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### **The role of the village meeting in organising open fields in medieval England**

The main focus of debate about fields before the modern enclosure movement has been to explain the regional divergence in field systems. Why did a large section of England, running through the inland counties from Durham to Dorset, now known as the Central Province, adopt the midland system, with its regular open fields, while the inhabitants of both east and west, including East Anglia and the south-east around London, farmed a variety of irregular fields, often combining areas of common fields with 'old enclosures'? If we can identify the reason for these differences, we can hope to discover the inner logic of the field systems, and explain many other aspects of rural society and economy. Those who research the subject bring to the subject their own world view. On one side are those who look for social, economic, environmental, and demographic factors which would have created within the village or locality the circumstances suitable for the origins, continuation and evolution of a field system. Those of the opposing school search for external political, ethnic and cultural factors which could have pushed cultivators into adopting particular field arrangements. The advocates of the internal evolutionary model are more likely to notice long term continuities, such as the survival of boundaries established in the Roman and prehistoric periods embedded in medieval fields. Those taking a more political approach will identify relatively short periods, such as the period of Mercian ascendancy in the 8<sup>th</sup> century, or the destruction of the northern countryside in late 11<sup>th</sup>, when orders could have been given for a reorganisation of the countryside. These influences are usually treated as impersonal forces, but human agency is often the issue, and we ought to be more explicit about the people who made decisions about fields. Since the 19<sup>th</sup> century a strong body of opinions has assumed that fields were made by the people who worked them, the peasants. In particular, the contribution of the collective body of cultivators, the village community, was given a central role. This bottom-up approach has been set aside as too idealistic, and those who identify the community as the driving force are said to be seeking the roots of democracy at too early a period. The advocates of the top-down perspective prefer to regard lords as the founders of villages and field systems, or invading Danish elites when they conquered northern and

eastern England, or even the kings and leading landholders of states, such as the rulers of Mercia or Wessex, both before and after the Scandinavian invasions.

This paper will begin with a discussion of the peasant contribution to the running of fields in the period when the evidence is relatively abundant between 1250 and 1520. The lessons of that period will be applied briefly to the earlier centuries of agriculture. This analysis is based on a study of the seigneurial court records of twenty midland manors. A balance has been struck between using the long series of high quality court rolls kept by the large church manors, and documents produced by lay estates, both magnates such as the earls of Warwick and lesser lords who had no grander title than esquire or knight. The different courts exercised jurisdiction over all types of settlement, from large nucleated villages to places where the inhabitants lived in scattered hamlets and farmsteads. Open field systems (all of them with two-field) tended to be attached to nucleated villages, and more complex combinations of common fields and enclosures predominated in areas of dispersed settlement.

In looking at these documents our attention is drawn to the by laws which set out the rules for working the land, and also the evidence for enforcement. The manor (which coincides with a nucleated village, with a two-field system) at Cleeve Prior in Worcestershire has a good series of by laws, with at least one appearing in every year between 1403 and 1462 (they are scarce before 1400). A typical example from 1420 ordered 'by common assent that no-one henceforth should have any beast depastured or tethered in the midst of the lord's and tenants' corn until all of the corn is totally carried'. Offenders were threatened with the penalty of paying 6d. (to the lord), and in the same year four 'harvest reeves' were chosen to report offenders against this and all the other rules governing the harvest. The harvest period was a particularly sensitive time, and many villages were exercised with separating animals from the corn about to be cut, or which was standing in sheaves in the stubble before being carted to the barns of the lord and the peasants. Some animal owners were clearly anxious in a season when grazing was in general in short supply, to gain access to the grass, weeds and stubble in the recently harvested corn field, and were willing to take the risk of damaging their neighbours' crops by bringing their herds and flocks into the arable fields before the harvest was complete.

