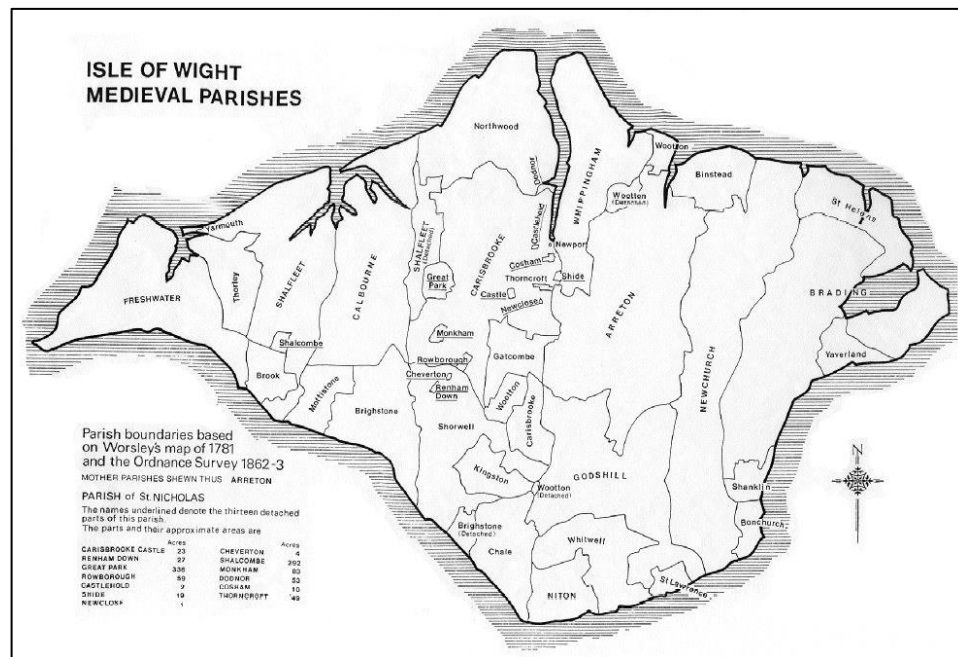
¹³ Davies Jones, "The Isle of Wight, 1558-1642" 13.

¹⁴ T. W. Shore. *History of Hampshire* (London: Elliot Stock, 1892), 192.

¹⁵ R. Ferguson and M. Brayshay. "Defending the Hampshire Coast and the Isle of Wight in the Reign of Queen Elizabeth I", *Journal of the Society for Army Historical Research* 84, (2006), 109-130. Accessed 28 Feb 2022. <http://www.jstor.org/stable/44231331>.

Castle directed the building of the forts, going further in having islanders trained as artillerymen and persuading every parish to provide its own gun, all at parish expense.¹⁶ By 1625 the military muster of all able-bodied men was two thousand and twenty, of whom one hundred and ninety-six were only armed with 'bare pickes'.¹⁷ Potential invaders quickly learned of this militarisation and never attempted to retake the island, but islanders' fear of invasion was very close to the surface doing little to foster harmonious community life.

Organisation of the Church.



Map 4 – Isle of Wight Medieval Parishes¹⁸

¹⁶ The gun made for Brading survives at Nunwell House, home of the Oglander family. Inscribed 'John and Robert Owine, Brethren, made this pyse, 1549, Brerdynd'. 'Parishes: Brading', in *A History of the County of Hampshire: Volume 5*, ed. W. Page (London, 1912), 156-170. *British History Online*, <http://www.british-history.ac.uk/vch/hants/vol5/pp156-170> Accessed 24 June 2021.

¹⁷ Shore, *History of Hampshire*, 194.

¹⁸ Anon, 'Isle of Wight Medieval Parishes', www.IOW.gov.uk/azservices/documents/1386-RESEARCHING%20YOUR%20HOUSE%20HISTORY%20current.pdf. Accessed 09 April 2020.

Parish	No. of communicants in 1603	Defamation	Disciplinary	Matrimonial	Testamentary and Tithe	Total
Bonchurch	14	0	0	0	1	1
Brading	520	5	0	1	2	8
Brighstone	Not known	0	1	3	0	4
Carisbrooke	520 ¹⁹	2	0	2	0	4
Chillerton	Not known	0	0	1	0	1
Freshwater	422	3	0	0	1	4
Gatcombe	90	1	0	0	0	1
Godshill	765	8	1	0	2	11
Mottistone	102	1	0	0	1	2
Newchurch	600 ²⁰	6	1	0	3	10
Newport	1100	6	0	2	0	8
Newtown ²¹	157	0	0	1	0	1
Northwood	See Carisbrooke	2	0	0	0	2
Ryde	Included with Newchurch	0	0	1	0	1
Shalfleet	500	0	0	0	4	4
Shorwell	296	0	0	1	1	2
St Helens	120	1	0	1	5	7
Yaverland	32	1	0	0	0	1
Totals		36	3	13	20	72

Table 6 -Number of communicants in 1603 and cases brought to the Winchester Consistory Court by parish from the Isle of Wight 1560 – 1630.

In the sixteenth and early seventeenth century the island contained twenty-three parishes, five of which brought no cases at all. This was slightly fewer than in the medieval parishes map shown above which was compiled using data from Sir Richard Worsley's much later map of 1781.²² Eighteen parishes, including the capital Newport, were involved in seventy-two cases at Winchester. By 1603 eleven hundred of the island's adult inhabitants lived in Newport, so excluding the capital sixty-four cases came from seventeen parishes which represented about six thousand people.²³ Brading, Godshill and Newchurch were particularly highly represented with five, eight and six defamation cases respectively over the period, which indicates either more discord or more of an appetite for litigation than elsewhere on the Island other than Newport. St Helens, a relatively small parish on the

¹⁹ A. Whiteman and M. Clapinson (eds.). *The Compton Census of 1676: A Critical Edition* (Oxford: Oxford University Press, 1986). The Carisbrooke return in the Compton Census includes Northwood, and, possibly West Cowes.

²⁰ The Newchurch figure may include Ryde – the Compton Census is not clear on this point.

²¹ Newtown given as Nighton in the Compton Census.

²² This Sir Richard Worsley was the 7th Baronet, (1751-1805). The family seat was Appuldurcombe House at Wroxall in the south-east of the island in the then parish of Newchurch.

²³ Whiteman and Clapinson, *Compton Census, 1676*, 75.

north-west corner of the island, presented one tithe case in 1565 and four more between 1584 and 1597, but the latter four all involved one Gentleman (Peter Fuller) pursuing his tenants of a mill, although the tables were turned in the 1584 case where the churchwardens of St Helens pursued Mr Fuller for unpaid church rates.²⁴ It may not be coincidental that the three parishes had, respectively, eleven, eleven and seven priests in charge between 1540 and 1640 and St Helens had six curates but no vicar. Clerical turnover was continuous during this period with one hundred and fifty-three vicars being named in eighteen parishes of the Isle of Wight.²⁵ A comparison may be made to the accounts kept by Sir Christopher Trychay, the eccentric but much beloved vicar of Morebath on the edge of Exmoor in Devon. He served his small flock of thirty-three sheep-farming families from 1530 to 1580, lovingly but with a firm hand, guiding them through religious upheaval and political change. Evidence of transgression amongst his parishioners is conspicuous by its absence.²⁶ Contrast Trychay's parishioners with those of Terling in Essex during the same period - Wrightson and Levine pointed out that their last Catholic vicar was deprived in 1560 to be replaced by two Protestant vicars who saw out the century but were constantly plagued by parishioners who failed to turn up at church to take communion and were prosecuted accordingly.²⁷ There is scant evidence of prosecution for absence on the Isle of Wight but the rotation or absence of vicars would probably have concealed lack of spiritual conformity amongst parishioners already confused by or secretly averse to post-Reformation upheavals.

It may be, however, that the proportion of cases brought was less than in other dioceses. For example, and it should be noted that population figures are always of some uncertainty, Wrightson and Levine's *Terling* estimated an Essex village population in 1524/5 of approximately seventy households and using a multiplier of 4.75 (persons, including children, per household) to gauge actual populations that represents around three hundred and thirty people which by 1671 had expanded to approximately five hundred and eighty.²⁸ They also recorded an 'average of 5.6 cases from Terling going to

²⁴ HRO 21M65/C3/9, 189, 191, 194-5, *Ex Officio* v Fuller.

²⁵ Clergy of the Church of England database, <https://theclergydatabase.org.uk/jsp/search/index.jsp>. Accessed 06 March 2020.

²⁶ E. Duffy. *The Voices of Morebath, Reformation and Rebellion in an English Village* (New Haven: Yale University Press, 2003).

²⁷ K. Wrightson, and D. Levine. *Poverty and Piety in an English Village, Terling 1525-1700*, (Oxford: Clarendon Press, 1995), 154-158.

²⁸ Wrightson and Levine, *Terling*, 45.

the ecclesiastical courts annually between 1570 and 1640, [...] with a peak year in 1604 of thirteen cases and 1620 of twenty-two cases'.²⁹ This left the zealous churchwardens to send on to the court parishioners who 'verye negligentye and wilfullye absent[ed] themselves from church'.³⁰ It may also have been a reflection of the fact that after 1604 the clerics of Terling were known to be puritanical, and parishioners over at least two previous generations may have treated spiritual matters according to their own consciences which did not necessarily conform to the ever-changing religious edicts of the period. There is little evidence that puritanism took hold in the same way on the Isle of Wight, although no doubt some preachers were more ascetic than others.

A particular hindrance to consistent spiritual guidance was the prevalence of detached areas of parishes. Wootton, Brighstone and Shalfleet all had detached areas and – certainly by the mid eighteenth century - the parish of St Nicholas had no core, solely comprising thirteen detached parts. From a religious point of view this cannot have helped communities to cohere; the sheer effort of back and forth travel would have been wearing on the most enthusiastic of clerics.

As the above table shows, seventy-two cases in total were taken to Winchester between 1560 and 1630, the majority of those being in the years between 1560 and 1610, although by 1600 numbers were already dropping away. Possible reasons will be discussed later in this chapter.

	Defamation	Disciplinary	Matrimonial	Testamentary and Tithes	Totals
1560-1570	6	-	5	5	14
1571-1580	9	1	4	4	18
1581-1590	7	-	3	3	13
1591-1600	5	-	1	3	9
1601-1610	3	1	-	1	7
1611-1630	6	1	-	4	11
Totals	36	3	13	20	72

Table 7 - Cases taken to the Consistory Court from the Isle of Wight by category, 1560-1610

The nearest island village of equivalent size to Terling in 1604 was Freshwater in the far west of the island which only brought three cases (all defamation, plus one testamentary case) over seventy years from 1560. To match Terling it would have brought nearly four

²⁹ Wrightson and Levine, *Terling*, 113-4.

³⁰ Wrightson and Levine, *Terling*, 156.

hundred cases, although it must be noted that this thesis excludes Office Cases, those which were brought directly by the court and not by individuals, inclusion of which would increase the island numbers in all parishes. Even taking the more limited sample into account, it seems obvious that there was a fundamental difference in the strength of community governance between the parishioners of Terling and those of Freshwater which merits further investigation.

Following are some examples of different kinds of cases from the island, described in considerable detail to emphasise the argument that community relationships did not always follow patterns seen in a more open environment (the mainland). The isolation of the vast majority of the island inhabitants who depended on news and gossip from the outside world to inform their daily lives underpinned some behavioural patterns and sensitivities which were less evident and slower to change than in a more outward-looking society.

The first case falls outside the more usual circumstances whereby cases were very parochial. Most of the individuals involved were either all from one parish, or if more geographically spread had some familial or kinship relationship with either the plaintiff or defendant (or, occasionally, both). However, the two cases involving Edward Briggs are a very rare reflection of a servant accusing his master of injustice, and in this case not only was the master (George Oglander) a member of the highest gentry family of the island, but Oglander also acted as Constable of Arreton. Witnesses were also brought from geographically disparate parts of the island, seemingly selected by status, and the same witnesses gave depositions in both cases.

Multi-Parish Case

1601. Briggs v Oglander and Briggs v Perryn.³¹ Defamation, and loss of reputation.

Two cases initially came to Winchester on the 3rd October 1601 and in each the plaintiff was Edward Briggs, a servant to George Oglander, defendant in the first case. Oglander was then Constable of Arreton and a relative of Sir John Oglander whose commonplace book is

³¹ HRO 21M65/C3/11, 380-1, 385-7, 393-5, 398-401, Briggs v Oglander and HRO 21M65/C3/11, 380-1, 385-7, 393-5, 398-401, Briggs v Perryn. These two cases were both heard on 3rd October 1601 and written up consecutively in the Instance Book.

the most important sources of information about the island and its families between 1622 and 1652. The second defendant was Richard Perryn, occupation unknown.

Initially Edward Briggs was summoned in front of Sir Richard Worsley, Justice of the Peace and owner of Appuldurcombe House (one of the grandest on the Island), and charged with stealing a mare belonging to another member of the Worsley family, and trying to sell it.³² The outcome of the alleged horse theft case is not known, but afterwards, whilst still on the Worsley estate, according to one witness, Briggs and Oglander had a serious argument and Oglander accused Briggs of boasting of 'having to doe carnally with Mr. Oglander's wife more often than Mr Oglander himself had'. It is not clear whether George Oglander meant his own wife, or the wife of another member of the Oglander family. Three further witnesses said that the argument was between Briggs and Richard Perryn (defendant in the second case) who made the same accusation but also accused Briggs of 'having to doe with all the women in the north side of the Island excepting Perryn's own wife who would not give her goodwill to Briggs'. Perryn also accused Briggs of having a bastard child by another woman. Briggs brought both cases in an effort to clear his good name, which all the witnesses agreed had been grievously discredited by the accusations. But Briggs was seemingly undeterred by being up against wealthy families on the Island; people who could ruin his career and reputation without difficulty. In addition, the case was spread out over two court sessions three weeks apart, so there would have been the time and expense of bringing working men over from the Island twice, with the resultant loss of work time and money. The cases were heard at the beginning of October, just at the end of harvest; three of the witnesses worked on the land as husbandmen, the fourth was a yeoman (the other witness was a tailor), and although Oglander is listed as Constable of Arretton, he presumably had a role connected to his family estates as well. It was, perhaps, fortunate that the second hearing of the cases fell at the end of October, when field work may have been diminishing.

Both these cases are particularly interesting for several reasons. Firstly, it was very unusual for a servant (Briggs) to bring a case against his master. Briggs was listed as 'Oglander's

³² Bamford, *A Royalist's Notebook*, 186. Sir Richard Worsley was the close friend of Sir John Oglander, by Oglander's own admission. A ghastly accident occurred when igniting gunpowder killed Sir Richard's two sons at the ages of eight and nine inside their schoolroom, the gatehouse at Appuldurcombe.

man'; although it is not possible to say whether this meant George Oglander's servant or employee or carried out a similar role with another member of the widespread Oglander family. It seems likely that he was George Oglander's servant, but this really compounded Briggs's difficulty as not only was Oglander a prominent citizen of the island, but he was also the local constable, so to boast about a relationship with Oglander's wife was reckless in the extreme. In addition, the alleged horse-stealing incident which preceded this case was heard in front of Sir Richard Worsley, a 'true frynde' of the Oglander family, and although justice should be seen to be done, Briggs may have felt there might have been an element of bias in Worsley's verdict. There was such a small coterie of gentry on the island that it was impossible for those families not to know each other well; indeed at least two generation of Worsleys intermarried with the Oglander family.³³

Secondly, the same witnesses deposed in both cases, all four of them being respectable citizens of the island. They supported Oglander and Perryn, tempering their support by agreeing that Briggs used to be a good man, but his 'creditt is now greatly diminished by this case'. Briggs seemed to be in such a choleric temper over the accusations of horse-stealing (which could easily have been sent on to a criminal court) that he was unable to contain his language and cease boasting about his sexual conquests. The eventual outcome of these cases is unknown, but it seems likely that Briggs lost not only his reputation, but his employment and possibly his housing as well. Edward Briggs does not appear in the subsidy rolls or in any parish registers, so probably he either left the island of his own accord or a criminal court prosecution over the horse-stealing incident may have landed him in jail on the mainland.

This case transcends the enclosed nature of a case that is contained within a particular parish, the witnesses came from several parts of the island, but although both strands involve defamation, it stemmed originally from allegations of criminality which a church court could not concern itself with, to a spiritual matter which it could. The participants seem all (except perhaps the tailor) to be socially different from Briggs, making this incident more about social stratification rather than solely defamation.

³³ Bamford, *A Royalist's Notebook*, 182-192.

Cases which follow, also from the island, as will be seen, tend to be contained within a small geographical area (village or parish) which is often a reason for the same family names repeatedly appearing.

Case from Shorwell

Shorwell is approximately four and a half miles from Newport in the south-west corner of the island, a mile or so inland from the coast, where the land slopes from higher downland towards the sea. The land was both pasture and arable, protected by the hills to the north but facing the sea to the south. The parish covered around 3900 acres including a small strip of foreshore.³⁴ The following case is the only one from the village taken to the consistory court between 1550 and 1610 but is included as an example of how a seemingly commonplace betrothal was actually cover for much more devious intentions which involved the whole village.

1586, Williams v Pinkforde.³⁵ Matrimonial, attempts to acquire land through marriage.

In essence this case, briefly mentioned at the beginning of this chapter, is very simple. Alice Williams, the plaintiff, brought a case against Edmund Pinkforde to whom she had been betrothed in a ceremony conducted late at night in her father's bedchamber four or five years earlier. Edmund seems to have regretted his decision to marry her, as within a few days he was attempting to wriggle out of it by returning the token she had given him. Alice herself is never called to speak, which makes it probable that she was the plaintiff in name only and that the case had been pushed forward by her father, nominally on her behalf, but as evidence is given it emerges that he is hoping at little financial cost to acquire an interest in Pinkforde's newly inherited land as a result of his daughter's marriage.

No less than eleven witnesses were called, far more than were needed for compurgation, and amongst the witnesses were the father, mother and brother of the plaintiff Alice Williams, Alice's stepbrother, an ex-servant of William Williams (Alice's father), two husbandmen, a gentleman, a yeoman and the vicar and the rector all from Shorwell. The Williams family were ropers (ropemakers) presumably manufacturing rope for ships being

³⁴ W. Page (ed.). *A History of the County of Hampshire: Volume 5, 'Parishes: Shorwell'*, 278-284. *British History Online* <http://www.british-history.ac.uk/vch/hants/vol5/pp278-284>. Accessed 6 April 2020.

³⁵ HRO 21M65/C3/9,314-325, 336-7, 341-5, 353-62, Williams v Pinkforde.

built on the north coast of the island or in Portsmouth for the Royal Navy. They were comfortably well-off – William affirmed that in the last subsidy he was seized for £8 in goods and his wife said that she had a ‘private living of £16 a year’. He was an educated man, signing his own name after his deposition.

The case started in May 1586 with Edmund Pinkforde, whose occupation is not given, making a personal deposition to the court in which he sets out his side of the story. He alleged that late one evening around harvest time three years ago he was persuaded to go to William Williams’s house in Shorwell.³⁶ He remembers it was late because his own mother and father-in-law (stepfather) were already at home in bed and when he arrived at the Williams’s house only Alice Williams and her brother Thomas were downstairs. However, on hearing him arrive William came down from his bed and after some time persuaded Edmund and Alice to talk together about matrimony making them promise to let him know their decision. At which he retired upstairs and left them talking, when eventually they agreed to marry with a very firm caveat from Edmund that he would only do so if he got his parents’ and his friends’ goodwill. Then they went upstairs to tell Mr and Mrs Williams. William must have been prepared for this because, sitting up in bed, he made the couple hold hands and repeat the spousal promises. They did this with Edmund insisting again that he would only proceed once he had his family’s goodwill, to which William Williams told him to hurry home and get it immediately. Edmund did so, but having no success returned to the Williams’s house and said he would go no further. Nevertheless, within a day or so Edmund received by message from Alice a token of a piece of gold with a ‘crowne or a half-crowne’ on it, which token he returned to her two or three days later.

Two months after Edmund’s deposition, in July 1586, the Williams family and their witnesses came to Winchester to give their side of the story. William Williams was the first, verbose, witness, saying that he had dismissed Pinkforde from his mind until one day recently he was walking along the road with Brian Travers, the seventy-three year old vicar of Shorwell,³⁷ when Travers mentioned that Pinkforde was due to be married to Henry

³⁶ Pinkforde’s recollection of the date of the spousal differs from that of the Williams family. Pinkforde believed it was around three years ago, whereas William Williams stated ‘four or five years since’.

³⁷ Clergy of the Church of England Database, <https://www.theclergydatabase.org.uk>. Brian Travers was first curate, then vicar, then rural dean of the Isle of Wight in a clerical career spanning 1562 to

Walker's wife's daughter (Elinor How). This incensed Williams who subsequently went to see Pinkforde to find out, in essence, why Alice or another of his daughters had not been good enough for Pinkforde. Williams told Pinkforde that if he did marry Alice, he would give him £30, being £20 on the day of the marriage and £10 within a year thereafter, plus he would give Edmund his board for a year and pay for his 'schooling'. Finally, Williams promised to be as good a father-in-law to Pinkforde as Henry Walker ever would. Edmund was swayed by this, and thereafter Williams's story matched what Pinkforde said in his own deposition, about the much earlier betrothal taking place late at night in the Williams's upstairs chamber.

The depositions from the Williams family and John Arnold (William Williams's stepson) are all similar, Margaret Williams (William Williams's wife) only adding that William Williams had paid for the family and witnesses to come from Shorwell to Winchester and all their expenses. The case was then adjourned through the summer until 8th October 1586 when another set of witnesses came to Winchester led by Henry Walker, who would have been Edmund Pinkforde's father-in-law had Edmund married his daughter as Brian Travers (the vicar) had inferred. Henry Walker and Lionel Downton (William Williams's ex-servant) had a very different tale to tell from which William Williams emerged with disrepute. They both said that he was known in the parish for being dissolute, having been caught by three men of the parish in the house of one Elinor Guy at unreasonable and suspicious times, with 'his breeches round his heeles'. He also had tried to persuade Elizabeth Waylard to 'have to do carnally' with him in return for 3d. Elizabeth had been so repulsed by this, happening as it did in her father's house, that she felt unable to stay there any longer in case Williams returned. It is worth mentioning that both Walker and Downton were paid in full by Pinkforde for attending court. Walker also was seized at £8 in goods in the most recent subsidy, exactly the same amount as William Williams thus confirming their equivalent social status.

Thomas Williams (Alice's brother) does not escape accusations, either. He was accused by Walker and Downton of stealing a 'shepedogg' from one neighbour and a 'Cocke' from Elizabeth Gyles, whose husband Thomas had tried to defraud of some land. Thomas also stole lambs and put them to his own ewes whose lambs had died. They both felt that

1603. During all that time he lived in Shorwell, a remarkable example of dedication to his flock. Accessed 24th March 2020.

William Williams and his son only wanted Edmund Pinkforde to marry Alice Williams so they could obtain his land worth considerably more than the £30 that Williams promised on marriage.

Henry Walker's deposition shows his animosity towards Williams – he says he 'doth not like him so well as [he does] his other neighbours because of his qualities and bad dealings', an example of the suspicions harboured within community groups across the island.

Yet another day was devoted to this case on the 21st October 1586 when Brian Travers, the vicar and four more witnesses gave depositions. Travers agreed that William Williams had committed adultery on numerous occasions, but that 'he had confessed it with sobbes and teares' in the parish church at Shorwell in front of Travers and the congregation. The other (male) witnesses were generally on Williams's side saying he was a man of 'reasonable credit' although they agreed that he had his faults, adultery being one of them.

No outcome for this case is recorded, Alice Williams never gave her own evidence, and poor Lionel Downton, who now lived in Edmund Pinkforde's house was soundly discredited by most of the witnesses as 'by common fame a man of little credit'.

This is an extraordinarily long case, but it shows only too clearly the interconnectness of every inhabitant of a small, remote village. They had all known each other for many years, no 'crime' went unknown or unpunished, but in a case such as this demarcation lines were clearly drawn, payments made to facilitate travel to Winchester to give evidence and from the almost verbatim repetition of evidence it is also clear that some discussions had been held ahead of time to ensure witness consistency. It is impossible to tell whether evidence was manipulated to sway the court, but clear that each side would leave no stone unturned to make the best of their depositions. Bringing two clerics, a gentleman and a yeoman to court was an attempt by the Williams family to impress the Chancellor with their social and spiritual positions in the village, and was a way of dominating Pinkforde, almost bullying him into marriage with Alice. Edmund seemed to be an indecisive man, easily swayed by the opinions of others; his age is not given but most likely in his early twenties and, having recently lost his own father, he was somewhat overwhelmed by the need to make his own decisions against a hectoring putative father-in-law more than twice his age.

What this case also shows is that the would-be marriage between Alice and Edmund is not merely a matrimonial issue. The roots run much deeper to a contest between William Williams and Henry Walker to gain control of Pinkforde's land after the death of his father.

If either man could successfully marry his daughter to Pinkforde then that man would increase his family's landholdings and access to wealth. Whether Edmund truly loved Elinor How (Walker's stepdaughter) or Alice Williams was less important than the opportunity to exert patriarchal control over an expanded estate.

There is a corollary to this case in that some fourteen years later, Thomas Williams (Alice Williams's brother) took a case to Winchester against Thomas Wavell who was the brother-in-law, and witness in the two following cases concerning Agnes Curle. Williams's case was a testamentary one which he was pursuing over the estate of William Williams his father, lately deceased. Thomas Williams, after his less than law-abiding youth seems to have settled down, taking over his father's ropemaking business. It is through the depositions in this case which revolved around a particular calf that was due to be paid as a tithe, that it finally becomes clear that Edmund Pinkforde who now described himself as a yeoman, did ultimately marry Alice Williams. Another witness in this testamentary/tithes case is John Guy, aged around twenty-three years, now a roper but also a servant to Thomas Williams.

John Guy was the son of Elinor Guy with whom William Williams had been caught in flagrante many years before, they were therefore possibly half-brothers, another example of the close kinship connections uncovered in a small village.³⁸

Cases from Godshill

From its population of around 750 communicants in 1603, the parish of Godshill sent nine cases to the consistory court in Winchester between 1577 and 1631. These cases were all, except one, for defamation, the exception being a disciplinary case against a man convicted of 'incontinent living' with a widow. He was imprisoned after being required to post a bond which he was unable to pay and instructed to do penance in his local church.³⁹

The village is roughly midway between Newport to the north and Shanklin on the east coast of the island, an area of downland with some arable farming and a small part of the southern foreshore. The parish covered just over six thousand acres.⁴⁰ The manor house was Appuldurcombe, owned by the Worsley family as described earlier in the two cases of Briggs v Oglender and Briggs v Perryn. They were not accounted to be harsh landlords,

³⁸ HRO 21M65/C3/11, 319-327, Williams v Wavell.

³⁹ HRO 21M54/C1/28, 41, *Ex Officio* v Co(o)ke. This case illustrates the power villagers held in forcing the church to take action when spiritual misdemeanours were not seen to be punished.

⁴⁰ Page, *A History of the County of Hampshire: Volume 5, 'Parishes: Godshill'*, 170-177. *British History Online*, <http://www.british-history.ac.uk/vch/hants/vol5/pp170-177>. Accessed 6 April 2020.

indeed in 1577 Dame Anne Worsley willed twenty marks for a free Grammar School to be constructed in the village, although this was never built and the existing school remained in the old Chantry Priest's House.⁴¹

However, as will be seen, the same Godshill families were involved in several cases.

1577, Linburie (als Lynbury) v Edoe,⁴² and 1581, Lynbury v Jones⁴³ and 1581, Coke (Cooke) v Lynbury.⁴⁴ Defamation, malicious gossip

Joan Lynbury was a shopkeeper's wife in Godshill who seems to have had a fractious relationship with several neighbours but particularly with Harmanus Jones, a glover from the same village. In the first two cases Lynbury is the plaintiff and in the third she is the defendant. Harmanus Jones is involved in all three cases, in the first and third as a witness and in the second as defendant against Lynbury.

Each case revolves around defamation. In the first instance in 1577 Margaret Edoe, wife of James Edoe a Godshill shopkeeper, was alleged to have been told by her maid that Lynbury had been seen 'up against a boulting hutch with a man, her clothes around her knees'.⁴⁵ Lynbury demanded to know of Edoe whether she had repeated this and she admitted, after initial denials, that she had and could prove it.

Four years later, on Christmas Day 1580 a quarrel broke out between Lynbury and Harmanus Jones when he called her 'an arrant whore and the parish mislike her because of it' and on 8th April 1581 the first witness's deposition was heard in court. The second of the two witnesses deposed on 15th April, exactly a week later and his statement was similar to that of the first witness. Both agreed with the words Jones had used in 'grete malice and anger'. Interestingly the second witness – John Hooper, aged 34 – gave his occupation

⁴¹ R. Diment, *History of Godshill*, (2013), <https://godshill.online/history/>. Accessed 03 March 2020.

⁴² HRO 21M65/C3/7, 144, 154, *Linburie (Lynbury) v Edoe*.

⁴³ HRO 21M65/C3/8, 249, 251, *Lynbury v Jones*.

⁴⁴ HRO 21M65/C3/8, 251-2, 272-3, 282, *Coke (Cooke) v Lynbury*.

⁴⁵ S. Johnson (Dr.). *The Plays of Shakespeare from the Text of Dr. S. Johnson*, Volume 3, Part 2, (Dublin: Thomas Ewing, 1771), 26, [https://www.google.co.uk/books/edition/The Plays of Shakespeare from the Text o/RcA8AAAAIAAJ?hl=en&gbpv=0](https://www.google.co.uk/books/edition/The_Plays_of_Shakespeare_from_the_Text_o/RcA8AAAAIAAJ?hl=en&gbpv=0). Accessed 24 June 2021. The meaning of boulting hutch is not clear. Samuel Johnson defines it as a meal-bag (from usage in Shakespeare's *Henry IV*), Boultings was another term for the bran which became separated from flour by sifting in the milling process, and a hutch was a purpose-built storage space for bran. <https://www.british-history.ac.uk/no-series/traded-goods-dictionary/1550-1820/book-candle-boultings#h2-0020>. Accessed 6 April 2020.

as a wantcatcher, an archaic term for a molecatcher.⁴⁶ Hooper, was, however, literate, signing his name clearly under his deposition.

In the third case, heard one week later on 22nd April 1581, Lynbury was defending herself against accusations from Jane Coke (or Cooke) another shopkeeper's wife, who had heard from Harmanus Jones (a witness this time) that Lynbury had accused Coke's lover (one Christopher Flook, a tailor, working within a shop in Jane Coke's father's house) of having a 'burned pyntell' a result of disease passed to him by Jane, and she knew this because the surgeon who had healed Christopher had told her so.⁴⁷ This case is particularly interesting because Margaret Coke (Jane's mother) had paid Jones and another witness 5s 3d each for their travel, meat and drink and lodging to come to testify at Winchester from the Isle of Wight. Jones complained that he had used up all the money before they got to Winchester and wanted more from Mrs Coke, who obligingly paid him.

The only person from this case who appeared in the subsidy rolls was James Falkirk (Fallick), a husbandman, who testified that most recently he was seized for £4. Falkirk said that he had asked for no money for coming to Winchester, and Mrs Coke had given it all to Jones to cover both of them. Falkirk also pointed out that there was still an ongoing case between Lynbury and Jones (see above) and that they were not 'good friends' but Coke insisted that that case had nothing to do with her bringing her case, as she was determined to clear her 'own name and honesty'. During the period 1577-1581 when these cases took place Thomas Gravell was instituted and appointed perpetual vicar of Godshill and Whitwell parish, remaining in post until 1602 but how punctilious he was in keeping records of his parishioners is unknown as records have not survived for the parish before 1678.⁴⁸ Gravell (or Gravett) appears in the next case in this chapter.

The second and third of these cases also underline the frequency with which the court was obliged to meet in Winchester during Law Terms to be able to deal with the volume of cases coming to it and explains why the Instance Books (the registers) make following the progress of cases somewhat complex. Everything was written on a daily timeline, presumably according to a list drawn up in advance for each day's sessions, so bringing one

⁴⁶ Family Researcher, *Dictionary of Old Occupations*, <https://www.familyresearcher.co.uk/glossary/Dictionary-of-Old-Occupations-jobs-beginning-W.html>. Accessed 1 April 2020

⁴⁷ A pyntell is one of many early modern words for a penis.

