

Subverting the ground: private property and public protest in the sixteenth-century Yorkshire Wolds*

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Abstract

As a forum for litigating property disputes, the Star Chamber left records that provide crucial evidence for investigating the way people understood and experienced the landscape around them at precisely the time that the modern concept of property in land was emerging. Using cases from the Yorkshire Wolds, the paper explores the roles litigation, direct action and riots played in both asserting and subverting property interests, with the aim of reclaiming something of the materiality of the events reported in the court. Particular attention is paid to two key practices by which enclosure and common rights could be negotiated ‘on the ground’: that is, by grazing animals on the common fields or closes and by ploughing up – or subverting – grassland.

This paper uses the Star Chamber archive to explore land disputes and the meaning – and making – of private property in the sixteenth-century Yorkshire Wolds. It offers a ‘pre-history’ of enclosure in a county where research has typically focused on the parliamentary enclosures of the eighteenth and nineteenth centuries.¹ Yet the sixteenth century was a key period of change and the suits brought before the court shed considerable light on the roles litigation, collective action and riots played in articulating title to land and negotiating common rights.

Named after the painted ceiling of the room in which it was held at Westminster, the Star Chamber was one of the central equity courts, and emerged as a separate court of law in the early sixteenth century. The records of Star Chamber suits survive in some numbers for the

* I am grateful to the two anonymous referees for their immensely helpful comments, and to Richard Hoyle for his thoughts on an earlier version of the paper presented at the British Agricultural History Society conference in April 2007.

¹ For example, J. Lawler, ‘The effect of enclosure on four Wolds villages: Weaverthorpe, Helperthorpe, East Lutton and West Lutton’, *East Yorkshire Historian* 3 (2002), pp. 55–145; J. P. Dodd, ‘Politics and agriculture in the East and North Ridings of Yorkshire’, *Yorkshire Archaeological J.* [hereafter *YAJ*] 60 (1988), pp. 159–72; J. E. Crowther, ‘Enclosure, topography and landownership in Eastern Yorkshire’, in M. Turner and D. R. Mills

(eds), *Land and property: the English Land Tax, 1692–1832* (1986), pp. 71–90; B. Loughbrough, ‘An account of a Yorkshire enclosure: Staxton, 1803’, *AgHR* 13 (1965), pp. 106–15; A. Harris, *The rural landscape of the East Riding of Yorkshire, 1750–1850: a study in historical geography* (1961); O. Wilkinson, *The agricultural revolution in the East Riding of Yorkshire* (East Yorkshire Local History ser. 5, Hull, 1956).

Yorkshire Wolds from the early sixteenth century onwards.² Although undoubtedly structured by narrative and legal frameworks dictating the way evidence should be presented and people's stories told, the pleadings and depositions from the Star Chamber nevertheless provide crucial evidence for investigating the way people defined, understood and experienced the landscape around them.³ Moreover they do this in precisely the period when the modern concept of property in land was first emerging.

Late medieval ideas about property were very different from modern ones. Firstly, the medieval concept of property expressed in the common law did not equate the concept of property with the thing itself, but with rights in the thing. In this sense, property was expressed as a right in or claim to land or chattels, rather than acting as a shorthand for the chattels themselves as in modern usage.⁴ As a result, property was in Harding's words 'more conditional and less exclusive and individualistic than it is now. Contemporaries recognized the simultaneous existence of a plurality of interests in one space – some of them deferred, some contingent, and some barely enforceable.'⁵ Secondly, throughout the later medieval period the term 'property' strictly applied only to personal, rather than real, property; that is, to goods and animals rather than land. Thus the medieval Year Books draw a strict distinction between *propreté* in chattels and *dreit* (rights) in land.⁶

Only in the fifteenth century did the abstract Romanized concept of property begin to emerge and by the first decades of the sixteenth century common lawyers had started to apply the notion of absolute property to land disputes. For example, Christopher St German's *Doctor and student*, published in the late 1520s, used an extensive, abstract and universal 'law of property' (*lex proprietatis*) which was applicable to land and goods.⁷ Yet this abstract notion of property was not universally accepted and the rigid distinction between personal and real property was maintained by some throughout the seventeenth century: in 1607, John Cowell recognized property in personal goods, but denied its existence in land, and as late as 1651 William Noy's posthumously published *The complete lawyer* applied the word property solely to moveable goods.⁸

In the same period multiple use rights gradually gave way to individualized ownership, as increasing amounts of land were enclosed in severalty by landlords and the common rights of their neighbours extinguished. A wholly enclosed landscape was not achieved in East Yorkshire or much of the Midlands until the parliamentary enclosure movement of the late eighteenth and nineteenth centuries.⁹ Yet the sixteenth century was, nevertheless, an important period of change. The sheep-corn economy was well developed in the Wolds by the late medieval period, but both sheep and rabbits seem to have made significant inroads into the economy in

² A. Wood, *Riot, rebellion and popular politics in early modern England* (2002), p. 46.

