

Landscape, territory and common rights in medieval East Yorkshire

Briony McDonagh

University of Hull, UK

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Abstract

The paper examines issues of landscape, territory and common rights, with specific reference to the multi-township, multi-manor parish of Burton Agnes in the north-east Yorkshire Wolds. Burton was a territorial unit of considerable antiquity which survived as a distinct estate until the late twelfth century when it was split between co-heiresses. This produced a complex territorial and tenurial situation, characterized in the later medieval period by ongoing conflicts over common rights between neighbouring manorial families on behalf of themselves and their various tenants. Crucially – given the lack of adequate commons governance structure – such conflicts proved not only almost impossible to resolve but also productive in documentary terms. This paper examines the far-reaching consequences of the 1199 division of the estate in two linked sets of sources: firstly, by using legal documents and estate records to examine conflicts about common rights in the parish moor in the later medieval period; and secondly and relatedly, by utilizing standing buildings, landscape and documentary sources to interrogate the built landscape as a site to articulate territorial claims (including to rights and resources in the parish moor) and the patronage thereof by local manorial families. In this sense, the paper both traces the consequences of earlier territorial arrangements *and* explores the range of strategies by which local manorial families might make and mark territory in the fourteenth, fifteenth and sixteenth centuries. In doing so, the paper makes the case for writing ‘grounded’ historical geographies of the commons which both set individual commons within their wider temporal, spatial and territorial contexts and recognize them as always entangled within the broader politics and landscape of the parish.

Keywords:

Landscape; territory; common rights; commons governance; built landscape; parish and township boundaries; Burton Agnes; Harpham

Geographers and historians have long been interested in the question of territory and territorial organisation at a range of scales (Harvey, 1997, 2003; Jones, 2000; Elden, 2013; Blomley, 2017). Along with the morphology of rural settlements (Thorpe, 1951; Alleston, 1970; Roberts, 1972, 1977; Sheppard, 1974, 1976; Taylor, 1982, 1983; and more recently, Lewis et al, 1997; Roberts and Wrathmell, 2000; Hamerow, 2010) and medieval towns (Beresford, 1967; Lilley, 2001, 2004; Oosthuizen, 2013a; Haslam, 2016, 2017), the question of the long-term territorial organisation of the British landscape has been a key issue for research over many decades. This includes work on so-called multiple or multi-vill estates (Jones, 1984; Roberts and Barnwell, 2011; Hadley, 1996a, 2000), on the territories of Anglo Saxon kingdoms (Hooke, 2009) and on patterns of parish and township boundaries and their links both to earlier estate organisation and patterns of land use (Michelmor, 1979; Hooke, 1981; Williamson, 1986; Blair, 1991; Winchester, 1997; Oosthuizen, 2017; Fox, 2012). More generally, there has also been important work on the evolution of medieval landscapes (Jones and Page, 2006; Williamson, 2004), as well as research on perceptions and understandings of particular landscapes and territories (Altenberg, 2003; Franklin, 2006; Whyte, 2009; Semple, 2013), the latter body of material clearly evidencing the influence of new thinking about space, landscape and power developed by cultural geographers.

Much of this work is sensitive to the question of common rights, perhaps most obviously in relation to the origins and functioning of open field systems (Ault, 1972; Oosthuizen, 2013b; Hall, 2014). Yet influenced by emerging work on the commons in Europe and beyond (Ostrom, 1990; De Moor, 2008, 2015; Curtis, 2013, 2016; Weeren and De Moor, 2014) and important studies of custom written by early modern social historians (especially Wood, 2013), historians and historical geographers of the British landscape have recently turned more fully to questions of commons and commons governance (Winchester and Straughton, 2010; Shannon, 2012; Crouch and McDonagh, 2016). This includes work on the sustainability of commons systems (Dallas, 2010; Rogers *et al*, 2011), on the regulation of the commons in a range of landscape types (see for example the chapters in Bowen and Brown, 2016) and on negotiations and conflict over common rights – typically in the face of enclosure – in both the medieval and early modern periods (Dyer, 2007; Blomley, 2007; Falvey, 2009, 2013; McDonagh, 2009, 2013; McDonagh and Rodda, 2018; Healey, 2012, 2015). As De Moor (2015) usefully reminds us, commons were inherently local institutions, shaped by the social, economic, ecological and territorial conditions of the immediate area and by decision making at the individual, group and institutional level, and there is therefore much to learn from studying them ‘from within’.

The paper brings together these two important strands of research – one well established, the other recently emergent – in order to examine issues of landscape, territory and common rights with specific reference to the commons of the multi-township, multi-manor parish of Burton Agnes parish in the north-east Yorkshire Wolds. Burton was a territorial unit of considerable antiquity, whose origins stretched back into the pre-Conquest period and where the parish and township boundaries as we know them in the medieval and early modern period fossilized earlier estate arrangements. It survived as a distinct territorial unit until the end of the twelfth century, when it was split between two co-heiresses. This produced a complex territorial and tenurial situation, characterized in the later medieval period by ongoing conflict between neighbouring manorial families on behalf of themselves and their various tenants, much of which focused on the tricky question of the use and management of common rights in the parish moor. The paper explores the far-reaching consequences of the 1199 division of the estate in two related registers: firstly, by examining conflicts over common rights in the moor in the fourteenth, fifteenth and sixteenth centuries; and secondly, by interrogating the built landscape as a site at which to articulate territorial claims to space and resources, including rights in the moor. In this sense, the paper both traces the consequences of pre-Conquest territorial arrangements *and* explores related attempts by local manorial families to make and mark territory in the later medieval and early modern period. In doing so, the paper makes the case for writing ‘grounded’ historical geographies of the commons, which both set individual commons within their wider temporal, spatial and territorial settings and recognize them as always entangled within the local landscape and the broader ‘politics of the parish’ (to borrow a phrase from Wrightson, 1996).

The remainder of the paper is arranged into five sections, all underpinned by a micro-historical and interdisciplinary approach to landscape history which utilizes a combination of documentary, landscape and standing buildings evidence.¹ The next section introduces the historical geographies of the parish and townships, and presents the evidence for the origins of Burton as a pre-Conquest territorial unit. The second scrutinizes the intercommoning arrangements for Burton Moor as they are recorded in fifteenth and sixteenth-century sources. It argues that the complex situation regarding common rights stemmed from earlier pre-Conquest territorial arrangements, the result of which were bitter and ongoing conflicts over moorland resources between the lords and tenants of the various townships and (sub) manors. Crucially, the complete lack of an adequate commons governance structure for the moor meant

that the inhabitants necessarily relied on other means of asserting rights and territorial control. This included arbitration and litigation in a wide range of jurisdictions as well as the deliberate manipulation of the built landscape of the parish. The third and fourth sections turn to the built landscape of the two bigger townships – Harpham and Burton Agnes – exploring investment in and patronage of churches and manorial sites by local landlords and their widows, arguing that these sites provided important opportunities to visually and sonically ‘mark’ territory and claim resources. In doing so, they make the point that landscape and the built environment were important mediums through which not only social and political power but also territorial claims to space and resources could be produced and reproduced (on this see McDonagh, 2007a and 2007b). The fifth and final section presents some concluding comments.