⁴⁸ HRO 21M65/A1/26. Episcopal Register, np.

witness in a week before another in the same case means that the case details are separated by however many other cases (or parts of cases) fell in between. Another impediment can be the legibility of the clerk's handwriting – most are reasonably straightforward but one or two clerks present significant challenges in deciphering their records.

1581, Bryer v Gravett.⁴⁹ Defamation, malicious clerical interference

Although the name is spelt slightly differently, Thomas Gravell and Thomas Gravett appear to be the same person.

The Rev. Thomas Gravett had a brother, Edward, a husbandman aged twenty-one, who fell in love with and impregnated Elinor Nokes, a servant of Richard Bryer the plaintiff in this case. Edward wanted to marry Elinor, but his brother Thomas was against it, and insisted to all who would listen that Bryer was a 'whoremonger and a whoremaster and everyone in the parish knows it' and that if Bryer could be convicted of causing Elinor's pregnancy then Edward could marry someone more suitable (in his brother's eyes). Elinor insisted to witnesses that Edward was the child's father, and the case first heard in November 1581 was recalled two weeks later at which time Edward proudly told the court that Elinor was now his wife, but how this was accomplished so quickly is not stated.⁵⁰ If Thomas Gravett, vicar to the parish, did defame Bryer as the witnesses said, then it is improbable that he would have consecrated a marriage between his brother and Elinor Nokes almost immediately afterwards, although no record has to date been found to verify if, where or when they did marry. It is unsurprising that other parishioners were at odds with each other during Gravett's tenure, their religious leader setting a poor example to them. There does not appear to be any disciplinary action taken against Thomas Gravett for his unchristian behaviour.

1585, Cooke v Garde and 1585, Reade v Lace.⁵¹ Defamation and a quarrel over a leg of mutton

Two cases from Godshill confirm Sir John Oglander's opinion on the lack of community spirit and reiterate his view that malicious gossip was as much a male trait as a female one.

⁴⁹ HRO 21M65/C3/8, 304-5, 317, Bryer v Gravett.

⁵⁰ Whether a clandestine marriage had been carried out (a ceremony performed without banns or licence) is not known.

⁵¹ HRO 21M65/C3/9, 293-5, Cooke v Garde and HRO 21M65/C3/9, 298-291, Reade v Lace.

Mabel Cooke was the plaintiff accusing Anne Garde of defamatory language allegedly used against her. Two female witnesses came to the court, both of whom in almost identical words described a meeting between the four women on the road between Godshill and Arreton when Cooke attempted to strike Garde accusing her of being ‘an arrant whore, thou seekest the destruction of my husband, thou art a whore, a wytch and a bytch. How canst thou be mayntayned as thou arte but thou must needs play the whore?’. The witnesses avowed, though, that it was ‘well known that Cooke’s husband had kept Mabel (Cooke) as his whore during her first husband’s lyfetye and then married her’, thus impugning her morality. It was important that the two witnesses both told the court that at the time of this acrimonious exchange Anne Garde was carrying a shoulder of mutton in her hand.

Maybe coincidentally a case from Newport, Isle of Wight was brought to Winchester on the same day in March 1585 and concerned a fight between Richard Lace and Margaret Reade over a hindquarter of mutton which both were trying to buy. A butcher, Thomas Bedell, had to break up a fight in his shop over the sale of two hindquarters of sheep which Lace had earlier agreed to buy but had left the shop without paying for them. Margaret Reade (a servant) then negotiated to buy one of the hindquarters, at which point Lace returned, became very angry and threatened to hit Reade over the head with the mutton. Clearly the huge flocks of sheep on the island enabled butchers to keep prices low enough for ordinary people to buy high quality joints on behalf of their households. Interestingly this latter case is about the fight and the defamatory language which passed between Reade and Lace, no comment being passed on the bargaining by both customers on the cost of the meat, implying that a fixed price by weight was not necessarily always the final price, contrary to trading laws.

It has not been possible, due to the lack of parish records, to ascertain whether the Jane Coke (Cooke) in the 1581 case was a relative of Mabel Cooke in the 1585 case, or whether (albeit eighteen years later) a John Co(o)ke also from Godshill were somehow related, but it seems unlikely that in village like Godshill (around 750 communicants in 1603)⁵² there was not some albeit distant kinship connection. At the time of Mabel Cooke’s case in 1585 the

⁵² A. Whiteman and M. Clapinson, M., (eds.). *The Compton Census of 1676: A Critical Edition*. Oxford: Oxford University Press, 1986.

perpetual vicar of Godshill was still Thomas Gravett, whose management of his parish was perhaps not as spiritually rigorous as for his parishioners' sakes it needed to be.

There is other evidence in this thesis where there have been clusters of cases in small communities with recurrent familial names. It is also known that there was a pattern of inadequacy amongst some rural clergy to control and spiritually lead their flocks, a situation not confined to the Winchester diocese. The Bishop of Winchester lacked the power to collate (institute) clergy in many parishes, the gift of the parish being under patronage. Andrew Thomson remarks that of the 325 parishes he studied only forty-nine (15%) lay within the gift of the bishop.⁵³ This does not, of course, mean that incumbents under patronage were better or worse than those instituted by the bishop, but split loyalties to both bishop and patron may have coloured clerical behaviour, particularly as a large proportion of the clergy were relatively young and inexperienced.

Cases from Brighstone

Brighstone abuts the parish of Shorwell, although a small area was detached by Shorwell's foreshore, and as with Godshill and Shorwell was a mixture of downland, arable and pasture and foreshore⁵⁴. In 1571 the parish was sparsely populated, spiritual oversight being undertaken by John Rathborn as curate, who worked under the guidance of Brian Travers the perpetual vicar of Shorwell, and the following case contains the first record of Travers going to the court in Winchester as a witness, a service he repeated in 1586 in the Williams v Pinkforde case described earlier.

1567, Reve v Curle, and 1571, Sara v Curle.⁵⁵ Matrimonial, a procrastinating woman

The Curle family was well established on the island in the sixteenth and seventeenth century with yeomen, husbandmen and at least one vicar in the family. They were also related by marriage to lesser gentry in the island. Agnes Curle was the defendant twice at Winchester, in 1567 and 1571, both times as the result of accepting tokens in lieu of a betrothal and then procrastinating.

⁵³ A. Thomson, "The Diocese of Winchester Before and After the English Civil Wars: A Study of the Character and Performance of its Clergy", PhD diss. University of London, 2004, 59.

⁵⁴ Page, *A History of the County of Hampshire: Volume 5, 'Parishes: Brighstone (Brixton)'*, 211-215. *British History Online* <http://www.british-history.ac.uk/vch/hants/vol5/pp211-215>. Accessed 6 April 2020.

⁵⁵ HRO 21M65/C3/4, 242, Reve v Curle, and 21M65/C3/4, 895-914, Sara v Curle.

Nothing is known about Robert Reve's background, and Richard Sara's family is not currently identifiable; although witnesses deposed that they had known him for over fifteen years since he had been visiting the island regularly as part of his trade as a travelling peddler, staying in inns and private houses en route and travelling back and forth from Southampton or Portsmouth.

The only record of the first case is Agnes Curle's personal statement, made on 4th October 1567. She deposed that she and Robert Reve had talked together of marriage but never settled any contract. She also confirmed that he had given her various gifts including 'a paire of gloves as a fairing' but as he also gave 'fairings to the rest of the house', she did not assume it was a token of intent.⁵⁶ He had, she added, also given her twenty marks to keep until 'he should demand of it back'.⁵⁷ These events had taken place over a year previously, so Agnes reiterated that she did not feel bound by anything and it is not clear whether she had returned the money.

The second case is far more complex and took place four years later. Richard Sara gave Agnes Curle tokens as a precursor to their betrothal. He sent gifts via the vicar of Shorwell, the ubiquitous Rev. Brian Travers and Jane Rathborn, wife of the curate of Brighstone, including a 'key ball of chrystall garnished with silver' and materials for clothing. When the case was heard on 15th November 1571, Agnes's opening statement was that she 'never meant to marry Richard Sara', her reason being that she thought 'he would not sett by her as she was poore and had children', presumably an indication that Agnes was a widow. The fact that she had children is important in this case, because if she was a widow that would indicate that Curle might not be her birth surname, but she refers to two brothers (William and John Curle) who appear as witnesses on Sara's behalf. Either she calls them brothers when they were, in fact, brothers-in-law or Agnes's children were born out of wedlock as she was not married. A further complication is that she refers to needing the goodwill of her landlord before she could marry, but also owns land in partnership with her brother William. It seems most likely that Agnes was married – to William and John's deceased brother (of whom no record has currently been found) and she inherited her late husband's share. If true, she would be a good prospect for a suitor without land of his own.

⁵⁶ A fairing was a small present or souvenir bought or won at a fair. An archaic word, but still used in the antiques trade to describe small china ornaments, often of anthropomorphic animals.

⁵⁷ A mark was worth 13s 4d, two-thirds of £1.

She was however hospitable to Richard Sara – meeting him on the highway she invited him to her house where he stayed for an hour and a half eating ‘brede and chese and drinking a cup of beare’, during which time he proposed marriage to her which she parried by saying she could marry nobody unless she had the goodwill of her landlord. Agnes’s brother John had been trying to engineer a match between Agnes and one (first name unknown) Francomb, but nothing had been agreed. The curate, John Rathborn arranged a meeting in his house between Sara and Curle with the intention of negotiating their betrothal, but Sara refused saying that matters had not been settled between them. Shortly afterwards Agnes was at her brother John’s house discussing their joint landholdings when John’s wife told her that Sara was sick upstairs in bed in their house. Inviting Agnes to go with her, the two women went up to the bed chamber, where Agnes was left alone with Richard Sara, who ‘leapt out of his bed and pulled her back desiring her to talke with him a few words and other familiarities there was none betwixt them’.

It was shortly after this that the Rev. Brian Travers was given the ‘key ball of chrystall’ to deliver to Agnes, via John Rathborn, curate of Brighstone. Travers also spoke to Agnes who said that she had refused some suitors, but there remained two: the person of Brighstone (unnamed, but possibly the man Francomb named by John Curle) and Richard Sara.

Two days after this initial hearing, more witnesses came to the court in Winchester, the first being William Curle, Agnes’s brother, aged thirty, a Brighstone yeoman. It transpired that William was indebted to Sara for £20. His brother John had often bought ‘trifles’ from Sara and that William had often ‘dined and supped with Sara in his chamber at the Inn’. This confirmed that Richard Sara was not a resident of Brighstone but a travelling chapman of some kind, who regularly plied his trade on the island.

William’s wife Joan gave a more feminine slant to her deposition. She recounted that the very same day that John Curle’s house burnt down, Agnes sent her servant, Elizabeth Reynolds, to her (Joan) to tell her that she (Agnes) wished to speak to Richard Sara. The tone of Joan’s deposition was that she felt there were other things to be considered on that particular day rather than Agnes’s relationships. She added that three and a half years ago Agnes had been churched⁵⁸ and at that time Richard Sara was ‘known as Agnes’s Gossip’.

⁵⁸ The Churching Ceremony was for women who had recently undergone childbirth whether the child had survived or not. After around forty days, they went to their local church to receive

Whether the implication was that Agnes's child was fathered by Richard Sara is not clear, but certainly tongues were wagging in the parish about their relationship. Another witness – Jane Rathborn, the curate's wife – said that at a supper with several others someone asked about the ring Agnes was wearing, at which she took it off and passed it round the company, finally asking Jane Rathborn to deliver it to Richard Sara. This was around the same time that Agnes received the crystal key ball and 'an ell and a half of holland' from Sara.⁵⁹ He also apparently gave her a pair of knives.

Elizabeth Wavill, the next female witness and Agnes's sister, commented that Agnes was very stubborn by nature 'she would not be moved', but that most parishioners already thought she and Sara were man and wife and that, shockingly, Agnes had told her that Sara 'had as white legges as any man, and she (Agnes) thought he had a 'sorre legg'.

The last woman to make a deposition was Alice Curle, John Curle's wife and Agnes's sister-in-law, the residents of the house that burned down. She had heard Agnes say, in the presence of others, to Richard Sara 'of my faith, this I promise you, if ever I marry a man, I will marry you'.

The last three male witnesses broadly concurred with earlier depositions, including the curate John Rathborn's statement that Sara had confessed that he had 'lien with Agnes'.

All nine witnesses agree that Richard Sara had agreed to bear their charges for travelling to Winchester, and on top had given them all presents, ranging from a pair of knives to hose, to cloth. In return, despite most of the witnesses being close relatives of Agnes Curle, they showed exasperation with her behaviour and sympathy for Richard, who seemed besotted with Agnes.

This extremely long case is important because of the social light it throws on a small village. Richard Sara clearly visited regularly, selling a variety of goods, ranging from cloth (canvas, holland, buckram and linen are mentioned), ready-made clothes (hose and a 'doublett'), small ornaments (fairings), and even more expensive goods (the 'key ball of chrystall garnished with silver').

prayers, blessings and thanksgiving for their safe delivery from the vicar and parishioners. At the same time the new baby was welcomed into the family of the church.

⁵⁹ An ell was approximately 45 inches, so this measured almost two yards, and holland cloth was a dull-faced woven linen.

Agnes Curle was a woman of stubborn disposition. She said she was poor, which seems unlikely as she had joint landholdings with her brother and they farmed the parsonage land of Brighstone.⁶⁰ She had children, including one born recently (the 'churching' alluded to). She was one of a large family, she had at least two brothers and one sister, the Curle name was widespread through the island, and her uncle may have been William Arreton Curle (1520-1575) who lived in Arreton and had at least four children.⁶¹ It seems to have been her habit of keeping suitors dangling that exasperated her family – she had done the same thing to Robert Reve in 1567 by taking tokens, including money from him and then procrastinating about marriage. There was gossip about a liaison with a man called Francomb that all her family knew about, whom she scorned, saying she preferred Richard Sara, but again taking all that was offered by him without committing to any binding contract. There is no outcome given to either case she was involved in (although obviously Robert Reve's rejection in 1567 was final), and it has so far proved fruitless to find any record of her life, but it shows a tough woman who was self-serving, possibly with good reason, whose veracity was dubious on occasions but who was determined to hold out for the best marriage she could get, regardless of how this affected not only her reputation, but tested the patience of her family and neighbours.

This case also emphasises the conservative, catholic attitudes still prevalent on the island, still more entrenched in the latter third of the sixteenth century than they were in rural parts of mainland Hampshire. These attitudes compare to those of the inhabitants of Terling earlier in the century when the church had difficulty in 'transforming the devotional habits of the rural population as inherited from the medieval church'.⁶²

Case from Carisbrooke

Carisbrooke was a large parish, situated in the middle of the island, comprising nearly nine thousand acres of arable, grass and woodland.⁶³ The castle was the centre of island defensive fortifications becoming as Jack Davies Jones put it 'the hub of Island life' as well

⁶⁰ Aside from the matrimonial case Agnes Curle was pursuing in 1571, she also lodged a case against Ales Salter of Mottistone in the same year regarding a tithe. A deed dated 10 Henry VII was exhibited. Listed in A. J. Willis. *Diocese of Winchester, Consistory Court Cause Papers (including deposition books) before 1700* (Folkestone, self-published, 1960), 213. Shelved at HRO Willis 5/1-2.

⁶¹ Ancestry.co.uk, https://www.ancestry.co.uk/family-tree/person/tree/23939519/person/272065908920/facts?_phsrc=bwz426&_phstart=successSource. Accessed 28 March 2020.

⁶² Wrightson and Levine, *Terling* 11.

⁶³ VCH, <https://www.british-history.ac.uk/vch/hants/vol5/pp221-235>. Accessed 12 April 2020.

as the residence of the Captain.⁶⁴ The Captain was sometimes also the Governor of the Island and while some governors carried out their responsibilities conscientiously, others barely set foot there, leaving landowners to manage their own affairs through a decaying Hundred and Manorial court system. In the space of eighty years from 1550 to 1630 there were six Governors and/or Captains appointed by the Crown. Each of them, with the exception of Sir Richard Worsley (served 1540 to 1553 and 1560 to 1565), were largely absentee Governors or more concerned with military matters than domestic ones, which, rather as in the case of The Vyne (see Chapter 5, Basingstoke Division) left gentry farmers largely to manage in their own variable styles.

The ongoing necessity of maintaining and provisioning a Castle was expensive, particularly in the time of Sir George Carey, (Captain from 1582/3-1603) who was extremely hospitable, but too full of his own self-importance for the taste of the gentry of the Island as he unilaterally tried to declare himself Governor. This arrogance led Sir Robert Dillington to 'tell him plainly that we wanted no governor, neither would we permit any but our sovereign but, if he would needs be a Governor, then he should go into the West Indies amongst the base people'.⁶⁵

It is clear, therefore, why the following defamation case from 1602, involving the Kemp family, was so important.

⁶⁴ Davies Jones, 'The Isle of Wight', 58. From 1647-8 it was also the place of captivity of Charles I, who was close guarded but allowed freedom enough to spend time in religious studies and writing.

⁶⁵ Bamford, *A Royalist's Notebook*, 91. Apparently Dillington's remark was accounted as treason and he was imprisoned in the Fleet Prison in London and only released by petition of the other Island gentry.

1602, Kemp v Thomas.⁶⁶ Defamation over accusations of outstanding debts



Illustration 9 – Chapter House Gate, Carisbrooke Castle⁶⁷

Richard Kemp was the Armourer at Carisbrooke Castle, and at the time of this case he had five daughters living with him. The witnesses told the court that his daughters were: Ann, (aged about thirty-one), Dorothy (twenty-eight), Mary (twenty-six), Dowsabell (twenty-two) and Elizabeth (sixteen). No mention is made of his wife. The events took place by the Chapter House Gate (the main fortified entrance to the castle and pictured above), over which there was a chamber lived in by Thomas Plasse, a locksmith aged thirty-two years and clearly highly literate by his beautiful signature.⁶⁸

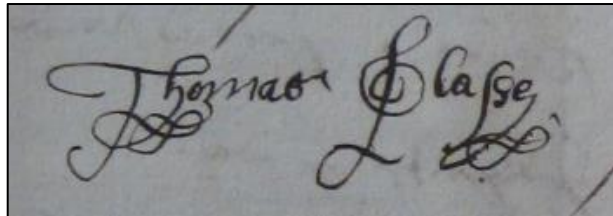


Illustration 10 – Signature of Thomas Plasse, Locksmith, 1602

At three o'clock on the afternoon of 29th September 1602 John Thomas, a guard at the castle, returned from a trip to London, and the gate was opened for him by Richard Kemp.

⁶⁶ HRO 21M65/C3/11, 448-450, Kemp v Thomas.

⁶⁷ Anon, www.Hampshire-life.co.uk. Accessed 30 April 2020.

⁶⁸ Thomas Plasse continued in royal service until his death. His will was written and signed on 20th September 1609, when he, his wife and children were living in the parish of St Peter ad Vincula inside the Tower of London, although he did not die until 1616 aged 44 years. https://www.ancestry.co.uk/interactive/5111/40611_311284-00381?pid=893337&backurl. Accessed 12 April 2020 and <https://www.findmypast-co-uk.winchester.idm.oclc.org/transcript?id=GBPRS%2FD%2F701125034%2F1>. Accessed 13 April 2020.

Elizabeth Thomas, the defendant in this case, came out to welcome her husband. Also waiting outside the gate was Jane Mason 'a verrie poore widow' who had been wanting to speak to John Thomas since the morning. Kemp greeted Thomas with 'welcome home' to which Thomas responded, angrily 'I thank you Kemp for your knavery. Whilst I was at London thou sent a Bumbailiff to my wife'. 'Not I', replied Kemp, 'it was Mr Chancellor and my daughter who sent the Bumbailiff to your wife'.⁶⁹ At this point Elizabeth Thomas launched a verbal attack on Dowsabell Kemp (who was not present), accusing her of being a 'whore and an arrant whore' and having a 'bastard child in Ireland'. The witnesses Plassey and Mason were both certain that Dowsabell's name had been grievously impaired by this defamation. There had been some controversy a year earlier between the Kemps and Thomases, in which some court action over money owed had already occurred, but which daughter had been a protagonist in the disagreement is not clear. Whether Dowsabell was a perfectly innocent party is not known, neither is there any evidence of a child living in Ireland.

This argument mattered immensely because of the position of Richard Kemp. Although no records have been found of Kemp's time on the Isle of Wight, a Richarde Kempe was born on 3rd January 1556 in Hunsdon, Hertfordshire three years before the baronetcy of Hunsdon was granted in 1559 to Sir George Carey's father.⁷⁰ Kemp's position as Armourer was vitally important to supplying and maintaining equipment to soldiers defending the Isle of Wight, particularly when fears of the Spanish Armada were at their height in the second half of the 1580s, and later in 1597 when Carey was tasked to lead an army to defend not only the island but also the adjacent mainland counties.⁷¹ George Carey had embarked on an ambitious modernisation and refortification project for the Castle, aggrandising his own status (for which he was not much admired) and constructing new military buildings, of

⁶⁹ Anon. *Collins English Dictionary – Complete and Unabridged, 12th Edition*, (London: HarperCollins, 2014). A bumbailiff was an officer who collected debts and arrested debtors. So called because they followed their prey before accosting them. Accessed 12 April 2020.

⁷⁰ Hunsdon was the family seat of Henry Carey (Sir George Carey's father) 1st Baron Hunsdon. George Carey was a military man, knighted for bravery during the Northern Rebellion of 1569, and although it is not possible to prove a connection, it is likely that the Carey family was acquainted with the Kemp family who lived on their estate in the 1st Baron's time, and Richard Kemp learned his trade through patronage, and an apprenticeship, thereafter following Sir George Carey who was Captain of the Island between 1583 and 1603.

⁷¹ W. T. MacCaffrey. *Oxford Dictionary of National Biography*, Carey, Henry, first Baron Hunsdon, <https://www-oxforddnb-com.winchester.idm.oclc.org/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-4649?rkey=4e1yPy&result=19>. Accessed 13 April 2020.

which the Armoury, just inside the Chapter House Gate was one.⁷² For Kemp, he must have had an up-to-date and prestigious workplace but if the defamation accusation stuck, the Kemp family's name could be ruined, and he would possibly lose his patronage, home and career because of it, and with five daughters at home, this was unimaginable.

The outcome of the case is not known and records have not survived regarding the Kemp family.

Case from Newport

1593, Newport Cases, *Arthure v Ryves* and *Smyth v Ryves*.⁷³ Defamation, allegations of prostitution and drunkenness

These cases heard on the 23rd February 1593 concern two sisters, 'naturall daughters' to Henry Clerck a seventy two year old hosier from Newport. The sisters (Joan Arthure and Agnes Smyth) separately accused Peter Ryves of calling them 'drunken whores, arrant whores, notorious whores, pistailed whores'⁷⁴ in great 'choler and anger' in front of numerous witnesses.

This verbal assault followed an incident in Newport when Joan Arthure's mastiff dog had allegedly eaten a pound of Ryves's butter. Ryves was beside himself with rage and accused both women of 'going aboard barcks, making themselves drunk and then were not ashamed to show their tails to men'. The interest in these cases revolves around the accusations made by witnesses against each other, which seriously undermine the veracity of their statements. George Cowdry, a sailor aged twenty-eight attracts most opprobrium, followed by Daniel Trent a twenty-three year old baker lately come from All Cannings in Wiltshire who was trying to set up his own business in Newport. It is worth quoting Richard Warland (a chapman, aged fifty from Ringwood) who comments on Cowdry:

'George Cowdry is a verrie poore man and sometimes goeth to sea with the said Joan Arthure and sometimes with others, and is of no creditt, but easily by reason of his poverty to be induced to depose anything, for yesterday before this deponent

⁷² Anon, <https://www.english-heritage.org.uk/visit/places/carisbrooke-castle/history/#A8>. Accessed 13 April 2020.

⁷³ HRO 21M65/C3/10, 293, 301-2, 371, 373, 384-6, *Arthur v Ryves*, and HRO 21M65/C3/10, 294, 301, 385-7, *Smyth v Ryves*.

⁷⁴ Pistailed means diseased.

and others he constantly denied that he had byn sworn and deposed in this Cause, and sayde that he was drunk at Winchester and spake he knows not what'.

The next witness, George Freeborn, a bucket maker, concurred:

"George Cowdry, of this deponent's good knowledge, is a verrie poore man and of no credit being idly spending his tyme at Alehouses having no sooner a penny than he doth spend the same and verrie like to be corrupted to depose an untruth'.

It seems, therefore, that Cowdry's tendency to 'take overmuch drinke' and therefore be an untrustworthy witness was of more importance than whether Peter Ryves's accusations against the two sisters were substantiated or not. The event which started the whole case – the dog eating a pound of butter – disappeared completely in favour of other concerns.

The second case, where Ryves is defending himself against Agnes Smyth, covers the same ground. Daniel Trent, the baker, was called again (although not George Cowdry) and again other witnesses testify to their distrust of his deposition, saying that he might not have heard what he said he heard. Maybe as an incomer of only two years' standing, he was an easy target, and not yet proven honest in the estimation of other witnesses.

As with so many other cases, there is no recorded outcome, but whether Ryves did defame the women in the manner suggested seems likely – all the witnesses agree he was furiously angry, all concur with the words he used, although the ordering of the phrases varies, and, as they had different surnames from their father, the deduction is that both women were married and the ramifications of such loss of good name would have spread quickly especially in the Island's capital with its diverse, but close knit population.

Witchcraft

The Witchcraft Acts of 1542 and 1563 were attempts by Henry VIII and Elizabeth I to control events that seemed irrational, springing out of the religious tensions that beset England after the Reformation. Some counties took their responsibilities under these laws far more literally than others; Hampshire was not one of these. Before these Acts ecclesiastical courts could deal with accusations of witchcraft provided there was no proof that physical harm had been done or that anyone died. After 1542 responsibility was passed to the criminal courts where a verdict of death or imprisonment could be handed down, such judgements being outside the scope of diocesan courts. Very few cases were presented at Winchester before its closure during the Interregnum, and only two came

from the Isle of Wight in the period under review, neither of which involved physical harm but although trivial do re-emphasise some islanders' prevailing belief in old traditions and customs.

1566, Cole v Hyllet.⁷⁵ Accusation of witchcraft by 'destroying cattoll and children'.

The first case in 1566 was between two women – Augustine Hyllet was attempting to defend herself against Joan Cole whom Hyllet had called a 'naughtie woman and a witch' for 'destroying her cattoll and her children'.

This falling out happened either inside Northwood church, as two of the five witnesses relate, or in its churchyard after morning prayers. Four of the witnesses gave their occupations as husbandmen and one of them is employed by Augustine Hyllet's husband, so it seems likely that Mr Hyllet (no Christian name given, and he does not appear in court) was also a yeoman or husbandman, given the reference to the 'cattoll'. There seems to be no previous animosity between the two women, and at the time of the quarrel Joan Cole called her husband Richard to try to sort it out, but Augustine was intransigent, repeating her accusations in the hearing of the witnesses. All five witnesses, local husbandmen and one mariner, testified to Joan Cole's honesty and good name before this event, which they reasoned must have impaired her reputation. It can only be conjecture that perhaps Augustine had suffered some catastrophic family event which caused her to cast about for someone to blame for it. There seems to have been no solid evidence that Joan Cole had behaved improperly and the matter seems to have been taken no further.

1592, Stone v Long.⁷⁶ Witchcraft and the magical power of stones

The case between John Stone and Joan Long is unusual. Long appeared to have a grievance not only against John Stone, but also John Serle (a shoemaker from Godshill) and his wife. Stone's accusation against Long was that she had accused him of 'a reading of old harmes' and of being a 'graffer of harmes'. The word harmes, presumably a plural of harm, meant something that causes injury or suffering (a spell) and a graffer was someone who could write, or in this case paint.⁷⁷ Long accused Stone of painting a lamb on Serle's wife's belly

⁷⁵ HRO 21M65/C3/3, 354-357. Cole v Hyllet.

⁷⁶ HRO 21M65/C3/10, 391-3. Stone v Long.

⁷⁷ Dictionaries give the definition of graffer as a notary or scrivener. In this instance a graffer of harmes most probably meant someone who wrote charms, a common way of using magic to heal illness or protect the wearer of the charm from malign influences. See Keith Thomas's *Religion and the Decline of Magic*, (Penguin, London, 1991), particularly the chapter on Cunning Men and Popular

and then being seen against a door with Mrs Serle with his breeches around his heels. Long also said that Stone had used 'the old harmes' on another man's wife and then she (Long) had seen another local man leaving an assignation with this second man's wife. Stone brought the case to clear not only his good name but the family's name, because it transpired that John Serle was John Stone's nephew.

Interpreting this case is difficult, as no explanation was given as to why Stone would paint a lamb on Mrs Serle's belly. There is some evidence, which Keith Thomas describes as a parallel to the highly revered touch for scrofula from a monarch, that rural charmers (or cunning men) were also known as 'strokers' for their habit of stroking the part of a body that needed healing. Purely speculatively, it is just possible that Mrs Serle was either already pregnant, and in some distress, but hoping that by painting a lamb it would symbolically protect the baby, or that Mrs Serle was trying unsuccessfully to become pregnant, and this ritual, followed by sex with the charmer was, she had been persuaded, a sure route to pregnancy. In this case, John Stone was the uncle-in-law to Mrs Serle, and this familial (if remote) relationship may have incensed Joan Long to the point of repeating her malicious gossip.

One other possible explanation for the painting comes from a witchcraft case in Somerset in 1653, quoted verbatim by G. R. Quaiife, where a consistory deponent describes a 'child of about a year and a quarter old taken sick with a violent sickness and continued so about a quarter of a year being painted [...] in his limbs and would be so taken sometimes that the informant's wife could hardly hold it in her arms'. The child subsequently died.⁷⁸

Herbal mixtures were the medicines of the poor, and if the patient could not, or would not drink them, then a healer sometimes resorted to painting a concoction on to the skin in the affected area; in the same way as ointments and other unguents were commonly used.

No physical damage seems to have been done in this case; if the case had been deemed serious it would have been transferred to the assize courts as being outside the remit of the ecclesiastical court, but the reputation of the extended Stone family was at risk. There were

Magic, 212-253. The noun 'graffer' is most probably a derivative of the French noun *greffier* meaning a clerk or recorder.

⁷⁸ G. R. Quaiife. *Wanton Wenches and Wayward Wives, Peasants and Illicit Sex in Early Seventeenth Century England*, (London: Croom Helm, 1979), 33.

several branches of the Serle family on the Isle of Wight, and the maintenance of kinship relationships was important.

There is no recorded outcome, and the depositions do not clarify whether the defendant, Joan Long, who spread the story was more offended by the magical element of the story, Stone's transgressive behaviour or the potential loss of Mrs Serle's good name as she would have been deemed at fault for inciting Stone to have sex with her.

Summary

What this chapter has sought to do is identify not only the different causes of cases going to the ecclesiastical court, but by describing the case content in such detail to draw some suggestions as to why the Isle of Wight was different from the mainland and how these differences manifested themselves in social and community relationships.

Defamation cases were more common than any other in the Winchester court during the latter part of the sixteenth century, although as the century progressed tithe and testamentary disputes steadily increased in number. Houlbrooke's analysis of Instance cases for the years 1560-1566 for the whole Winchester diocese identified seventy-one defamation cases, ninety-five tithe cases and eighty testamentary cases in total.⁷⁹ Of these, during the decade between 1560 and 1570 only nine for all three categories came from the island, although this number increased to thirteen (1571-1580) and ten (1581-1590) before dropping away as the century ended. As a reminder, the Compton Census of 1603 estimates there were just over 7000 communicants (over sixteen years of age) on the island out of a total of nearly 58000 in the Winton archdeaconry as a whole.⁸⁰ In other words, a disproportionate 12 per cent of the archdeaconry population was involved in Island cases. It is suggested that this can be explained by a concatenation of circumstances unique to the island community.