³ B. A. Hanawalt, *'Of good and ill repute': gender and social control in medieval England* (1998), pp. 124–41; L. Gowing, *Common bodies: women, touch and power in seventeenth-century England* (2003), pp. 13–14.

⁴ D. J. Seipp, 'The concept of property in the early common law', *Law and Hist. Rev.* 12 (1994), pp. 29–91.

⁵ V. Harding, 'Space, property, and propriety in urban England', *J. Interdisciplinary History*, 32 (2002), pp. 549–69.

⁶ Seipp, 'Concept of property', pp. 32–3 and 35–51; M. Sampson, "'Property" in seventeenth-century English political thought', in G. J. Schochet, P. E. Tatspaugh and C. Brobeck (eds), *Religion, resistance and civil war: papers presented at the Folger Institute seminar* (1990), pp. 259–75.

⁷ Seipp, 'Concept of property', pp. 31 and 47.

⁸ Sampson, 'Property', p. 265; G. E. Aylmer, 'The meaning and definition of "property" in seventeenth-century England', *Past and Present* 86 (1980), pp. 87–97.

⁹ Harris, *Rural landscape*, p. 18.

the later fifteenth and sixteenth centuries.¹⁰ Enclosures and evictions were reported in the 1517 inquisitions of depopulation at Wharram Percy, Thirkleby (par. Kirby Grindalythe), Hanging Grimston (par. Kirby Underdale) and Caythorpe (par. Rudston), all of which were linked to the expansion of sheep walks or warrens.¹¹ The Wolds are, of course, famed for deserted villages, and the Star Chamber suits offer insights into the circumstances in which some settlements were depopulated. Elsewhere in the Wolds there is evidence for an expansion of land held in several ownership, as common field systems were reorganized, deer parks extended and demesnes consolidated. For example, at Risby (par. Rowley) Sir Ralph Ellerker laid out the deer park in c.1540 at the same time as he created a consolidated block demesne and enclosed the East Field. Further north at Scarborough a deer park was laid out in the late fifteenth century, whilst at neighbouring Leconfield the medieval park was extended in the first decades of the sixteenth century over the site of a previously deserted hamlet.¹² Moreover, as the paper will show, most of the enclosures recorded in the Star Chamber, like the vast majority of those reported in 1517, were undertaken with the intention of converting arable land to pasture, a profitable undertaking at a time when grain prices were low and wages high.¹³

Thus the sixteenth century was a key period in the transition from complex use rights to more individualized forms of land ownership. Enclosure and assarting had, of course, taken place throughout the medieval centuries, sometimes engendering fierce opposition, but the pace of enclosure seems to have quickened in the sixteenth century at the same time as concerns about enclosure and the related process of amalgamating or engrossing farms were first raised at the national level.¹⁴ The late sixteenth and early seventeenth centuries in particular were marked by popular and sometimes violent opposition to the extension of private property rights. The failed uprising of 1596 and the Midland Revolt of 1607 focused on the champion landscapes of Leicestershire, Northamptonshire and Warwickshire, but they were followed in the late 1620s and 1630s by widespread enclosure riots in the wood-pasture regions of south-west England and in the fenlands of Lincolnshire, East Anglia and Somerset.¹⁵

¹⁰ E. Miller, 'Farming practice and techniques: Yorkshire and Lancashire', in E. Miller (ed.), *The agrarian history of England and Wales*, III, 1348–1500 (1991), pp. 182–94; J. Thirsk, 'The farming regions of England', in J. Thirsk (ed.), *The agrarian history of England and Wales*, IV, 1500–1640 (1967), pp. 1–112, especially pp. 33–4.

¹¹ I. S. Leadam, 'The Inquisition of 1517: inclosures and evictions' (in two parts), *Trans. Royal Hist. Soc.*, sec. ser. 6 (1892), pp. 167–314 and 7 (1893), pp. 127–292, especially pp. 247–9; VCH, *East Riding* II, p. 315; VIII, p. 138; M. W. Beresford, 'The lost villages of Yorkshire', *YAJ* 38 (1954), pp. 325–59; J. W. Clay (ed.), *Testamenta Eboracensia, or, Wills registered at York*, VI (Surtees Soc. 106, 1902), pp. 106–7.