I. Parish and township geographies

Located on the main road between Driffield and Bridlington and roughly equidistant between the two, Burton Agnes [hereafter Burton] was a large parish of 8,707 acres in 1850.² In the medieval and early modern period, it was divided into five townships. Of these, Burton Agnes (at 2,575 acres) and Harpham (at 2,144 acres) were the largest, with the three smaller townships of Gransmoor, Haisthorpe and Thornholme all accounted at between c. 1,250 and 1,400 acres (*Victoria History of the Counties of England. York East Riding* [hereafter VCH ER] II, 106). All the settlements were nucleated in character and there was little in the way of isolated settlement in the parish. Burton Agnes and Harpham were probably always the largest of the settlements in the parish, medium-sized villages rather than hamlets (see Table 1). Of the 515 poll tax payers in the parish in 1377, 182 were in Burton Agnes and 153 in Harpham, with the remaining 180 distributed between the other three hamlets (E179/202/62 m 13 and 24; cited in VCH ER II, 107 and 224). A similar hierarchy of settlements was evident at the Hearth Tax of 1674 (VCH ER II, 106; *Yorkshire East Riding Hearth Tax*, 330-332 and 344-5). On the evidence of empty plots recorded on the c. 1850 Ordnance Survey map, Gransmoor, Haisthorpe and Thornholme had all contracted at some point in the medieval or early modern period.³ At Gransmoor, the tofts and crofts had probably extended to the north-west of the surviving hamlet into an area of earthworks labelled ‘Old Garths’ on the c. 1850 map. On the evidence of the later map, all three hamlets were probably two-row, linear settlements laid out on a regular plan, while the village plans of Burton Agnes and Harpham were rather more complex and are discussed further below.

Table 1: Population proxies for the five townships

	Poll tax payers, 1377	Households taxed (and discharged) in the Hearth Tax of 1674	1801 census
Burton Agnes	182	33 (15)	502 ⁴
Gransmoor	--	Assessed with Harpham	--
Haisthorpe	180 ⁵	23 (5)	--
Harpham	153	23 (20)	172
Thornholme	--	19 (7)	--

Burton Agnes, Haisthorpe, Harpham and Thornholme were all long thin townships orientated north-south and running in parallel along the Wolds dipslope. They were all bounded on the north by the Roman Road known locally as Woldgate which ran between Kilham and Bridlington along a chalk ridge at about 80 metres above sea level (on Woldgate's prehistoric origins, see Pickles, 1993). This represented the highest point in each of the townships. The settlements themselves were at about 20 to 30 metres above sea level, on the spring line where the Devensian till overlying the chalk of the Wolds met the sands, gravels and alluvium of the Holderness Plain. Thus each of the four townships encompassed a combination of rolling farmland on the Wolds dipslope as well as low-lying moorland, carrs and meadows in the valley bottom, where the land was only a few metres above sea level.

[Figure 1 to go here: Map of the township boundaries]

The only one of the five townships to break from this pattern was Gransmoor. It was roughly circular in shape and lay wholly on the Holderness Plain and almost entirely below the 10-metre mark. Gransmoor's drift geology was a combination of till, sands and gravel as well as alluvium along the Barf Dike and Earl's Dike which formed the westerly and southerly boundaries of the township and parish. The Earl's Dike was an ancient stream – mentioned from at least the thirteenth century onwards and almost certainly much older – which was also the boundary between Dickering and Holderness wapentakes (VCH ER VII, 213-23).

Place name evidence suggests that Burton Agnes may have been an Anglian settlement, while the names of both Thornholme and Haisthorpe are suggestive of their being secondary settlements of Anglian or Anglo-Scandinavia origin (VCH ER II, 106).⁶ Burton was also the name of the hundred, and the village acquired its suffix only in the later twelfth century (*Domesday Book*, 2002, 878; VCH ER II, 106). Indeed, that the place name contains the Old English *burh-tūn* element may even suggest that Burton Agnes was the site of a pre-Conquest thegnly residence, although the only archaeological evidence for occupation is one sherd of ninth or tenth-century pottery which was recovered from a test pit at the west end of the Old Hall in 1984 (Wilson, 1988, 10). By the time of the Domesday survey, Burton Agnes was the centre of a large 50-carucate estate including berewicks at Boythorpe, Gransmoor and Harpham and sokeland at Haisthorpe, Thornholme, Langtoft, Thwing and Potter Brompton. It therefore included all five of the later townships, as well as detached portions of land. The estate had been held before the Conquest by Morcar and directly by the king in 1086 (VCH ER II, 107). There was land in Harpham and Gransmoor held by other landowners in 1086, but these estates were later united with the main manor (VCH ER II, 109 and 224). Burton Agnes was thus a territorial unit of some considerable antiquity, whose origins stretched back into the pre-Conquest period and which continued to form a distinct territorial unit until the end of the twelfth century (on the complexity of early territorial organisation in the Northern Danelaw more generally, see Hadley, 2000, 94-162). The demesne lord in the 1170s was Roger de Stutville, whose son and heir, Anselm, died in 1199. The estate was then split between Anselm's sisters, with Burton Agnes, Haisthorpe and part of Thornholme inherited by Alice, widow of Roger de Merlay – and descending from her to the Somerville and Griffith families – and Harpham, Gransmoor and the remainder of Thornholme descending to Agnes, wife of Herbert de St Quintin (VCH ER II, 107-108 and 224). By the later medieval period, there were also several smaller manors or sub manors in the parish, including Haisthorpe which was held by a family of the same name in the fourteenth century and by the Thornholme family in the fifteenth and sixteenth centuries (VCH ER II, 110).

This arrangement of estate centre and dependent hamlets was reflected too in the ecclesiastical geography of the parish. Indeed, the laying out of parishes in the region – most likely achieved sometime in the ninth or tenth centuries (Blair, 1995; Hadley, 1996b; Pounds, 2000) – seems to have effectively fossilized earlier estate arrangements. The parish church was St Martin's located in the village of Burton Agnes, and while there were medieval chapels at Gransmoor, Haisthorpe and Harpham, the dependent status of the townships was clear (VCH ER II, 106;

McDonagh, 2007a). The chapel at Gransmoor was first mentioned in 1347 and still standing in 1545, while the existence of the chapel at Haisthorpe is known only from a 1587 reference to the ruined chapel and chapel garth (VCH ER II, 115-6). Both were probably small and had disappeared by the end of the sixteenth century. We know considerably more about the chapel at Harpham which was dedicated to St John of Beverley and first mentioned in c. 1100-1115 when it was granted – along with St Martin’s church – to St Mary’s Abbey, York (*Early Yorkshire Charters* ii, 33; VCH ER II, 226).⁷ It was a large building for a parochial chapel, with an early twelfth-century nave of three bays and a fourteenth-century chancel of two bays, plus a late fourteenth-century west tower and large north chapel (Pevsner, 1972, 241; *List of Buildings of Special Architectural and Historical Interest*). As will be discussed below, the relationship between the parish church at Burton Agnes and the chapel-of-ease at Harpham was a complicated one. The latter had long had burial rights and was consistently described as a ‘church’ in the wills of the lords of both Burton Agnes and Harpham from the fifteenth century onwards. It was described as ‘fit to be made a parish’ in 1650, though it also contributed to the income of the mother church at Burton Agnes. By the early nineteenth century, St John’s was effectively considered a parish church (VCH ER II, 226; Borthwick Institute for Archives [hereafter BIA], CP G 804, 1044, 1071, 1076 and 1398).⁸