Of the 28 by laws recorded at Cleeve, 6 were very similar to the one just quoted, and 6 other were raising other dimensions of the same problem – they prohibited sheep or foals, or other animals from entering the harvest field, or ordered that pig and geese should be controlled by a herdsman. Sheep were only to be introduced (by a by law of 1428) after the

larger animals had had a chance to feed. This theme of controlling the interface between arable cultivation and pasture accounts for almost half of the by laws. Another by law dealt with similar problems arising from animals being taken into the hay meadow before the hay had been carried. The others were concerned with night carting in the harvest period (a possible cover for sheaf stealing), management of the meadow, maintenance of hedges, and tethering of animals in remote fields. Tenants were prohibited from digging quarries in the open fields in pursuit of stone suitable for making roofing slates, and they were ordered to cultivate their arable land. Some may have neglected to plough some strips, not to scale down production of not very profitable crops, but in order to dig stone.

A very similar pattern emerges from analysing the by laws of Elmley Castle, again a nucleated village with open fields. The laws are more numerous and cover a longer time scale, from 1373 to 1520. Of 60 pieces of legislation, 29 deal with pasturing animals mainly in the harvest period. In this village they attempted to define how much of the field should have been harvested before the animals could be introduced, and could not fix the quantity but shifted between 20 and 40 selions. Other preoccupations (8 by laws) included the regulation of the harvest, dealing with gleaning and attempts to compel local workers to stay in the village and not to wander elsewhere in search of higher wages. Five by laws attempted to regulate brewing, another 5 were concerned with questions of hygiene, especially to prevent pollution of the stream that ran through the village, and 4 ordered the mending of roads. The picking of green peas was twice the subject of controls, and another 2 ordered the fitting of rings into the noses of pigs. Every village was different, and a final example from Broadway (Worcs) which is documented between 1382 and 1520 shows the lawmakers showing less concern with the harvest period, but instead they regard their main problem as the over grazing of the common pastures, which they attempt to solve by stinting the pasture, declaring and repeating that the standard holding of a yardland or virgate should not keep more than 60 sheep on the commons. The sheep should belong to the tenants, who were forbidden to rent out access to the pasture to outsiders. They also sought to keep the number and type of horses under control, and to prevent pigs from wandering unsupervised. Periodically tenants had to be reminded to open and close the fences at the appropriate times. As at Elmley a number of by laws were issued to protect the cleanliness of the stream by keeping ducks away from it, and tenants were required to mend the roads.

The by laws described here have traditionally been seen as the primary source of information about field management, but it must be said that they present many historical puzzles. The by laws do not seem to reflect the range of problems that must have troubled

every open field village. Occasionally a by law requires that the fences and hedges around the winter field, that is the arable planted with wheat and rye, should be enclosed at a date such as 1 November. This was crucial to the success of the crops from which most bread was made, as the field was ploughed and sown with wheat or rye in October, and severe damage could be done by animals wandering over the newly planted field. The perimeter hedge would have been long, and its renewal troublesome. Within each field the maintenance of boundary marks were important for each tenant. A typical holding, a half yardland, consisted of at least 30 strips or selions, and each would have two markers at the point where its furrows butted against a headland. These 'metes' are so rarely mentioned that we have to use a variety of evidence, much of it later than 1550, to discover that these were stones, posts, mounds of earth or even holes dug in the ground. Only rarely does a by law require tenants to check and maintain these vital indications of the extent of their lands. One might expect the fencing of the corn field and the fixing of boundaries to be the subject of a succession of by laws, but instead our records are full of repetitive demands that horses be tethered if they were placed to graze in the August stubble. Some subjects receive little attention in many series of by laws. The choice of crops is hardly mentioned, and rotations are not very prominent. We know from other sources that after 1350 arable strips were converted to grass, as leys, and this trend may lie behind occasional by laws requiring tenants to cultivate their strips, and not to fallow their land on a different sequence than that used by their neighbours. Another modification of conventional field rotation known from other sources is that of inhoking, that is taking part of the fallow field and planting it in order to get an extra crop, often of peas or peas and beans. This must have been difficult to organise as neighbours might lose some grazing land when the inhok was temporarily enclosed, but the practice was not regulated through by laws, even on manors such as Elmley Castle where we know it was used.