¹² Borthwick Institute of Historical Research, University of York, [hereafter BIHR], CP G 2654; Leadam, 'Inquisition', [pt 2], p. 248; VCH, *East Riding* IV, p. 13; Beresford, 'Lost Villages', p. 67. For a fuller discussion of these examples, see Briony A. K. McDonagh, 'Manor

houses, churches and settlements: historical geographies of the Yorkshire Wolds before 1600' (Unpublished PhD thesis, University of Nottingham, 2007), pp. 201–4.

¹³ B. M. S. Campbell, 'People and land in the Middle Ages, 1066–1500' in R. A. Dodgshon and R. A. Butlin (eds), *An historical geography of England and Wales* (1990), pp. 69–121.

¹⁴ C. Dyer, 'Conflict in the landscape: the enclosure movement in England, 1220–1349', *Landscape Hist.*, 29 (2007), pp. 21–33; I. Blanchard, 'Population change, enclosure and the early Tudor economy', *ECHR* 23 (1970), pp. 427–45.

¹⁵ E. F. Gay, 'The Midland Revolt and the Inquisitions of Depopulation of 1607', *TRHS*, sec. ser., 18 (1904), pp. 195–244; K. Lindley, *Fenland riots and the English Revolution* (1982); M. Williams, *The draining of the Somerset Levels* (1970); B. Sharp, *In contempt of all authority: rural artisans and riot in the West of England, 1586–1660* (1980).

Much of the existing research has focused on these revolts and uprisings, along with the rebellions of 1536–7 and 1548–9, while those who have examined the records of Star Chamber have generally used them to investigate the geography of enclosure riots and their changing characteristics over the sixteenth and seventeenth centuries.¹⁶ Relatively little attention has been paid to the role these riots and other small-scale, localized breaches of the peace played in negotiating and resisting the extension of private property rights, or to riots as a means of negotiating property disputes more generally. This is precisely what this paper seeks to do. The paper begins by introducing the Court of Star Chamber, its role in litigating property cases, and the nature of the surviving archive. Part II examines the Star Chamber suits for the Yorkshire Wolds in more detail, focusing on the nature of the riots reported in the court cases, the violence they involved, and the social status of the litigants and rioters. Parts III and IV explore the plaintiffs' and defendants' accounts of the riots for what they reveal about how property interests – including both enclosures and common rights – were negotiated in the sixteenth-century Wolds. Particular attention is paid to two key practices by which private property rights could be both promoted and resisted: that is, by grazing animals on the common fields or closes and by ploughing up grassland. The final section offers some concluding comments.

I

Despite statutes issued under Edward III which forbade the council to determine matters of freehold, many suits concerning title to land were brought before the Star Chamber in the later fifteenth and early sixteenth century.¹⁷ Bills of complaint typically alleged various criminal offences had been committed including riot, unlawful assembly, forcible entry, dispossession, assault and theft of personal goods. By framing their bills in terms of criminal offences, petitioners used the court to decide matters of title. There was nothing inherently new in this. In the fifteenth century, actions for trespass and the detinue of charters were much used to try title to land, just as the statutes of forcible entry, introduced between 1381 and 1429, and the assize of novel disseisin, had earlier served the same function.¹⁸

Moreover, because the equity court procedure was distinct from the common law in that it was based on written rather than spoken evidence, the Star Chamber produced a large body of written material.¹⁹ That said, the archive is not complete. Guy estimated that as much as half the original archive has been lost, and the presence or absence of material also reflects the activity or inactivity of other courts. The Council of the North at York took the place of the

¹⁶ A. Wood, *The 1549 rebellions and the making of early modern England* (2007); R. W. Hoyle, *The Pilgrimage of Grace and the politics of the 1530s* (2001); B. L. Beer, *Rebellion and riot: popular disturbances in England during the reign of Edward VI* (1982); R. B. Manning, *Village revolts: social protest and popular disturbances in England, 1509–1640* (1988); A. Charlesworth (ed.), *An atlas of rural protest in Britain, 1548–1900* (1983).

¹⁷ J. A. Guy, *The Court of Star Chamber and its records to the reign of Elizabeth I* (1985), p. 52; R. W. Hoyle (ed.) *A handlist of Star Chamber proceedings before 1558 for*

northern England (2003), pp. vii, viii–ix.

¹⁸ A. W. B. Simpson, *A history of the land law* (1986), pp. 42–6.