Thus the territorial situation in the parish in the period after 1199 was both very complicated and constantly evolving. Burton was a parish of five townships and multiple manors, a number of which had initially emerged as sub manors of the main manor at Burton Agnes. As we will see, this had consequences for the rights of the lords and tenants in these (sub) manors were able to exercise so that the lords of Burton Agnes and Harpham repeatedly made superior claims to rights in the other manors and townships. The parish contained five major settlement foci and at least four churches and chapels, and the situation was further complicated by the contested status of Harpham chapel. The consequences of disaggregating the pre-Conquest estate in the late twelfth century were thus long lived, reverberating late into the medieval and early modern centuries. In what follows, we trace those echoes in two linked sets of sources: firstly, by using legal documents and estate records to examine conflicts about common rights in the parish moor in the fourteenth, fifteenth and sixteenth centuries; and secondly and relatedly, by utilizing standing buildings, landscape and documentary sources to interrogate the built landscape as a site to articulate territorial claims (including claims to resources in the parish moor) and the patronage thereof by local manorial families. It is to this later history of the townships, manors and their resources that we now turn.

II. Burton Moor

From the medieval period onwards, each of the five townships in the parish had its own common field system. By the 1850s, Burton Agnes and Haisthorpe both had a three-field system and Thornholme a two-field system, though it had earlier had three, and the common fields in all three townships had almost certainly extended further south in the Middle Ages.⁹ There were also three fields at Gransmoor in 1700, and four fields at Harpham 1685 (VCH ER II, 111-112 and 225). The meadowland belonging to each of the townships mostly lay to the south of the common fields on the lower lying ground of the Holderness Plain (VCH ER II, 112 and 225). Beyond that lay a broad belt of wasteland amounting to at least 2,000 acres.¹⁰ Here the southern boundaries of the four ‘dipslope’ townships and the northern boundary of Gransmoor converged on an area of low-lying moor, marsh and carrs known as Burton Moor. Each of the five townships bordered the moor – so ensuring access – but the township boundaries in the moor itself were almost certainly poorly defined in the medieval period, as far as they existed at all. By the time of the c. 1850 first edition Ordnance Survey map, the area was characterized by a complicated network of boundaries defining detached portions of Burton Agnes and Thornholme townships and a portion of Harpham which was linked to the main body of the township by a thin sliver of land. This was known as ‘Out Gates’ and appears to represent a drove way between the hamlet and the moor. The complex pattern of boundaries in the moor was only regularized in 1884 when small portions of land were transferred between the townships (VCH ER II, 106 and 223).

Burton Moor was subject to a range of common rights. Pasture rights there were mentioned from the mid thirteenth century onwards and the digging of turves from 1313 (*Calendar of Patent Rolls* [hereafter *Cal Pat*], 1313-1317, 29; Hull History Centre [hereafter HHC], U DDWB/5/2 and 13(d)). Early seventeenth-century byelaws also make reference to a range of other common rights including the right to cut gorse – known locally as furze or whins – and collect the wool dropped by grazing sheep (*Burton Agnes Courts*, 88 and 95-6). There is no evidence that the township boundaries as they ran through the moor were physically marked on the ground by mere stones or other boundary markers and it may be that the boundaries ran up to but not through the moor. Instead, the moor was utilized by inhabitants from all five of the townships in the parish: crucially, there is no sense in the surviving documentary sources that the inhabitants of certain townships – or the tenants of certain manors – were restricted to commoning particular areas of the moor, at least as far as grazing rights were concerned.¹¹ That

the five townships jointly commoned the moor is evidence that common rights emerged in the period before the division of the estate in 1199, most likely during the pre-Conquest period. A document of 1465 clearly laid out the situation regarding common rights as it had been agreed in that year. Sir Walter Griffith, lord of Burton Agnes, was said to hold the seigniorship of Burton Moor so the profits of waifs and strays there belonged solely to him. Yet John St Quintin and his tenants at Harpham, Thornholme and Gransmoor had common of pasture in both Burton Agnes and Burton Moor for all manner of beasts, except in named closes that were held in severalty. Conversely, the tenants of Burton Agnes had common of pasture for their beasts in Harpham and Gransmoor, except in specified closes (HHC, U DDWB/5/49).¹²

One suspects that the 1465 agreement was not intended to imply that the tenants of Harpham had common rights within the stubbles of the common field system at Burton Agnes, or vice versa, but rather than the moor was jointly commoned by the tenants of the Griffith and St Quintin manors. This was distinct from communing *pur cause de vicinage*, where the parish or township boundaries were known to exist – but were not demarcated on the ground – and neighbouring landowners agreed not to pursue cases of trespass against those whose animals strayed across the boundaries (Shannon, 2012; Crouch and McDonagh, 2016). Instead, the 1465 agreement clearly articulated the *right* of the various tenants to common the *whole* moor, rather than simply recording that the two lords would tolerate trespasses by straying animals. The situation as it existed in 1465 was therefore much more akin to the intercommoning arrangements noted by Shannon (2012) in Lancashire and by Crouch and McDonagh (2016) elsewhere in the East Riding of Yorkshire, though the extent of the wasteland and the number of townships exercising common rights was far smaller than at Wallingfen.

In the case of Burton Agnes, such intercommoning arrangements almost certainly arose as a result of earlier, pre-Conquest territorial arrangements. No mention was made of Haisthorpe in the 1465 agreement, but the subsidiary status of the townships of Gransmoor and Thornholme was clear. Thus, it was agreed that the profits from waifs, strays, agistment, assize of bread and ale, and the like in Thornholme would be split equally between the lords of Burton Agnes and Harpham. Both lords were allowed to appoint a pinder for the township and the level of the amerancements which could be charged was specified in the agreement (HHC, U DDWB/5/49).

That the commoning arrangements existing in the parish in the second half of the fifteenth century had deep temporal roots was recognized at the time, as were the consequences of the

1199 division of the lordship between the Merlay and St Quintin families. In 1499, Agnes Griffith – the widow of Sir Walter Griffith, one of the two main parties in the 1465 agreement – wrote an unusual memorandum on behalf of herself and her stepson, another Walter Griffith. In it she recorded that she had returned a deed to John St Quintin that related to common rights in the moor. Agnes and Walter seem to have detained the deed against the St Quintin family's wishes but now returned it 'for the cler discharge of the soull' of the deceased Sir Walter. The deed, which Agnes and her son claimed was a forgery, purported to be a grant from Alice de Merlay, lady of Burton Agnes, to her sister Agnes, lady of Harpham, which set out their respective rights to pasture, whins and fishing in the moor (HHC, U DDWB/5/62).¹³ It was strategically useful for Agnes Griffith to argue that the deed was a forgery, not least because in doing so she resisted the St Quintin's claims to proprietorial rights in the moor. Yet it is clear that both parties recognized that the complex territorial situation in the moor stemmed from the fact that the manors had once been held as a single unit and the partition of the lordship three hundred years earlier.