In addition to the by laws other evidence for the management of the fields comes from the regular business of the court, to which individuals were presented for breaking rules or for behaving in ways offensive to the lord or neighbours. Sometimes these connect in a satisfying way with the by laws, so that a by law fixes a stint of sheep, and shortly afterwards 4 tenants are presented for 'overburdening the common pasture with sheep'. Sometimes the connection is made explicit, because the presentment refers to the 'ordinance' which fixed the limit on sheep numbers. A by law could include the election of the harvest reeves or harvest wardens, and the presentments show them doing their work of identifying wrong doing. This did not always work as expected, as no presentments, or very few presentments were made.

We must doubt if the offences were non-existent or very rare, which would suggest that the legislation was unnecessary. The wardens would not have totally neglected their duties, as they would have been chosen from respected and substantial men already active in village government. A striking case where presentments seem not to match the by laws appears in the Elmley Castle court records in 1505, when 4 'wardens of the pasture on the hill' are mentioned. This is the first hint in a series of records beginning before the Black Death of the existence of hundreds of acres of grazing on the hill slopes above the village of Elmley, which must have required regulation, and would normally have generated much contention.

By laws and the record of their enforcement are a partial, incomplete record of field management. A more striking demonstration of this comes from manors with very few or no by laws at all. In the long series of court rolls for Chaddesley Corbett in Worcestershire only one by law is recorded for the period 1375-1495. This was a manor ruling over a large territory with 12 separate hamlets, each of which reported regularly to the Chaddesley court. Presentments appear to show that in this landscape of small enclosures with patches of subdivided common fields the main area of dispute lay in the tendency for tenants to plant new hedges around their land and to claim that their closes were 'several' (separate) and therefore exclude their neighbours from grazing animals after the harvest and in periods of fallow. At Halesowen, with a similarly federal settlement structure, again the enclosed land caused much contention, but after more than a century in which by laws were only directed to the control of brewing, in 1489-90 a flurry of legislation expressed anxiety of a number of subjects, some unconnected with agriculture such as the keeping of concubines, but we also find a familiar prohibition on cattle being allowed in to the harvest field before the sheaves had been carried, and two orders to make fences round the sown fields, that is the areas of common arable belonging to the hamlets of Warley and Oldbury. The late arrival of by laws is found at a number of manors, but not all of them have a long enough series to be sure that numerous by laws were an innovation. There is no doubt at Ombersley in Worcestershire, where the records begin before 1350, that the legislation only appears in plenty from the 1490s. Here the by laws include general prohibitions on tenants of closes denying common grazing, and an unusual series of 4 orders requiring that the hedges round the common arable should be repaired around the time of the sowing of winter corn.

The villages with relatively few by laws, and where they appear relatively late, tended to be those which occupied woodland landscapes, with dispersed settlements, and irregular fields, whereas the champion villages farming open fields might have long series of by laws with some recorded before 1350 and even before 1300. Perhaps champion villages

experienced more environmental problems, such as a lack of pasture; in contrast the woodland villages did not need a great deal of regulation because they were spared extreme pressures, but practised a more balanced and sustainable agriculture? This ought not to be dismissed completely, but the argument is not convincing. The considerable areas of subdivided common fields which are found in the woodlands, sometimes a dozen 'fields' in a single parish, would have given rise to the same problems, such as the competing claims of arable and pasture, as did the large open fields. The woodland settlements and fields were very complex, and therefore needed much government. The woodland manors quoted above were very large, often in excess of 6000 acres (2,400 ha); Halesowen contained twice that figure. This could lead us to think that the jurisdiction of the manor court was overstretched, and could not manage the detailed supervision of so much land in which hundreds of people lived in scattered communities. Perhaps the management of the field system was devolved to the hamlets of which the village was composed – Ault has shown that in Yorkshire such hamlets held their own meetings, called plebiscites in the Latin of the court record. This idea can be tested in the case of one of the component parts of Halesowen, the hamlet of Romsley, which held separate court sessions of which a very complete series of records have survived. These documents support the idea that the hamlets looked after their own fields. The Romsley records are full of presentments of breaches of agrarian discipline, such as the enclosure of fields that should have been available for common grazing, neglect of fencing that protected the common fields, and overburdening of the common pasture, most often with cattle. These are the same type of offences as are found in the 'federal' Halesowen court records, but the number of offenders was much greater. There were less than 30 tenants at Romsley, but in 1485 7 of them were reported as overburdening the common, and in 1488 9 of them had failed to maintain their fences. This is a very high proportion of tenants: Halesowen with hundreds of tenants often dealt with only two or three committing each offence. In the 15<sup>th</sup> century the Romsley court issued 13 ordinances and orders, and these seem related closely to the central problems of managing common fields : 5 of them concerned fencing round the 'winter' and 'spring' fields, and 3 dealt with overstocking of the commons. It still must be said that the Romsley records still resemble those of courts dealing with whole villages, as they have little to say about the details of cropping, or boundary marks, and the by laws are concentrated in the later years of the 15<sup>th</sup> century: 11 of the 13 were made in the years 1484-91.