¹⁹ *Chancery proceedings: equity suits from 1558*, TNA Legal Records Information 22, available at www.nationalarchives.gov.uk/catalogue/RdLeaflet.asp?sLeafletID=165; *Early chancery proceedings: equity suits before 1558*, TNA Legal Records Information 42, available at www.nationalarchives.gov.uk/catalogue/RdLeaflet.asp?sLeafletID=19, both accessed 10 May 2005.

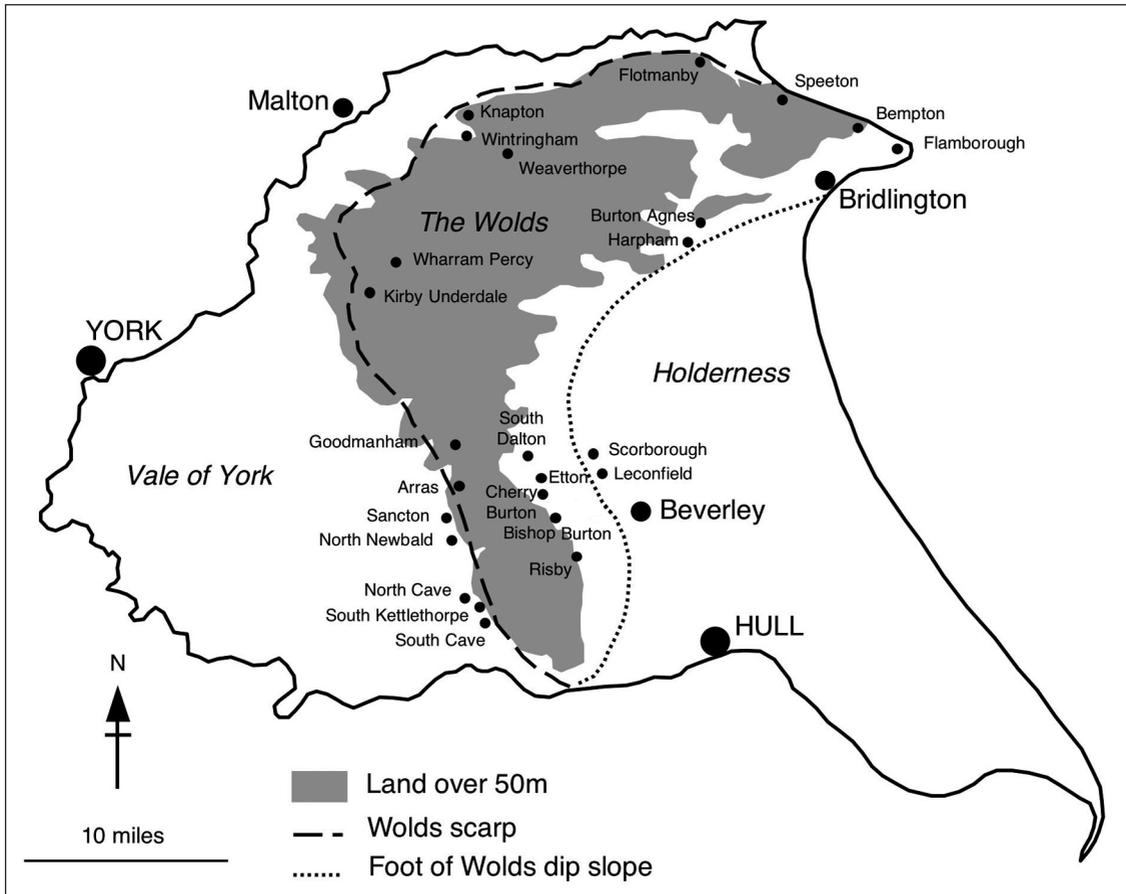


FIGURE 1. Places mentioned in the text.

Star Chamber in northern England for those periods when it was active, but its records have not survived.²⁰ The local common law courts also dealt with riots and trespass, and the Quarter Sessions and Assizes may in fact have been the first ports of call for many litigants. Yet nothing survives for the East Riding before the late seventeenth century. Manorial courts too dealt with minor riots and occasional boundary disputes, but the extant records for the Wolds are highly fragmentary and have not been analyzed in detail here.

Nor are the surviving Star Chamber records easy to use. The original cataloguing procedure was complex: related material was filed in several bundles or series, and though the pleadings were catalogued under the principal plaintiffs' and defendants' surnames, the court commonly altered the principal plaintiff, so the same suit might be listed under several different names. The initial bills of complaint were varyingly accompanied by answers, replications, rejoinders, interrogatories and depositions, only some of which generally survive for each suit. There are no decrees, orders or arbitration awards extant; hence the outcome of most suits is unknown.