Perhaps not surprisingly, the combination of the joint origins of the manors and the continuing uncertainty over the rights of the lords and their tenants led to ongoing conflict over the moorland resources. Discord between the lords of Burton Agnes and Harpham was recorded as early as 1307, when Roger de Somerville complained that Geoffrey St Quintin and more than 50 others had destroyed his turves and trampled his corn at Burton Agnes, a complaint that at least in part related to the moor (*Cal Pat*, 1307-1313, 35-36). A similar case reached the Court of Chancery in 1433, when the Prior of Bridlington complained that Anton St Quintin – probably the Anthony St Quintin who died in 1444 – and others had gathered in the moor and meres appurtenant to his estate at Fraisthorpe and dug turves where they had no right, as well as thrown hay into the ditches thereby ruining it (TNA, C1/38/300). The prior's rights in Burton Moor seem to have been held from the Griffith lords of the manor and six years later, the prior gave up his right to common of pasture in the moor and marsh of Burton Agnes, presumably in some kind of exchange although only the quitclaim has survived (HHC, U DDWB/5/45).¹⁴

Disputes between the tenants of the various Burton Agnes townships flared up repeatedly in the later fifteenth and sixteenth centuries, probably in part because the enclosure of portions of the moor in the later medieval period heightened tensions over resources. Closes called 'calfeclos' and 'le sykihom' were first mentioned in 1412 and 1465, respectively, and were described in 1716 as lying 'beyond the moor' with other meadows and closes called the Intacks

and Seagroves (HHC, DDWB/5/36 (a) and /48; DDCV/31/1). A croft in Harpham called 'le More Croft' was first mentioned in 1469 when it was described as adjacent to the common moor called the South Carr, having almost certainly been enclosed from it (HHC, DDSQ/5/5). The 1465 agreement also mentioned numerous closes in the vicinity of the moor as well as named carrs said to be held in severalty. Many of these were enclosed for only part of the year – usually from mid-March to early September – then thrown open to common grazing, but others parcels were held in severalty two years in three. The third year when the land was grazed in common coincided with the fallow year for neighbouring area of Gransmoor's common field system (HHC, U DDWB/5/49).

The progressive enclosure of the moor and marsh, and the consequent loss of common rights, probably exacerbated tensions over resources in the remaining area of wasteland. The 1465 agreement stemmed from mediation by a number of local individuals – including the prior of Bridlington and Sir Walter Griffith's father-in-law Sir Robert Constable of Flamborough (d. 1488) – and is indicative of continued tensions over moorland resources. The dispute was still rumbling in 1499 when Agnes Griffith begrudgingly returned the disputed early thirteenth-century deed to the St Quintin family, and in 1508 further depositions were being collected from local farmers for a court case about rights in Burton Moor (HHC, DDSQ/5/7). John St Quintin ordered copies of the depositions to be made and preserved them amongst in the family archive, presumably for use in any future dispute which might arise. A few years later, Sir George Griffith – the son of the younger Sir Walter Griffith – brought a bill of complaint to the Court of Star Chamber alleging that William St Quintin Esq. of Harpham and others had assembled themselves riotously in Burton Moor and forcibly taken two wayne loads of gorse belonging to Sir George (TNA, STAC2/16/329). Again, the issue at stake seems to have been the respective rights of the tenants of Burton Agnes and Harpham to access resources in the moor, although the fact that the gorse was removed in carts may also have been significant. Byelaws of 1632 specified that the gorse or whins from Burton Moor should not be removed by cart, but 'only by men and weomens burdens on their backes' (*Burton Agnes Courts*, 95). This or a similar dispute was apparently still ongoing in 1539, when Sir George entered into a bond for £200 to William St Quintin and agreed to abide by the awards and judgements made by their ancestors. He also agreed to accept the future award of Sir Nicholas Fairfax and others in any 'new matier of greiff' between them (HHC, U DDSQ2/18/1).

The largest and most populous of the three dependant townships – Haisthorpe – was not mentioned in the 1465 agreement. Yet its lord and tenants were not immune to disputes over rights in the moor and a case on the issue was brought before the Council of the North in 1572 (HHC, U DDWB/5/67). The records of the Council itself are not extant, but copies of the interrogatories and depositions survive amongst the papers of the lords of Burton Agnes. The case was concerned with whether the lord and tenants of Haisthorpe had the right to graze their cattle in the turf carr in Burton Moor and whether, if their animals did damage to the drying turves, the Griffith lords of Burton Agnes had the right to distrain the cattle. The various deponents in the case all agreed that Sir Walter Griffith (d. 1574) – the son of Sir George – was seised of the turf carr but that the tenants of Haisthorpe had the right to pasture cattle there between Lady Day and the 1st August. Several of the deponents provided evidence about an incident the previous summer when oxen and cattle belonging to the lord of Haisthorpe – a man called John Thornholme whose family had held the manor since the early fifteenth century (VCH ER II, 109-110) – had destroyed turves belonging to Sir Walter which had been laid out to dry in the turf carr. Sir Walter had impounded the animals in the pound at Hall Garth in Burton Agnes, a clear expression of the superior rights he considered himself to have in the moor, but John Thornholme objected. The deponents had mixed views on whether there was precedent for such distresses – and by implication, whether Sir Walter had such proprietary rights – although we do not know what the court decided in the case.

There were almost certainly other cases about rights in Burton Moor which reached the courts in the later medieval period, but for which records have not survived the intervening 500 plus years. The surviving material clearly tells us that in the later fifteenth and sixteenth century, the Griffith and St Quintin families were litigating in a wide range of jurisdictions including the Chancery and Star Chamber courts at Westminster and before the Council of the North. They were most likely also sending cases to the Quarter Sessions and Assizes, but nothing survives for these courts before the late seventeenth century (McDonagh, 2009, 195). At the same time, they were also attempting to resolve the matters in dispute via mediated agreements between the parties – mentioned in 1358, 1465 and 1539, for example – often underpinned by bonds for significant sums of money (*Yorkshire Deeds* 10, 110). The local manorial courts could and did draw up byelaws for the townships' open field systems, but their authority to deal with the bigger problem of Burton Moor was limited given the complex territorial and tenurial set up in Burton parish. Yet unlike at Wallingfen on the other side of the Yorkshire Wolds, no alternative structure for managing the common emerged. Instead, the complex

territorial history of the parish resulted in the complete lack of adequate governance structure for the parish common, hence the ongoing conflict recorded in the estate records and court documents throughout the later medieval period. As elsewhere in medieval and early modern England, custom was hugely important in determining use, even whilst custom itself was always heavily contested as the various cases discussed here ably remind us (Wood, 2013; Whyte, 2009; McDonagh, 2013; McDonagh and Griffin, 2016). For the manorial lords and tenants of Burton parish, custom and common right also functioned as a mean of negotiating territorial control.