Making and enforcing rules about the management of the open fields was one of the many functions of the seigneurial courts. These institutions were established to advance

the interests of the lord by exercising control over tenants, wielding authority over everyone who lived within the jurisdiction, and generating revenue. Every time that a presentment of 'overburdening the common pasture' was proved, the lord gained 4d. or 6d. The lord's steward presided over the court. He represented the lord, but on the larger estates the steward was a lord himself, a member of the landed gentry with legal training. A minority of laws were made by the steward without reference to others present in the court. In 1451 at Elmley Castle, for example, he put restrictions on night walkers who threatened public order. Elsewhere he defended the lord's restrictions on tenants, by forbidding the felling of trees growing on customary holdings, and restricting the subletting of land. The lord's influence on by laws, including such routine agrarian measures as regulating gleaning in the corn field, can be seen on nearby manors of the same large estate, such as those of Worcester Cathedral Priory in 1421, when each separate court passed similar or even identical sets of laws. Occasionally the manorial court responded to the demands of higher authority, as when at Ombersley in 1496 the jurors ordered the constable to enforce the new statute against vagabonds and beggars.

The wording used to introduce most by laws stated that the peasants who attended the court had agreed to the new law: 'with the assent and consent of all of the tenants' was a common phrase, or more inclusive language could be used to mention 'the whole vill'. The oligarchic nature of village society could be suggested by reference to the 'whole homage' which probably meant the 12 jurors. The impression is conveyed that the steward was in charge of the legislative process, but that he acted with the support of opinion among those attending the court. Occasionally the wording suggests that the initiative came from the tenants, for example at Ombersley in 1422 when a law was presented as 'at the request of the tenants'. Setting aside these conventional phrases with their baggage of ideas about lordship and deference, the subjects covered by the laws are very likely to have originated with the tenants. They had the direct experience of agriculture and the operation of the fields, and they felt the need to correct bad practices. They would discuss these concerns in a meeting held separately from the court. The lords had often by 1400 or 1420 given up direct management of the demesne, and were no longer concerned with the details of hedges and livestock numbers. They had a general interest in maintaining good order and defending their tenants as their main income came from rents. They were therefore open to suggestions from the leading peasants who no doubt approached them before or during the court with proposals for legislation. The courts were based on collaboration between the lords, their officials and the leading tenants. The emphasis must be on the upper rank of peasants, as they had the largest

stake in the fields, and they reveal their prejudices and their economic interests when they brought forward legislation which discriminated against cottars in their access to common pasture, or restricted the gleaning of the poor, and insisted that the able bodied should work for wages. Those who picked peas from the ends of the selions were supposed to be the deserving poor who were gathering food for themselves and their families, and they were forbidden to sell the peas pods or use them to feed animals. Most by laws were aimed at the selfish behaviour of those with land holdings in the common fields, and owners of flocks and herds, who had the greatest responsibilities to make the field system work. But of course the same village elite helped to frame the rules and enforce them. At Broadway in Worcestershire one of the people reported around 1500 for putting an excessive number of sheep on the pasture was also a juror and warden of the harvest. The leading villagers believed that rules were needed, but did not regard them as causing them to modify their bad practices.