Firstly, it came as no surprise that patronyms occurred time and again. From the Isle of Wight probably two dozen occur more than once in the Winchester court between 1540 and 1630 although it cannot be a definitive list – as daughters married out and widows

⁷⁹ R. Houlbrooke. *Church Courts and the People during the English Reformation 1520–1570* (Oxford: Oxford University Press, 1979), 274. This total included all nine administrative divisions, not just the three compared in this thesis.

⁸⁰ A. Whiteman and M. Clapinson, (eds.). *The Compton Census of 1676*. This latter total excludes the thirty-three thousand communicants in the Surrey archdeaconry, still part of the greater Winchester diocese.

remarried bringing in stepchildren with different surnames, unless depositions give family linkages then some relationships may be undetectable especially given the lack of many parish registers. Of course, cousins and more distant relations outside the nuclear families are not always identifiable, either. These patronyms reflect plaintiffs, defendants and witnesses; occasionally several members of the same family testify either for or against a family member, but more often a familiar name is revealed in a seemingly unrelated case, creating a linkage between kin groups that had not come to light before. There is a divergence of opinion amongst historians as to whether more distant kinship relationships were important within families. Alan MacFarlane in his edited version of *The family life of Ralph Josselin* commented on the scarce interest that Josselin had in any of his wife's relations, and how rarely he saw them, yet Adrian Tinniswood in his reconstruction of the seventeenth-century history of the gentry Verney family took exactly the opposite view, commenting on the numbers of letters and visits that the Verney family maintained with even remote relatives.⁸¹ However, on a cheek by jowl island it was inevitable that local families intermarried, and whether some families were difficult neighbours or they had a predisposition to litigation is not certain, but *per capita* there seems more repetition of family names in the registers than on the mainland.

Secondly, the cases that did go to Winchester were, in the main, notable for the intractability of the litigants, who were determined, sometimes against better advice, to pursue their grievances, a reflection of the tensions that were at work within the community. These tensions were fostered by the disparate fears and anxieties referred to earlier in this chapter.

There had always been a justifiable fear of invasion on the island, and as already described the French invasion of 1545 was still in the forefront of collective memory, and the subsequent fortification of the island with increased military presence can only have exacerbated anxiety. Additionally, each parish was expected, to arm itself and all able-bodied men were enrolled in militia.⁸² The threat of a Spanish Armada in 1588 can only have added to this stress.

⁸¹ A. Macfarlane. *The Family Life of Ralph Josselin: An Essay in Historical Anthropology* (Cambridge: Cambridge University Press, 1970). A. Tinniswood, *The Verneys, A True Story of Love, War and Madness in Seventeenth Century England* (London: Vintage, 2008).

⁸² T. W. Shore. *History of Hampshire* (London: Elliot Stock, 1892), 194.

Thirdly, after the retirement of Sir Richard Worsley in 1565, two more Captains of the Island followed who were less well regarded. Edward Horsey served from 1565-1583 and Sir George Carey from 1593-1603. Neither man was well-regarded by the islanders, Horsey because of his well-known links with privateering and Carey whose arrogance did not always endear him even to his gentry acquaintances. This high-handedness caused islanders to attempt to 'contend with one another for control', if at all possible, in what Keith Wrightson described as 'politics of the parish'.⁸³

Fourthly, and concurrently, the island ministry which should have taken the lead in succouring the spiritual needs of islanders was in disarray. Not only was there constant doctrinal upheaval, but the turnover of priests and clerics on the island was very high. Some parishes were lucky – their vicar stayed for a decade or more, others had to be content with a succession of curates or peripatetic preachers whose interpretation of faith varied. It was, therefore, no wonder that parish matters that could not be resolved by a vicar or churchwardens escalated into a suit at Winchester. Very rarely, though does a case end at Winchester with the words *pax in causa* or peace in the case, indicating an agreed resolution, and it is this uncertainty that may well have prolonged the rifts between litigants and their families over more than one generation.

A fifth reason for the lack of trust, and increased anxiety on the island after 1550 was the habitual buying-up of lands by such gentry as there was, usually to create larger sheep farms. Sheep were relatively easy to breed and became increasingly important for meat (as well as for their wool) in the series of dearth years that afflicted Hampshire at the end of the sixteenth century.⁸⁴ This ovine expansion was at the expense of arable land, meaning that fewer labourers and husbandmen were needed to work the land, which led to eviction of families from their homes and livelihoods. Some of the dispossessed moved to Newport, others relocated off the island, but poverty became more prevalent than had

⁸³ K. Wrightson. 'The Politics of the Parish in Early Modern England', in P. Griffiths, A. Fox and S. Hindle (eds.), *The Experience of Authority in Early Modern England*, (Basingstoke: Macmillan, 1996). 10-46.

⁸⁴ W. G. Hoskins, "Harvest Fluctuations and English Economic History, 1480-1619", *The Agricultural History Review*, nd, 28-46. Accessed 02 March 2022. <https://www.bahs.org.uk/AGHR/ARTICLES/12n1a3.pdf>. As can be seen in Table 4 (Basingstoke Division), the taxable value of land and goods dropped between 1586 and 1607 in the north of Hampshire, as a combination of the declining wool trade, increase in enclosures and poor harvests led to inflation and some rural depopulation. There is no reason to assume the situation on the Isle of Wight was much different from that in the north of Hampshire and elsewhere.

been seen before. Nobody felt secure, even as good workers and promptly paying tenants, and anxiety breeds anxiety in such situations.

Perhaps overarching some of the above reasons was that of cultural change. The insularity of the Island meant cultural and societal shift was inevitably slower than on the mainland; much more emphasis was still laid on traditional custom and practice, and the tensions between those who did see more of the world outside the Island and those who were wedded to existing ways must sometimes have been very difficult to resolve without recourse to outside authority.

All these circumstances had damaging effects on the psychology of the populace as societal norms degraded; what was notable was the vitriolic and malicious nature of the language used by some litigants and witnesses during their hearings in Winchester. Partly, no doubt, because of the distance and loss of working days, witnesses frequently had to be paid (thus coerced) to go to Winchester at all. Some complained their expenses were not sufficient for their travel, lodging and food and drink and demanded more before testifying, which inevitably raised the question of witness veracity or bias, let alone the occasions when some witnesses turned on others and accused them in court of lying, or being so drunk they would say anything, undermining and possibly invalidating court process.⁸⁵ It was this deep-rooted fear and mistrust of others, no matter what circumstances, that makes cases from the Isle of Wight so different from those emanating from the mainland where, although every community had its issues, they were not so socially enmeshed as those on the island.

As Andy Wood commented: 'who speaks, and who is listened to, is an indicator of who holds status and power in any given society' and the inability of islanders to maintain any sort of control over their lives amidst chaotically varying impositions from both church and state in this period must have made their outbursts and attempts at gaining some individual power, however temporarily, a respite from the worries that preoccupied their everyday lives.⁸⁶ This lack of ability to manage their lives, according to Caroline Boswell,

⁸⁵ HRO 21M65/C3/10 293, 301-2, 371, 373, 384-6, *Arthure v Ryves* and HRO 21M65/C3/10, 294, 301, 385-7, *Smyth v Ryves*. These two cases are analysed earlier in this chapter, but the ferocity with which witnesses turned on George Cowdry underlines the distrustful relationships which could undermine court cases. It may be more than coincidence that George Cowdry was not called as a witness in the second case.

⁸⁶ A. Wood. *The Memory of the People* (Cambridge: Cambridge University Press, 2013), 178.

extended to the point that 'even slanderous terms blurted inside an alehouse had the potential of altering local power relations'⁸⁷ and it is evident from island cases that although not necessarily inside an alehouse some outbursts were deliberately made in public, and seemed often to come as the bursting of a festering sore.

In the next chapter, the cases discussed will be from Fawley Division, which includes Winchester itself, both from the city and from the surrounding countryside, where very different concerns preoccupied the minds of the inhabitants.

⁸⁷ C. Boswell. *Disaffection and Everyday life in Interregnum England* (Suffolk: Boydell and Brewer, 2017), 241.

Chapter 7: Winchester (Fawley Division)

Topography and Population



Map 5 – Fawley Division (outlined with red dots), from John Speed's 1610 map¹

The Fawley administrative division occupied the centre of Hampshire, stretching from the southern edge of the Basingstoke Division and Kingsclere Division to the north, Andover Division to the west, Alton Division to the east, and Portsdown Division (and the Solent) to the south. It also had a short stretch of boundary to the south-east with the New Forest

¹ J. and M. Norgate. *Old Hampshire Mapped*, (1996-2006), <https://www.oldhampshireremapped.org.uk/hantsmap/speed1/SPD1SMAF.htm>. Accessed 11 May 2020.

Division. In the centre of Fawley Division stood Winchester, surrounded by gradually diminishing sheep pasture, arable land and some woodland, the whole area sloping gradually to the south coast.

There were only two settlements of any size in the division at the end of the sixteenth century – Winchester, with a population of around six thousand and Southampton, with around two-thirds that of Winchester or around four thousand souls.² The remainder of the division was rural, some parishes being much larger in acreage than others, although, depending on land usage, population density was variable.

² T. B. James. *Winchester From Prehistory to the Present* (Stroud: The History Press, 2009), 116. D. Keene. *Survey of Medieval Winchester*, Winchester Studies 2 (Oxford: Oxford University Press, 1985). A. Rosen, "Economic and Social Aspects of the History of Winchester, 1520-1670", PhD diss., University of Oxford, 1975. Southampton's population of around 4200 people is here compared with Derek Keene's estimates for Winchester of around 6000 by 1600, rather than Adrienne Rosen's number which was considerably lower. In both locations the population fell back after 1600. Interestingly, the population of Winchester was almost exactly two-thirds that of the whole Isle of Wight at the same time, which accentuates the difference between a dense urban population and a much sparser island one and probably accounts for some of the differences in family and community relationships.

Case Locations

The table below analyses the spread of defamation and matrimonial cases taken to the Winchester consistory court from Fawley Division between 1560 and 1600. Over a forty year period fifty-five defamation and thirty-one matrimonial cases were brought, almost half of which came from Winchester alone.

Location	Defamation cases					Matrimonial cases					Grand Total
	1560-1569	1570-1579	1580-1589	1590-1599	Total	1560-1569	1570-1579	1580-1589	1590-1599	Total	
Bishopstoke								1		1	1
Boyatt			1		1						1
Cheriton	2			1	3	1				1	4
Chilton Candover				1	1						1
Easton						1				1	1
Headbourne	1				1						1
Hinton Ampner								1		1	1
Hursley		1			1	1				1	2
Itchen Abbas							2			2	2
Kings Worthy			1		1						1
Littleton							1			1	1
Medstead							1			1	1
Michelmersh				1	1	1				1	2
Millbrook	1		1		2		2			2	4
Nursling	1			1	2	1				1	3
Old Stoke Charity				1	1						1
Otterbourne							1			1	1
Owslebury									1	1	1
Sholden				1	1						1
South Stoneham						3				3	3
Southampton		3	1	1	5	1	1	1	1	4	9
Sparsholt	3				3	1				1	4
Twyford		1			1	1				1	2
Winchester (City)	11	7	4	7	29	2	4		1	7	36
Wonston		2			2						2
Grand Total	19	14	8	14	55	13	12	3	3	31	86

Table 8 – Fawley Division Defamation and Matrimonial Cases, 1560 – 1600.

Occupations of litigants and witnesses

Given the mix of urban and rural economy in the Fawley division, it is hardly surprising that a much wider variety of occupations were represented in the ecclesiastical court than in more rural areas like the Isle of Wight and Basingstoke divisions, and analysis follows illustrating these differences.

Between 1560 and 1600 depositions were taken from 191 witnesses (excluding personal answers from plaintiffs and defendants) in the fifty-five defamation cases referenced in the table above, and of those depositions it has been possible to identify the occupations of 167 people. Unsurprisingly, 25 per cent gave their occupation as husbandmen and another 6 per cent as yeomen. What is perhaps more surprising, given that twenty-nine cases came from within the city of Winchester itself, only eleven (6 per cent) gave their occupation as servant. Another 6 per cent were shoemakers, and a further 6 per cent

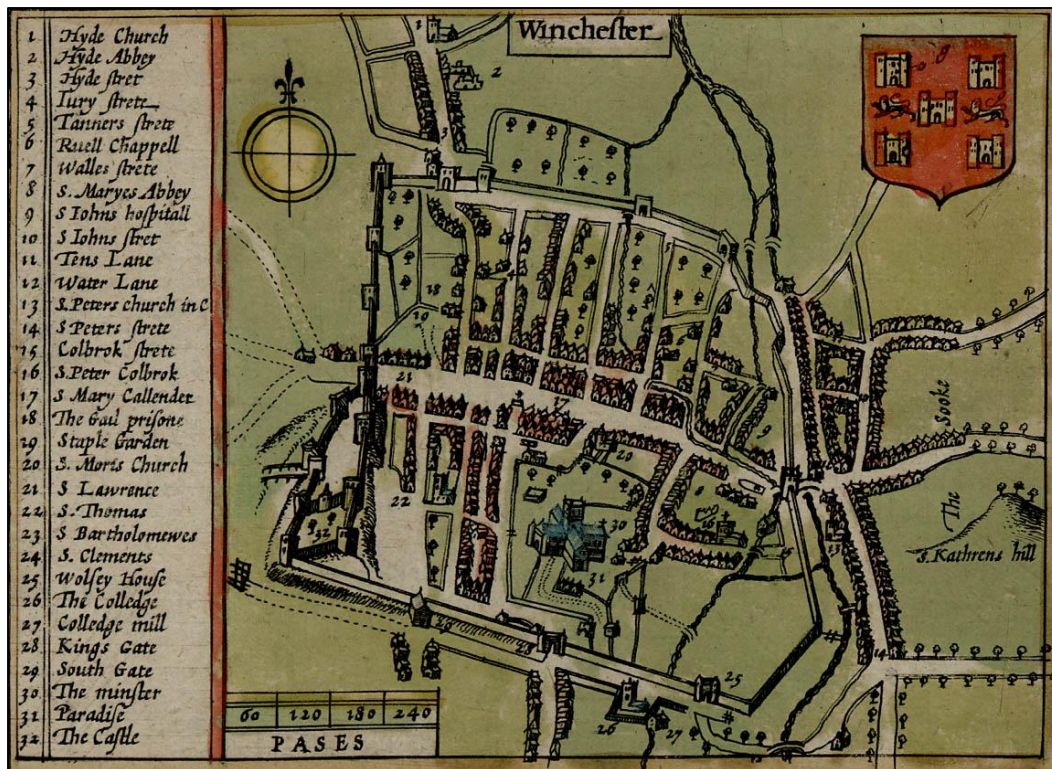
tailors, the remainder were spread across various occupations from gentlemen, Doctor of Law, Notary Public, vicar choral of the Cathedral through trades such as butcher, baker, haberdasher, fishmonger, glover, shearman, labourer, thatcher and tapster. Eleven women were identified as 'wife of [husband's name and occupation]' and three just as 'wife' with her husband's occupation unknown. The remaining thirty women who made depositions have no stated occupation. Forty-four female witnesses made up 30 per cent of the total, against 147 men.

For matrimonial cases, the thirty-one cases yielded ninety-five witness statements, husbandmen (and two of their wives) making up 19 per cent of the total, and the only other significant number was four vicars who came to give evidence. There were nineteen female witnesses, just 20 per cent of the total against seventy-six male witnesses who comprised the remaining 80 per cent. Only two servants appeared as witnesses in matrimonial cases; perhaps misalliances or contested marriage arrangements were considered family business, not that of servants, as only a handful of servants appeared in matrimonial cases in Basingstoke or the Isle of Wight either. An exceptional example in 1571 was Lawrence Backswick, servant to an Andover yeoman, who testified that he had been present in Winchester on the previous Quarter Sessions Day (within a week after Epiphany 1571) when a defendant (Robert Badger) offered three other witnesses, including Backswick's master, one hundred marks 'which would make him [Badger] content or else be it as it may'.³ Backswick was circumspect enough to add that he did not know what this offer referred to, though.⁴ This case is explored in more detail in the breach of contract case between *Pescod v Badger* below.

³ One mark was worth 13s 4d or two-thirds of a pound, reflecting Badger's wealth and anxiety to clear his name.

⁴ HRO 21M65/C3/5, 32-3, 36-7, 39-41, 45, 52, 54-5, 62-3, *Pescod v Badger*, and HRO 21M65/C11/2, 18.

Winchester and Southampton



Map 6 - John Speed's Town Plan of Winchester, 1610⁵

Late medieval Winchester must have seemed an ideal place to live at least in the minds of its self-congratulatory burghers. Charles Phythian-Adams quotes a sung grace recollected in a ballad book:

Me liketh ever the lenger the bet
 By Wingester that jolly site:
 The ton is god and wel iset;
 The folk is comely on to see;
 The aier is god both inne and oute;
 The cite stent under a hill;
 The riveres rennet all aboute;
 The ton is rueled apon skille
Benedicamus domino. Alleluia. Alleluia-a⁶

⁵ J. and M. Norgate. *Old Hampshire Mapped*, (1996-2006), <https://www.oldhampshiremapped.org.uk/hantsmap/speed1/SPD1SMAF.htm>. Accessed 11 May 2020.

⁶ C. Phythian-Adams. "Jolly Cities: Goodly Towns", *Urban History Yearbook* 4, 30-39, (Cambridge, Cambridge University Press, 1977). <https://www.jstor.org/stable/44608997>. Accessed 12 May 2020.

This complacency was not to last as by the mid-sixteenth century Winchester was already sinking into its 'decline and droop [of] decrepitude age' as Alderman John Trussell wrote shortly before his death a century later in 1648 and it was true that the city could have accommodated a far greater population than actually lived there in 1600.⁷ This decline had been hastened by periodic outbreaks of plague which contracted the population and reduced Hampshire's staple industry of cloth production. Nevertheless, its historical status as the capital of England and a cathedral city allowed it to remain Hampshire's civil and judicial administrative centre, the presence of Winchester College emphasised its eminence as an educational centre, and the hospitals of St Cross and St Mary Magdalen gave added emphasis to its spiritual foundations. So, to employ a modern phrase, Winchester became a series of urban villages, inhabitants having allegiance both to societal and occupational groups and to their community (church, academia, trade and so on) as well as the parish they lived in, overseen by a corporation whose power was far from absolute and itself in thrall to both Parliament and the Church.

Adrienne Rosen estimated that in the 1520s there were approximately one thousand five hundred people living inside the city walls and one thousand three hundred in the suburbs, rising only slightly by another one hundred within the city and another two hundred outside the walls by 1603.⁸ Derek Keene's magisterial *Survey of Medieval Winchester* broadly agrees with Rosen's total for the 1520s, but by analysing the evidence of the tarrage rolls of 1603 Keene concludes the population in the early seventeenth century was close to six thousand two hundred and forty, rather than Rosen's estimated two thousand eight hundred.⁹ This compares with the only other sizeable town in Hampshire – Southampton – with a population of around four thousand two hundred in the 1590s.¹⁰ Some of this discrepancy might be explainable by taking a slightly different acreage within and without the city but Keene's number reflects better the growth rate in the rest of Hampshire as population increased rapidly at the end of the 1500s.¹¹

There were several reasons for caution in assessing the true population apart from the innate difficulty of reconciling the numbers arrived at from different sources by both

⁷ HRO W/K1/12, Trussell, 'Touchstone of Tradition' by John Trussell, Fos. 193-4. Manuscript volume.

⁸ A. Rosen. 'Winchester in transition, 1580-1700', in P. Clark (ed.). *County Towns in Pre-Industrial England*, (Leicester: Burns & Oates, 1981), 145.

⁹ Rosen, "Winchester in transition", 145.

¹⁰ T. B. James, *Winchester*, 116.

¹¹ Keene, *Medieval Winchester*, Winchester Studies 2, quoted in James, *Winchester*, 116.

contemporaneous writers and subsequent historians. Firstly, there was a degree of fluidity about residence – many people commuted from the surrounding villages into Winchester and Southampton to work or trade, and conversely people moved the other way from the city into the villages on a daily or weekly basis. These were people who were part of the grouping described by Margaret Pelling as ‘semi-detached’, having one foot in both urban and rural lives either through the necessity of work or through a mobility necessitated by seasonal and meteorological variations or public health circumstances.¹²

Secondly, there was a constantly changing population – people of all kinds who came in through the ports of Southampton and Portsmouth *en route* to London or the north and *vice versa*, people travelling south to the ports. The city markets brought in not only regular traders but merchants and itinerant peddlers who would stay in the city for a few days at a time when necessary. Thirdly, privileged members of the London aristocracy and wealthy gentry came to Winchester each summer either to escape outbreaks of disease or because they had estates in the area, bringing a retinue of servants with them, and these people added to the cohort of resident gentry employing servants who commonly were hired by verbal agreement on an annual basis and moved on when experience or circumstances changed.¹³ Apprentices were employed on fixed term contracts, completing five or seven years depending on their trade before setting up on their own, often many miles away from Winchester, and they, too, increased the percentage of (usually) young men who found themselves with copious amounts of energy which could lead them into trouble. See the 1576 Hopkyns v Beddam matrimonial case, analysed later in this chapter.¹⁴

Being the county capital, Winchester not only housed numerous clerics working for the cathedral and academics working within Winchester College, but the Assizes, Quarter Sessions and lower courts which met in the city, all required legal professionals and officials to manage court processes. The military barracks recruited local workers on site to

¹² M. Pelling. ‘Skirting the city? Disease, social change and divided households in the seventeenth century’ in P. Griffiths and M.S.R. Jenner (eds.). *Londinopolis* (Manchester: Manchester University Press, 2000), 154-175.

¹³ A. Flather. *Gender and Space in Early Modern England*, (Woodbridge, Boydell Press, 2007), 50. The low status of servants made them extremely vulnerable to eviction, sometimes as Amanda Flather points out ‘for dishonesty or inefficiency’ but quite frequently simply because either the master or mistress of the house did not want them there any longer. Also see the case of Elinor Pulleyn, analysed later in this chapter. HRO 21M65/C3/4, 235-7. The confession of Elinor Pulleyn.

¹⁴ HRO 21M65/C3/7, 47, 49-54, 70-71, Hopkyns v Beddam.

support the fluctuating numbers of officers and soldiers whose duties required lodgings if not a permanent base.

This fluid population at whatever level in society needed the support of tradespeople and a variety of shops, inns and alehouses to cater for their needs, and below them again in status there were many poorer folk who had either lived in or close to the city for generations, or came there to seek charity, and did not always manage to rise above the poverty level.

Adding to this social and cultural mix were, as ever in a city, groups of people whose livelihoods teetered on or outside the boundaries of respectability; and prostitutes, petty thieves, confidence tricksters and opportunists of all kinds were conspicuous around Winchester's numerous markets and the city centre.

The relentless decline of the wool trade on which Winchester's wealth had largely been based exacerbated the complicated social structure of the city. Occupations associated with wool became scarcer and rural husbandmen sought to switch to arable farming or brewing amongst other options to keep themselves and their families from destitution, journeying more frequently into Winchester to sell their goods at market. Migrants poured into Winchester looking for work, and needing charity and poor relief, which the civic authorities tried to mitigate whilst dealing with outbreaks of plague and other epidemics, all of which made Winchester a somewhat undisciplined place to live.¹⁵ This is reflected in the number of defamation cases coming before the consistory court, as well as matrimonial ones where men seemed particularly to have behaved badly, indulging in playing off more than one woman at a time, becoming betrothed to more than one woman, giving tokens and making promises that were unfulfilled and then absconding when their misdeeds came to light. Such sexual philanderings seem to have been much more blatant than in the countryside, where it was harder to avoid the approbation of parishioners in a small village. Privacy was less possible in the city, hence a 1572 case brought by Ann White against James Vibert whom Ann's father had caught 'occupying [his] maid upon a pile of bricks in White's father's stable just off the High Street.'¹⁶ Ann White

¹⁵ J. H. Bettey, *Wessex from AD1000*, (London. Longman, 1986), 144.

¹⁶ HRO 21M65/C3/5, 85-6, 95-8, *White v Vibert*. Ann White's (Whyte) father John was an Alderman of the City and James Vibert a butcher. They had premises next door to each other on Fleshmonger

used this incident to underscore her allegation of voyeurism against Vibert for looking through her window to see what she was doing, to which Vibert accused her, saying 'thou liest like a whore and a stinking whore' and she called him a 'garlickhedded knave'; all of this in the presence of several bystanders.¹⁷ Laura Gowing's essay on women and social space emphasises the greater freedom of movement women had in urban spaces than in rural communities, and how this liberation increased female vulnerability in an age when opportunist men often relied on female subjectivity.¹⁸ This unfettering was a double-edged sword – female education was increasing amongst the growing middling sort who felt empowered to express their own opinions forcefully and in public when they felt it necessary, whilst the less educated were still under the hold of patriarchy and often unable to stand their ground. This case exposed the commonality of double standards; the maid was not named, she did not appear in court and the fact that she was used for sex was sublimated to the allegations of voyeurism against Vibert. Neither Ann nor her father John gave depositions, leaving it to eight male witnesses, all skilled tradesmen from the city who agreed that Ann White was an educated woman from a privileged family and needed no encouragement to speak her mind and bring her case.

Rural illicit sex cases were often identified by where they took place, as when Joan Grannt (plaintiff) was seen being 'occupied against an Oake Tree in Thruxton Warren by Thomas Gale' and this was reported immediately to her husband, Nicholas.¹⁹ Thomas Gale, the defendant and alleged miscreant, had, somewhat gleefully, told the three witnesses (two husbandmen and a yeoman) about the incident himself when they said they had all been present some months earlier at the Midsummer Quarter Sessions held in Winchester Castle. There is no record of why they were present at the earlier case. Joan Grannt's husband, Nicholas, railed against them at the time saying 'would'st thou prove my wyffe a whore?'. But what was important here was to memorialise the place that this had happened; not why or when, and they did not come to court until February 1581, eight months after Gale's boasts at the Quarter Sessions. Joan Grannt did not speak on her own behalf, neither did her husband seek to defend her and the witnesses either were not

Street (now St Peters Street) just off the High Street. See Keene, *Medieval Winchester*, Vol ii, 685-7, entries 312 and 313.

¹⁷ HRO 21M65/C3/5, 85-6, 95-8, White v Vibert.

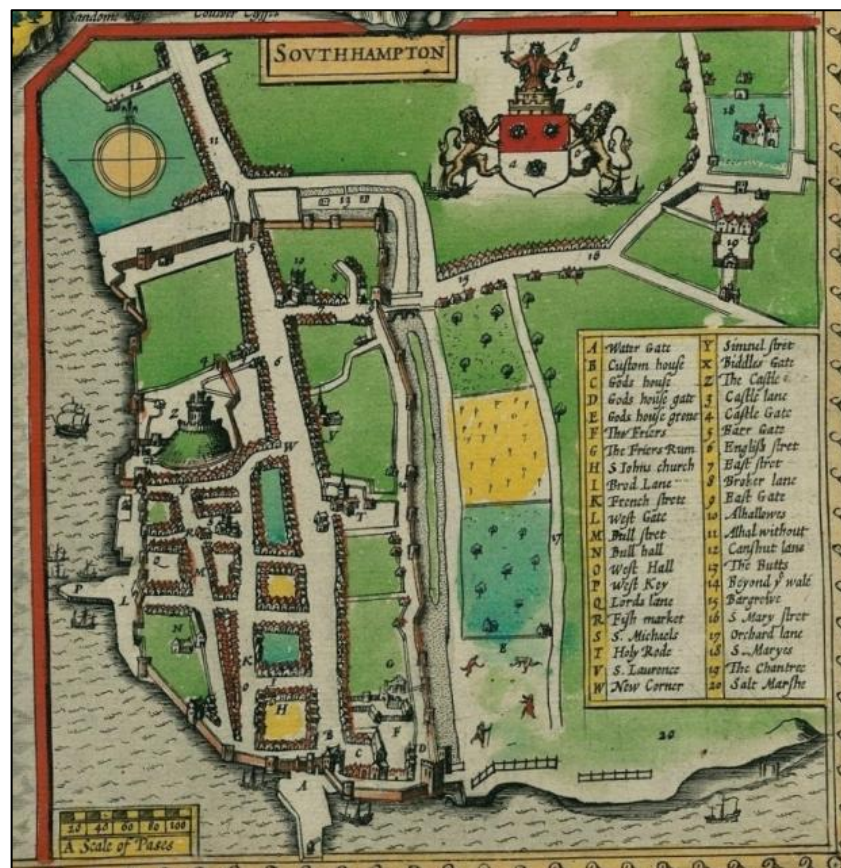
¹⁸ L. Gowing. "The freedom of the streets': women and social space, 1650-1640', in P. Griffiths and M.S.R. Jenner. *Londinopolis*, 130-151.

¹⁹ HRO 21M65/C3/8, 400, Grannt v Gale.

asked, or their answers were not recorded, as to their opinions of the honesty and *bona fama* of the Grannts or Gale. There is no recorded outcome.

As with other areas studied in this thesis, the same familial names crop up occasionally, but in Winchester cases involved the same people over a short period of time, unlike examples given from Southampton and the Isle of Wight where family resentments lasted for generations. There are also more servants appearing in cases in Winchester, although no names recur, which is possibly an indication of the annual contracts most agreed to, often moving on at their expiry.

Southampton



Map 7 - John Speed's Town Plan of Southampton, 1610²⁰

Although both Winchester and Southampton were in decline at the beginning of the seventeenth century, Southampton through its trading position and its two quays was able to adapt to changing circumstances more quickly, building monopolies (for example) in

²⁰ Anon, <https://www.alamy.com/old-map-of-southampton-england-by-john-speed-1611-image62673768.html>. Accessed 07 July 2020

landing imported and expensive goods such as sweet wine and currants as a replacement for its continuing, though diminishing trade in woollen goods and grain. Despite repeated efforts to encourage a wide variety of goods to be shipped through the port, the authorities had to contend with merchants switching their goods to trade through London and other ports if it make economic sense for them to do so, and such fluctuations hampered Southampton's stability well into the seventeenth century.²¹

The town was welcoming to foreign immigrants who brought skills such as goldsmithing as well as the more common trades already controlled by corporations, craft guilds and companies. As a result, the town housed many merchants and other professions needed to support the import and export of huge amount of traded goods passing through the town. John Speed's map shows street names such as Bull Street, Simnel Street and Fysh Market which indicated the locations of various trades at least until pressure on space in the town led perforce to shops setting up wherever they could find premises. The Butts was a reminder of the importance of maintaining the skills of archers who could be needed at any time to help fend off seaborne incursions and most able-bodied men were required to learn some kind of military skill in addition to their day jobs, making regular practice essential. Southampton's position at the head of the Solent and its status as a mercantile port saved it from the threat of invasion in the 1540s, although had Portsmouth fallen to the French in 1545 Southampton would have been in a very difficult position, hence the need to have strong defences.

Thirty-six matrimonial and defamation cases from Winchester went to court between 1560 and 1600, but only nine in total from Southampton, but had case numbers been proportional with population it might have been expected that around twenty-four would come from the coastal town. As Teresa Phipps points out 'town courts lay at the heart of urban life [...] representing the close ties between urban government, law and trade'²² and their accessibility and efficiency may have had more effect in curbing socially transgressive behaviour in Southampton than was the case in Winchester. What is striking, however, is that protagonists from both places were generally from the middling sort or lower gentry as will be shown in the sections specifically focussed on the two towns.

²¹ Page (ed.) *A History of the County of Hampshire*. <https://www.british-history.ac.uk/vch/hants/vol3/pp490-524>. Accessed 07 July 2020.

²² T. Phipps. *Medieval Women and Urban Justice, Commerce, Crime and Community in England, 1300-1500* (Manchester: Manchester University Press, 2020), 24.