Yet custom and litigation were not the only means to negotiate territorial control. In a territorially and tenurially complex landscape, other strategies might also be important. As cultural geographers and archaeologists have argued, the landscape – used here in its widest sense to refer to both buildings and other landscape features including streets, fields, meadows, boundaries, trees and deer parks – provided opportunities to articulate and defend social status and political power (the key text here is Cosgrove and Daniels, 1988). In the remainder of the paper, we turn to the question of landscape, space and power, focusing in particular on the patronage of the built landscape by the Griffith and St Quintin families who utilized it as a site to articulate territorial claims in the moor and elsewhere. Here once again we trace the consequences of the disaggregation of the pre-Conquest estate in 1199, starting with the St Quintin family's building works at Harpham and then turning to the Griffith family's patronage of the house and church at Burton Agnes.

III. The built landscape of Harpham

While the abandonment of some plots and the creation of others has now produced a more agglomerated pattern of settlement, Harpham was almost certainly once a linear village, most likely arranged along two parallel east-west roads. The more northerly road still had buildings along its north side in the 1850s but the southerly road had been reduced to a footpath. Yet earthwork remains – including toft boundaries and house platforms – suggest that there had once been at least four tofts and crofts arranged along its northern side while the manorial enclosure and adjacent chapel lay to its south. We have little information about the St Quintin manor house, except for what the landscape evidence tell us. A large area of earthworks – including a moated enclosure and a depression identified by English Heritage's field investigators as a fishpond – remain but have not been excavated (*List of Buildings of Special Architectural and Historical Interest*). No medieval or early modern inventories or plans for

the manor house survive and the estate records tell us nothing about the appearance or layout of the house or home farm. Harpham appears to have been the main residence of the St Quintin family until the seventeenth century, but they later removed to Scampston in the north-west Wolds (VCH ER II, 224). The Harpham house had almost certainly been demolished by the time of the Hearth Tax of 1674, for there was then no house with more than three hearths in the village (*Yorkshire East Riding Hearth Tax*, 344-5).

However, while we can say little about the St Quintin family's investment in their manor house, we know far more about the family's patronage of the chapel and its relationship with the manorial complex, thanks to the surviving landscape and standing buildings evidence. The church stood directly east of the manorial enclosure, with the ditch of the manorial enclosure running through the modern churchyard. The later manor farm lay further east of the church, so that the southern row of the village was occupied by what we might call a manor-church complex, bounded by roads to the east, north and west and a curvilinear boundary to the south. Part of the complex was enclosed within a moat, first recorded in 1297 but for which no license to crenellate survives to more closely date it (VCH ER II, 224; HHC U DDSQ/5/1). Yet it seems likely that the moat was first constructed soon after the manor changed hands in 1199. In other words, the new lords of the manor tried to consolidate their position and status by emphasising the visual and symbolic links between the manor house and existing church. The construction of the moat allowed the St Quintins to make a strong territorial claim for ownership of the chapel and the moat functioned to draw a distinction between the manorial complex (including the chapel) and the settlement.

Turning to the later medieval era, the surviving fabric of the chapel provides good evidence for a focused period of investment by the St Quintins in the half century after c. 1340, at a time when we know there were ongoing disputes over the governance of the parish moor. Sir William St Quintin founded a chantry in the chapel in 1340, when he endowed it with a house and four bovates of land which were intended to support a chaplain who celebrated divine service daily for the good estate of him and his father-in-law, William de Thweng (*Cal Pat*, 1338-40, 454). The chantry was almost certainly located in the north chapel, which later housed the St Quintin family monuments. Both the north aisle and north chapel – the latter a continuation east of the former – have square-headed windows with reticulated tracery of mid to late fourteenth-century date. The precise date of the work is unclear, but it seems likely to be closely contemporary with the endowment of the chantry. The chancel was refurbished and

refenestrated with matching windows at the same time and a new window inserted into the older masonry of the north nave wall.

Work on the chapel presumably stopped in the late 1340s as the Black Death swept through Europe – not least because Sir William died in 1349, most likely as a result of the plague – but restarted sometime in the third quarter of the fourteenth century. In 1374, Sir William's widow Joan – who survived her husband by more than three and a half decades – was licensed to crenellate a bell tower which she intended to build in the churchyard of Harpham (*Cal Pat*, 137-74, 407). The surviving west tower dates to c. 1380-1390 and was almost certainly constructed under Joan's patronage. It is of three stages with Y-tracery in the bell openings, a good example of a tower in an early Perpendicular style. It is remarkably tall in relation to the long, low church – although note, the nave roofline was once taller and more steeply pitched – and must have made a visually striking impression within the village and beyond.

It is the earliest of a group of fifteen Perpendicular towers in the Yorkshire Wolds built or partially rebuilt in the century and a half after c. 1380 (McDonagh, 2007a, 296-314).¹⁵ It lacks the diagonal buttresses which characterize the group – instead having angle buttresses with offsets – but is otherwise one of the group. While few cathedral and abbey churches had towers rebuilt after c. 1400, huge numbers of parish church across England had their towers rebuilt in the fifteenth and early sixteenth centuries. As Morris and others note, this was an era characterized by the widespread construction and rebuilding of church towers on an altogether grander scale (Cox and Ford, 1961, 107; Harvey, 1978, 226; Morris, 1979, 227). The tower at Harpham visually dominated the surrounding countryside and was clearly visible from much of the disputed Burton Moor. It signalled the wealth and status of its patrons, not least because – on the basis of the surviving church towers of the Wolds and Holderness – the St Quintins were the first manorial family in the immediate area to invest in a new Perpendicular tower.

It was also a visual mnemonic for the rest of the church building project at St John's chapel, including the refenestrated and refurbished chancel, the new chantry and the St Quintin family burials there. The first of the St Quintin family monuments to be located in the chapel was that of Sir William St Quintin, the founder of the chantry. He died in 1349 and was buried beneath an alabaster tomb chest with an incised slab placed beneath an ogee-arched canopy which pierced the easternmost bay of the chapel and provided a visual link between it and the chancel (field survey, 2005 and 2006). This was an elaborate and expensive funeral monument,

undoubtedly intended to visually ‘presence’ Sir William within the space he had created (McDonagh, 2007a, 255-65).

[Figure 2 to go here – Tomb chest and canopy]

[Figure 3 to go here – Alabaster slab depicting William and Joan].

The date of the tomb is uncertain. M. R. Petch suggests that the tomb may be the work of William de Malton, a mason born at Huggate and known to have worked at York Minster in c. 1315, at Bainton in the mid 1320s and at Beverley Minster from 1335, an attribution which would suggest the Harpham tomb was constructed either before or soon after Sir William’s death in 1349 (Petch, 1981, 43). Another possibility is that it the tomb was made by a mason trained by Malton, hence the stylistic continuities with Malton’s work. The area around the tomb is whitewashed and there are consequently no visible mason marks, although the north chamfer of the later fourteenth-century tower arch includes the mark of a mason who worked on the reredos at Beverley Minster, possibly under the supervision of William de Malton (Petch, 1981, 43). Given the likely difficulty of appointing workmen in the immediate aftermath of the Black Death and the fact that Sir William’s wife Joan (née Thweng) – whose image appears on the incised slab – did not die until 1384, it seems more probable that the tomb was constructed as part of a programme of works overseen by Joan and her children in the decades following the Black Death. Indeed, comparative evidence from Hornsea – 20 km away on the coast – seems to support a later date for the tomb. Sir William and Joan’s son, Anthony St Quintin, was rector of St Nicholas in Hornsea from 1397 and though he resigned before 1423, he was later buried there. Anthony’s alabaster tomb-chest is almost identical to the one at Harpham, with four shields in quatrefoils and a central crucifix (now missing) on the north and south sides. The Hornsea tomb chest is without an incised slab, but it stands between the chancel and the east end of the south aisle in an analogous position to that at Harpham. Anthony’s will implies that the tomb was constructed before his death and it may be that he commissioned both, potentially in discussion with his mother before her death in 1384 (BIA, PR 9.388).