The by laws that we find in the court records of the later middle ages belong to a particular period of social and agrarian change. Villages were having to adjust to new social structures, in which a higher proportion of tenants held substantial amounts of land, and agriculture was shifting towards pastoralism. Peasants were producing for the market before 1300, and their later medieval successors expected to make profits, especially from the sale of animals and their products. The peasants gained in confidence, and felt better able to bargain with the lord and the steward. The lords' bargaining power weakened, and they had to reduce rents in the long run, and saw the authority of their courts declining. By a strange paradox the courts were extending their legislative activity, at a time when enforcement was becoming less effective. One sign of this was the repetition of by laws, presumably because the tenants did not obey them. We have already noted that the passing of a law did not always result in a flurry of presentments, and it can be added that when offenders were named, the 'usual suspects' were repeatedly reported.

On the basis of the by law evidence, the open field system does not look workable or sustainable. If we turn to Elizabeth Ostrom's requirement for the management of a common asset to be successful, our villages meet the requirement of having a specific territory with defined boundaries. Those people entitled to benefit from the system were also well known: a constantly recurring by law prohibited those with common rights selling them to outsiders as 'agistment'. A frequent presentment to the court was encroachment on to the commons of animals belonging to neighbouring villages. Those entitled to using the system had a role in framing laws. They also, as wardens of the harvest or as jurors and tithingmen had a role in monitoring the system and bringing wrong doers before the courts. In four

respects, then, late medieval English villages fit Ostrom's model. However, the sanctions against law breakers were very weak, because although offenders were threatened sometimes with high penalties, such as 3s.4d. and 6s.8d. ( a skilled worker could earn about 2s.6d. per week), but often these relatively large sums remained as mere threats, and instead many were required to pay an amercement which ranged from 2d to 6d. To a modern observer the sanctions do not seem to be calibrated closely to the severity of the offence, and do not move upwards to act as a deterrent. We know that often they were not paid. The apparent inequities are not surprising when we remember that the penalties and amercements were decided by leading villagers advising the steward, and the offenders were often their friends, neighbours and social equals.

On the basis of the Ostrom yardsticks we might expect that the whole system was teetering on the edge of collapse. In some open field communities these were very dangerous times, and a minority were enclosed or even depopulated. In one or two well documented cases they disappeared with a flurry of by laws and presentments of individuals who were undermining the common good. In the great majority of cases the open field systems that seemed to be facing so many difficulties in the 14<sup>th</sup> and 15<sup>th</sup> centuries were to survive for at least another 200 years, and many were not fully enclosed until the late eighteenth or early nineteenth century. They did not cease because the common field management collapsed, but because the state enforced enclosure on the initiative of the major landowner.

How do we explain this inner strength in the face of so much apparent disregard for the foundations of the common fields.

1. The by laws mislead us because they represent a specialised dimension of the rules needed to work the system. As we have seen they seem obsessed with particular problems, while they fail to mention many of the potential pressure points. The villagers took certain problems to the steward and the court, but probably solved others without making them a public issue.
2. The courts before by laws were introduced were regulating farming practices on the basis of unwritten, perhaps uncodified customs. Taking as an example the woodland manor of Middleton in Warwickshire in the early 14<sup>th</sup> century there were presentments of bad ploughing, 'receiving sheaves' (a breach of harvest customs), breaking of hedges, enclosing a plot of the common waste. The best sorts of rules are perhaps those which are universally understood, and do not need precise definition in a written code. By laws suggest a weakening of the framework of custom, but the more formal expression of the rules did not ensure compliance. Precise regulations

were sometimes applied in the 13<sup>th</sup> century, though not through the mechanism of by laws, as charters in Yorkshire, for example state the numbers of animals that could be kept on the commons by a tenant of the standard bovate holding in various open field villages. These sometimes included the number of geese allowed, as well as horses, cattle, sheep and pigs.