The large number of immigrants who settled in Southampton, particularly from the Channel Islands, France and the Low Countries were added to by incomers from all over England, attracted by the vibrancy of the port and the opportunity to make money. Three cases in 1594 and (two in) 1602 between the Morrells and the Stoners illustrate this cultural diversity.²³ In each instance –all from Fawley and for defamation – the same group of witnesses were called. The Morrells and the Stoners were neighbours, sharing a common boundary hedge and both worked as drapers. Where Angelo Stoner originated is not clear from any records, but possibly Italy and his wife Thomasina appears to have been a native of Southampton. The Morrells who lived next door – Davy and Joan - were local people. But the eight witnesses to the on-going feud between the two families included two men from Blandford in Dorset, one from Manchester (via Salisbury) and a married couple from Jersey. All the witnesses were either servants of one or other family or other workers in the woollen industry – serge weavers and tailors. Whilst prominent inhabitants of the town, with the two men holding various civic offices, they were also constantly involved in arguments with other citizens, were notorious for not paying fines imposed on them by the local courts and refused to pay sureties imposed on them against each other.²⁴ For three years Davy Morell even refused to pay the 3s 4d owed to his local church to bury his wife Joan.²⁵ These cases illustrate how bitter feuds could become when, after much name-calling and accusations of illegitimacy of the Stoner's daughter, Thomasina Stoner admitted that she was afraid to go into her own back garden when Joan Morrell was outside.²⁶ Yet at the same time, the two men invested together in a merchant ship and certainly had other mutual business interests. Neither family was particularly poor, being taxed for £3 in the lay subsidies, belonged to their local woollen guild and the civic offices held by them would indicate their respectability in the town despite their obvious volatilities.²⁷ Such drawn-out feuds do not appear in the Winchester city cases, longevity

²³ HRO 21M65/C3/10, 406-10, Morrell v Stoner; 21M65/C3/11, 410-17 Stoner v Morrell and 21M65/C3/11, Stoner v Morrell, 410/17. The latter two cases were heard on the same day, 27 March 1602. Details of the origins of the witnesses come from their statements, as indicated above.

²⁴ C. Lambert. <http://www.tudorrevels.co.uk/records.php?itemId=5501>. Accessed 10 August 2020.

²⁵ Lambert, <http://www.tudorrevels.co.uk/records.php?itemId=5501>.

²⁶ HRO 21M65/C3/10, 406-10, Morrell v Stoner.

²⁷ Angelo Stoner was recorded as a Beadle of St Lawrence parish in 1594, and surveyor of the highway and overseer of St Lawrence in 1600 and by 1605 was a sideman and in 1608 a church warden of St Lawrence. Davy Morrell in 1575 was a constable and court leet juror and by 1579 was overseer of the common. All the while these two men were in disagreement with each other and summoned to the town court on numerous occasions for misbehaviour. Lambert, Tudor Revels, <http://www.tudorrevels.co.uk/records>. Accessed 26 June 2021.

of urban tenure amongst the middling sort seems to be more likely in a smaller town like Southampton.

Southampton cases

1569, *More v More*.²⁸ *Matrimonial consequences of a broken marriage*

Another case from Fawley illustrates just how sad and difficult life could be for a married couple if their relationship broke down. There was no possibility of divorce, husbands owned their wives and the woman was always most likely to be blamed for wrongdoing particularly in sexual matters.

In this case, by her own account Agnes More (defendant) was guilty of adultery at 'divers tymes and in divers places' with a man named Matthew (no surname given), who does not appear at the court. Robert More, her husband and the plaintiff, on discovering her adultery threw Agnes out of their house, whereupon she went to ask her two neighbours Barbara Johnson and Joan Breme to intercede with Robert More on her behalf. She piteously begged them to 'entreat him to take her home agayne though she had but one corner of a chamber and that she woulde in all thynges let him commande her as his servant'. They did try, but More was implacable saying he 'never would againe receive her'. After that, Agnes went to live with her brother at Romsey, where other witnesses confirm that Matthew continued to go and see her, usually at night. This seems a case where Agnes and Matthew were deeply committed to each other – Matthew had already been put in the stocks because of the affair and Agnes had been 'shutt in a hall' by local parishioners amongst whom the affair had been common knowledge. Attempts to put an end to the affair having clearly failed, Robert More must have felt his only course of action was the consistory court, expecting that at least Agnes would be compelled to do penance, or excommunicated, the heaviest punishment the court could impose.

Whether Robert and Agnes were reconciled is not known, although they did have a son, John, who was apprenticed as a weaver in 1584, shortly after his father died. At the time of the court case (1569) John must have been a very small child, so whether there was a

²⁸ HRO 21M65/C3/4, 555-61, *More v More*.

suspicion that John was fathered by Agnes's lover, Matthew, which led to Agnes's ejection from the family home, can only be conjecture.²⁹

Judging only by the occupations of the four male witnesses – a miller, an ostler, a shoemaker and a weaver – these were all working people, living in Fawley on the edge of Southampton and would have been known to each other. The two female witnesses who tried to help Agnes were the wives of, respectively, a tippler who was also a basket maker and a Flemish glazier who was also a gunner and sometime ale house keeper.³⁰ Insufficient for compurgation, the six witnesses were divided, the two women supporting Agnes and the four men supporting Robert and although it is not recorded it is likely – given his refusal to take her back - that Robert was asking for a legal separation, known as a mensa et thoro.³¹ According to Houlbrooke, cases of domestic expulsion were rare at Winchester, and certainly my research has only shown a handful of such cases across the whole diocese in the period studied, but the lack of written evidence makes it impossible to confirm his comment that such cases 'usually ended with a monition to the husband to receive the wife [...] and treat her with marital affection'.³²

The More's case has no outcome, neither do their names appear in further cases, but because of the previous efforts made by the people of Fawley to separate Agnes from Matthew it is quite possible that she, at least, was pressured to leave the town permanently unless she and Matthew forswore their relationship.

Defamation was the commonest precursor to a court case; public confrontations which were meant to be overheard by witnesses were intended to intimidate and humiliate the victim in front of neighbours, and in a crowded urban environment this was only too easy to achieve. As Bernard Capp points out the actual words spoken did not always reflect the real tensions behind the words, which were often the culmination of a long running feud.³³

²⁹ Lambert, www.tudorrevels.co.uk/records.php. Accessed 26 June 2021.

³⁰ Lambert, <http://www.tudorrevels.co.uk/records.php>.

³¹ Literally translated as 'from bed and board'.

³² R. Houlbrooke. *Church Courts and the People during the English Reformation, 1520-1570*. (Oxford: Oxford University Press, 1979), 69.

³³ B. Capp. *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England*. (Oxford: Oxford University Press, 2003), 201.

1589, Waterton v Elizie (also Elzie and Elzey).³⁴ Defamation and uproar at a post-Christmas party

In an urban defamation case of 1589, during a post-Christmas wine-drinking session in the house of Richard Waterton, a well-to-do notary and sometime town clerk of Southampton, a violent argument broke out when Edith Elizie, daughter of Marie Elizie (defendant), called Richard Waterton a 'cuckold curr and dogge'.³⁵ Richard's wife, also Marie (plaintiff) responded that Edith was a 'wanton whore' and Edith's mother chimed in saying that Marie Waterton was also an 'arrant whore and she would prove it in Winchester' (meaning at the consistory court). The parties to this disagreement were all respectable members of the gentry and included two Frenchmen who had made their homes and livings in the town. Whether this falling-out was only because of the 'quart of wyne' they had consumed or because of the rash speech of Edith Elizie which started the quarrel, three witnesses testified to having heard that Marie Waterton had been leading an incontinent life and had a 'desease called the French pocks', demonstrating that even on private premises respected townsfolk could and did behave most unbecomingly. Interestingly the all-male witnesses' concerns were not that Richard Waterton's good name be impaired but that they knew of and tolerated the rumours about Marie Waterton and felt that her credit in the community was already irreparable. It seemed that a veneer of civility had for some time covered over suspicion and gossip about Marie Waterton until punctured by Edith Elizie. Of course, Richard's reputation was linked to that of his wife, but commercial pragmatism may have been more important in this case.³⁶ Richard died in 1602/3, and his wife Marie in 1604. If she had contracted syphilis, as had been alleged at the party, then she lived with it for at least fifteen years, a testimony either to a cure or at least effective medical control.

A rural case, such as the following, reinforces how social groups differed in their approach to resolving neighbour quarrels. Between two men the simplest way was a challenge to a fist fight where as soon as one combatant was knocked down, usually with little physical damage, then the disagreement was resolved. Women, too, sometimes resorted to violence, see Clerck v Churcher later in this chapter, but more usually dislike simmered until a public shouting match cleared the air. The trigger point for a defamation case from

³⁴ HRO 21M65/C3/9, 463-8, 485, Waterton v Elizie.

³⁵ At the time of the party, Richard was 45 years old, and at the peak of his legal and civic career. Lambert, <http://www.tudorrevels.co.uk/records.php>.

³⁶ HRO 21M65/C3/9, 463-8, 485, Waterton v Elizie.

rural areas often seemed to be for more parochial concerns. The following case from a village between Winchester and Southampton exemplifies rural concerns which have not been seen in urban cases.

1592, *Lock v Petty*.³⁷ Defamation

In 1592 in the village of Stoke Charity, Elizabeth Lock and John Petty fell out because their dogs had been fighting in the street. Lock called Petty an 'old knave', he 'in greatte choller' caller her a 'whore, an arrant whore and an old bawde', although he then offered her money for her dog, which incensed her even more. One witness (although this part of the deposition is crossed out by the clerk) alleged that Petty tried to strike Nicholas Lock, Elizabeth's son, although this was not mentioned by others. In this case, the witnesses were two husbandmen (father and son) and a thatcher, all of whom said that this was not the first time Lock and Petty had 'fallen to brabbling' over their dogs.

No outcome is recorded and neither of the protagonists appear in existing court records again, so it is likely that they were reminded of their Christian duty to tolerate their neighbours, keep their dogs under control and end their confrontations.

Winchester City cases

1569, *Clerck v Churcher*.³⁸ Defamation and a thorough soaking

Seven years before the 1576 matrimonial case between Matilda Hopkins and Edmund Beddam described below a bricklayer named William Caster had indirectly been involved in another case. In 1569 he and his wife lived in Kingsgate Street, in the Soke, a poor and heavily populated area just outside the city walls. Lodging with them was one John Wilkins, a young glazier who was one of two witnesses to an unusual defamation and brawling incident involving Richard Churcher (defendant) and his wife.³⁹ Mistress Churcher was not charged to appear at court.

One day just before Easter 1569 John Wilkins was asked by Jane Clerck (plaintiff) to help her maid take a bucket of clothes to the stream so she could wash the clothes. As the maid and

³⁷ HRO 21M65/C3/10, 255-7, *Lock v Petty*.

³⁸ HRO 21M65/C3/4, 580-1, 584-5, *Clerck v Churcher*.

³⁹ Thirty-eight years later, in 1607 a young Richard Churcher was one of the men accused of kidnapping Elizabeth Multford and marrying her without a licence. See Chapter 5, Basingstoke Division, and HRO 21M65/C1/28, 45-50, *Ex Officio v Bearde and Browne*. It has not been possible to connect the two Richard Churchers, but it is possible they were both members of an extended Churcher family.

Wilkins got to Clerck's door to pick up the bucket Rabadge Godsland (the second witness and weekly laundrywoman to Jane Clerck) was standing on a board by the water ready to wash the clothes. On seeing Godsland Mistress Churcher (with two kettles in her hands) rushed over to the water and angrily said 'Dost thou thrust my maid from the washing place?' before pushing Godsland into the water. Jane Clerck demanded of Mistress Churcher why she did so, and as soon as Clerck set foot upon the board, Churcher's wife pushed her in also (twice). At which point Richard Churcher, the defendant, appeared and accused Jane Clerck of 'unhonesty', which led to the defamation case. At this time Richard Churcher held the lease on a tenement and garden in Kingsgate Street of some size; according to Keene it was of 'timber-framed construction and contained a shop, a hall, a kitchen, a buttery, a thatched coal-house, three chambers, a garret and a garden.'⁴⁰

This case represents the squabbles that could occur between women, the reason for this particular assault is unclear but trouble had clearly been brewing between Mistress Clerck and Mistress Churcher and Rabadge Godsland and Jane Clerck were drenched in the stream as a result.

The Soke was a less salubrious quarter of the city than some, and was largely inhabited by poor clothworkers, the land being owned by the church. Kingsgate Street residents were involved in a number of cases taken to the consistory court, several of them centring round the Catherine Wheel Inn on the corner of the street between two rows of shops. Adjacent to the Close entrance of the cathedral the Inn was barely one hundred yards from both Winchester College and Wolvesey Palace the Bishop's residence. Rather than cite individual cases, it seemed appropriate to put together, later in this chapter, several cases at the end of the sixteenth century in which the Catherine Wheel Inn featured.

1571, Pescod v Badger.⁴¹ Matrimonial, and the lack of goodwill causing a breach of contract.

This an interesting example of a matrimonial case, where very unusually for Winchester records, a return visit to court produced an outcome and settled the matter.

This 1571 case involved two well-established gentry families the Pescods and the Badgers, when a disputed betrothal between Ann Pescod (plaintiff) and Robert Badger (defendant)

⁴⁰ Keene. *Medieval Winchester*, Vol ii, 1013, no. 870.

⁴¹ HRO 21M65/C3/5, 32-33, 36-37, 39-41, 45, 52, 54-55, 62-63, Pescod v Badger.

came to court. Both the Pescod and Badger families had patriarchs who became aldermen in Winchester; Ann's father farmed at Littleton some three miles north of Winchester but also had property on the High Street in Winchester, and Pescod Street memorialises the family's name to this day. Robert's father (William Bagger/Badger) owned properties in Gold Street, which ran south from the High Street in the parish of St, Maurice.⁴²

Badger had pursued Pescod for some time and on New Year's Eve 1570 he gave her a gold ring and a 'hatt', she in return gave him a ring. By then they had talked together of marriage and it was 'common fame' that they would be married, according to their own reports, by Midsummers Day 1572. But Robert had not calculated that his father would neither give him any property nor his goodwill for the marriage and Robert dared not do anything without his father's 'counseyle'. However, this did not stop Robert sending amorous letters, signed 'yr lovyng husband' and a ballad to Ann, until Ann's family lost patience, raising their objection to 'the lingering' of any wedding plans. This culminated in a quarrel at one of their witness's houses in Winchester because Robert had asked Ann to meet him there with the letters he had sent her. When she arrived, he flew into a 'great furie' because to his mind she had either not brought all the letters or certainly not the 'right letters'.

Two of the letters still exist, as does the ballad, and are reproduced in Appendix 1. Whilst Badger was no Shakespeare the ballad begins:

*Thyne owne in life, thyne owne in death,
Thyne owne whilst living shall lende me breath,
Thyne owne whilst I on earth do moone,
Thyne owne whilst eie [sic] shall se the Sune.⁴³*

He offered her five marks for the documents; she rejected such a paltry offer and he retorted that then she would never get a single farthing from him and he never wanted to see her again. Distressed, she pointed out that he had asked her to meet him at a remote barn, quite recently, bringing nothing with her, but he would arrive with a 'gilding and carry her away with him'.⁴⁴ She had refused to do so, but shortly afterwards he heard that she had told her friends she was pregnant. This was a serious disgrace for both families, and there is no evidence as to whether this was rumour or fact.

⁴² Keene. *Survey of Medieval Winchester*, Vol ii, 1151 (Badger) and 1318 (Pescod).

⁴³ HRO 21M65/C2/13, np.

⁴⁴ 'Gilding' is presumably a gelding.

Ten months later, in November 1572, Pescod and Badger were back in court, Ann being the plaintiff once again. If she had been pregnant, as she alleged, there was no mention of a baby and the outcome of this case was an ecclesiastical dissolution of any betrothal they may have had.

The particular interest of these cases lies in the uniqueness of the notarised survival of two original letters and the ballad and the local prominence of the families involved in this case. Badger's fear of proceeding with a marriage without his father's approval underscores the grip that wealthy patriarchs still held in their community groups in an urban environment.

1576, Hopkins v Beddam.⁴⁵ Matrimonial, and the power of patriarchy

Five years later, in 1576 a similar case came to the court in which a female plaintiff called Matilda (Maude) Hopkins (Hopkyns) pursued Edmund Beddam (Bedham) who had called off their marriage seemingly after spousal ceremonies had been held. Matilda does not speak for herself and her witnesses are from the middling sort: two bricklayers, a glazier and a clothier (both of whom were literate enough to sign their own names under their depositions) and female support came from a family servant. These families were skilled tradesmen aspiring to use their education and literacy as well as the independence of mind that characterised them to secure better social and community status. For them, as for many city families, reputation was crucial to build and maintain their commercial enterprises.

In 1560 a John Hopkins appears to have been relieved of possession of a void plot of land behind the Guildhall, but by 1576 Hopkins occupied a little tenement and garden in Kingsgate Street, a few houses along from a property leased by him in 1585 and 1591.⁴⁶ In 1590 a John Hopkins owned the White Hart Inn on the High Street in Winchester. Whether all these records refer to the same John Hopkins (Hopkyns) cannot be proved, but it seems unusual if there were two men of the same name in such a small area, and Matilda Hopkins's name is spelled both Hopkins and Hopkyns in the court records.⁴⁷

⁴⁵ HRO 21M65/C3/7, 47, 49-54, 70-71, Hopkins v Beddam.

⁴⁶ Keene. *Medieval Winchester*, Vol ii, 75 (entry 75), 601 (entry 195), 606 (entry 198), 983 (entry 820), 1012 (entry 868).

⁴⁷ Keene. *Medieval Winchester*, Vol ii, 607 (entry 198), 983 (entry 820), 602 (entry 195).

Edmund Beddam, the defendant was a native of Winchester whose father (also Edmund) was a butcher in Parchment Street.⁴⁸ Edmund was following an apprenticeship, probably either to work with his father or less likely with Thomas Beddam, the wealthy Winchester goldsmith who took in Elizabeth Mulford during her sequestration (see Chapter 5, Basingstoke Division).⁴⁹ During this time he had met Matilda Hopkins and their relationship was long lasting, but without the goodwill of her family, as her father became so enraged at Edmund's visits at 'inconvenient seasons' that he put Matilda out. She moved to Widow Turner's house in St Maurice parish where the first witness, a bricklayer named William Caster (or Castle)⁵⁰ lived with his wife who had herself been a servant to John Hopkins four years earlier. Edmund continued his visits to see Matilda at her new home telling her to ignore her own family because 'thou are myne at my commandment'. Then they went through a very short form of spousal, with only Margaret Caster present. According to Caster, Beddam told him that he had twenty nobles to spend on his new wife and if anybody was unkind to her 'he would have a legge or an arme of them' and now that he had completed his apprenticeship he did not care who knew of their relationship. Shortly afterwards, and probably at Matilda's father's instigation Matilda was removed to Southampton to stay with a kinswoman Alice Goddyn and found a job as servant to a Lady Courtney. Edmund followed in pursuit, giving Matilda a 'bracelet of corral and silver stones' and a 'paire of hoses'. Matilda in her turn sent some tokens to Edmund, which he did not receive, causing him to write her a letter saying 'I have no more to say to you Matilda my wife. I Edmund Beddam wyshe you well'. At this point, four witnesses turn up at Winchester to dispute everything that William Caster and his wife Margaret had reported.

This becomes interesting as an insight into the way witnesses could demolish another witness's testimony with counter accusations which have absolutely nothing to do with the case being heard but are allowed to be given and dutifully written down by the clerk of the court. Unfortunately, all these witnesses (except Caster's wife) accused William of being a thief. They gave examples of what he stole – always money – and from whom and how, when he was caught and made to hand money back, he gave ridiculous excuses as to how

⁴⁸ Keene. *Medieval Winchester*, Vol ii, 669 (entry 315).

⁴⁹ HRO 21M65/C1/28, 45-50, *Ex Officio v Bearde and Browne*.

⁵⁰ Possibly also William Castell, as this name occurs in the Lay Subsidy Rolls for 1586 where a William Castell was seized for 6d. Colebrooke Street and Kingsgate Street are a few hundred yards from each other in the centre of Winchester.

he had come by it. In one example he insisted he had not taken money from a cupboard in someone's house but had found it under the table. In another he had been given money to defray his expenses in taking a message to London for his master but had frittered the money away on gaming and had borrowed significant sums from two strangers in his master's name and gambled those away too, so that when he returned from London his master threw him out. Caster was subsequently taken to the town court held by the Mayor of Winchester where 'at the barre' he was made to hold open his hands, presumably as an acknowledgement of guilt. The witnesses' consensual view of Caster was that 'he was a verie rude and worthless fellow and verie unorderly' and had 'dunne verie much hurte' to one witness. As Caster and his wife Margaret's depositions revolved around a supposed spousal between Hopkins and Beddam, it seems likely that John Hopkins disbelieved it had happened and was behind the attempt to have his daughter's marriage plans stopped, and although no outcome is recorded there are no further cases involving either Matilda or Edmund at the court, and no marriage records have been found, so maybe his plan succeeded. To go to the lengths of ejecting his daughter from the house, whilst still keeping such power over her future illustrates the continuing power of patriarchy amongst the middling sort.

Catherine Wheel Inn, Kingsgate Street, Winchester, and its dissolute customers

The first record of the Catherine Wheel Inn, on the corner of Kingsgate Street and College Street in the centre of Winchester was around 1521-2, in what was even then an old building, having been recorded as a tenement in 1390.⁵¹ There is currently no evidence of when it ceased being an inn, but between 1568 and 1595 five cases came to the consistory court emanating from the inn and involving accusations of prostitution and adultery, two of which, in 1582 and 1595, brought John Lambert, the alehousekeeper, to court as the defendant.

1568, Cooper v Frier.⁵² Defamation

Three cases involved the same man – Robert Cooper (or Coper).

⁵¹ Keene. *Medieval Winchester*, Vol ii, 981, no.810.

⁵² HRO 21M65/C3/4, 535-7, Coper v Frier.

In 1568 Mrs Coper was in George Frier's shop, when another woman asked the whereabouts of the wife of the Kingsgate Street tailor (John Hawkins). Mrs Coper replied that Mrs Hawkins 'was at home, where else should she be?' to which Frier expressed his opinion when relating this incident later in the hall of the Catherine Wheel to several other parties, that Mrs Coper was not as honest as she might be and that Hawkins and the woman seeking him were having an improper relationship. This caused such 'variance' between Coper and his wife that 'they would not keep company one with the other'. The witnesses believed that Coper should get compensation for this unjust slight to his wife's good name (and of course, to Coper's good name as well). The outcome is not recorded.

1571, Porter v Porter, and 1572, Ex Officio v Porter.⁵³ Defamation and matrimonial issues

Some four years later, Margaret Porter was brought to court in an Ex Officio case which was her second examination for committing adultery with Robert Cooper (Coper) after her husband had taken her to court on the same grounds a year earlier.

She confessed to 'going to him, not him to her, every now and then' and her husband knew about it as Cooper and Porter had told him in the Catherine Wheel in the presence of others. She was asked by the Chancellor why, as twelve months earlier she had been forbidden by the court to continue her relationship with Cooper, to which she answered defiantly that 'any boddy would be glad to have hym selfe', as her husband was 'not meete for any woman'. No witnesses were called in this instance, and Porter and Cooper's confession to Porter's husband could have taken place anywhere, but Margaret obviously thought it important to state where it happened, and it was common knowledge about their adultery.

1582, Showring v Lambert.⁵⁴ Defamation

In 1582 a quarrel erupted between John Lambert and Richard Showring over a 'smale pottle of drinke' that Lambert had drawn. Showring said it was short measure and Lambert replied by calling Showring a whoremonger, in the presence of several other customers.

Five witnesses were called – possibly an attempt at compurgation – but four of them turned on the fifth accusing him of being dishonest, a drunk, much given to cards and gaming in

⁵³ HRO 21M65/C3/4, 891, Porter v Porter and HRO 21M65/C3/5, 67-8. *Ex Officio v Porter*.

⁵⁴ HRO 21M65/C3/9, 17, 45, 58-9, 70-72, *Showring v Lambert*.

alehouses and living evilly, which would have been enough to discredit his testimony. However, all the witnesses agreed that the plaintiff was not only an adulterer but a pimp, holding a woman's door open so men could come and go, or watch. The last witness was a Notary Public, presumably subpoenaed to add gravitas to the other depositions, but he, too, repeated the accusations against Showring.

1595, Parrett v Lambert.⁵⁵ Defamation

John Lambert seems to have been rather too fond of sampling his own merchandise then boasting about his relationships with his customers' wives and in 1595 had to defend himself against Joan Parrett, whom he had defamed in the presence of her husband Nicholas one evening in the Catherine Wheel.

Lambert had told Nicholas Parrett that 'he knew Joan better than her husband did', implied that she had been 'occupied' by him on the alebench outside the [front door of] the inn and adding that 'she had had her pitcher broken and received 3d for her labour'.⁵⁶ Compounding his insults, Lambert further told Nicholas that he (Lambert) would not keep her [if she were his wife] if she did not 'close herself'. An ostler appeared as a witness but rather spoiled Lambert's defence by saying that Lambert had borne him little goodwill since the suit started, although he had paid him 4d in lieu of lost wages to attend court. The, possibly biased, but most respected, witness was a yeoman, who turned out to be Joan Parrett's stepfather, and his deposition, stoutly defending his wife's daughter, did not help Lambert's case at all.

What these cases reveal is that certainly between 1568 and 1595 the management and the clientele of the Catherine Wheel reflected the location of the inn itself – just outside the city walls of the heavily populated Soke. Margaret Porter demonstrated an urban feistiness - she would not be subjugated by the spiritual authority of the church, although being called for a second time would most likely have meant she would have been ordered to do penance or even excommunicated.

Close proximity to shops, the cathedral, the bishop's palace and Winchester College drew Catherine Wheel customers from a wide social mix, so the witness appearance of a notary

⁵⁵ HRO 21M65/C3/10, 507-512, Parrett v Lambert.

⁵⁶ Two or three cases from Hampshire mention the price paid by a man for sex as being 3d. This converts to approximately £3 in 2020. See <http://www.nationalarchives.gov.uk/currency-converter/>.

and wealthy yeoman as well as tradespeople and the poorer sorts underlines the close association between inns and taverns and commercial life. As Keene points out 'business was negotiated and bargains struck, and [they] were sometimes the scene of unlawful exchanges'.⁵⁷

This series of cases concerning denizens of the city of Winchester reiterates the diversity of citizens from the wealthy to the very poor whose worlds were equally subjugated to the spiritual concerns of the consistory court. In these city cases, it is notable that no husbandmen appear, even as witnesses, although there are many involved in (sub-urban) cases from nearby villages such as Cheriton, Kings Worthy and Twyford (all within five to ten miles of the city centre) and further afield in the division. There are three examples of shearmen who lived in the city, and who must have travelled out to the villages to work, but the majority of trades given are predominantly urban ones such as bricklayer, glazier, roofer, and the ubiquitous tailors, butchers and bakers. City cases more often involve alcohol than rural ones; extraordinarily Kingsgate Street, location of the Catherine Wheel Inn is specifically mentioned in eight cases between 1568 and 1617 (five defamation, two matrimonial and one disciplinary), and although not necessarily the prime cause alcohol consumed can be cited in possibly seven out of eight. Although rural communities were far from indifferent to the allure of alcohol, the proportion of cases to which it can be ascribed as a major factor are considerably fewer.

Cases involving Hampshire clergy.

Cases involving the clergy were not uncommon in the latter part of the sixteenth century; as has been shown throughout this thesis. The church was in a parlous state, badly managed and understaffed. There was still uncertainty about religious practices and Queen Elizabeth I had reigned for less than a decade when the Elinor Pulleyn case (following) came to court. Winchester was still reluctant to wholeheartedly endorse Anglicanism as some clerics were still temperamentally Catholic, others embraced Protestantism, others were Puritanical, and the 1559 Act of Settlement was only some eight years old.⁵⁸ It is little wonder, therefore, that muddled ideology and lack of strong

⁵⁷ Keene. *Medieval Winchester*, Vol. i, 277.

⁵⁸ Chapter 4 on the role and process of the consistory court goes into more detail on religious adherence in Winchester.

Anon. Elizabethan Settlement. <https://www.episcopalchurch.org/glossary/elizabethan-settlement/>. Accessed 03 March 2022. The Act of Settlement attempted to be an inclusive middle

church leadership gave some clerics in a rural diocese licence to behave as badly as their temperaments dictated without great fear of discipline.

Some rural vicars and curates seem to have caused such disharmony in their parishes that their parishioners pursued cases against them in the court. Two cases, from villages very close to Winchester, concern clerics, one of whom clearly did not uphold his avowed spiritual values and the other who found the confidentiality of his role impossible to maintain, let alone the obligation to foster cordial relationships with his flock.

1567, The Confession of Elinor Pulleyn.⁵⁹ Repeated sexual assault.

This desperately sad confession illustrates the terrible conditions some servant girls had to contend with.

There is no connection to any other case than this one confession, where Elinor Pulleyn describes her maltreatment by the Rev. Mr West, whom she describes as a Petty Canon of Trinity, Winchester. Research identifies him as William Weste, whom she likely knew well as in 1562 he was the vicar in her home village of Whitchurch, some twelve miles north of Winchester before his appointment in 1564 as the Rector of Winchester St Maurice where he remained for the next decade.⁶⁰

Pulleyn describes how she met Weste who offered her 'meate and drinke' until she might be retained into service. This lasted for two weeks when she found work with Mr Barnswell for three months. On leaving Barnswell she went back to Weste's house from Palm Sunday to Easter Eve (just a week). She said she was lodged in a trucklebed in the loft alongside Mrs Weste's bed which Mrs Weste shared with her two children, Weste's bed was in the hall below. In the middle of the night Weste came up dressed only in his shirt, took Elinor by the hand and made her follow him downstairs where she 'went into his bedde and lay with him'. Mrs Weste found them, strongly objected and Elinor was sent to work for a Mr Wright for a month before returning to Weste for two days. She then went to Mr Knollys for almost a year before going back to Weste to 'collect certain clothes' she had left with him. Weste arrived home at seven in the evening, quarrelled with his wife because his

course between divergent religious positions, allowing much of traditional Catholic faith and practice to continue but without submission to the Pope.

⁵⁹ HRO 21M65/C3/4, 235-7. The confession of Elinor Pulleyn.

⁶⁰ Church of England Database,

<https://theclergydatabase.org.uk/jsp/DisplayAppointment.jsp?CDBAppRedID=183815>. Accessed 25 June 2021.

supper was not ready and hit her 'three or four blowes' at which she threw the meat on the floor and left the house with a minister and his wife. Weste ate his meal, gave Elinor 12d and his own son a groat. He told his son to find a bed elsewhere for the night, instructed the maid to put the children to bed and then forced Elinor into sex with him. Weste's wife came back and knocked on the door but he sent her away telling her to return the next day. Then he and Elinor remained in bed together until the next morning when she stated that they had sex again. After that Elinor went to another village as servant to Mr Milton until returning to her friends in Whitchurch four weeks before her confession.

This case of a member of the clergy using a servant effectively as a sex object emphasises the subordinate position of women of little means; the very fact that Elinor's deposition is written as a Confession implies that the whole situation is through Elinor's wickedness, ascribing no blame to Weste. His behaviour towards his own wife who, in Elinor's words knew of her husband's fornications, in striking her and refusing her readmittance to her own house was reprehensible by modern standards. His maid, tasked with looking after the children, could not have been unaware of Weste and Pulleyn's behaviour, and yet there is no record of him being disciplined by the church as he went on to be vicar of St Maurice in Winchester for another seven years after this confession was made. There is no record of why Elinor Pulleyn's confession was recorded, although it seems possible that she became pregnant by Weste, managing to work for a period before returning to her home village. If she succeeded in convincing the court that Weste was the father then she could have hoped for regular payments to be made to her to support herself and the child, but there is no evidence to support this.

1573, Addison v Webb, 1580, Dix v Browning, 1580, Addison v Wayte, 1594, Addison v Pallmer.⁶¹ Disciplinary (improper dress), defamation, an adulterous and litigious vicar

The Rev. Richard Addison's career in Kings Worthy, just outside Winchester, between 1572 and 1586 was far from harmonious with his parishioners from the very start.

A year after his institution he took John Webb to the consistory on a charge of defamation. Webb, supported by other parishioners had accused Addison of being a 'mock fryor' as at morning prayers on All Hallows Day he had dressed in a 'purple surplisse like a minister' and

⁶¹ HRO 21M65/C3/5, 289-292, Addison v Webb; 21M65/C3/8, 163, 17255, Dix v Browning; 21M65/C3/8, 186-7, 193-4, 197, 201-5, Addison v Wayte; 21M65/C3/10, 430-1, Addison v Pallmer.

for evening prayers the same day had appeared in a 'black gowne like a Cortholder' (judge), which seriously displeased the parishioners. Very angrily, Addison threatened to whip Webb publicly in the churchyard, to which Webb answered 'as to that, I could not give a Turde'.