[Figure 4 and 5 to go here – brasses].

A combination of surviving brasses and wills demonstrates that at least six generations of the St Quintin family were buried and commemorated in the chantry chapel in the two centuries

after 1340 (field survey, 2005; *Testamenta Eboracensia* [hereafter *TE*] II, 95-6; *TE* V, 54-5). The burials in the north chapel were crucial to the family's vision of Harpham chapel as a parochial church, one that was independent of the mother church at Burton Agnes. While not actually legally the case until the early modern period, this territorial imagination was important nonetheless: it helped the St Quintins and their tenants articulate the independence of the manor of Harpham and consequently their rights in the moor independent of the lords of Burton Agnes. Given that the status of the St Quintin manor seems to have been understood as partially caught up with the status of the township as chapelry of Burton Agnes, the chantry chapel was one of the means by which independence could be asserted. In other words, one can understand the massive mid to late-fourteenth-century investment in the built fabric of the chapel and in the chantry and tombs as an outcome both of a desire to ape the status symbols of the neighbouring Griffith family and of the need to assert the manor's rights and status, thereby competing for resources in the moor and elsewhere.

IV. The built landscape of Burton Agnes

A century later, a similar programme of building works was undertaken on the house and church at Burton Agnes. Much as at Harpham, the manorial complex and church stood directly adjacent from at least the late twelfth century onwards, with the church a mere 50 metres north-west of the Norman hall. As was also the case at Harpham, later additions and changes have partially obscured the earlier settlement pattern, but it seems that the manor-church complex lay to the north of the rest of the village, the latter arranged east-west along the Driffield to Bridlington road. By the time of the c. 1850 map, the church, Old Hall, New Hall – the latter built 1601-1610 as a replacement for the medieval hall – and rectory formed a distinct group to the north of the village. Given the close spatial proximity of church and manor, the church provided a site for the manorial family to articulate their wealth, status and power – and their territorial ambitions.

The Old Hall is dated by the waterleaf capitals in its undercroft to c. 1170-75 and was probably built for Roger de Stutville, who held the manor in the 1170s (VCH ER II, 107). Standing buildings evidence suggests that the hall was remodelled sometime in the fifteenth century – work which the *Victoria County History* ascribes to Sir Walter Griffith who inherited in 1471 and died in 1481, although no supporting evidence is provided for that attribution – as well as in the seventeenth and eighteenth centuries. Fifteenth-century features include the kingpost roof and the remains of a large traceried window and an external string-course, both in the west

wall, the only one not to have been refaced in brick when the New Hall was built in the early seventeenth century. The window would have offered views over the church, though its rectilinear tracery does not match that in the church and its pointed arch suggests its insertion was perhaps slightly earlier than the work in the church (discussed below). The walls seem to have been raised in conjunction with the construction of the new roof (field survey, 2005 and 2006; VCH ER II, 108; *List of Buildings of Special Architectural and Historical Interest*; Pevsner, *Buildings of England*, 207). The new window, roof and increased ceiling height were no doubt envisioned by the Griffith family as a way of updating and improving the Norman building, making it lighter, brighter and rather grander. By then, the Norman hall was probably surrounded by various ancillary buildings which significantly extended the accommodation: trial excavations in 1984 revealed extensive buried remains of medieval and post-medieval date in the vicinity of the hall (*List of Buildings of Special Architectural and Historical Interest*; Wilson, 1988).

Sir Walter Griffith died in 1481 and was buried in St Martin's church in the Somerville chantry at the east end of the north aisle. Sir Walter's ancestor, Roger de Somerville had founded the chantry in 1313, when he was licensed to grant property to the chantry to support a chaplain (*Cal Pat*, 1313-1317, 29). It was probably then that the north aisle of the church was widened in order to accommodate the chantry, which was dedicated to the Blessed Virgin Mary (VCH ER II, 116; Pevsner, *Buildings of England: ERY*, 206). Somerville was granted permission to move his wife's body into the new aisle in 1317 and his tomb now sits within a recess in the north wall (VCH ER II, 116).¹⁶ A century and a half later, Sir Walter was buried under an elaborate alabaster tomb-chest decorated with figures of saints arranged under heavily decorated canopies, with the angels on the east and west faces holding the family coats of arms. It was topped by recumbent effigies depicting Sir Walter (in armour) alongside his first wife Joan (née Neville) – who predeceased him – and small figures of at least two of their children. As at Harpham a hundred years earlier, the tomb chest was intended to display Sir Walter's wealth, status and family connections, articulating them both to social peers and to the parish's inhabitants.

[Figure 6 to go here – the Griffith tomb-chest].

Sir Walter was survived by his second wife Agnes, the daughter of Sir Robert Constable (d. 1488) of Flamborough and Holme on Spalding Moor. She was born in 1447, one of at least 17

children of Sir Robert and his wife Agnes (née Wentworth). She married Sir Walter Griffith in 1476, just five years before his death, and they do not seem to have had children. After only a year of widowhood, she married Sir Gervase Clifton of Clifton in Nottinghamshire. Sir Gervase was Sheriff of Nottingham and Treasurer of Calais. He died in 1490 and Agnes did not remarry, instead spending the last 15 years of her life as a widow at Burton Agnes.¹⁷ Like Joan St Quintin, Agnes survived her first husband by more than a quarter of a century and spent her widowhood playing an active role in estate management – as the example of her involvement in the 1499 negotiations over the moor indicates – and investing in the built landscape of Burton Agnes.¹⁸

This included a significant programme of works at St Martin's church, where the west tower, clerestory, embattled nave parapet and (now demolished) north chapel can be dated – on the basis of both stylistic and documentary evidence – to the decades around 1500: that is, precisely the period when the Griffith and St Quintin families were involved in ongoing, and often acrimonious, negotiations over access to the moor. The north chapel was removed sometime in the early modern period, but is securely dated by Agnes's will which she made just days before she died on 23rd January 1505/6. In it, she specified she was to be buried in 'the chauntre closet' in the church 'as my sonne knowthe' (*TE IV*, 243).¹⁹ The chantry was dedicated to St Mary – as was the earlier Somerville chantry, which still active in 1548 – and there was an image of the Virgin there in 1505/6 and 1536 (*VCH ER II*, 115). Her stepson, the younger Sir Walter Griffith, referred to it as the 'new chapel annexed to the church of Sancte Martyne' in his will of 1531, and confirmed that Agnes had been buried there although her tomb does not now survive. The elder Sir Walter made no reference to the chapel in his will of 1481 – nor according to his son's will was he buried there – and it seems likely that work was begun only after his death (*TE V*, 287-9). In other words, this was Agnes's and her stepson's foundation and they were buried – as was the case for many founders of chantry chapels – within their new construction, itself clearly intended as a mortuary chapel for future generations of the family.²⁰

[Figure 7 to go here – The four-centred arch which would have led from the east end of the north aisle into the now-demolished north chapel].