3. The custodians of the by laws seem to have been meetings between villagers which took place outside the courts and apart from the institutions of lordship. Their existence was very necessary in villages which were divided between two or more manors, which were very numerous. If no lord had full jurisdiction over the villagers, they would need to organise themselves. Similarly in a manor with many settlements (of the Halesowen and Ombersley type), especially when the hamlets had their own fields, the inhabitants would have taken charge of their own affairs. Even when a single lord had a dominant influence, the decisions about the common fields seem to have been made in meetings which preceded the court session at which they would have been given legal authority. Villagers were used to meeting for a wide range of purposes, such as tax assessment, church funding and road building. These are recorded in the 14<sup>th</sup> and 15<sup>th</sup> centuries, but in earlier centuries the king's courts expected villages to take responsibility in the event of a sudden death for example. Soldiers were chosen to serve in the royal armies by the village, and collective fines had to be collected and paid on occasion to both state and lord. These political, financial and legal duties came and went, but the work of the fields went on forever. Perhaps the senior male villagers were not brought together formally to hold a meeting, but made contact and had discussions on those many occasions when villagers gathered – for church services, rogation processions, summer games, ale drinkings and wedding feasts. A more structured type of peasant meeting, called a binlaw or similar, very rarely recorded, brought together the leading figures of adjacent villages to discuss matters which affected both communities – presumably the maintenance of boundaries, encroachment and trespassing from one village to another, and the return of strays.
4. Much of the management of the fields ran in a routine fashion. Every year the sequence of ploughing to plant the winter sown crops, the closing of the winter field, the ploughing of the land to receive spring-sown crops, mowing hay, harvest, proceeded without contention. Frequently – every day in some seasons – the livestock were gathered in the morning and put into the care of the common herdsman. This

acceptance of the responsibilities of neighbourly cooperation lay at the heart of the system, and any difficulties would be resolved by cajoling and pressing awkward characters into conforming with the basic requirements. The system balanced the interests of those who participated. It protected the weak who could follow the routine, and allowed advantages to the more enterprising who worked harder and gave thought to their choice of crops and care of animals. This routine escapes documentation, but contributed to the underlying resilience of the arrangements which were not totally disrupted by some of the anti-social behaviour recorded in the by laws.

5. The open field system is often regarded as tending to conservatism, and those who practised it are thought to have been resistant to change. In the period with most evidence we know of field systems that went through radical transformation, including enclosure by agreement, the introduction of inhoks, and intensification of rotations by converting two field system to four fields. An example of the latter took place on the initiative of the villagers at Adlestrop in Gloucestershire in 1498. It was sanctioned by the manor court, but presumably the decision was taken after negotiations among the villagers.

All of this is telling us about the working of field systems in their mature old age, but if we are to explain regional differences we need to trace the arrangements back to their roots. Recently it has been argued that the origins of the open fields can be traced back to the 8<sup>th</sup> century and resulted from initiatives by the leading figures of the kingdom of Mercia. The written records that are available from that period, compiled by royal and seigneurial administrations, although they relate to land holding and sometimes describe the boundaries of landed estates, tell us very little about fields. We would not expect to find any evidence coming directly from the villagers, but a 7<sup>th</sup>-century law code deals with the problem of organising compensation if neighbours' cattle strayed on to their land, which establishes that peasants could act collectively, within a legal framework established by a state, in the management of land. The best evidence for open fields comes from archaeological evidence for the cultivation of large areas, with fields being extended over the sites of settlements which may have been abandoned in the 8<sup>th</sup> century. There is also some indication of ploughing land in strips. But is it likely that the management of these early fields would bear a close resemblance to the later methods that I have described above. First of all, the territorial context for the field system of the later middle ages was on quite a small

scale. Many open field villages cultivated no more than 500 hectares. We have seen that very large woodland villages consisted of federations of hamlet settlements, each of which farmed a few hundred ha. By contrast the landed estates of the 8<sup>th</sup> century tended to be very large, above 5000 ha, and if open fields of the late medieval type existed they would have had to have occupied the subdivisions which are known to have characterised the great early medieval estates, though these were not as autonomous as the later hamlets. Secondly, it seems unlikely that lords and tenants would have negotiated over the rules of the system as we have suggested in the late medieval by laws. If there were open field systems in the 8<sup>th</sup> century, their method of government would have differed substantially from their late medieval successors.