Addison was involved in two cases in 1580, in July and November. In July he conducted a spousal in his parsonage house between his servant Alice Dix and John Browning, a stranger to the parish. Although it took place at midnight in his house, and witnesses had to be roused out of their beds in the village to attend the ceremony, Addison was only asked to conduct the spousal because Richard Collyns (a local husbandman) confessed he lacked the skill to do it. There was then some doubt as to whether the two participants had been 'urged or compelled' to go through the ceremony, although the weight of evidence seemed to imply that it was of their own free will. Alice Dix brought the case, because a year had elapsed and no church wedding had transpired. In this case, Addison was not asked to testify, although clearly his intervention was crucial to the case.

In November of the same year, he was back in court, this time accusing Thomas Wayte of defaming him. Sometime at the end of the 1570s Addison's servant, Elizabeth Gryffyn, gave birth to his child, and Addison was taken to court and made to pay 12d a week before the child was born and 18d a week thereafter for the upkeep of mother and child. Addison alleged that Thomas Wayte had been repeating this story at a dinner party in Overton where the subject of conversation had turned to the respective merits of the vicars of Overton and Kings Worthy. Interestingly, Addison was not complaining that the story was fallacious, but that Wayte had been repeating it, thus impairing the vicar's good name. Nevertheless, Addison and Gryffyn's illegitimate child was common knowledge in Kings Worthy as was the fact that the child had been put out to villagers to care for and apparently it lived in a stable and 'looked pitifull'.

Addison's wife was unhappy and the parishioners did not see him as a good example of a man of the cloth, to the point that he was transferred to Michelmersh parish in 1586 where he seemed to be no better respected. Addison was back in court in 1594 complaining that a Michelmersh resident, one Richard Pallmer, called him a 'knave, and a Rascall knave and a whoremonger knave' in the presence of witnesses. One witness attempted half-heartedly to support Addison in the latter case, but no doubt his reputation was beyond redemption

and he died in post in June 1600.⁶² Richard Addison seems to have been a man of a decidedly choleric temperament, flying into a rage whenever any perceived slight pierced his thin skin. Threatening to whip one of his parishioners, becoming very angry on finding people in his house (as in the Dix and Browning case), resenting gossip about his affair and being incensed because wherever he went approbation followed. His behaviour clearly did not reflect the values of a man of God whose duty was to preach moral rectitude and lead by example.

1577, Snow v Weke.⁶³ Defamation, a litigious vicar

The Rev John Weke (Weeke) of Twyford was no more admirable a cleric than Richard Addison.

In 1577 he was taken to court by Anthony Snow as the culmination of a long-running feud between Snow and Weke. At the time of this case Weke had been Twyford's incumbent for five years and he remained until his resignation in 1585 when he moved to Avington where his ecclesiastical record ends in 1587. Snow's occupation is not given, nor is his age, but Weke publicly told his parishioners that Snow had 'half a dozen of his maide servants goe out of his house greate with child', the obvious implication being that Snow had fathered them. Eight parishioners came to Winchester over five months to give evidence on Anthony

Snow's behalf as Weke's final insult to Snow had been to disallow his election as a churchwarden, against the parishioners' wishes, and the reason Weke deselected Snow was because of these alleged sexual transgressions. The women were named in court, and each ones' history was described by the witnesses, who insisted that only three were pregnant and they were in that condition before they went to Snow's house. The villagers voted a second time re-electing Snow, and Christopher Temple (Gentleman, witness) said in court that he had 'divers tymes reproached the vicar for his disorders and by reason thereof contentious words have risen [between them]'. Weke, in great fury, said that he would 'rather spend xx nobles than have Snow as a Churchwarden' and Snow's wife was 'unstable hedded and given to Ale' which made her unreliable. Temple's wife had also fallen out with Weke over the matter of a 'goose on the river which Weke alleged Mrs Temple (Alice) had

⁶² HRO 21M65/C3/8, 186-7, 193-4, 197. 210-5, Addison v Wayte; HRO 21M65/C3/10, 430-1, Addison v Pallmer. There seems to have been animosity between Richard Addison and Thomas Wayte for some time, as Wayte (a husbandman) had been one of the witnesses against Addison in the 1573 case.

⁶³ HRO 21M65/C3/7, 174-7, 181-3, 210-1, 227-8, 247-9, 264-6, Snow v Weke.

taken up' and they were no longer friends. To compound this lack of friendship, a year earlier Weke had taken a case to court against the village butcher and Christopher Temple had spoken up for the tradesman, causing another 'variance' between Weke and Temple. There is no recorded outcome to this case, but it is clear that the parishioners of St Mary's Church would not allow their vicar to overrule their right to elect whomever they chose without good reason, and they certainly would not allow the reputation of one of their villagers to be lost without making sure the truth was heard.

What these two cases show, and there are others throughout Hampshire in the latter part of the sixteenth century, is that the quality of clerics was extremely variable. There are reports of vicars who were constantly drunk, one ran into the river wearing his surplice, another was admonished for not wearing a surplice at all. Refusal to preach sermons was common, as was absenting themselves from their parishes on seemingly unauthorised visits elsewhere. One or two members of the clergy were clearly suffering with mental health problems – one tried to hire his wife out as a prostitute and then complained about her sexual practices.⁶⁴ Disciplinary action was common for dereliction of duty to the church structure and churchyard, although churchwardens generally tried to cope with these vicissitudes, some of which were undoubtedly due to lack of income, others to conflicting orders coming from bishops. But it should not be forgotten that for every inadequate cleric there were many who tirelessly held congregations together for decades as lynchpins of village society in a febrile religious environment where perhaps a vicar's highest ambition was to remain in his post despite the contortions of religious affiliation.⁶⁵

⁶⁴ HRO 21M65/C3/3, 36-370, Vanter and Spenser v Rector of Minstead. The Rector is not named in this case, but most likely he was Rev. Peter Greneway, who was instituted to Medstead and Lyndhurst parish from 1565 until his resignation in 1579. <https://theclergydatabase.org.uk/jsp/persons/CreatePersonFrames.jsp?PersonID=69759>. Accessed 26 June 2021.

⁶⁵ Written about an eponymous Vicar of Bray, who was 'a turncoat and an inconstant changeling' the churchman and historian Thomas Fuller (1608-1661) in his *Worthies of England*, published 1662, remarked that the vicar 'always kept his principle, which was this – to live and die the Vicar of Bray'. This story was later the basis of a popular song, lampooning both the Stuart and Georgian reigns. <https://www.britainexpress.com/attraction-articles.htm?article=29>. Accessed 12 June 2020.

Rural matrimonial cases

1561, *Deane v Lampden* and 1561 *Godwyn (als Lamdene) v Lamdene*.⁶⁶

Matrimonial, two illicit relationships.

Two cases came to Winchester in 1561 in which Henry Lampden (also Lamdene) was the defendant. On 12th October Agnes Deane was the plaintiff and on 9th December Elizabeth Godwyn (also Lamdene) took her place, leaving the court to untangle Henry's matrimonial affairs. Henry Lampden came from Sparsholt, a straggling agricultural parish four miles east of Winchester, but the events of the first case centred around Whitchurch, a mill village some fourteen miles north of Winchester. There is no record of either Agnes or Henry's occupations, but as the main witnesses were Richard and Joan Butler, in whose house a spousal between the pair took place, it is likely that Agnes Deane was their servant.⁶⁷ Henry Lampden first made his personal statement to the court in which he 'confessed and acknowledged' that Agnes Deane was his lawful wife, after a spousal held whilst sitting at the table in the presence of Richard and Joan Butler in their house at Whitchurch. Everyone was very clear about the date of this event – the Sunday before Holy Rood Day (September 14th) 1559, two years earlier. To cement this relationship, they had spoken the standard spousal words, had exchanged tokens and 'kysed together'. His statement was backed up by both Richard and Joan Butler separately, who added more details as to the tokens exchanged by the couple. Richard Butler said he gave Henry Lampden £3 to buy wedding apparel and a silver ring for Agnes but Lampden said it was forty shillings (£2) with which he had bought 'a payre of Gloves, a capp, a purse and a girdell'. Joan Butler added that Agnes had also received from Henry a 'russet [gown?] with a playne bounde edging with black sylke and gold and a Payre of Cuffes of the same makynge' and Alice sent Henry a 'hand Kercheeff and a dozen of points of silk'. However, there is no evidence that Henry Lampden applied for a licence, or that banns were called before a church wedding.

The second case was brought two months later by Elizabeth Godwyn, who alleged that she had married Henry Lampden, in the porch of Sparsholt Church on St Blaze's Day (3^d

⁶⁶ HRO 21M65/C3/2, 25, 35-8 *Deane v Lampden*; HRO 21M65/C3/2, 71-3, *Godwyn v Lamdene*.

⁶⁷ According to the Victoria County History, Whitchurch's parish registers date from 1603, some forty years after this case this explaining the difficulty in identifying the people involved. <https://www.british-history.ac.uk/vch/hants/vol4/pp299-305>. Accessed 26 June 2020.

February) 1559,⁶⁸ some five months after the spousal to Agnes Deane. According to witnesses, this ceremony was carried out by the curate (one Sir Nicholas [no surname]) of the parish, but the Church of England database shows that there was no licensed incumbent until 1560, meaning that either there had been no ceremony, or it was carried out by a peripatetic cleric who left no record.⁶⁹ Both witnesses, however, using almost identical words, were adamant that the marriage between Lampden and Godwyn was carried out lawfully. Elizabeth Godwyn (referred to disparagingly by Agnes Deane as 'the old woman') was the daughter of John and Susan Godwyn. He was taxed in the Lay Subsidy Rolls of 1586 at £16 6s and was himself one of the tax assessors for his village.⁷⁰ Marriage to Elizabeth, therefore, was no doubt an extremely enticing financial prospect for Henry Lampden.

In both Deane's and Godwyn's cases, their witnesses declare that the couple were accounted man and wife in their village, although it seems clear that Agnes and Henry were not married in church. Elizabeth has nothing to say herself, and there is no mention of marriage tokens – indeed the two male witnesses perhaps did not know of any such exchange.

What this case shows, however, is the determination of two women to keep hold of their 'husband', the lengths and cost that Lampden went to to secure the favours of both of them within the space of one year, and the kind of items that were included in a trousseau even for a servant. The court would have made a decision as to which case had the most merit, although it is not recorded. Was there a true breach of contract between Deane and Lampden which Lampden would be expected to rectify, or was he legally married to Godwyn in which case the arrangement with Deane could be annulled. In either event, Lampden was shown to be untrustworthy, but with an ambitious eye for his future advancement by keeping two women in ignorance of each other as it took two years for Agnes Deane to bring her case to court. These two women lived twelve miles apart, so it seems likely that Lampden's occupation involved him travelling between the two locations regularly, perhaps as a grain carter. Whitchurch had three mills, two for grain and a silk

⁶⁸ Julian calendar date.

⁶⁹ Anon, <https://theclergydatabase.org.uk/jsp/DisplayAppointment.jsp?CDBAppRedID=201592>. Accessed 26 June 2020.

⁷⁰ C. R. Davey (ed.). *The Hampshire Lay Subsidy Rolls, 1586* (Winchester: Hampshire County Council, 1981), 63.

mill, Sparsholt was surrounded by arable land. Lampden's witnesses in the second case were merchants, and Godwyn's father was well-to-do in an area with both arable and pastureland. The nature of betrothals which persuaded many women to agree to sex on the promise of an early marriage gave men unparalleled opportunity to indulge in consensual sex, and there were certainly many men who took advantage without necessarily intending to stay faithful, even though they would swear in court, as Lampden did, that 'if he could not have Agnes, he would have none other'. For Lampden, distance and a lack of communication between remote parishes probably made transgression much easier than it would have been if he had been commuting between his village and Winchester, for example, where he would regularly meet people who knew him well.

Elopement Cases

Various ploys were used within families when there was a danger of a headstrong daughter running away with her suitor against her family's goodwill. These ranged from straightforward abduction by the father to what could be considered a place of safety, to court-enforced sequestration to prevent suitors from abduction, to effectively imprisoning a girl in her own house (a practice known as 'hidlock'), or to removing a woman to another county and therefore beyond the control of the parish and diocese. Occasionally a suitor did succeed in persuading his intended wife to elope with him and go through a clandestine marriage which although 'unquestionably valid had long been regarded as a great offence in ecclesiastical law, and those involved were subject to penalties'.⁷¹ There is no direct evidence of such marriages going to the Winchester consistory court during the period of this study. Suitors were more likely to suggest elopement, as in the Pescod and Badger case referenced earlier, but far more rarely did it take place. There are, though, several cases where defendants state that 'x was my husband (or wife) before I was married to y', especially when a plaintiff turns up unexpectedly, often after a period of years of absence, to try to reclaim a spouse.

⁷¹ M. Ingram, *Church Courts, Sex and Marriage in England, 1570-1640*, (Cambridge: Cambridge University Press, 1987), 134.

Post-nuptial cases

1565. *Cleverlay v Barbor*.⁷² *Matrimonial, a man with two 'wives'*.

Twelve years before Christopher Temple appeared as a witness for Anthony Snow (see the section above regarding Hampshire clergy cases), he was the principal witness in a disputed marriage case concerning his maid Joan Cleverlay and Thomas Barbor. Clearly Temple's fortunes had been on the rise between the two cases as in this earlier one he describes himself as a Twyford yeoman, rather than the Gentleman that he later became. As there is no evidence of a permanent vicar or curate for Twyford in 1565, the Rev. Weke not being appointed until 1572, Christopher Temple may have mishandled the situation between Jane Cleverlay and Thomas Barber, as will be seen.

*What is undisputed is that Jane Cleverlay (plaintiff) and Thomas Barbor (defendant) went through a spousal ceremony in the garden of Christopher Temple's house, at which Temple officiated, on 21st December 1564, some ten months before this case was heard. What is also clear is that no church ceremony followed although Temple gave Jane 'purse money' for her to invite distant friends to come to a wedding. Jane asserts in her personal statement that it was only after their spousal – at which no tokens were exchanged – that Thomas Barbor went through a second spousal with Jane Colbrooke, and she further says that therefore Thomas and Jane Colbrooke's liaison was not legally binding, and Thomas should return to her (Cleverlay). The witnesses for Thomas Barbor were husbandmen from Bishopstoke, four miles away from Twyford and they declared that Thomas and Jane Colbrooke were contracted together on Lady Day (25th March) 1563, and then 'married in the face of the church' some time later. There seems to be no doubt that Joan Cleverlay and Thomas Barbor's spousal fell under the the definition of a *de praesenti* contract, in which case Barbor was breaking the contract by contracting himself with Jane Colbrooke. On the other hand, if Cleverlay and Barbor had contracted themselves *de futuro* then Barbor could theoretically break the contract more easily.⁷³ Thomas himself talks only of failing to get either his mother's or his friends' goodwill to his relationship with Cleverlay*

⁷² HRO 21M65/C3/3, 165, 178, 180-1, 196, 215, 217, *Cleverlay v Barbor*.

⁷³ R. Houlbrooke, *Church Courts and the People during the English Reformation 1520-1570*, (Oxford: Oxford University Press, 1979), 57. Unfortunately, according to Houlbrooke, many couples did not understand the difference between a contract *de praesenti* (known as a spousal, where words similar to the current marriage service were exchanged between the couple and effectively committed themselves from that day forward) and a contract *de futuro*, (similar to a modern engagement, and only binding a couple to future intent).

and insists that he contracted with her in good faith as he was at that time free from any relationship with Colbrooke. Thomas Barbor disappears from the records after this case, although a Thomas Barbor is mentioned as a reeve on the account rolls for Bishopstoke Manor in 1576 to 1577 and again on a roll endorsed in 1604 to 1605, but it is not possible to say that this is the same man without further research.⁷⁴ No parish records have come to light to clarify the situation, and the consistory court makes no judgement.

This case illustrates some important points regarding the validity of spousal contracts and the uncertainty and confusion that these contracts engendered in Elizabethan England. If there was evidence of a couple living together as husband and wife, then spousal contracts were deemed to be more binding as precursors to a church service, whether or not there had been an exchange of tokens to seal the agreement. Cleverlay does not talk of living together, Colbrooke's witnesses do say 'they were accounted husband and wyffe locally'. As Diana O'Mara points out, plaintiffs particularly, but also defendants, would construct their depositions to offer the most plausible evidence possible to achieve their desired outcome, bearing in mind that there were often economic and cultural hurdles to overcome before the wedding was finalised, not least gaining the goodwill of relatives and friends and negotiating a dowry, however small.⁷⁵ Joyce Youings adds to this debate, pointing out that up to 40 per cent of brides gave birth within nine months of marriage, as a properly performed spousal in front of witnesses was commonly regarded as a licence to have sexual intercourse and although there was no mention of pregnancy or children in this case, that may well have been a worry to Cleverlay.⁷⁶ Martin Ingram points out that the church courts were hard pressed to make a judgement in a case such as Cleverlay and Barbors which came down to one person's word against another. There was no vicar to testify as to what had or had not happened, a spousal carried out by a responsible member of society was orally contractual, but not always legally binding, as were the testimonies of

⁷⁴ HRO 11M59/B2/9/72 and 11M59/B2/9/93.

⁷⁵ D. O'Hara, *Courtship and Constraint, Rethinking the Making of Marriage in Tudor England* (Manchester: Manchester University Press), 12-16.

⁷⁶ J. Youings. *Sixteenth Century England* (London: Penguin, London, 1984), 363. Youings's estimate is rather higher than the estimates of pre-nuptial pregnancy given by Ingram and Gowings in the Introduction to this thesis.

witnesses, so the only redress for the court was to dismiss the case or refer the parties 'to their consciences'.⁷⁷

1567, *Elliatt v Drewe*.⁷⁸ Matrimonial, a runaway husband.

*In a 1567 case from Mottisfont, a husband had to be forcibly prevented from running away from his wife, because she confessed to being pregnant with her previous master's child and the husband did not think it fair that he had been coerced into being 'married to a whore'. Poor John Elliatt, servant to the clerk/curate of Mottisfont, learned from Walter Drewe, a relatively well-to-do resident of the village, that Joan Elliatt had 'layd with Mr TT'. On confronting his wife, she confessed that it was true and that Mr Thomas Thynne was the father of her child. She had been a servant to Thynne before she married. Drewe (defendant) tried to redeem his defamation by saying that John Elliatt had been persuaded against his better judgement to marry Joan, but after discovering his wife's background Drewe had constantly to watch John Elliot to ensure he did not run away before the marriage. As Joan Elliot was now also a servant to the clerk/curate, and there are no records of a resident vicar, it is possible the couple were not married in Hampshire, but possibly in Wiltshire as the Thynne dynasty owned Longleat House near Warminster. Many of the family were called Thomas, although it has not been possible to find a connection in this case, the very fact that he was spoken of as **Mr** Thomas Thynne indicates an individual whose status commanded respect. It is also possible that Joan Elliot having discovered her illegitimate pregnancy was removed from Wiltshire by the Thynne family to avoid approbation, or that she left the area of her own accord and marriage to John Elliot was a solution to her problem.*

1590, *Kyng v Kyng*.⁷⁹ Matrimonial, a peddler with two 'husbands'.

The itinerant nature of many peoples' lives is illustrated in a case that came to Winchester in 1590 where David Kyng petitioned his wife Jane (also Cropford) from whom he was living apart.

David and Jane had been chapmen travelling around the southern counties selling in David's case, glasses, and in Jane's case 'small wares'. However, Jane was now travelling

⁷⁷ M Ingram. *Carnal Knowledge, Regulating Sex in England 1470-1600* (Cambridge: Cambridge University Press), 59.

⁷⁸ HRO 21M65/C3/4, 102-3, 127-9, *Elliatt v Drewe*.

⁷⁹ HRO 21M65/C3/10, 45-7, *Kyng v Kyng*.

with John Whiteach and a small boy, and three witnesses came to court to affirm that they had seen them 'living as man and wyffe in one bed together' at various lodging houses along their accustomed route. What is interesting about this case is the peripatetic nature of this occupation and the mileage they must have covered, either by cart or, more likely, on foot.⁸⁰ The first witness, Martin Hywoode, also a chapman, came from Tunbridge in Kent although he was a native of Wells in Somerset. He deposed that he first met John and Jane at Offalden (Alfoldean, near Horsham) in Sussex, at the 'glassehouse', presumably where they bought their stock, and the second time at 'the farme in Croydon', then again back in Offalden and on sundry other occasions in Hampshire at Longstock, Stockbridge and Alresford. Martin's brother, Richard, was a tailor in New Alresford where he had lived since moving from Berkshire twenty years previously and he asked Jane why she was not with her husband David Kyng, instead with Whiteach, to which she replied that 'Whiteach was my husband before I married David and yet I am sorry that I parted from David'. There is no further explanation of Jane's remarks – was she married in church by licence to John Whiteach, leaving him for David Kyng, to whom she could not then be married (unless bigamously)? Why did she return to Whiteach and whose child did they travel with? Or had she simply lived with Whiteach and then legitimately married Kyng? Why did she also give her surname as Cropford? David Kyng, although the plaintiff does not give a statement, neither does Jane (the defendant), but perhaps the case was brought to Winchester because the Hywoode brothers and the third witness (a weaver) had connections to the Alresford area and they were able to verify places where John Whiteach, Jane Kyng and the child had stayed, sometimes for three nights or more at one time. There is no record of where David Kyng lived, but as the witnesses were sympathetic, perhaps he, too, had some roots in the Alresford area.

These were people for whom there seem to be no public records and the decision of the consistory court is not recorded, leaving more questions than answers, although the case highlights some complex issues faced when morality butted up against spiritual demands and the daily practicalities of earning a living in Tudor England.

⁸⁰ If their circuit was Alfoldean to Croydon to the Winchester area and back to Alfoldean, that equates to around one hundred and fifty miles, an astonishing distance given the condition of roads in the sixteenth century, and even if Croydon was not a regular destination, it is just over fifty miles between Alfoldean and Winchester.

1633, *Guy v Abbatt*.⁸¹ *Matrimonial, a missing husband returns to claim his wife.*

Although somewhat later in date than other cases, the following suit shows that having run away, occasionally a husband returned unexpectedly. Whereas John Elliatt was trying to escape from his untenable situation, Thomas Guy wanted to resolve his marital problems.

He had left his wife Susanna after a year's marriage, telling her he would never see her again, he was discontented and going to sea. The only evidence of what happened a year later, in 1633, came from Susanna (now calling herself Abbatt) in a long personal answer. She said that she had written 'a hundred' letters to Thomas after he left but never had any reply. She was aggrieved, saying he had 'forsaken her [...] even though he had had the carnal use of her body for a year, and they had lived together in bed as man and wife and that all the parish counted them to be so', but after a year she had persuaded herself that he would never return and 'fell acquainted with John Carleton' living in Winchester, moved into his house and had a child (still living) with him. Then she heard that Thomas Guy had returned to the area. As Thomas Guy was the plaintiff in this case, although there is no deposition from him, he presumably wanted to make amends with his wife. Susanna Abbatt was very clear about the process that had been gone through when they married – they became betrothed, they applied to the consistory court for a licence and then were married in the church of St Maurice by the parson, Jesse Jefferies in the presence of the parish clerk and various witnesses.⁸² In the absence of any possibility of divorce, the court would have expected Susanna to return to Thomas Guy, although the fate of her child would not be so clear.

Summary

This selection of cases brought within the Fawley Division has been chosen to demonstrate some of the circumstances faced on a regular basis by the Chancellor of the consistory court. They range from urban cases dealing with wealthy families to rural cases where ordinary folk were anxious to resolve relationship issues or face losing their hard-won credit in small communities, to cases from the lower levels of society who were settled but sometimes led dissolute lives, to a case where an itinerant couple found themselves in an invidious position bringing a case but not speaking up when the opportunity came. The

⁸¹ HRO 21M65/C3/13, 121-3, *Guy v Abbatt*.

⁸² Jefferies was subsequently found to be without a licence to marry, according to the Clergy Database, <https://theclergydatabase.org.uk/jsp/DisplaySubscription.jsp?CDBSubscriID=35380>. Accessed 04 July 2020.

minutiae of people's lives make them fascinating – the fact that a peddler in glassware had to go to a glassworks in Sussex to obtain his supplies, and at the other end of the social scale how surprising is it that a young man's private ballad to his intended wife would survive exactly as he wrote it, only to show him up as a privileged but spoiled man whose sense of entitlement lost him his heart's desire. How unusual was it for a party thrown for one's neighbours to descend into scurrilous accusations against the host's wife, and for the host himself to utter not a word in his wife's defence either at the time or later in court.

Women felt they had more licence to express themselves in urban settings than in rural ones, even if that expression that found an outlet in violence, but differentiation was acute. Ill-treatment of, particularly, female servants was not unusual; they were subject to sexual assault by their masters, verbal and even physical abuse from their mistresses and even endured being pushed into a stream in one case. Inevitably there were outbursts of temper in rural areas, but there is little evidence of it in the cases brought from Fawley Division during this period. Cases brought by young rural women were often marred by them not speaking for themselves. Fathers or other relatives spoke on their behalf, and the veracity of their statements can give rise to doubt, manipulated as some depositions were to maintain a patriarchal grip on the plaintiff. As Suzannah Lipscomb comments 'it is impossible to know if information was selectively recorded with any specific agenda'.⁸³

The majority of matrimonial cases from the division were brought for breach of contract, both by men and women, often after some kind of spousal ceremony had taken place, with an exchange of tokens signifying intent. If up to a year had elapsed and nothing further happened – no licence had been applied for and no banns had been read then although the couple may have been reckoned locally to be 'husband and wife together', and if there was no pregnancy, then on application from one of the parties, the contract could be deemed to be dissolved by the court. Frequently witnesses, usually on the side of the plaintiff would contextualise, in great detail, what the couple had been wearing at the spousal or what items the couple had exchanged and from this it is possible not only to establish the social standing of the couple but also what was deemed most important for their future life together. Gifts of a sheep or a heifer were valued more highly than 'a paire

⁸³ S. Lipscomb. *The Voices of Nimes: Women, Sex and Marriage in Reformation Languedoc* (Oxford: Oxford University Press, 2019), 96.

of hose' or 'a cambric pettycote'⁸⁴ in a rural setting, whereas in Winchester or Southampton the gifts were more typically money or sometimes jewellery as well as clothing. This contextualisation was also important in establishing the timing of the event, clothing worn could act as a reminder of whether the event happened in summer or winter, in a time when the calendar was marked by the weather and by holy days.

Defamation cases were similar both in town and country. Tempers flared over the slightest matter, often as a climax of a long-held grudge, and a wide lexicon of expletives was used by rich and poor, male and female alike, always with the intent of diminishing the public reputation of the victim. In these cases, too, the context was important – did the alleged defamation take place in the street or alehouse in public, or as people were domestically 'supping' together or was it the result of passing on gossip which had become embellished with retelling? The court would have to determine whether the insults were sufficient to undermine a plaintiff's good name, but having reached a conclusion could punish the guilty by ordering penance, often in church, as atonement, but even then there are examples of truculence by the guilty, as in one 1571 case in rural St Mary Bourne when a husbandman, told to repeat the words of the penance shouted 'so I shall, man, go on, I know what to do well enough' and, shockingly, 'kept his hatte on his head and was verrie unorderedly' in the church.⁸⁵

There are no cases involving the military who were based in Winchester, and only one involving Winchester College directly. Similarly, no sailors from Southampton were involved, but it must be remembered that these were spiritual courts, not criminal ones and it may be that conscripted men were tried within their own courts martial. Several city employees of the cathedral were called as witnesses, but none as either plaintiff or defendant; rather it was clergy from rural parishes who were accused of deviating from their religious vows. It may be that urban institutions, either religious, academic or civil had rather more control over the behaviour of employees in their vicinity, whereas rural clerics may have felt they were out of sight and out of mind, giving them as much perceived freedom of action as the more independent trades people and agriculturalists.

⁸⁴ HRO 21M65/C3/4, 335-341, 365-9, Hicks v Haine (Hayne).

⁸⁵ HRO 21M65/C3/5, 29-31, 103-9, 252-5, 260, Rumbold v Ilderwell.

The next chapter will look at some of the more unusual cases from all over Hampshire, which will illustrate the diverse backdrops to some of the more harrowing cases of the period.

Chapter 8: A diversity of cases

'Every neighbourhood has its own story to tell', Andy Wood, January 2021.¹

By restricting this thesis to three administrative divisions of Hampshire, precluded are some of the most unusual cases that were brought to the consistory court during the period 1550-1610, and this chapter seeks partially to redress this omission by discussion of a few of them. There is clearly enough material in looking at Hampshire cases overall to support other publications by uncovering many more family and kinship relationships and it would be interesting to compare patterns of cases from other administrative divisions with those selected specifically for this thesis. It is the exquisite detail of some cases that bring people's concerns to life and this chapter illustrate these shafts of light, some of which are purely informative (the fact that one cow cost £1 4s, equivalent to six sheep in 1589), some harrowing (the contempt in which the relatively well-to-do John Aylward, William Ilderwell and Anthony Cowse held women)² Some are puzzling (Ann Tichborn's desperate attempts to convince others to perjure themselves)³ and some which seem out of place in a spiritual court, but clearly were not to those who chose it to litigate (the defamation case which ends this chapter concerned the military's right to requisition horses)⁴. What they all do is further expand or amplify the body of knowledge that historians have accumulated on domestic life in Hampshire five centuries ago by reflecting through depositions the minutiae of event, place and time which is found almost nowhere other than an ecclesiastical courtroom. They also accentuate again the inherent danger in treating the whole diocese as if it were one contiguous entity; when it has become obvious that a much more nuanced approach needs to be taken as reactions to controversy differ amongst inhabitants, depending on time, place, occupation, social class and ability to attempt to redress perceived transgressions.

¹ Cambridge University Press, Virtual Winter History Festival January 2021, A. Wood and L. Gowing, video discussion based on Andy Wood, Faith, Hope and Charity, (Cambridge University Press, Cambridge, 2020), <https://www.youtube.com/watch?v=CVDIX4i8wZg>.

² HRO 21M65/C1/28, *Ex Officio v Aylward*, np. HRO 21M65/C3/5, 29-31, 103, 105-7, 109, 252-255, 260, *Rumbold (Rumboll) v Ilderwell*. HRO 21M65/C3/2, 147-64, *Cowse v Cowse*. All these cases are analysed later in this chapter.

³ HRO 21M65/C3/C3/11, 371-4, *Tichborn v Harrison and Oxford*. Analysed later in this chapter.

⁴ HRO 21M65/C3/4, 618-21, *Robins v Pickford*. Analysed later in this chapter.

Spending dowry money

Elsewhere in this thesis matrimonial case studies have disclosed the exact gifts, tokens, clothing, food and drink that were integral parts of a spousal ceremony, but there is only one case which details precisely what a dowry given prior to a wedding was spent on.

1589, Davy v Compton.⁵ Matrimonial. Settlement of a dowry.

Richard Compton, a yeoman's son and Helen Davy, stepdaughter of a husbandman, were contracted to marry in Old Alresford, but a stumbling block arose over the amount to be given to Helen Davy by her stepfather, William Prior, as a dowry.

He originally offered £10, but after disagreements between the two families, arbitrated by another local husbandman it was fixed at £20, and a report was given to the court of how some of this money was spent to help set the young couple up in their life together. In total £4 1s 4d was spent on one cow (24s), six sheep (24s), one quarter of wheat (13s 4d) and a gift from Helen's stepfather of one sack of malt, leaving £16 18s 8d, or around £3000 in modern currency towards their married life together.⁶ In anticipation of marriage, Helen was also 'removed on the back of his [Richard Compton's] horse to Priors Dean', the hamlet where the Compton family were lords of the manor.⁷ A promise was made of another £20 to be given to them after marriage and the banns were then read three times at Old Alresford Church. Not only does this generous dowry illuminate the cost of livestock and grain in 1589, but the tax paid by both the groom and bride's fathers in the 1586 Lay Subsidy confirms the relative wealth of both families, as the Priors were taxed at £7 and the Comptons at £3. Two older scions of the Compton family (Thomas and John) were listed as Gentlemen in the 1586 Subsidy with Thomas being taxed on his lands at £15 and John at £12. Two other Comptons (Peter and Robert) were taxed on their goods (Peter at £5 and Robert at £3), which made William Prior's anxiety to settle his stepdaughter's dowry quite understandable before his own death, as in 1589 William was seventy-eight years old, exceptional by life expectancy standards at the time.⁸

⁵ HRO 21M65/C3/9, 485,496-9, Davy v Compton.