Agnes also left £40 in her will to unspecified 'church warkes' at Burton Agnes (*TE IV*, 243). This was a significant sum in 1506, equal to tens or even hundreds of thousands of pounds today, and confirms that the construction of the chantry chapel was part of a wider programme

of building works taking place at the church in the late fifteenth and early sixteenth century. This included the west tower, clerestory and embattled nave parapet, all stylistically of a piece and all decorated with griffins – the Griffith family’s badge – clearly indicating the family’s patronage of the project. The west tower is of three stages with diagonal buttresses and a crenelated top stage which matches the nave parapet. The large bell openings of the tower consist of three cusped lights under four-centred arches, while the three cinquefoil-cusped lights of the clerestory windows sit under square heads. The west window of the tower is largely original and consists of three cinquefoil-cusped lights under a four-centred head and – unlike the bell openings – a hood-mould with angle stops. It sits above the west door under another very simply-decorated four-centred arch (*List of Buildings of Special Architectural and Historic Interest*; Pevsner, 1972, 206-7; field survey, 2005 and 2006; McDonagh, 2007a, 298).

[Fig 8 Griffith family’s badge on the tower arch capitals and nave parapet].

The simplified form and decoration of the tower and clerestory, as well as the use of four-centred forms in the tower and the north chapel entry, confirm a date in the very late fifteenth or early sixteenth century. A somewhat austere style swept through northern England in the decades around 1500 and is also evident in the simplified bell openings at Lund, 24 km south-west, where a chantry chapel was founded in c. 1500 (*TE IV*, 176). While the influence of Westminster trained masons at York Minster had always encouraged a more restrained Perpendicular style in northern England than was common elsewhere, a new functionalist style was evident in the pier mouldings and crossing arches at Ripon Minster as early as the 1460s, though it was widely adopted only a generation later (Harvey, 1978, 207). It was characteristic of the work of Christopher Scoyne and his school, who in the first decades of the sixteenth century worked on projects throughout Yorkshire, Durham and Lincolnshire, including at St Mary's church in Beverley (Harvey, 1949; *idem*, 1978). It was this restrained style which Agnes and Walter adopted for the new works at Burton Agnes.

The new bell tower at Burton Agnes made both a visual and a sonic statement. Given the sums invested, it seems likely that the new tower was intended to be both taller and more visually spectacular than its predecessor. Height was important: it rendered the church tower visible over a larger area and allowed the church bells to be heard from further away. The surviving church bells at Burton Agnes are early seventeenth-century in date – renewed in conjunction with the construction of the New Hall, another example of the close patronage of church and

house – yet we know there were four bells at Burton Agnes in 1552 (VCH ER II, 117; *Inventories of Church Goods*, 29). Burton Agnes was then the only church in the Wolds to have more than three bells, a good indication of the size and significance of its tower in relation to other local churches (McDonagh, 2007a, 307). It seems likely that the c. 1500 tower was always intended to house four bells and that an additional bell or bells were purchased in conjunction with the construction of the new tower. In many ways, this was a case of the lords of Burton Agnes doing it bigger and better than the lords of Harpham, where the chapel of ease had only two ‘small bells’ recorded in 1552 (*Inventories of Church Goods*, 32).²¹

Church bells were used to mark religious services and feast days, to spread news and to assemble the local community in case of fire, riot or attack. They were also believed to ward off demons, lightning and storms (Cressy, 1989; Mileson, 2018). As Stephen Mileson argues in the context of South Oxfordshire, the ‘soundmarks’ of church bells also contributed to a sense of place and community, so that ‘in some areas there seems to have been a competitive urge to have the biggest bells and highest tower’ (Mileson, 2018, 719). In the case of both Harpham and Burton Agnes, the new bell towers projected these soundmarks – and by implication the wealth, status and power of their patrons – out across the landscape. Crucially, the new towers achieved this at a time when the lords of Burton Agnes and Harpham – along with the lords of the ‘township’ manors and the inhabitants more generally – were involved in ongoing disputes about the boundaries of the townships and their respective rights in the moor. The church bells of Burton Agnes were almost certainly not audible across the whole 8,700-acre parish. The hamlet at Haisthorpe lay 3 km away from St Martin’s church and Gransmoor 4.4 km away, but both Burton Agnes and Harpham church towers were visible from much of Burton Moor, in part because lots of the woodland in the parish is post-medieval in date. The bells could probably be heard from here too, and it is tempting to suggest that the Griffith family’s decision to invest in a new bell tower and new bells was informed by a desire to signal the parochial authority of the mother church at a time when this was under threat from the St Quintin’s efforts to have the chapel at Harpham recognized as a parish church. Here – as elsewhere – the built landscape offered opportunities to visually and sonically ‘mark’ territory and claim resources within the disputed space that was Burton Moor.

V. Conclusions

The paper has drawn on a micro-historical and interdisciplinary approach to landscape history utilizing a combination of documentary, landscape and standing buildings evidence in order to

explore issues of landscape, territory and common rights in medieval East Yorkshire. More specifically, the paper has both traced the long-term consequences of pre-Conquest territorial arrangements *and* examined the range of strategies by which local manorial families marked territory in the late medieval and early modern centuries. As the paper has argued, Burton was a territorial unit whose origins lay in the pre-Conquest period and where the parish and township boundaries fossilized earlier estate arrangements. It survived as a distinct territorial unit until the end of the twelfth century, when it was divided between two co-heiresses whose descendants went on to control the two main manors in the parish throughout the later medieval and early modern period. This resulted in a complex territorial and tenurial situation, characterized from the fourteenth century onwards by considerable conflict between the neighbouring manorial families on behalf of themselves and their various tenants. More specifically, the combination of the joint origins of the manors and the continuing uncertainty over the rights of the lords and their tenants had a significant impact on commons governance in the later medieval period, resulting in ongoing disputes over access to and resource use within the parish moor. Moreover, without a local governance structure capable of managing competing claims in the moor, the lords and tenants of the various townships were forced to articulate their claims in various courts – including Chancery, Star Chamber, Council of the North, and the church courts – as well as via direct action and private agreements supported by bonds.

In these circumstances, local manorial families – including their female heads – relied also on other means of marking territory and claiming resources including modifications to the built landscape. The St Quintin family of Harpham and the Griffith family of Burton Agnes were investing considerable sums in patronising the built landscape of the two villages in precisely the period that the disputes over common rights in the parish moor were also raging. Both families invested in expansive building works at the church or chapel adjacent to their manorial complex, building new towers, chantry chapels and elaborate tombs that functioned as ways of articulating their wealth, status and lineage. By undertaking a significant programme building works at Harpham chapel in the later fourteenth century, the St Quintins also articulated their territorial ‘vision’: that St John’s chapel should be a church and Harpham township a parish. This in turn helped to articulate their claims to grazing, turf and other common rights in Burton Moor and to resist the Griffith families’ attempts to assert superior rights there. The similar programme of fifteenth-century building works undertaken by the Griffith family on the house and church at Burton Agnes served slightly different ends. The tombs, new chapel, tower and

clerestory all underlined the Griffiths' wealth and status and the new tower and bells made a visual and sonic statement, projecting their vision out across the parish including within the moor. Crucially, they did this at a time when both the parochial authority of the mother church at Burton Agnes and the Griffith family's claim to superior rights in the parish moor was under threat. As such, the paper offers a useful reminder that that landscape and the built environment were important mediums through which not only social and political power but also territorial claims to space and resources could be produced and reproduced.