⁶ TNA, <https://www.nationalarchives.gov.uk/currency-converter/#currency-result> Accessed 9 Nov 2020.

⁷ HRO 2M29/1, Manor court book for manors of Priors Dean and Colemore, m'fiches 604-6.

⁸ E.A. Wrigley and R.S. Schofield. *The Population History of England 1541-1871: A Reconstruction* (Cambridge: Cambridge Studies, Cambridge University Press, 1981), 250.

Presumably in an effort to avoid going to Winchester twice, Richard Compton's father, Robert, appeared as a witness in the next (unrelated) case heard on the same day – July 5th 1589 where he was testifying regarding the exact words used in a defamation case. Describing himself as a yeoman, he may have been able to read but was only able to make his mark after his deposition, either a reflection of little formal schooling as a child in the 1540s when boys from farming families typically started working at around seven or eight years old or his status came partly through inheritance or financial acuity.⁹

The final comment by William Prior in the Compton and Davy case was 'all is now settled', so the court's interest ceased, no doubt to the court's satisfaction, although no marriage record for Helen Davy and Richard Compton has so far come to light.¹⁰

Allegations of forgery

This case is unique on several levels but most pertinently it is the only case brought from the Channel Islands during the period studied. Although part of England since the accession of William the Conqueror in 1066, the Islands are closer to France in their geography, their language and culture and their adherence to French religious persuasion. An Order in Council in 1569 brought the Islands nominally into the diocese of Winchester and it was only a year later that the church brought a case against James Ettore and Michaelle Le Lorett to the consistory court.¹¹

1570, Ex Officio v Ettore and Le Lorett.¹² Alleged forgery of a marriage licence.
This case was registered in Winchester on Christmas Eve 1570 – apparently the only piece of business of that day and consisted just of one deposition from the merchant Cardin Fawtrart of St Peter Port, Guernsey. For the court to convene on that day just for one

⁹ Robert Compton died at the age of 68 and was buried at Priors Dean on 3 March 1607, <https://www.findmypast-co-uk.winchester.idm.oclc.org/transcript?id=GBPRS%2FD%2F805585146%2F1>. Accessed 09 Nov 2020.

¹⁰ William Prior died in 1591 by then aged 80 and was buried on 17 April in Old Alresford, <https://www.findmypast-co.uk.winchester.idm.oclc.org/transcript?id=GBPRS%2FD%2F805697846%2F1>. Accessed 09 Nov 2020.

¹¹ Guernsey Royal Court, 'The Ecclesiastical Court', <http://www.guernseyroyalcourt.gg/article/3187/The-Ecclesiastical-Court>. Accessed 26 June 2021.

¹² HRO 21M65/C3/4, 804-5, *Ex Officio v Ettore and Le Lorett*. The Order in Council, dated 11 March 1569, made by Elizabeth I 'perpetually united' the Islands to the Diocese of Winchester. An analysis of the Order in Council can be found in Sir Havilland de Saumerez, *Considerations on the Ecclesiastical Position in the Channel Islands and particularly in Guernsey*, (Guernsey. Frederick Clarke, 1927), np.

deposition underlines the importance of the hearing, concerning, as it did, allegations of forgery of the signature and seal of the Bishop of Winchester. The relationship between the Calvinistic Channel Islanders and the diocese was only a year old by virtue of the 1569 Order in Council. This case fell right in the middle of the tenure of Bishop Robert Horne a reforming Protestant whose sympathy with Calvinism had led him in 1553 to write additional material for a book of homilies by Jean Calvin.¹³ It was the Dean of Guernsey who, suspecting forgery, refused to act on the bishop's purported signature.

The heading to this case is unusual: 'Upon the deliverie of My L Bishshops' licence to the Dean of Guernsey for matrimony between James Ettore and Michaelle Le Lorette of St Michaelles in Guernsey', immediately followed by Cardin Fawtrart's statement and his clear signature.¹⁴ No questions were asked of him following his statement. It seems likely that the clerk had copied Fawtrart's statement from another document into the Records Book and Fawtrart had merely been asked to sign it as he was in Winchester.

This case started early in 1570 when James Ettore wanted to marry Michaelle Le Lorette, but as the newly-installed Dean of Guernsey, John Aster, was not an ordained priest he was unable to issue a licence or perform the marriage ceremony, necessitating the bishop's own signature and seal.¹⁵ At this time although no explanation is given, Ettore was imprisoned in Castle Cornet, St Peter Port at the Dean's request, so Ettore petitioned Guernsey's Royal Court on 5th August 1570 with a complaint against the Dean saying he wished to go to Winchester to sustain his complaint and get a signed and sealed marriage licence from the bishop. The Dean agreed provided Ettore lodged a surety of 100 marks Sterling before nightfall, which was to guarantee his appearance before the Bishop prior to St Michaels Day next (29th September).¹⁶ This surety was provided by four prominent Guernseymen, of whom Fawtrart was one.¹⁷

¹³ J. Calvin. *Certain homilies containing profitable and necessary admonition for this time, with an apology of Robert Horne.* ISBN 90-221-0576-8 and ISBN 978-90-221-0576-4, <https://quod.lib.umich.edu/e/eebo2/A17636.0001.001?view=toc> Accessed 19 Nov 2020.

¹⁴ HRO 21M65/C3/4, 804-5, *Ex Officio v Ettore and Le Lorette.*

¹⁵ C.S.L. Davies, *John Aster, 1509/10-1574*, Oxford Dictionary of National Biography, <https://doi.org/winchester.idm.oclc.org/10.1093/ref:odnb/72907>. Accessed 19 Nov 2020.

¹⁶ Archives: Royal Court Library, Guernsey, *Historical Documents* vol.3, ff.34-35 copying Greffe, Guernsey: *Vers en Meubles* vol.1, 13, <http://www.guernseyroyalcourt.gg>.

¹⁷ TNA, <https://www.nationalarchives.gov.uk/currency-converter/#currency-result> Accessed 26 March 2021. One Mark Sterling (13sh. 4d.) in 1570 is equivalent to around £160.00 in 2021, so 100 marks was a huge surety and underlined the status of the four men who underwrote it for Ettore.

Fawtrart deposed that towards the end of September 1570 he was asked by James Ettore, to go together with the three other Guernseymen to the Dean's house and hand over a package which contained the bishop's licence, in return for which they would be released from the 'suretyship' which they had deposited on Ettore's behalf. The Dean enquired as to why James Ettore had not brought the papers himself and was told that he had been sick ever since returning from Winchester. On examination the Dean pronounced that he recognised 'Knaplock's handde' in the signature and he doubted that the seal was 'my Lord Bishopp's or no' and therefore he would not accept the papers as valid.¹⁸ At this point Dionese Rouse (one of the four men present) was in a 'verrie great angere' against the Dean who refused to discharge them from the surety. The Dean kept hold of the papers and the men left 'without their purpose'. Ettore must have been released from prison by this time, otherwise the Dean would have no reason to enquire as to why he had not come in person.

There is no Winchester recorded outcome to this case, but a Guernsey Royal Court record from 1581 shows a payment of 'three bushels wheat, large measure and six pence tournois for 'pignon'', which indicates the amount paid by Ettore in his wife's name for some land. His wife's name is given as Mechaelle le Lorier, proving the obstacles to their marriage were overcome eventually.¹⁹ It may be that the Dean was initially being over-zealous in his role, or in any event making a point of impressing his vigilance and clerical importance to the Islanders. Whatever the truth of the Dean's intransigence he resigned his living in Guernsey in 1572 after allegations of misappropriation of crown property and died in Essex in 1574.²⁰

If indeed this was an attempt by Ettore, and maybe others, at forgery, it seems to have been very clumsy, and potentially very risky. Not only did they forfeit the surety as far as is

¹⁸ Robert Knaplock(e) 1522-1611 led a varied career in Southampton and was the first master of Southampton Grammar School (1554-55). Aster may have recognised his writing because Knaplock, as notary public, was the scribe of several will inventories and property transfer documents. He appeared at the consistory court in Winchester as a witness in 1569 in a testamentary case *Banister v Raynolds* and it may have been through these public documents that Aster knew him. See <http://www.tudorrevels.co.uk/records.php?itemId=4796> for further details of Knaplock's colourful life. Accessed 19 Nov 2020. In May 2021, Dr Cheryl Butler published *The Remembrance Books of Robert Knaplocke 1575 & John Jackson 1578*, (Southampton: Southampton Records Series, 2021).

¹⁹ Guernsey Royal Court Library, Land Grant to James E[c]tur, 15801 shelf mark L2. F. 912r. I am indebted to Dr Darryl Ogier, Island Archivist, States of Guernsey for sending me this piece of information from a court document in French. <http://www.guernseyroyalcourt.gg>.

²⁰ Davies, *John Aster, 1509/10-1574*, ODNB, <https://doi.org.winchester.idm.oclc.org/10.1093/ref.odnb/72907>.

known, but forgery was a serious criminal activity beyond the power of ecclesiastical courts to adjudicate, so the purpose of the church bringing this case against Etture and Le Lorrett may have been intentionally to frighten them either into legitimising or revoking any marriage plans, thus obviating the need for the case to go any further. As discussed earlier there was a severe shortage of protestant clergy and although John Aster had been ordained as a deacon in 1560 his qualifications for the clergy seem to have ceased at that point. What undoubtedly made him attractive as a candidate for the position of Dean of Guernsey was his fluency in French (through his father's status as a staple merchant in Calais) and some military knowledge which, given Guernsey's strategically important position off the coast of France, would have been advantageous.²¹ His geographical remoteness from the rest of the diocese may have made it easier for him to try and control the islanders as if they were part of a military institution or it may have been that acting as a man of God whilst apparently enriching himself in the process led to his downfall.²² Trade between France and England, often via the Channel Islands, was highly profitable; clearly merchants like Fortrart travelled back and forth frequently, and there are Southampton records of Islanders moving to the mainland and setting up businesses alongside other immigrants from the Low Countries and further into Europe. It is these business and legal dealings that may also have brought Robert Knaplock into their orbit, but whether he was an unwitting forger or a paid accomplice is not known.

Penance and Suspension/Excommunication

As has been noted elsewhere, the consistory court had very limited powers of punishment. There had been dissent between the secular and spiritual courts for many years as to which court 'owned' the right to try particular crimes or misdemeanours. But in the latter part of the sixteenth century especially people turned to legal action to bring forward their own cases with, as has been seen, a huge increase in defamation and matrimonial cases. The secular courts struggled to keep pace with this increase and became only too happy to hand them over to the spiritual courts to determine. Archidiaconal visitations continued unabated and vicars and churchwardens were constantly reminded of their duty to bring forward cases from their parishes, with the bishop's office regularly sending out reminders to parishes to ensure and report that a punishment had been fulfilled. Fines were the

²¹ Davies, *John Aster, 1509/10-1574*, ODNB.

²² Davies, *John Aster, 1509/10-1574*, ODNB.

commonest punishment, and penances involving ritual apology or, as a last resort, excommunication were the other methods of bringing miscreants to heel. Penance books seem to have been kept separately in the Winchester diocese, and none have come to light for the period covered by this thesis. Fortunately, a few cases from the 1630s which were recorded in the Instance Books include evidence of penances being imposed, the exact process followed and how they were perceived by witnesses. Local community punishments such as skimmingtons, rough music or charivari, duckings and the use of cucking stools were very rarely mentioned or recorded in the Instance Books for this period.²³²⁴

Two cases are detailed below, the first being a case which encompasses many of the areas that were of greatest concern to the consistory court, and the second is important because of the evidence given of the exact process followed to complete a penance and how, in this instance, it failed in its objective of rehabilitating the reputation of the convicted person.

There are no cases recorded during this period that can be definitively linked to excommunication, and it may be that such reports were kept in a separate set of books, now lost. Recalling penitents who were perceived not to be sufficiently contrite was a way of attempting to gain conformity from contemptuous parishioners, as will be seen from the case of William Ilderwell, below.

1571, Rumbold v Ilderwell.²⁵ Defamation.

This case concerns two agricultural families of St Mary Bourne who had adjoining pieces of ground. The plaintiff, Joan Rumbold (also Rumboll) had accused William Ilderwell in an earlier case (for which the records are missing) of calling her a 'whore and a harvest gyll'

²³ HRO 21M65/C3/9, 283-4, 291-2, Hether v Thorpe. In this case a 'cucking stole' was left outside Alice Thorpe's door, but she claimed it was there to use as 'fyre woode' and not as part of an attempt to humiliate her for misdemeanours. Eamonn Duffy in *The Voices of Morebath, Reformation and Rebellion in an English Village*, (New Haven: Yale University Press, 2003), 185, describes the use of cucking stools as 'a sign of a coarsening of social fibre', a view broadly concurred with by David Underdown in 'The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England', in A. Fletcher and J. Stephenson (eds). *Order and Disorder in Early Modern England*, (Cambridge: Cambridge University Press, 1985), 16-36.

²⁴ Rituals of inversion or methods of imposing social discipline were not punishments imposed by consistory courts; rather carried out at parish level as – often – protests against the erosion of common rights or to shame 'unruly women'. They are not covered in this thesis. For more information, see D. Underdown. *Revel, Riot and Rebellion, Popular Politics and Culture in England 1603-1660* (Oxford: Clarendon Press, 1985), passim.

²⁵ HRO 21M65/C3/5, 29-31, 103, 105-7, 109, 252-255, 260, Rumbold (Rumboll) v Ilderwell.

and saying the same words of her daughter Agnes in front of three witnesses. Quite why Joan Rumbold had brought this new case is uncertain, as Ilderwell had already done penance for the original offence, albeit unwillingly. Ralph Houlbrooke commented that penance was often performed more than once depending on the seriousness of the offence, sometimes in different places, and usually to give the local community a sense of satisfaction.²⁶ As the penance was reported to have taken place some six months before this case came to court, it seems possible that Joan had resubmitted the case believing Ilderwell lacked contrition, as evidenced by his behaviour and neither she, nor her daughter, nor the church and parishioners were content to let the matter lie.

Ilderwell had been originally convicted of defaming Joan and Agnes and by order of Sir Robert Oxenbridge²⁷ had been instructed to do penance in the parish church in front of twelve honest men and other parishioners. Joan Rumbold had been upset at this sentence, entreating Oxenbridge to rescind the order, but to no avail, and, as she said in her personal statement, had eventually agreed that it should take its course. A Sunday was planned when at ten in the morning two desks were set up opposite one another on the plain communion table laid across the chancel and Joan Rumbold stood on one side, William Ilderwell on the other and the witnesses and parishioners clustered around to keep them apart. Of the twelve male witnesses six were husbandmen, the remainder two weavers, a fuller, a tanner, a butcher and a smith, truly representative of the occupations of a rural valley community situated on a tributary of the River Test.

Thomas Pore, a village yeoman and brother-in-law to Ilderwell was tasked with reading the order and making certain that Ilderwell repeated word for word what was written on it. According to the witnesses, Ilderwell declined to remove his hat in church and refused to look Joan Rumbold in the eye, speak to her or ask for her and her family's forgiveness. On being prompted to repeat the penance order he stood silent, eventually doing as he was told but only after protesting and shouting, 'get on with it, man, I know well enough what to do'.

²⁶ R. Houlbrooke. *Church Courts and the People during the English Reformation, 1520–1570* (Oxford: Oxford University Press, 1979), 46.

²⁷ Sir Robert Oxenbridge (1508-1574) was the local Squire, owner of Hurstbourne Park and a very wealthy man, seized for lands at £50 in the 1586 Lay Subsidy Roll. He was High Sheriff of Hampshire between 1567-8. <https://www.geni.com/people/Sir-Robert-Oxenbridge-MP/6000000001262327837>. Accessed 20 November 2020.

The interconnections of the families are interesting in this case – Thomas Pore who read the order was brother to Anstance Ilderwell (William’s wife), and Nicholas Philpott’s (a husbandman witness) wife was Anstace’s cousin. The male witnesses were chosen as twelve honest men, but as two of the witnesses were quick to point out one of their cohort, John Bray, had been convicted at the Assizes in Winchester Castle a year earlier for some (unspecified) crime.²⁸ The only other apology was from the butcher (John Broxton) who at the age of sixty confessed that he ‘had not perfect syght’ and so had not seen the written order, but his hearing and knowledge of what had happened had been true.

The process in this case is somewhat different from others reported in the Winchester diocese where those convicted were made to stand on a stool or by the pulpit in church, often dressed in a white sheet and carrying a white wand.²⁹ After the sermon the penitent was made to declare his (or her) sin and seek forgiveness of God, the parish and the congregation. Houlbrooke discovered instances where, if the offence was very serious, the penitent was beaten, either by the parish priest or rural dean, but there is no evidence of such punishment happening amongst the cases analysed for this thesis, although a particularly choleric vicar from Kings Worthy threatened to whip one of his parishioners in the churchyard through anger.³⁰ There is no evidence, either, that the perpetual vicar of Hurstbourne Priors, Richard Mills, who was also responsible for St Mary Bourne, had been involved or intervened in the situation between Rumbold and Ilderwell, or was even present during the penitential process.³¹ This case re-emphasises as many others that have been researched for this thesis, that it was not the poorest people who were able to pursue grievances of this kind, but the emergent middling sort tradesmen and lower

²⁸ No record of this offence has been found to date.

²⁹ HRO 21M65/C1/28, *Ex Officio* v Aylward, np. John Aylward, whose case follows this one, was commanded by the Church Commissioners in 1607 to do penance in the parish church by ‘standing on a seate over against the pullpitt after the Sermon and openly acknowledging his cryme’. Penance cases were, seemingly, recorded on documents held separately to their original case, and these books are missing, except for one, HRO 21M65/C12/1, which contains certificates from 1664-1698. These are outside the dates of reference of this thesis but do contain details of those commanded to do penance being made to stand on a chair in the church in front of the congregation, wearing a white sheet and holding a white rod or wand whilst repeating a script read to them by a local worthy or the vicar, apologising for their sin.

³⁰ Houlbrooke. *Church Courts*, 46. For the threatened whipping see HRO 21M65/C3/5, 289-92, Addison v Webb. This case is described in detail in Chapter 7, Winchester (Fawley) Division, cases involving the clergy.

³¹ The Perpetual Vicar of Hurstbourne Priors, Richard Mills, had been instituted in July 1561 and served until his death in December 1581, <https://theclergydatabase.org.uk/jsp/DisplayAppointment.jsp?CDBAppRedID=184072>. Accessed 21st July 2020.

gentry; everybody in a small village knew each other and many were related by marriage. In this case, despite some kinship relationships to the Ilderwells, the witnesses all spoke in support of the Rumbold family. The average age of the witnesses was thirty-six years old, so these were people in the prime of their working lives, not young and hot-headed, what they had in common was local respect and a desire to see justice done to one of their own who had stepped outside the line of common decency.

There were variations of practice but the objective was always the same – to humiliate the penitent and deter them from further misbehaviour. It would have been hoped that Ilderwell's surly behaviour at his first penance would have led the Chancellor, at his second appearance, to castigate him further, but there is no record of the outcome, neither is there evidence of a further court appearance, so possibly Ilderwell's second order to do penance was sufficient deterrence to make him hold his tongue thereafter.

1607, Ex Officio v Aylward.³² Matrimonial. Adultery, accusation of incest and under-age sex.

This case falls at the end of the period studied and the details recorded by the clerk vividly expose the gross immorality of John Aylward, a husbandman from Clanfield, a small village near Ropley, approximately eighteen miles south-east of Winchester in the midst of sheep-grazing chalkland.

The case was brought by the Commissioners themselves in the autumn of 1607, at the behest of the churchwardens of Clanfield. It began with a visit from several parishioners, including the local Tithingman to Aylward's house in the 'forepart of the nyght' allegedly on some business, where they found Aylward in bed with Agnes, a child, whom Aylward described as his sister. It was very important that the Commissioners listed exactly who was present at Aylward's house, both as evidence of their local status as chief inhabitants and as although they were later present at the court, they did not give evidence. However, they were named as Anthony Hasely (then Tithingman), William Freeland, John Holloway and Thomas Page (both ex-churchwardens), all respected parish elders. It is clear from the statement that whatever the business they were ostensibly there to conduct, their intention was to search the house, suspecting Agnes to be there and having an 'unnatural relationship' with Aylward. Confusingly, John Aylward's wife was also called Agnes in these

³² HRO 21M65/C1/28, *Ex Officio v Aylward*, np.

records, although that seems to be a clerical error as a John Aylwarde from Clanfield had married Mary Seward in 1601, six years before this case.³³ Aylward said his wife had gone to a neighbour's house that night, and soon after these events she left her husband returning to her native parish of North Tidworth in Wiltshire.³⁴

To return to John's case, he was commanded to explain why he insisted he had not been committing incest with his sister. Firstly he said that he was sharing a bed with her because she was 'in want of lodging' but then claimed that Agnes was not actually his sister. He denied that she was eight years old, saying that she was twelve (the legal minimum age to marry) thereby, in his view, mitigating his crime, although he carefully overlooked the fact that he was already married. He was bound over for £20 to appear again in three months' time by which time further investigations would have been completed.

At the resumed hearing Aylward brought with him several Clanfield parishioners in order to attempt presumed innocence through compurgation. This time he brought Thomas Broman, Richard Wade and Francis Page (all subsidymen charged at either £3 or £5 in the Lay Subsidy Roll of 1586), Thomas Wade, a copyholder, John Heather (not a subsidyman but having 40 acres of land), and Richard Halawoste (described as a subsidyman but not on the 1586 list).³⁵ Had these men testified to Aylward's good name he may have escaped punishment, but they refused to take the oath, and the commissioners declared that the compurgation attempt had failed, binding Aylward over this time for £40 and imposing public penance on him in the meantime. Aylward also tried waving a piece of paper at the Commissioners arguing that it represented a penance he had done three years earlier, but the Commissioners told him clearly that they disbelieved him and that they would investigate further.

Things went from bad to worse for Aylward. On the 10th January 1607, the vicar of Clanfield – Egridius (Gyles) Williams was arraigned in the court on a disciplinary issue, for marrying John Aylward to Agnes when she was eight years old.³⁶ It was alleged that Agnes

³³ John Aylwarde married Mary Seward in Clanfield on 8th February 1601. <https://search.ancestry.co.uk/>. Accessed 17 July 2020.

³⁴ There is only John Aylward's statement that indicates that Mary went back to Wiltshire. Bearing in mind that he did not always tell the truth to the court, and no records have emerged to verify his statement, it has so far not been possible to prove her whereabouts.

³⁵ Davey, *Hampshire Lay Subsidy Roll, 1586*, 21, section 39 Clanfild.

³⁶ HRO 21M65/C1/28, 23, *Ex officio v Williams*.

had been originally married to Edward (surname unknown) of Suberton,³⁷ but he had died very soon after. After marrying Aylward, Agnes later married Thomas Bone and she was also summoned to court, although she did not appear at any of the subsequent examinations, firstly sending her husband to say that she was dangerously ill with smallpox, and at the resumed hearing her husband appeared again and explained that she could not attend this second time because of a 'greate falle of snowe this verie morning'.

Gyles Williams's admonition was to 'take greater care in the future'. His suspicions had apparently not been aroused because her surname, when Aylward applied to marry her, was different from his. The only evidence remaining is of Aylward's penance in Clanfield church, where he was made to stand on a stool throughout service, presumably under the gaze of the hapless Rev. Williams and after the sermon repeat words given to him, to absolve 'hymselfe of his cryme'.

From the fact that Thomas Bone turned up in Winchester twice on his wife Agnes's behalf makes it clear that he was supportive of her and believed that their marriage was legal.

Alternatively, Bone may have thought himself culpable in some way and hoped that defending Agnes would absolve him, but there is no direct evidence to support this theory.

This case is particularly resonant for various reasons. Morality was strictly enforced, even though the early modern definition was different to modern understanding. The earliest age for marriage for girls was twelve years (for boys – fourteen) because that was deemed the age of puberty, and as the average lifespan was usually brief families needed to establish future generations as soon as was practicable. Betrothal from the age of seven upwards was permitted under canon law but the union was not binding until the girl was twelve and the boy fourteen.³⁸ In this case, Agnes Bone was illegally married and widowed at eight, and remarried somewhere between eight and twelve years old to Aylward and shortly afterwards married to Thomas Bone. The issue of incest was raised by the commissioners, who were inclined to believe that Agnes was John Aylward's blood sister, thus their relationship was within the second degree of consanguinity which was banned by canon law. Morally and spiritually, this was completely unacceptable in the eyes of the church and also in the eyes of the local villagers who clearly conspired to do something

³⁷ Suberton is now Soberton, some seven miles distant from Clanfield.

³⁸ R. H. Helmholz. *Marriage litigation in medieval England*, (Cambridge. Cambridge University Press, 1974), 88-90.

about it. Aylward's attempt at compurgation was destined to fail – his reputation was already shattered, and his attempt to redeem himself through penance, even if he had actually done it, was not strong enough to absolve him from further court action. It was known in the village that Aylward already had a wife, albeit that she would leave him, and although he could not be accused of bigamy (his marriage to Agnes was null and void) he could certainly be accused of incontinence, and a secular law of 1275 (3 Edw. 1) made it a misdemeanour to 'ravish a maiden within age [...] with or without her consent'.³⁹ The church court could not impose punishments for contravention of secular law but it would have been possible for the criminal courts to charge Aylward with rape, the punishment for which could be execution.

Appalling as his behaviour undoubtedly was, there is no evidence that Aylward was handed over to the criminal court system, and the Rev. Gyles Williams remained in post in Clanfield until 1626, seemingly untroubled by further misdemeanours. John Aylward in his will of 1626 was described as a yeoman, and he died at the age of fifty-two, being buried on 27th January 1628 in Catherington churchyard barely a mile away from Clanfield, where he had lived all his life.⁴⁰ It can only be conjecture, but if the memories of the parishioners or Clanfield were long, they may not have wanted Aylward to be buried in his own parish, feeling that his behaviour had demeaned the reputation of the whole community. At some time his wife Mary must have returned to Hampshire, as she died in 1626, and was buried in Cheriton, two years before her husband. No records of any children have been found.

Bigamy and disappearing spouses

In the case concerning John Aylward described above, there were suspicions of bigamy. In that case, Aylward's relationship with so young a girl nullified it, in other circumstances a far easier and more common way to solve the problem was for a disgruntled spouse (usually, but not always, the man) to disappear. If setting up a hue and cry to try and track them down was not possible or met with no success, the abandoned spouse was left to keep a home together unassisted. The strange case involving Ann Tichborn (also known as

³⁹ S. Robertson. *Age of Consent Laws*, Teaching Module, University of Sydney, Australia, <http://chnm.gmu.edu/cyh/teaching-modules/230>. Accessed 17 July 2020. The specific law is the Statute of Westminster 1 (3 Edw. 1), a piece of legislation still in force which covers a vast swathe of common rights.

⁴⁰ Portsmouth History Centre CHU 41/1A/1, <https://www-findmypast-co-uk.winchester.idm.oclc.org/transcript?id=GBPRS%2FPORTSMOUTH%2FBUR%2F00038907>. Accessed 20 July 2020.

Ann Brown) is an example of a woman desperately trying to coerce people into testifying that in the absence of any written proof, she did, indeed, have a husband.

1601, Tichborn (Brown) v Harrison and Oxford.⁴¹ Matrimonial, the questionable identity of Ann Tichborn's husband and attempted fraud.

Although many days on the consistory court benches passed in hearing repetitive defamation and matrimonial cases, occasionally a more bizarre case must have piqued the curiosity of the Chancellor.

Such a case occurred in April 1601 when two people, Harrison and Oxford, were the defendants against Ann Tichborn (also calling herself Ann Brown). There is no record of the sex, occupation or location of either Harrison or Oxford, and they did not speak for themselves. However, three very lucid witnesses told an extraordinary tale which started when John Gombeldon, a yeoman from Bishops Waltham, recounted being sent in 1601 as a messenger to Glastonbury to ask the curate there, Rev. Thomas Webb, to search the Register Book to find the marriage record of Ann Tichborn and Thomas Brown some sixteen or seventeen years earlier. The Rev Webb reported that there was no such record, but that Ann Tichborn had married John Hopkyns on 18 January 1583. The curate obligingly copied out the record, certificated it himself, and had it authorised by the local constable and churchwardens and John Gombeldon returned to Hampshire with the document which he presented to the court. The second witness was Alice Duke, wife of Nicholas, a Romsey shoemaker. They had met John Hopkyns because in 1589 he came to their shop, from Somerset, selling butter. He told them that he would like to learn the trade of shoemaking, that he was a married man but could no longer live 'quietly' with his wife Ann Tichborn and had 'forsaken her company'. They agreed to teach him the trade, and board him in a room above their shop. There he stayed for almost six months until Ann Tichborn appeared in the shop asking for Hopkyns and demanding to see him. Nicholas Duke directed her upstairs to where Hopkyns was in bed, the startled Hopkyns leaped out of bed and threatened to 'beate her downe the stairs'. Tichborn retreated, but complained to Romsey parish church, causing the Dukes to eject him from their house. Several years later, one Thomas Brown (previously a servant to James Paget of Grove Place, Nursling⁴²) approached Nicholas Duke offering five pounds in exchange for learning the shoemaking trade and it was agreed that

⁴¹ HRO 21M65/C3/11, 371-4, Tichborn v Harrison and Oxford.

⁴² W. Page (ed.). *A History of the County of Hampshire* <https://www.british-history.ac.uk/vch/hants/vol3/pp433-439>. Accessed 10 Nov 2020.

he would go through the same process by living above the shop and learning the trade as had John Hopkyns. Brown was there for about six months and then died, as had Hopkyns, shortly after his training period.

By chance a few months before this case came to court Alice Duke met Ann Tichborn in Southampton and Ann tried to persuade Alice to testify in court that Thomas Brown was her husband. To coerce her, Tichborn told Alice that the five pounds, still owed by Brown, would be paid to her within one month if she would testify. Alice refused to do so, even though Ann physically dragged Alice in front of Mr Studley of Southampton to try to prove her case.⁴³ Studley knew Tichborn from a previous occasion and refused to listen to her and indeed reproved Ann for 'abusing' Alice Duke. Tichborn clearly would not let the matter drop and brought her case to Winchester. Both the messenger (John Gombeldon), Alice Duke and a journeyman named Oliver Lipscomb who worked for Nicholas Duke, protested that John Hopkyns and Thomas Brown were two different people, asserting that it was easy to tell because Hopkyns was a 'man of tall stature, and of good handsomenesse comliness of body and of good complexion' whereas Brown was a man of 'black and swart complexion and did weare long black shagged haire, whereas Hopkyns used to weare his haire short and comely'. These descriptions were from Mrs Duke who clearly had a soft spot for Hopkyns but were verified by Lipscomb.

There is no reason given for Ann's flagrant attempt to prove a non-existent marriage; she had gone to the length of using Brown's surname as her own and offered to pay Mr and Mrs Duke if they would testify as she asked. A possible linkage could be that the wealthy Tichborn family lived in the area at that time, although no genealogical link has so far been found that Ann was a member of that family as she had come from Glastonbury in Somerset where, judging from her marriage record she had been living for at least seventeen years. There is one possible clue in that Mrs Duke mentions Ann Tichborn unavailingly seeking help from 'Mr Tichborn that lived in the Abby at Romsy' but no indication of whether Ann was a relative. There is no mention of a child, or children being involved, and nothing to explain why Ann reappeared after a dozen or so years of separation from John Hopkyns or even if she knew Thomas Brown. Abandoned women, such as Ann after John Hopkyns left her had a very hard life, so coming to Romsey, where

⁴³ This seems to have been Robert Studley (1577-1625), a baker, tippler and vintner who also served as a constable in Southampton. <http://www.tudorrevels.co.uk/records.php?itemld=6643>. Accessed 20 Nov 2020.

she clearly had connections may have been an attempt to get support from the parish or from the Tichborn family if there was a kinship link, although there is no supporting evidence.

Physical violence

1562, Cowse v Cowse.⁴⁴ Matrimonial assault

There are very few cases of serious domestic violence between husband and wife recorded at the Winchester court in the latter part of the sixteenth century. One case does stand out, however, a harrowing case from East Meon in 1562 concerning Anthony Cowse and his wife Agnes, and it bears examination because of the light it throws not only on a deeply unhappy marriage, but also on the reactions of villagers who found themselves involved.

East Meon is an agricultural village just over four miles west of Petersfield in the Meon Valley. The lord of the manor was the Bishop of Winchester, owning some 20000 acres with another 750 acres belonging to East Meon Church Manor. Between these two landowners a very strong manorial tradition still existed in the sixteenth century, centred around the church and the Court House built in 1396 which survives restored but largely unaltered to the present day.

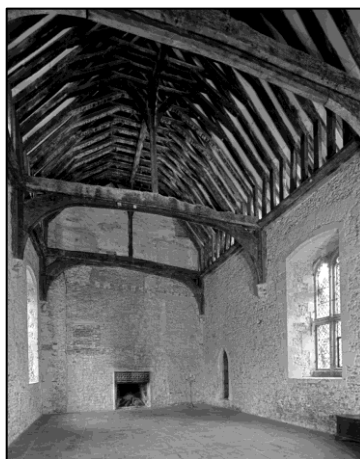


Illustration 11 – Interior of The Court House, East Meon⁴⁵

⁴⁴ HRO 21M65/C3/2, 147-54, 159-64, Cowse v Cowse.

⁴⁵ Courtesy of George Bartlett (owner) and Michael Blaksted of East Meon History Society. Behind the rear fireplace wall were stairs leading to the bishop's private rooms, the light-coloured plaster to the left of the fireplace shows where this was blocked up.

The Cowse family were already inhabitants of East Meon as farmers and Anthony was to amass either by purchase or inheritance sufficient land for a charge of £8 in the 1586 Lay Subsidy. By the time of his death in 1608 he was able to leave to his wife Agnes and son Robyn (Robert) not only a house and land but also a considerable inventory of goods and chattels.⁴⁶ These commonplace documents give no hint of the turmoil of the early years of the Cowses' marriage. The couple must have been quite young in 1562, and had a small child, possibly Robyn and had been living for some time with Thomasine Quallet (a village widow) before moving to a house of their own. Their marriage, according to their witnesses, had been violent for some time: Quallet related how Agnes had been crying out one night from her bed because Anthony had bitten her 'arme and turned it blacke and blue'. He had also reputedly been 'verie unkynde' to her whilst she was in childbed, refusing her 'either meate or drinke'. On at least two occasions Anthony threw her out of the house, swearing that she should never return, which forced her to go to the local Tithingman's house with her child in her arms to seek shelter. On another occasion she sought refuge at Mary Tygott's house, but threatened to set fire to the house, causing Mary to wave a knife at Agnes in a futile effort to calm her, before reporting that she was too scared of Agnes to allow her to stay any more. The Cowses also had a physical fight in a village shop, Anthony biting Agnes once again and seizing her by the throat. But the event that really dismayed villagers was hearing screaming and running to find Agnes pinned to the ground by Anthony outside their front door with him twisting her long hair around his arm ('twyce or three tymes') and holding her down with his other hand. She was drumming at the wall of their house with her heels to the point that she broke through the wattle and daub panelling and his hands were covered with her blood. This was the culmination of an episode when he had attacked her with his sword (in its scabbard); the scabbard flew off and he stabbed her with the sword so 'it cut right through her cote to her waiste'.

Eleven witnesses were called to testify to these events, including Anthony Cowse's brother and sister, their ex-landlady, respected village elders (reeve, tithingman, yeomen) and skilled tradesmen from the village including two tailors. Most were extremely careful to be impartial in their depositions, their attitude being that both parties had some blame attached to their actions, but overall, there was some sadness and regret that things had come to such a pass. There was absolutely no possibility of keeping such outrageous events

⁴⁶ HRO 1608B/18, Anthony Cowse, will and inventory.

within parish limits, especially as Anthony Cowse belonged to a respected local family, but when the case did come to court nearly a year after the violence with the sword, neither Agnes (plaintiff) nor Anthony (defendant) gave evidence in their own words.

In a time when divorce was not possible, Agnes and Anthony faced a dilemma. If they had separated, their reputations would have suffered, but if they remained together in such miserable circumstances there was a danger that, as Mary Tygott said, 'one might kyll the other'. According to a 1567 Rental Book, Anthony Cowse was already a tenant of three holdings in East Meon and building his career, so public marital disharmony would not have enhanced his reputation.⁴⁷ There seem to have been vacancies in East Meon for both vicar and curate between 1551 and 1562, making it less likely that they would have received spiritual counselling at an early stage, and perhaps family members, who clearly did know what was happening, preferred to adopt a position of neutrality.⁴⁸ Some resolution must have been reached, although not recorded, as they did not appear in court again and as stated above, some forty years later Anthony and Agnes were still together, an outcome vindicating the conciliatory function of the consistory court.

Domestic violence on a lesser scale than that of the Cowses was far from unusual; wives, daughters and maidservants were commonly beaten within their own homes. Although not enshrined in law, custom and practice dictated that the weapon used for beating should be no thicker than a man's thumb. In 1566 William Lacie testified that he 'never beat nor struck Elizabeth [his wife] but one time [...] and then he gave her six stripes and no more with a stick as big as his thumb'. His excuse was that she was sitting by the fire and his supper was not ready for him, which she knew would anger him.⁴⁹ In 1582 the yeoman William Harding beat his daughter Agnes 'several stripes and blowes with a cudgell' because she had requested her suitor to ask for her father's goodwill for their marriage, her father's anger causing Agnes to run away to her uncle's house where her suitor (one Tickredge, no Christian name given) was staying. Even Tickredge's offer of money for Agnes's personal use every year did not move her father, and Agnes's own deposition was that the matter had gone so far (the promises between her and Tickredge) that she would

⁴⁷ HRO 11M59/A1/3/6. *Rental and custumal for East Meon manor, 1567*. Np.

⁴⁸ Church of England Database, <https://theclergydatabase.org.uk/jsp/search/index.jsp>. Accessed 3 August 2020.

⁴⁹ HRO 21M65/C3/4, 63-4. *Lacie v Dicher (als Lacie)*.

not be moved from them, nor return to her father's house. Sadly, there is no recorded outcome to this case.⁵⁰

Rights of the state over those of individuals

1569, Robins v Pickford.⁵¹ Defamation over requisitioning horses

On the 25th June 1569 the Battle of La Roche-l'Abeille was fought between the Catholics and Protestants in France, supported and to some degree financed by Queen Elizabeth I.⁵² This skirmish, notable only for being a minor Huguenot victory, was one of the 'series of civil wars which tore France apart between 1562 and 1598' known as the French Wars of Religion. The nearest port to the battlefield was La Rochelle and it was from there that the Swallow sailed after the battle, bringing soldiers home to Portsmouth around five weeks later.

The context of this case is fascinating, giving an insight not into the difficulties the state was known to have in conscripting enough men to fight the French, but in how essential the supply of horses was for transporting them and their supplies. At the beginning of August 1569, according to Robert Benawle (witness) 'Mr Basing, Admiral of the Queen's fleet, arrived at Portsmouth on the Swallow from Rochelle in France'.⁵³ James Pickford (defendant and a Constable) together with a Deputy to a second constable, was immediately instructed to requisition as many horses as he could for the use of army officers. Accordingly, he and his assistant arrived at the Portsdown house of Francis Robins and his wife, saying that he had heard they had horses and he would take them. Mistress Robins replied that they had none, and they fell into an argument ('enviously multiplying words together') which ended with Pickford going to a close nearby, where Mrs Robins had indicated that if they had any [horses] they would have kept them there. Finding none, he was on his way back when he met Francis Robins and the witness Robert Benawle and another argument broke out with Robins and Pickford using profane language to each

⁵⁰ HRO 21M65/C3/8, 470-73, Tickredge v Harding.

⁵¹ HRO 21M65/C3/4, 618-21, Robins v Pickford.

⁵² R. J. Knecht. *The French Religious Wars 1562-1598* (Oxford: Osprey Publishing, 2002), 11 and 44.

⁵³ Mr Basing was William Paulet, who became the 3rd Marquess of Winchester in 1576, but who in 1569 amongst other duties was Dorset's Commissioner for the Muster. The Paulet family built and owned Basing House which is described in Chapter 5, Basingstoke Division. William Paulet is buried alongside many other members of the Paulet family in St Marys Church, Basing. The *Swallow* was originally a four-masted galleasse built in 1544, and rebuilt as a galleon in 1558, carrying a crew of about 80 and additionally around 120 officers and soldiers.

other. Mrs Robins then accused Pickford of being a 'villain thief' and he retorted that if she called him that then he would call her 'a whore'.⁵⁴ Francis Robins then took the case to court. Only two witnesses gave depositions and they both agreed that there had been defamation but that both the Robins' and Pickford were as guilty as one another. By implication of the witnesses, news had earlier reached Robins and his wife that Pickford was looking for horses and Robins, perhaps with the assistance of Benawle, had had enough time to get them out of sight in order to prevent their requisition. Requisition of supplies of all kinds was extremely common, and if payment was not forthcoming or sufficient, could easily ruin a tradesman's business and living near somewhere like Portsmouth necessitated a local bush telegraph system to warn of impending visits. Clearly Mrs Robins in this case regarded the potential loss of their horses as state-sponsored theft. The court was only there to resolve the defamation case, not the issue of the horses, so with the witness statement apportioning blame equally the probability is that the court merely admonished them all to behave more circumspectly in the future.

Ex Officio and Ex Parte cases

There is one consistory court book named Personal Answers dated between 1606 and 1608,⁵⁵ which consists solely of depositions from defendants who have been summoned to appear before the court on serious charges. Seventeen statements brought *Ex Officio* (by the church itself) are recorded covering such matters as incest, underage marriage, incontinence, fornication and attempted poisoning. The fact that these cases were written up in a separate book clearly had some significance, which suggests that this was customary for particularly difficult cases even though no other books of this type survive. Knowing how busy the court was the probability is that there was an average of five or six extreme cases every year, or possibly up to another three hundred cases which are unfortunately lost. It is also possible that some cases were deemed inappropriate for the consistory court to deal with and passed over to the criminal court, possibly with any written record.

⁵⁴ Again, as illustrated earlier the trading of insults was very common, depending on the circumstances of an argument both the pitch of the voices of those involved and the ferocity and obscenity of the insults increased causing bystanders to intervene. It was these onlookers who so often appeared at the court, defending the actions of either plaintiff or defendant, or as in this case, tried to remain neutral.

⁵⁵ HRO 21M65/C3/28.

Aside from the Personal Answers book there is only one case brought *Ex Officio*: that of a repeated adultery. There is also one where a churchwarden was directed to bring a case against his own sister-in-law on an order from Winchester, one brought *ex parte* (meaning by order of one of the parties involved, in this case the church) and one involving suspected forgery of the signature and seal of the Bishop of Winchester.⁵⁶

It could well be that the first two of these cases were reported initially at archidiaconal visitations but did not come to the regular court calendar either because of the nature of the case but more probably because there was no named plaintiff. In order for the church to be seen to be doing its spiritual duty such cases then had to be brought by the church itself, at the behest of the local vicar and churchwardens. It seems likely, also, that the court was specially convened for these cases as they all (except two) took place on the first day of the month, most often the first of January or the first of September. On searching through the start dates of around four hundred other cases studied, none start on the first day of the month, lending weight to the argument that these cases were examined relatively privately.

Summary

It has already been pointed out that most cases heard at Winchester were for defamation and, secondly, matrimonial disputes. But, run of the mill as these may have been to the court officials, each case was of paramount importance to the plaintiff who felt that an offence against their spiritual beliefs had been committed and who sought to redress this and keep their good name amongst their local community. But the diversity of circumstances that presaged their cases gives an unparalleled insight into daily life in the latter half of the sixteenth century in Hampshire. That diversity underpins the examples in this chapter, but especially exposes the position of most plaintiffs in the social hierarchy of Tudor England. The cases in this chapter mostly concern a wide range of the middling sort, – people who worked hard for their livings but who had accumulated valuable possessions or some wealth with which to ensure that their children were able to set themselves up in their own lives upon marriage. They carefully chose their witnesses rich and poor, for best effect, although they were not always reliable or successful choices. Some defendants

⁵⁶ HRO 21M65/C3/5, 67-8, *Ex Officio* v Porter; 21M65/C3/11, 52-65, 68-71, Wakefeld v Rich and Wakefeld; 21M65/C3/8, 440, Allegation *Ex Parte* v Rickman and Pinnock HRO 21M65/C3/4, 804-5, and *Ex Officio* v Ettore and Le Lorett.

were patently bad or dishonest people, who perhaps in other circumstances may have been taken to a criminal court, but the colour their cases bring to the spiritual court cannot be denied, a subject which will be expanded upon in the conclusion to this thesis.

Chapter 9: Conclusion

The Reformation set in train far more of a cataclysmic change to society than purely a religious revolution; humans have constantly sought to bring order to every element of their world, but nothing, even time itself (as the introduction of the Gregorian Calendar in 1582 demonstrated), had proved immutable. Spiritually congregations were exhorted that ‘every man behold and consider his own vocation, inasmuch as God hath appointed every man his degree and office, within the limits whereof it behoveth him to keep himself’.¹ It was therefore no wonder that wars, pestilence and poor harvests as well as conflicting religious teachings led to a sense of the ‘bewildering arbitrariness’ of life² and a deep-rooted determination to keep control of spiritual wellbeing in this world in order to face God in the next. To do so, an irreproachable reputation was vital.

This thesis argues that the rapidly diminishing spiritual control exercised by the church was in great part caused by its own disarray. Post-Reformation abolition of the confessional removed an individual’s access to God through their Catholic priests who had exhorted better behaviour and absolved sins through penance. At the same time, translation of the Bible into English and the abandonment of Latin in church meant that ordinary and illiterate folk could understand the Gospels in a way that was more meaningful to them and became part of their educational process bolstered by an embryonic petty school system for some children.³ Although the ability to write was still rare in the provinces, even for tradespeople, many more could read a little and printed matter of all kinds became more commonplace and with knowledge came ambition and ultimately power.

¹ T. Cranmer, J. Griffiths (ed.). *The Two Books of Homilies appointed to be read in Churches* (Oxford: Oxford University Press, 1859), 310.

² D. MacCulloch. *Reformation: Europe’s House Divided 1490-1700* (London: Penguin, 2003), 550.

³ I. Mortimer, *The Time Traveller’s Guide to Elizabethan England*, (London. Vintage, 2013), 105-8. The well-to-do had had private tutors for their children, but schoolmasters, licensed by diocesan bishops taught in petty (or Dame) schools at primary level. This education was largely for boys, and often piecemeal as by the age of seven or eight boys were expected to work on their father’s farms at busy times of the year. As related in Chapter 6, Isle of Wight Division, Dame Anne Worsley, by her will, gave 20 marks to erect a free grammar school in Godshill, Isle of Wight, although this was never built and the old chantry priest’s house continued to be used. This was to be in memoriam for two of her father-in-law’s sons who were killed in an explosion in their schoolroom at Appuldurcombe in 1567. See VCH, <https://www.british-history.ac.uk/vch/hants/vol5/pp170-177> and Chapter 6, Isle of Wight, fn28.

There is no evidence that the Winchester consistory court was badly managed, but the lack of recorded outcomes, and the almost total absence of recorded enforcement action makes it impossible to determine its effectiveness as the sixteenth century ended. Certainly, case numbers declined rapidly which indicated an increasing secularization with recourse to local resolution or justice from civil courts. The growing polarisation of society resembled a pyramid separating the aristocracy and higher gentry at the top from the middling sort who, in turn, saw themselves as separate from the ranks of employed but poor folk who would still find it extremely difficult to rise above their allotted places. The growing emphasis on secular social status reduced the importance of adherence to spiritual exhortations that had ruled lives for centuries. As Richard Wunderli commented with regard to London church courts, 'there had been a court system of compulsion to enforce [spiritual] rules, and there were Londoners, some of whom chafed at the rules and were not deterred by sanctions [and] some [who] accepted the rules as valid norms and insisted on their enforcement'.⁴ His comments apply equally to Hampshire and the Isle of Wight, although perhaps a little later than in the nation's capital.

What Mary Carter called a 'hierarchy of overlapping societies, dispersed or nucleated'⁵ neatly described the fluctuating spiritual fluidity which challenged any assumption that the whole Hampshire diocesan population was either hidebound by traditional tenets of Catholicism or converted to the more ascetic Anglicanism that came after the Reformation. Research through Winchester court depositions shows that although societies did overlap (they needed to in order to function and to trade effectively) there was a distinct preference for social interaction within the group most similar to, or very slightly above, one's own. Individualism was fracturing both social and cultural homogeneity and long-standing custom and practice in villages and individual parishes.

The settlement patterns that Charles Phythian-Adams identified in his theory of 'frontier valleys' and 'cultural provinces', meaning areas divided naturally by rivers or other natural features forming boundary lines holds true when looking at communities on the Isle of

⁴ R. Wunderli. *London Church Courts and Society on the Eve of the Reformation* (Cambridge, Mass: The Medieval Academy of America, 1981), 62.

⁵ M. Carter. 'Town or Urban Society? St Ives in Huntingdonshire, 1630-1740' in C. Phythian-Adams (ed.) *Societies, Cultures and Kinship, 1580-1850* (Leicester: Leicester University Press, 1993) 76-130.

Wight.⁶ The natural separation of the Island from the mainland perceptibly impacted the rate of cultural shift compared to the mainland. Change came more slowly, some people adhered to late medieval custom and practice longer than mainlanders, although the lack of direct governance and manorial control undoubtedly contributed as well. On the mainland Phythian-Adams's hypothesis is more problematic. The 'cultural provinces' he identifies are blurred in Hampshire. Whereas it made sense for people who lived near the coast to use the trading links that the sea provided, equally farmers in the north of the county could turn to London to market their products, but it was not always so clear cut. Traders were flexible to wherever their goods found the most profitable markets, as in Hampshire there were no geographically insuperable barriers to overcome. Cultural shift came more slowly in rural areas; strangers from outside the locality were fewer because of poor transport links but even so there was no lack of inhabitants trading with urban areas on a regular basis. It has been noted previously that attendance at the cathedral court was not limited to people who lived in proximity to it, so the prospect of a day's travel or more did not dissuade people who believed (or were paid to believe) in the case they were involved with. Such journeys and the tales the travellers had to recount on returning home must, in themselves, have provided some impetus for social and cultural movement in their home villages, little by little eroding the medieval concept of staying in the order that the Bible decreed.⁷ Contentment and acceptance of one's lot was a great virtue which had been relentlessly preached from pulpits and by moralists from Sir Thomas More in *Utopia* to the Puritan William Perkins and, as Keith Thomas points out, ambition was a word used only in a pejorative sense.⁸

However, by the middle of the sixteenth century there were signs that this old order was gradually competing with a newer one, where the emergent middling sort sought control over the means of production which would eventually lead to what H. R. French called 'a

⁶ C. Phythian-Adams. 'Frontier Valleys' in J. Thirsk, (ed.), *Rural England, An Illustrated History of the Landscape* (Oxford: Oxford University Press, 2000), 236-262.

⁷ Holy Bible. *Deuteronomy* 5:6-21.

⁸ T. More, G. M. Logan and R. M. Adams, (eds.), *Utopia*. (Cambridge: Cambridge University Press, 1989), 50. W. Perkins and J. F. Westmorland, *The Workes of that famous and worthy minister of Christ in the Universitie of Cambridge, Mr. William Perkins* (John Leggatt, Cambridge, 1635), 64. <https://www.worldcat.org/title/workes-of-that-famous-and-worthy-minister-of-christ-in-the-universitie-of-cambridge-mr-william-perkins/oclc/504485810>. K. Thomas. *The Ends of Life: Roads to Fulfilment in Early Modern England* (Oxford: Oxford University Press, 2010), 18.

group with the *potential* (his italics) for capitalist development'.⁹ It was this period of social and cultural unrest that prompted my investigation into patterns of community life through the lens of matrimonial and defamation cases presented at the Diocesan Consistory Court in Winchester between the mid sixteenth century and the early seventeenth century. Uniquely for Hampshire the aim has been to present a three-dimensional portrait of ordinary peoples' lives in three different environments – rural villages, urban towns and an island. There are almost no other sources that reveal what ordinary people did and said at a moment in time when their lives were upturned by unpalatable accusations made against them.

Although post-spousal sex was tacitly accepted by most communities, but not the church, many pregnant women's lives were shattered when after a spousal ceremony the putative bridegroom procrastinated over completing the process with a licensed church wedding, eventually forcing a breach of contract case.¹⁰ Post-marriage cases were lodged for other reasons: cruelty, disappearance of one would-be spouse, bigamy or accusations of incontinence or adultery, all of which were cause for spiritual intervention from the court either to promote harmony, admonish or (in pre-marital cases) to bring a formal end to a relationship.

Lack of adult male culpability forced many girls to pursue matrimonial cases in the court and explains the detailed itemisation of what gifts were exchanged at a spousal, and their worth, who was present to witness the proceedings and whether the couple were already accounted 'man and wife' by the community. The difference in focus becomes more evident in these cases – to the church a promise to marry was almost immutable, as signified by the rituals preceding the actual ceremony, but for some couples this was not the case. Central to the spousal ceremony was the exchanging of vows until death parted them, but the delay between this point and a marriage in church by licence gave ample

⁹ H. R. French. *The Middle Sort of People in Provincial England 1600-1750* (Oxford: Oxford University Press, 2007), 2.

¹⁰ HRO 21M65/C3/4, 854, Benham v Marriner. It was widely believed at that time that pregnancy only occurred if a woman had a sexual climax during intercourse, having been a willing participant, thus displaying for everyone to see the lustfulness and promiscuity that led to her loss of control. John Marriner impregnated Elizabeth Benham and two or three times he told Benham's father that he would marry her but procrastinated. In court he agreed to marry her five months later, such enforcement avoided loss of reputation for both families. The Benham family from Bramley near Basingstoke were sawyers, and John Marriner came from a local family taxed at £3 in the 1586 subsidy.

time for reflection and could cause one or other of the parties to change their minds. Sometimes then, either because the community expected it, or because one party insisted on it a case was heard, a necessary precursor to ending the union. In Hampshire, rural cases frequently involved arguments about the size of a dowry, the prospect of a house to live in and land to farm and if unresolvable became grounds for breaking off the relationship.¹¹

On the other hand, there are also numerous reports of family discussions, particularly over matrimonial cases, taking place over months before court cases ensued, underlining concerted efforts at avoiding approbation from the church in favour of resolution at little financial cost and outside public channels.

From these records there seems little difference between plaintiffs living in rural or urban areas – their concerns were very similar, and the proliferation of defamation cases reflected the huge concern that everyone had for their own and their family's reputation or *bona fama* particularly, but certainly not exclusively, in sexual matters. Excepting those born into the gentry or above, moving up the social ladder was a difficult and not wholly admired task but holding on to that position was even more precarious in a largely rural pre-industrial county, where lean or dearth years easily eroded or destroyed economic gains that had taken years to build up. Young women from agricultural families were particularly vulnerable to familial pressure to maintain their innocence whilst being pushed (none too subtly) towards marriage with a local family of equal status or preferably a step or two above them in the social scale, thus ensuring that even if parental aspirations did not come to fruition the daughters and subsequent generations would benefit. This also applied to young men, who, whilst not necessarily being actively discouraged from some initial preference in picking a potential wife were equally subject to patriarchal and friends' goodwill, lack of which led sometimes to abduction cases, or suits that pitched family against family and became local scandals.¹² Historians disagree as to the importance of

¹¹ HRO 21M65/C3/9, 485, 496-9, Davy v Compton. The 1589 case between Helen Davy and Richard Compton (see Chapter 8, A Diversity of Cases) perfectly exemplifies the intensity of negotiations that had to be followed.

¹² There are numerous examples from Hampshire during this period. See HRO 21M65/C3/4, 75, 84-90, 106, 124-127, 181, 206-207, 212, 221-213, 307-309, Coles v Hodges. This 1567 case concerning two families from Greatham and West Meon brought sixteen witnesses to court over a six week period to testify about the seduction and subsequent abduction of Christian Hodges to prevent her marrying William Coles. HRO 21M65/C3/5, 32-33, 36-37, 39-41, 45, 52, 5455, 62-63, Pescod v Badger, analysed in Chapter 7, Winchester (Fawley) Division, has similarities as Robert Badger

gaining familial approval before marriage which would presumably have reduced such desperate measures as abduction cases. Lawrence Stone argued that although the gentry insisted on parental blessing, lower down the social scale children of labourers, poor artisans and those with little or no property were in greater control of their destinies, a view partly shared by Martin Ingram who felt that obtaining goodwill was 'merely a matter of courtesy and hardly insisted on' even in the lower gentry and middling sort.¹³ It is a contention of this thesis that as very poor people did not have the funds to pursue lengthy and costly cases at Winchester (and it is evident from the records that cases where disputed goodwill often required several court sessions to hear because of the large number of witnesses summoned to represent both sides were brought by families of some means), we cannot be certain whether goodwill was of lesser importance to those of very limited means.¹⁴ It must not be overlooked, however, that defendants were perfectly capable of insisting that it was the lack of goodwill that prevented them from taking a promise of marriage to the church ceremony itself, when the reality was that the defendant needed a spiritually acceptable and face-saving reason to end the relationship.

Defamation cases were frequently the culmination of a long-standing feud which by its nature would not respond to mediation attempts. Neighbours who could not coexist peacefully were usually not able to move away or avoid each other, so dislike lasted often from generation to generation, flaring up occasionally but not always ultimately resolvable. Competing tradespeople fell out and then vied with each other to see who could bring the most impressive list of witnesses to speak up for them in court thereby underlining their position in local society.¹⁵ Similarly, the middling sort carried on feuds although it is noticeable overall that, as far as can be seen, defamation cases were not usually brought by the poorest people; presumably they found another and more immediate way to settle scores and when their livelihoods depended on judicious relationships with those who

intended to go on horseback to Pescod's home and abduct her, a move which Pescod subsequently refused. HRO 21M65/C1/28, 45-50, *Ex Officio v Bearde and Browne*, a 1607 case brought by the church regarding two suitors of Elizabeth Mullford, analysed in Chapter 5, Basingstoke Division.

¹³ L. Stone. *The Family, Sex and Marriage in England, 1500-1800* (New York: Harper and Row, 1977), 180-194. M. Ingram. *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987), 138.

¹⁴ Family names often reoccur in Lay Subsidy listings, where typically a tax was levied at between £3 and £5 on goods, of which payment was made of 10% annually. An assessment of £5 in 1580 equated to around £1200 in 2020.

¹⁵ HRO 21M65/C3/2, 63-71, *Cowslet v Hopkyns*, and *Hopkyns*, and *Hopkyns v Cowslet*. See Chapter 5, Basingstoke Division.

employed them it was prudent to try to stay on good terms with as many people as possible.¹⁶

The divisions between well to do and really poor agricultural workers intensified in the latter sixteenth and early seventeenth century and court witnesses often reported of themselves that they 'live by their labours' which was a statement of dignity and self-respect if not wealth.¹⁷ But it was also true that occasionally witness statements would be demolished by other witnesses using similar phraseology, but subtly implying that to live 'hand to mouth' was a derogatory term, which implied a lack of trustworthiness or moral character which prevented them from rising above a subsistence level in hard times. It became evident from depositions that, in general, plaintiffs, but not necessarily defendants, would have either come from social groups with at least a little money or had been supported by family or other resources.¹⁸

Patriarchy, society's control mechanism of the ancient master and servant relationship, still expected that men were the decision-makers, owning and controlling everything within their purlieu, but as more and more sixteenth-century women discovered, there was one way that they could make their voices heard and that was in the consistory court. Canon law specifically acknowledged a woman's right to be heard, and although often delegating their statements to others to make on their behalf, women were determined to use their prerogative, the evidence showing that at least twice as many women as men took defamation cases to Winchester to be resolved between 1564 and 1610. What is interesting is that women were not especially likely to sue other women for defamation. As was noted in the Introduction, out of seventy-seven cases of defamation where a woman was the plaintiff, forty-five defendants were men and thirty-four female. This underlines my premise that women felt bold enough or determined enough to seek justice for perceived calumnies against their good name. They would take men to court more often than other women, and it made no difference whether these plaintiffs were urban

¹⁶ HRO 21M65/C3/9, 463-8, 485, Waterton v Elizie. See Chapter 7, Winchester (Fawley) Division.

¹⁷ HRO 21M65/C3/2, 167-8. Cooke v Lane. Two women argued in the street, from which a defamation suit was lodged, the defendant protesting her honesty and saying that she and her husband 'live by their labours', not being taxed in the lay subsidy. There are many similar examples.

¹⁸ The only other option to pursue a grievance was to take advantage of Winchester's exemption from court payments granted to those who could prove they were *in forma pauperis* (worth less than £5), a dispensation no doubt made possible by the wealth of the diocese compared with others. R. Houlbrooke. *Church Courts and the People during the English Reformation, 1520-1570* (Oxford: Oxford University Press, 1979), 50.

women or those from scattered village communities or the Isle of Wight. It is difficult to gain any accurate figures on how many of these plaintiffs were married or single as such information was not always given to the court and depositions do not always provide evidence. What can be stated with certainty is that the number of deposition cases dropped as the sixteenth century progressed, although whether this was because of the gradual shift to societal civility or whether because people were more able to sort out their differences in private is impossible to say.

The situation with matrimonial cases was different. In predominantly rural areas such as the Isle of Wight and Basingstoke Divisions roughly equal numbers of men and women brought cases to court, but in the more urban area of Fawley division (which included Winchester and Southampton), twice as many women as men brought cases. There may be several reasons for this anomaly, but it correlates with a theme that has run through this thesis, namely that women in urban areas were often more independent from the constraints of patriarchy than rural women and felt confident and able enough to demand retribution in the courts for alleged allegations against them.¹⁹

Winchester records show that only half of female plaintiffs ever spoke up in court for themselves which makes it impossible to know what they would have said had they spoken themselves, rather than having a proxy, usually a relative, complain for them. This new evidence adds to the work of other gender historians, notably Laura Gowing, James Sharpe and Susan Dwyer Amussen, whose work largely concentrated on city courts where women were far more likely to speak up for themselves. As Susanna Lipscomb discovered in her research on the women of the Languedoc in France, 'consistorial registers testify to women's agency and resourcefulness, whether pursuing revenge and redress [for wrongs] or in their eclectic approaches to religion [through church institutions or social networks]'.²⁰ The feistiness ascribed to urban women took longer to manifest itself in provincial and rural areas.

¹⁹ This finding mirrors Laura Gowing's observations. Analysing cases from London, Wiltshire and the Chichester archdeaconry between 1572 and 1638 she reveals that between 70% and 76% of cases for defamation were brought by women, and between 38% and 54% of matrimonial cases in Chichester and London between 1574 and 1594. L. Gowing. *Domestic Dangers, Women, Words and Sex in Early Modern London* (Oxford: Oxford University Press, 1996), 35.

²⁰ Gowing. *Domestic Dangers*, 3. J. A. Sharpe. *Defamation and Sexual Slander in Early Modern England: The Church Courts at York*, Borthwick Papers 58 (York: University of York, 1980), 27, S. Dwyer Amussen. *An Ordered Society, Gender and Class in Early Modern England* (Oxford: Oxford

Older Hampshire women, both urban and rural were also more likely to represent themselves, especially in defamation cases, where frequently both plaintiff and defendant were female. There is, however, a difficulty in quantifying this as rarely were defendants or plaintiffs asked to give their age although witnesses (both male and female) usually had to do so. So whereas it is safe to deduce that many, but not all, matrimonial cases involved young women, defamation cases frequently involved older women. This is a reasonable supposition as a female plaintiff is often described as 'wife of....' indicating sexual maturity at the least and sometimes the misdemeanours of children feature in the dispute.

Whereas mature female plaintiffs and defendants from Winchester and Southampton had sufficient self-confidence to argue their cases persuasively, and often in colourful language; their urban female witnesses tended to be rather more circumspect but unabashed by their surroundings, and for the most part told their stories assertively, being unafraid to contradict other witnesses when they felt it necessary.