The paper underlines too the value of writing 'grounded' historical geographies of the commons that situate individual commons – in this case, the parish moor at Burton Agnes – within their wider temporal, spatial and territorial contexts. Doing so requires us to think about commons and commons governance as always entangled in the broader politics of the parish, politics that were – of course – gendered as well as classed. At Burton Agnes and Harpham, the later medieval building works were patronized by female 'lords' – in both cases, the wives of deceased landowners who controlled the estates during long widowhoods – who were also heavily involved in ongoing negotiations over rights in the moor. As the paper usefully reminds us, some medieval and early modern women played a significant role in shaping the landscape as we see it today. Yet while both Joan St Quintin and Agnes Griffith were rather less wealthy than many of the female builders and estate managers of later medieval England whose stories feature within the existing historiography (Labarge, 1965; Archer, 1992; Harris, 2002; Wilkinson, 2007; but see McDonagh, 2017, for later examples of gentlewomen as builders and improvers), they were nevertheless privileged by their class and wealth. We should note that there were other women and men who worshipped in the parish church, gleaned on the open field stubbles or turned their cattle into the parish moor whose lives and experiences have featured little here or elsewhere. Yet like the women discussed in the paper, they are stories that are worth unearthing. My hope is that landscape historians and historical geographers writing critical, feminist historical geographies of the British landscape will heed that call.

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Biography

Briony McDonagh is a historical and cultural geographer at the University of Hull. She is author of *Elite Women and the Agricultural Landscape, 1700-1830* (Routledge, 2017) and co-editor of *Hull: Culture, History, Place* (Liverpool University Press, 2017) and *Remembering Protest in Britain since 1500: Memory, Materiality and the Landscape* (Palgrave, 2018). She has published widely on the geographies of property, enclosure, protest and the law, on women’s histories, and on the history of the British landscape. She is Chair of the Historical Geography Research Group of the Royal Geographical Society (with the Institute of British Geographers), co-editor of *Historical Geography* (University of Nebraska Press) and co-director of the University of Hull’s *Gender, Place and Memory* research cluster. She is also 2019 President of the British Science Association’s Geography Section.

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¹ The survival of two large bodies of estate records – for the Somerville/Griffith manor at Burton Agnes and the St Quintin manor at Harpham – yields large numbers of medieval and early modern title deeds for the parish as well as agreements relating to the parish moor and legal papers concerned with disputes over its management. This includes transcriptions of evidence heard in the ecclesiastical and equity courts, for which the original pleadings survive at the National Archives. There are however few medieval manorial court records for the two main manors, although given that much of the management of the parish moor necessarily took place outside the manorial courts (on which, see the main body of the paper), this has not unduly limited the research undertaken here. The churches at both Burton Agnes and Harpham also retain considerable medieval fabric, as does the manor house at Burton Agnes. There is also very good landscape archaeological and cartographic evidence from the parish.

² In what follows, for the sake of clarity, 'Burton' is used to signal the parish and pre-Conquest estate, 'Burton Agnes' for the township, manor and village.

³ The relevant sheets of the first edition 1:10,560 Ordnance Survey maps were surveyed between 1849 and 1852, and published in 1854. The dates have been standardized here at c. 1850. I am grateful to May F. Pickles for information on this point.

⁴ Including the three townships.

⁵ Including Gransmoor and Thornholme.

⁶ See also *Key to English Place Names*, available at <http://kep.n.nottingham.ac.uk/>. The þorp in Haisthorpe and þyrne in Thornholme are both indicative of peripheral or secondary settlement.

⁷ The eighth-century Bishop of Hexham and York was born at Harpham, hence the dedication.

⁸ The wills of Harpham residents held at the Borthwick and/or published in *Testamenta Eboracensia* support this point, as does the existence of the chantry chapel and medieval tombs.

⁹ Burton was unusual in this respect, only a handful East Riding parishes having surviving common fields at the time the first edition Ordnance Survey maps were surveyed.

¹⁰ Acreage of known moorland parcels calculated using Digimap and the c. 1850 Ordnance Survey First Edition 1:10,560 maps. The enclosure award of 1719 allotted 1,821 acres but this excluded parcels enclosed from the moor in the late medieval and early modern period (HHC, U DDWB/5/88).

¹¹ The situation regarding rights in the turbarry was slightly different with the tenants of individual townships restricted to cutting turves within specified plots. Thus the tenants of Burton Agnes had the right to cut turves from an area described as lying 'from Owrom unto Carnaby Stone' (U DDWB/5/49).

¹² See also, U DDWB/5/2b of c. 1704-5, which reiterated the seigniorship of the lords of Burton Agnes in relation to the early eighteenth-century enclosure of Burton Moor.

¹³ No detention of deeds case could be identified in Chancery from searching the TNA Discovery catalogue. The deed between Alice de Merley and Agnes St Quintin must be dated sometime between c. 1199 when their brother Anselm de Stutville died and 1239 when Alice's son Roger inherited (VCH ER II, 107).

¹⁴ See too U DDWB/5/27, for a grant of 1371 from Lady Joan ap Griffith to the Prior of Bridlington of a right of way across Burton Moor. This was to be 40 feet wide and ran between a bridge known as Schepbrig and Thornholme.

¹⁵ Indeed, at least nine new towers were built in the Yorkshire Wolds in the Perpendicular style and a further six churches has the top stage of their tower rebuilt or parapets or pinnacles in the latest fashion added. The towers are not easy to closely date on stylistic grounds alone, in part because the Perpendicular style remained relatively unchanged from its inception at Gloucester in the 1330s to its demise two hundred years later. Moreover, there is little documentary evidence for most of the towers, though both Harpham and Burton Agnes are an exception here (McDonagh, 2007, 296-314).

¹⁶ The tomb is most likely not in situ.

¹⁷ See HHC, DDWB/24/1 for the marriage settlement and DDWB/5/60 and 6/3 which refer to Agnes as the widow of Sir Gervase; Cal Inqs PM, 2nd series, Vol III 20-24, Henry VII (1955), 87. Agnes died seised of the manor of Burton Agnes and property in Fraisthorpe, Great Kelk, Gransmoor, Thornholme, Beeford, Swaythorpe and Langtoft (Cal Inqs PM, 2nd series, Vol III 20-24, Henry VII (1955), 65-66).

¹⁸ This is in contrast to the editor's comment in *Testamenta Eboracensia*, where he simply noted that after her second husband's death, Agnes 'returned into her own country to die' (*TE* III, 269).

¹⁹ This was Agnes's stepson Sir Walter Griffith, who had been only a toddler when his own mother died and his father married Agnes.

²⁰ This probably did not happen, in part because an incorrect license seems to have contributed to its later demolition.

²¹ These were replaced or recast in the early seventeenth century, and the surviving bells are dated 1610, 1617 and 1812 (VCH ER II, 227).