Particularly in defamation cases women felt vulnerable, being called a whore was a public pronouncement of a woman's acceptance of male abuse. Sexual immorality was considered to be due to a woman's lack of control, for which she was responsible, whereas a man being called a whoremonger did not render him culpable for his actions in the same way and he was far less likely to lose his good name than was a woman. It was vulnerability that underpinned the vehemence that characterised women's repudiation of the slanderous names that had so outraged them.

It is therefore little wonder that so few cases, even after they had initially been lodged got as far as an ultimate sentence, either failing through lack of evidence or simply because the plaintiff could afford to go no further and therefore either withdrew or settled.²¹ To settle without verdict also vindicated the court in its role as mediator, arbitrator or admonisher, much as the manorial courts had done for centuries. Some women undoubtedly felt that having had their day in court they had at least scored a moral victory, although there are several instances where the same litigants reappeared within a short space of time, either reversing their roles as plaintiff and defendant or introducing yet more instances of

University Press, 1988), 101. S. Lipscomb. *The Voices of Nimes: Women, Sex and Marriage in Reformation Languedoc* (Oxford: Oxford University Press, 2019), 328.

²¹ R.A. Marchant. *The Church under the Law: Justice, Administration and Discipline in the Diocese of York, 1560-164*. (Cambridge: Cambridge University Press, 1969), 191. Whitgift imposed standard fees across England on a scale ranging from 5d for a citation to 6s.0d for sentencing, a measure which precluded the very poorest from pursuing a case unless financially supported.

defamation. Although they may seem to have been vexatious litigants, they also represented a continuing failure of the court and the local community to achieve any sort of reconciliation.

It is difficult to assume that in the three divisions under most scrutiny in this thesis any part of Hampshire was either more or less able to send cases to the consistory court because of the wealth or penury of the people who went there. Other reasons undoubtedly influenced decision-making, such as travel time and loss of wages, inability of local intermediaries to resolve problems, bureaucratic church administration following archidiaconal visitations and the dilemma as to whether it was better to air private issues before God (with the inevitability of common knowledge in the neighbourhood) or draw a line under the matter beforehand. From the anger expressed by plaintiffs and defendants alike it is apparent that to be seen to be in the right before God (through his court) often outweighed considerations of community gossip, although obviously it is impossible to quantify how many would-be plaintiffs resigned themselves to not getting a hearing.

A thread that runs through this thesis concerns the clusters of cases found in some places. A majority of villages and hamlets in Hampshire did not feature at all in the courts, but a few areas had far more than would seem reasonable given their populations, and it is important to try and understand why this should be. For example, in the chapter on the Basingstoke Division (Chapter 5) analysis has been made of the number of cases from Sherborne St John, a small village some five miles outside Basingstoke. Between 1567 and 1594 six cases came from Sherborne, a hamlet of around two hundred communicants in 1603, but which had only assessed two people on their land value and nine on their goods in the 1586 Lay Subsidy, thus accentuating how few even moderately well-to-do people lived in the parish.²² Although it seems probable that one of the reasons for this cluster centred around lack of manorial control, plus a lack of consistent religious oversight that left a succession of churchwardens and elders to manage the village themselves, evidently with little success, the pressure on plaintiffs to defend their family reputations also became of primary importance as the sixteenth century progressed. In Sileby in Leicestershire in

²² A. Whiteman and M. Clapinson (eds.), *The Compton Census 1676: A Critical Edition* (Oxford: Oxford University Press, 1986), 83. C. R. Davey (ed.), *The Hampshire Lay Subsidy Rolls 1586*, (Winchester: Hampshire County Council, 1981), 41. This distinct gulf between rich and poor was beginning to be filled by skilled tradesmen, but slowly, and is mirrored by the rate of cultural and social shift on the Isle of Wight, which also lacked manorial control.

the 1630s nearly everybody in the village was involved in a feud between two families which, from well preserved records, enabled Bernard Capp to build a 'microhistory that illuminate[d] the social dynamics of an entire community' which he ascribed to the 'absence of any settled minister, justice or resident manorial lord', a similar finding to the problems that beset Sherborne St John.²³ By using a multiplicity of sources, including genealogical websites a similar microhistory around Shorwell, Isle of Wight, has been compiled which brought two families and the local vicar to court in an alleged breach of contract case concerning the matrimonial case played out between Alice Williams and Edmund Pinkforde in 1586.²⁴

In comparison Basingstoke town, which in 1603 had approximately one thousand communicants, but was well managed by two bailiffs, a three-weekly hundred court and a six-monthly frankpledge court, brought only four cases (all defamation) to Winchester between 1561 and 1585.²⁵

Collecting cases together from a village or town is relatively straightforward, but only occasionally is it possible to assemble several cases relating to one particular building. The Catherine Wheel Inn in Kingsgate Street, Winchester, provided an opportunity for analysis of a different kind.²⁶ The main problem here was the inability of the alehousekeeper either to control himself or his customers, with the resultant reputational issues that beset such hostelries. There were many other inns and alehouses throughout Winchester, none of which featured in court cases during the same period, which may indicate that, then as now, certain places where alcohol is freely available have always been magnets for, and tolerant of, antisocial behaviour.

What these examples from village, town and island reveal is that individuals at all levels of society were generally accepting of control from above, and the myriad rules and regulations they lived their lives by, but if, for some reason that control was either absent

²³ B. Capp. 'Life, Love and Litigation: Sileby in the 1630s', *Past & Present*, 182, (Feb. 2004), 55-83. For the Sherborne St John cases, see Chapter 5, Basingstoke Division.

²⁴ HRO 21M65/C3/9, *Williams v Pinkforde*, 314-337, 341-5, 353-62. This case between Alice Williams and Edmund Pinkforde was superficially about matrimonial intent, but involved ambitious patriarchs, an attempt to grab land and accusations of dissolute character. See Chapter 6, Isle of Wight Division.

²⁵ J. Hare. *Basingstoke: A Medieval Town, c.1000-c.1600. Victoria County History of Hampshire* (London: University of London, 2017), 20-21.

²⁶ See Chapter 7 Winchester (Fawley) Division.

or relaxed, then societal or spiritual norms fell away and behaviour could become ill-disciplined, crude or uncultured. In 1552 the butchers of London were reminded by the Privy Council that their 'wives and servants should use gentle and honest language with their customers', an admonition which took some fifty years to begin to filter through to some parts of Hampshire.²⁷ It was not a one-way street, though, there are examples of Hampshire shopkeepers being rude to, and dismissive of their customers, and *vice versa*.²⁸

Sexual assault was not uncommon in both rural and urban areas of Hampshire, but only relatively minor matters of violence were dealt with by the ecclesiastical court. Serious matters, involving injury or worse, went straight to the criminal courts. Men were abusive to their wives, exerting mental pressure as well as physical violence upon them. They justified their behaviour by accusing their wives of impertinence, laziness, fornication, drunkenness, refused them sustenance and on occasion locked them in a chamber or turned them out of the house altogether. Most often wives had no option but to endure such suffering, seeking solace through castigating their husbands within their network of friends and neighbours, and only occasionally fleeing to safety.

As with violence, in cases of adultery neighbours only publicly intervened if the situation became intolerable but were anxious about doing so for fear of potential retribution, so reporting a serious case to local elders was a preferred course of action. Even then, gender imbalance meant that many husbands suffered no worse a punishment than a reprimand and admonition to 'go home to your wife and live quietly with her' whereas adulterous women lost their local standing entirely.²⁹ Of course, some wives knowingly subverted their husband's reputation, perhaps as a response to adultery or frequent drunkenness,

²⁷ K. Thomas. *In Pursuit of Civility: Manners and Civilization in Early Modern England* (New Haven: Yale University Press, 2018), 84, quoting P. E. Jones. *A History of the Worshipful Company of Butchers of the City of London*, (London: Secker and Warburg, 1976), 118-19.

²⁸ HRO 21M65/C3/10, 204, 215-6, 242-3, Singleton v Dingly. An argument between two women in a Southampton shop when the shopkeeper told her customer 'Get thee hence from my staff thou rogue and scold or else I will make my servant beat thee out of my shop', and HRO 21M65/C3/9, 287-91, Reade v Lace, when two customers fought over a hindquarter of mutton in a butcher's shop, causing the butcher to throw them both out into the street. (See Chapter 6, Isle of Wight Division)

²⁹ HRO 21M65/C3/10, Lovell v Molton, 182-4. A New Forest case from 1592 involved a husbandman and the rector of Minstead going to the house of Edward Molton at 2.00 a.m. to stop him abusing his wife whom he suspected of committing adultery with Lovell (no first name given). Lovell brought the case against Molton, who complained that his name had been so defamed that he would have to sell his house, go to Ireland and leave his wife to shift for herself. This threat confirmed the rector's view of Molton as 'a knave and a verie bad fellow'. The community united against Molton, but there is no record of any action by the court other than admonishing Molton to 'live quietly with your wife'.

but female agency flourished in a more devious and manipulative way through apparent conformity with social ideals whilst humiliating their target behind his back.

Maidservants endured more harassment than other social groups; they were often strangers in a community, having no support network of their own and 'belonged' to the household they worked in. Occasionally it took a court case with several servants acting as witnesses to stop sexual harassment, with the plaintiff being so adamant about his entitlement that he brought a case against the servants.³⁰

There was one matrimonial area where Hampshire women were able to assert themselves decisively over men, and that concerned widows or women who had inherited property and or land and were wooed by bachelors who saw them as a potentially 'profitable marital investment'.³¹ Between 1566 and 1597 fourteen widows defended themselves at Winchester against men who accused them of not fulfilling promises to marry, including some descriptions of their economic status and landholding. These women procrastinated or withdrew their agreement to marriage citing pressure put upon them by their would-be husband or family or community disapproval. Several women complained that they were far too old to marry younger men or they simply realised that they would lose more than they would gain by such a liaison.³² The independence that widows had experienced made many of them more wary of another marriage particularly given the prospect of having to submit to male authority again.³³ Quaife and Gowing both argue that widows were susceptible to being preyed on by unscrupulous men, but there is no direct evidence of this

³⁰ HRO 21M65/C3/11, Bragg v Simpson, 78-82, 89-90. In 1597 four maidservants, (and one male servant) of a Winchester armiger, all aged between nineteen and thirty complained to the court about a clerk who lodged in the house who 'constantly chased them up and down the house, never letting them be' and trying to corner them in chambers while they were working. It got to the point where the householder offered the clerk forty shillings to leave the parish.

³¹ Gowing. *Domestic Dangers*, 214.

³² HRO 21M65/C3/3, 353, Othen v Fisher, 21M65/C3/3, 382/5, Eaton v Nayle, 21M65/C3/3,29, Fox v Martyn, 21M65/C3/4, 405, Maier v Sherlucke, 21M65/C3/6, 49, Pinck v Lynch, 21M65/C3/7, 56, Bignoll v Minchyn, 21M65/C3/8, 42, 44, Marsh v Mafye, 21M65/C3/8, 37-9, 45, Harrys v Whyte, 21M65/C3/8, 412-4, 421-4, 435, 443, 453-3, Cole v Cole, 21M65/C3/9, 151-3, Bewcer v Stansmore, 21M65/C3/10, 178-81, 197-8, Cordrye v Mawdelyn, 21M65/C3/10, 204-5, 210-11, Robyns v Bonyfante, 21M65/C3/10, 444-7, 449-50, 456-7, Trennell v Hedington, 21M65/C3/11, 119-23, 153-7, 159, 161-9, Gayer v Ayliff.

³³ HRO 21M65/C3/4, 242, Reve v Curle and 21M65/C3/4, 895-914, Sara v Curle. Agnes Curle, who was most probably a widow as she used her children as one reason for avoiding marriage, entered serial relationships from which she then backed out between 1567 and 1571; her case is analysed in Chapter 6, Isle of Wight Division

in Hampshire,³⁴ and certainly in one case, although a widow was a source of irritation to her siblings, she was more than capable intellectually of making the most advantageous match she could or none at all.³⁵

Hampshire was not generally plagued by outbreaks of allegations of witchcraft or *maleficium* (doing of harm) in the way that other dioceses were, although it is apparent that a few cases from the Isle of Wight still provided evidence of earlier belief systems and societal behaviour that would have been considered out of date on the mainland, as the example of the alleged magical power of stones describes.³⁶ Accusations of bewitchment were often part of angry outbursts between women and mixed up with accusations of sexual immorality, more malicious than well-founded, and there is no evidence that the consistory took them seriously enough to pass them on for prosecution in secular courts. Such punishments as were meted out by the court would far more likely have involved shaming than corporal punishment, an outcome visible to and participated in, by the local community with the intent being to dissuade similar behaviour in future.

Being a coastal county meant Hampshire had trade routes running north, south, east and west through it, as well as sea routes not only to London and the Isle of Wight but to France, Spain and further afield. This led not only to large quantities of goods of all kinds being transported through the region, but also to numerous outsiders either passing through or settling in the area, as well as constant troop movements and transitory sailors. The Royal Naval headquarters at Portsmouth has not been specifically included in this thesis, but it would not have been unreasonable to expect that young, often conscripted, men away from their homes might have caused more work for the consistory courts than appears to have been the case. It is evident that there are numerous young men cited as defendants in the cases analysed whose occupations are not recorded, but only two cases list the plaintiff as a sailor, and the other nine cases where the occupation is given either as sailor, mariner or seaman are witnesses. Four of these witnesses came from the Isle of

³⁴ G. R., Quaife. *Wanton Wenches and Wayward Wives, Peasants and Illicit Sex in Early Seventeenth Century England* (London: Croom Helm, 1979), 143-4. Gowing. *Domestic Dangers*, 215.

³⁵ See the Agnes Curle case, referenced above.

³⁶ See Chapter 6 Isle of Wight Division, and HRO 21M65/C3/10, 391-3, Stone v Long. Stones with natural holes through them (known as hagstones) allegedly possessed magical powers and may have been relatively easily found on Isle of Wight beaches. Sometimes cunning folk used stones as charms to ward off evil spirits, a popular belief quite separate from the intentions of malefic witches. Whether this was the case with John Stone is not recorded. See J. A. Sharpe. *Instruments of Darkness* (London: Penguin, 1997), 66-70.

Wight where fishing was a common occupation, alongside running regular ferry services of both people and goods between the Island, the mainland and French and Spanish ports. Only one plaintiff gave his occupation as 'trained soldier' and no defendants or witnesses as far as is known had military or naval connections other than volunteers as part of their civic duties. This seems to indicate that discipline was tight in both naval and army troops constantly passing through the area, or that because they were transients they did not stay long enough to commit or be apprehended for misdemeanours.

From surnames given at court it is clear that particularly around Southampton, there were incomers particularly from the Channel Islands, France, Belgium and the Low Countries who had settled in Hampshire. They declared their nationality to the court, but were statistically insignificant in number, predominantly spread around the southern part of the diocese, and certainly far fewer in number than incomers from all over England whose birthplace was not Hampshire. Court records cannot be relied upon to determine specific numbers of incomers who appeared either as plaintiffs, defendants or witnesses because not everyone seems to have been asked or gave relevant information.³⁷ There is no direct depositional evidence that immigrants or settlers were treated differently than Hampshire born natives, although their otherness was commented on as part of a character description if it was felt appropriate. Hampshire communities generally absorbed incomers, embracing the skills and trades they brought to the area, whilst maintaining the social fabric of Phythian Adams's 'cultural provinces' or areas with 'distinguishable cultural traits, not the least of which [is] a shared susceptibility to the same outside influences'.³⁸ Incomers settled either as individuals or small family units, not in large groups as far as can be seen from court evidence, which no doubt facilitated their acceptance as part of rural communities, where 'otherness' would stand out, while the interlinking circles of urban social relations allowed incomers to become part of associational networks.

There seems little doubt that, in mainland Hampshire at any rate, manorial control was declining quickly as rural families empowered themselves to run their own enterprises. This spirit of independence empowered mature women, who already managed many of

³⁷ HRO 21M65/C3/10, 293, 301-2, 371, 373, 384-6, *Arthure v Ryves*. In this example a baker, Daniel Trent, who appeared as a witness was not fully trusted because he had recently come from All Cannings in Wiltshire, to live in Newport, and was not well known to the community. See Chapter 6, *Isle of Wight*.

³⁸ C. Phythian-Adams, (ed.). *Societies, Cultures and Kinship, 1580-1850* (Leicester: Leicester University Press, 1993), 9.

these small businesses from home, to make their voices heard over matters not solely connected with their working lives. It could, therefore, only be a matter of time before younger women and servants followed suit, refusing to accept the restrictions that had traditionally been placed upon them. The power of the church to control spiritual matters was dissipating at the same time, and combining these forces had an irreversible impact on the way family and kinship structures functioned, and so it was inevitable that communities became increasingly polarised. The analysis of cases has demonstrated that it did not happen contiguously throughout the county – the isolation of the Isle of Wight and its different preoccupations (primarily defence) caused these shifts to happen more disjointedly.

It is the macro level analysis of cases using depositions as the bedrock but building a framework of family and kinship relationships around them from many different sources that has revealed how diverse were the patterns of community life in Hampshire over the latter half of the sixteenth century. It is this degree of analysis that has not been attempted before in researching other dioceses in England. It is a precursor to questioning any assumption that from a consistorial records viewpoint a diocese is one entity comprising cohesive social and cultural communities regardless of landscape and occupation, instead this much more nuanced approach has revealed the diversity of people's lives and how they attempted to control them, which characterised each area from parish to city. On the contrary, religious and cultural shifts happened on a piecemeal basis with rural patterns changing at a different speed to urban areas, and the pre-industrial forces that pushed the decline of patriarchy and the emergence of the middling sort were the reaction to external conditions which impacted communities at different times.

In the face of so much national and political upheaval during the latter part of the sixteenth century, it seems little wonder, therefore, that rather than submit to the arbitrariness of ordinary life, people took matters into their own hands with a quiet revolution of how they wanted their lives to be. In Hampshire at least, there was a concatenation of reasons why this happened. The aftershocks of the Reformation meant people realised they could take more control of their lives and did not have to be constrained by manorial or spiritual control as they had been for centuries. Whether this realisation came partly because of the poor state of the clergy in Hampshire, or whether indifferent management by successive bishops, led to less dependence on the church's spiritual guidance is a circular

argument but what is clear that in numerous parishes the clergy was unable to control the decline of localism in favour of individualism. Importantly, topographical variations of the county had some effect, but far less on the mainland than on the Isle of Wight, as the ability of traders to adapt to changing markets overcame obstacles of landscape.

This thesis has studied Hampshire through church courts using a comparative approach. It has demonstrated that on the Isle of Wight a more inflexible hierarchical society continued much longer than in either the Fawley (including Winchester and Southampton) or Basingstoke Divisions, due in part to the Island's geographical isolation which hampered less well-to-do islanders from being able to pursue cases. It is impossible to know how many islanders gave up a struggle to maintain their reputation because they simply did not know that they could pursue a case and did not meet others who had stood up for themselves, an unfortunate situation which was less likely to happen in the other two divisions where there was more communication (and thus, gossip) between urban and rural inhabitants. In Winchester, Southampton, Basingstoke and other towns in the county my research has shown that women used their social and commercial networks extensively becoming less and less prepared to accept the shackles of patriarchy, with rural parishioners catching up rapidly by the end of the sixteenth century.

It has become apparent that the idea of socially and culturally homogenous communities throughout Hampshire is far too simplistic. There were doubtless many 'traditional' communities where deference to elders and links with close and extended kinfolk was paramount, but there were also many communities where the middling sort comprised a growing nucleated and polarised community, with less occupational and social favouritism given to their extended kinship groups and more reliance placed on collaborative occupational networks.

The methodology of this thesis in using the model of a continuum for social and cultural shifts has emphasised how the emergence of the middling sort was gradual, and dependent on specific times and places and using ecclesiastical records for this comparative approach is not only currently unique in provincial counties but is one which merits further in-depth research by other historians in wider English geographies.

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APPENDICES

Appendix 1: Badger and Pescod Letters and Ballad¹

Transcripts of two letters and a ballad sent by Robert Badger to Ann Pescod, exhibited as part of the evidence shown at their case in Winchester consistory court, 15th March 1572. Witnessed as in agreement with the originals, by Edward Cole, Notary Public.

1st letter

After hartly commendacyons &c, I would come to you gladly yf I might, but I told yow the cause of my absens. It all thought I am not bodily with yt I say I am with you for my hart is at Littleton wher somever my body is. I heard of your mothers being at Winchester assone as I cam home, peradventure I wilbe with you yt or might yf I were suer you would not wyppe. I am not certain of my coming therefore loke not for me till you se me at Littleton. I have sent by this berer iii payer of shetes, one shirte and hankercher, ii tabulclothes, all which be made together.

I send you all this parcells to keep till we meate next and then yow shal know the cause, thus I bid you fayre well from Abbotts Worthy in hast the xxii day of September.

Your loving husband
Robert Badger

To Anne Pescod be this dd at Littelton with hast.

2nd letter

After hartly commendacyon &c. This shalbe to desire you to have me commended unto your mother & all the residue of oure friens &c., because I had had good occasion to be mery as you know now of late it hath pleased my father to get me a hawke to keep me from idelness and evil imaginacyons which otherwise might come into my heade. I suppose this with myself which I have written yt I do give but a gesse. I hope you will not keep that and a frowning countenance which yow do never use very long for although you have som what forgotten to wepe yet you keep as aforesaid. I had thought I shoulde a gone to Whitchurche upon Monday nyght but you know the case why but I herd not any thing thereof. I hope the worst is past for that matter. I wold have you send me a shurt band to Wey Hill upon Fryday by John Cooke wch will come a Thursday next yf you might thus I bid you fayre wel from Thruxton the xxv day of September written in hast.

Your loving husband
Robert Badger

To Anne Pescod be this dd at Littelton with hast.

¹ HRO 21M65/C2/13, np

Ballad

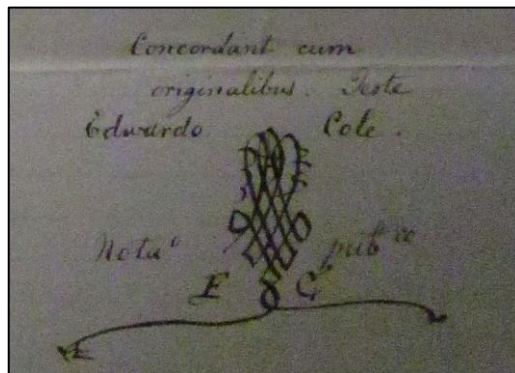
Transcript of a ballad sent by Robert Badger to Ann Pescod, exhibited as part of their case at Winchester consistory court, 15th March 1572

Of pens I had good store
No paper did I want
When I began to write to the
But Inke was somewhat scant
Yet love devised a fetch
A friendly feyght at neade
For with pointed pensill made
My myddell finger blede
From whens the blud as from
A cloven cundit² flew
And these few rude & skylles lynes
With quaking quill I drew
Now frind I must depart
And leave this liked land
Now canckred hop doth forth me take
A new found toyle in hand
She spites that I should live
Or lead a quiet lyfe
Aye seeking how to brede my bale
And make my sorrowes ryfe
From whens I passe I know
A plase of pleasant blysse
But whither I shall I wot not well
I knowe where it is
Where she be sea or land
Me travel wil compell
To passe or by the desert dales
Were very hard to tell
But neades I must a waye
The westerne wynd both blow
So full aget by back that I
Of force from hens do goe
Yet neverthesse in paine
O frind I leave with you
A faythfull hart that lost lyfe
Will shew itself as trew
As living earth it hath
And yf you trust and dare
Fill up the empty place with yours
Yf you the same may spare
Inclose it in my breast
In safety shall it lye
And thow shall have thy hart agayne

² Cundit , possibly conduit.

Yf I do chaunce to dye
 Thus dobul is youre gayne
 A dobul hart to have
 To purchē the an other hart
 And eke thyne owne to save
 Lyve myndefull of thy frynd
 For get not promise past
 Be stoute agenst the stoberne strokes
 Of frowarde fortunes blast
 Penelope be trew
 To thy Ulisses still
 Let no new chosen frind breake of
 The thred of oure goodwill
 Thought I oer Seas do passe
 The surge will have no power
 To quenche the flame that in my breast
 Increaseth day and ower
 And thus the hart that is
 Your owne doth wishe the well
 With good increase of blessed hopes
 Synyster change to quell
 A dew my chosen frind
 Yf fortune say amen
 From hence I go thyne owne and will
 Thyne owne returne agen.

Concordant cum originalibus. Teste
 Edwardo Cole
 Notarius Publicus³



³ <http://www.histparl.ac.uk/volume/1604-1629/member/cole-edward-1549-1617>. Edward Cole, c1549-1617 had a long and distinguished career in Winchester where he served as a notary public for both the municipal and diocesan administration, as well as undertaking wide ranging public offices. He was a freeman and alderman from 1578 to his death, bailiff 1579-80, mayor 1587-8, 1598-9, 1612-13; registrar, Winchester dioc. 1584-d.; actuary, Winchester Coll. 1596-d.; Justice of the Peace Winchester 1602; Commissioner gaol delivery, Winchester 1604-d. His portrait, in black robes, cap and ruff, with a long beard, still hangs in the Guildhall, Winchester. <https://www.artuk.org/discover/artworks/edward-cole-d-1617-24040>. Accessed 4 and 10 August 2020.

Appendix 2: Table of Occupations (when known) of Plaintiffs, Defendants and Witnesses, by Division, 1560 - 1609.

Occupation	Basingstoke	Fawley	Isle of Wight	Total
Alehousekeeper		1		1
Alehousekeeper's wife	1			1
Apparitor		1		1
Armourer	1	1		2
Baker		1	2	3
Ballister (archer/crossbowman)		1		1
Barber, barber/surgeon		2	1	2
Blacksmith		2	1	3
Brewer		1		1
Brewer's wife		1		1
Bricklayer		4		4
Bucket Maker		1	1	2
Butcher	2	2	2	6
Carpenter	2			2
Chapman		1	1	2
Citizen		1		1
Clerk			2	2
Clerk of St Mary College, Winchester		1		1
Clerk Rector	2		1	3
Clothier		4		4
Cobbler's wife		1		1
Constable		1		1
Curate			1	1
Curate's wife			1	1
Currier	2			2
Doctor of Law, Prebendary of Winchester		1		1
Dyer	1	1		2
Ex Servant (female)		1		1
Farmer	1			1
Fisher (Fishdryver), or victualler		1		1
Fishmonger		1		1
Fletcher	1	1		2
Freemason		1		1
Fuller	1	1		2
Furrier		1		1

Occupation	Basingstoke	Fawley	Isle of Wight	Total
Gardener	1			1
Gentleman	3	4	3	10
Glazier	1	3		4
Glazier's wife		1		1
Glover		5	2	7
Goldsmith		2		2
Haberdasher		3		3
Haulier		1		1
Hellier (helier), roofer in tile or slate		2		2
Hosier			1	1
Husbandman	31	62	47	140
Husbandman's wife	2	3	4	9
Innkeeper		1		1
Joiner	2	2		4
Joiner's wife	1			1
Labourer		1		1
Labourer's wife		2		2
Linen Draper	1			1
Loader	2			2
Locksmith			1	1
Mariner			1	1
Mason	1		2	3
Mason's wife		2		2
Mercer		3		3
Merchant		5		5
Miller	4	1		5
Milliner	1			1
Notary Public		2		2
Ostler		2		2
Parish Clerk			1	1
Plumber		1		1
Potter	1			1
Rector		1	1	2
Ripier (rippier or ripper), seller of freshwater fish or basket maker		1		1
Roper			2	2
Roper's wife			1	1
Sailor		1	2	3
Sawyer	4			4
Seaman			1	1
Serge Weaver		2		2
Servant	4	13	2	19

Occupation	Basingstoke	Fawley	Isle of Wight	Total
Shearman	5	5		10
Shearman's wife		1		1
Shoemaker		12	1	13
Shopkeeper's wife	1		1	2
Smith	4	1		5
Spinster			1	1
Tailor	11	14	7	32
Tailor's wife	1	3		4
Tanner	1	3		4
Tapster		1		1
Tentmaker	1			1
Thatcher		1		1
'Unus conductorus' of St Mary College, Winchester (literally 'one contractor')		1		1
Vicar	2	4	4	10
Vicar Choral of the Cathedral		1		1
Vicar's wife	1			1
Wantcatcher (mole catcher)			1	1
Warrener (managed land on which rabbits were kept)		1		1
Weaver	5	8	1	14
Weaver's wife		3		3
Wheeler		1		1
Wheeler's wife		1		1
Widow	2	3	4	9
Wife		3	4	7
Woollen Draper	1			1
Yeoman	9	17	10	36
Yeoman's wife	1	2	1	4
Glazier, gunner, alehousekeeper		1		1
Tippler (kept an ale house), basket maker		1		1
Merchant, tippler		1		1
Butcher, tippler		1		1
Yeoman, tippler, mariner		1		1
Occupation not recorded	23	41	7	71
Grand Total	141	294	126	561

Notes on Appendix 2

1. The biggest, and most populated division was Fawley, with more occupations recorded than from the other two divisions together. Proportionately, more urban

trades are represented as well as roles specific to cathedral jurisdiction (prebendary, vicar choral, clerk of St Mary's College), reflecting the presence in the division of both Winchester and Southampton, the two most populous places in Hampshire. Portsmouth's (Portsdown Division) population in 1600 was roughly similar to that of Southampton, but much of it was transient due to its position as the headquarters of the Royal Navy.

2. Surprisingly, the ten Gentlemen who appeared over the period were spread evenly amongst the three divisions, although Winchester contained a higher proportion of gentry within its walls than other areas. The indication is that in the city they remained more detached from ordinary people's affairs than in the countryside where the manorial system and regular interaction with parishioners and working people meant that Gentlemen were more willing and able to support people they knew well (and possibly employed) and their status gave integrity and honesty to a case.
3. Although only ten Gentlemen are described specifically as such, thirty-six Yeomen bore witness; by definition these men were either freeholders running their own farms, or attendants in royal or aristocratic households. It is not possible, in most instances, to specify which category these yeomen belonged to, although Bernard Wakefield of Old Basing described himself variously as a Gentleman, an Ordinary Yeoman of the King's Chamber, a Yeoman who managed his own lands and also Churchwarden.¹ The nine yeomen from Basingstoke division and the ten from the Isle of Wight are outnumbered by the seventeen from Fawley division, but the records do not reveal how many of them combined civic and agricultural roles.
4. By far the greatest number of appearances in the consistory court were by husbandmen – 140 out of a total of 561 people (25 per cent) with named occupations. In a rural county such as Hampshire this is unsurprising; they formed the link between the upper strata of society and specialised tradespeople. They would have known practically everyone in their parish, and through agricultural trading would have connections with parishes and towns within a considerable radius. Most husbandmen lived, as well as worked, in the countryside but a handful in both Basingstoke and Fawley did a reverse commute from town to countryside.
5. 72 women gave their occupations, of which seventeen only described themselves as spinster, wife or widow. Given the cultural norms of the period, it is likely that these women did undertake some form of work, paid or unpaid, as there is no evidence that they were either too old to work or in some way disabled. It is more likely that some did piece work for day rates or were known to be midwives or herbalists and called upon when necessary. The remaining women identified themselves by their husband's occupation (shearman's wife, tailor's wife and so

¹ See Chapter 5, Basingstoke Division.

on) which of course did not preclude them from taking on other roles as needed, over and above the ordinary range of domestic duties.²

6. Winchester was a garrison town but there are very few occupations associated with the army listed. Two armourers (one from Basingstoke and one from Winchester), one ballister from Winchester, one fletcher from Basingstoke and one from Winchester, and one glazier from Winchester who combined his glasswork with being an alehousekeeper and a gunner. It seems likely that these individuals were part of local militia and not associated with the conscripted army whose disciplinary matters and *courts martial* would have been deal with internally. Similarly, there are few individuals who gave their occupation as either seaman, mariner or sailor, four in total from the Isle of Wight and one from Winchester. These men may have earned their living from the sea but not as part of the Royal Navy.

² For more information on women's work in rural England, the project *Women's Work in Rural England 1500 -1700* is extremely useful. <https://earlymodernwomenswork.wordpress.com>.