²⁰ F. W. Brooks, *The Council of the North* (1953), pp. 20–21; Hoyle, *Handlist*, pp. ix–x.

Moreover, only some of the surviving records are indexed by place although there is a useful handlist of northern suits dating from before 1558.²¹

Much of the material discussed in this paper was published by the Yorkshire Archaeological Society Record Series in four volumes between 1909 and 1927, covering the volumes and bundles now catalogued at The National Archives as STAC 1 and STAC 2. The series includes papers from c.1485 to 1625, but the 20 suits which relate to events or property in the Wolds, the location of which is shown in Figure 1, are dated between 1514 and 1536. The reconstituted Council of the North was active from 1537, and it is therefore not surprising that the small, unpublished series covering the reigns of Edward VI and Mary contain only one further suit.²² The remainder of the material discussed here is drawn from STAC 5, the largest series of Star Chamber records containing around 35,000 documents covering the reign of Elizabeth I. STAC 5 has no place or county index, so it is often impossible to identify suits relating to a particular place without consulting the original documents. This makes it difficult to identify material pertaining to the Yorkshire Wolds, except where the name of the plaintiff or defendant and the existence of the suit can be identified from another source. The suits discussed here were identified by searching for all the surnames of individuals known from property records and other documents used elsewhere in the doctoral project.²³

II

Like many Star Chamber suits, the vast majority of the 28 suits relating to the Yorkshire Wolds were concerned with rights in land and a smaller number with the theft of agricultural produce or goods.²⁴ Some of the suits refer to disputes over rights in common or recently enclosed land – sometimes culminating in enclosure riots – or to disputes between neighbouring lords over tenants' rights in common land. The suits are interesting not only for what they reveal about how land and other property might be conceived as privately owned, but also for what they tell us about how private and common rights in land might be negotiated through litigation, collective action and riot.

The vast majority of the litigants from the Yorkshire Wolds alleged riot or riotous assembly against the defendants.²⁵ Much the same is true at the national level: for example, Guy found that in his sample of 473 suits filed under Wolsey (c.1515–1529), 48 per cent of plaintiffs alleged riot, rout or unlawful assembly against the defendants.²⁶

Yet with the exception of the 1536 Pilgrimage of Grace and the 1549 uprisings in the northern Wolds and the Vale of Pickering, the riots recorded in the Star Chamber archive were not widespread rebellions but local breaches of the peace.²⁷ While the actions of the Wolds rioters were no doubt at least partially informed by the wider political climate, the riots generally

²¹ Hoyle, *Handlist*.

²² Hoyle, *Handlist*, p. 16; TNA, STAC 4/10/11.

²³ McDonagh, 'Manor houses'.

²⁴ Only three suits have been identified that included no claim to land or agricultural goods, but focused instead on defamation or violent crimes such as attempted murder.

²⁵ Wood, *Riot*, p. 46. The plaintiffs alleged riot or riotous assembly in 20 out of 28 – or 71 per cent – of the Wolds suits.

²⁶ Guy, *Star Chamber*, p. 52.

²⁷ Beer, *Rebellion and riot*, pp. 159–161; A. G. Dickens, 'Some popular reactions to the Edwardian Reformation in Yorkshire', *YAJ* 34 (1939), pp. 151–69.

aimed to protect specific agrarian practices or the local allocation of resources, rather than to affect central government policy towards the peasantry, yeomen class or religious institutions. In general, the Wolds riots were relatively small in scale. On average, plaintiffs claimed they had counted 20 rioters, although the numbers reported in individual incidents ranged from as few as three at Bishop Burton in 1523 to 105 in another riot in the same village in 1524. Perhaps not surprisingly, most plaintiffs could produce the names of less than half the number they claimed were involved, so that the mean number of people actually named as rioters in the bills of complaint was only eight.²⁸ This is apparently much the same across the country, for as both Wood and Manning have noted, small-scale, local crowd actions easily make up the bulk of riotous suits heard by the Star Chamber and other courts.²⁹

Guy drew a distinction between real and alleged cases of riot, arguing that only 7 per cent of his sample 'yields evidence of genuine rioting', whilst the remaining 41 per cent of suits were concerned with title to property.³⁰ Yet one should be wary of assuming that the criminal offences alleged in the bills were fictional or grossly exaggerated. The Star Chamber seems to have worked with a very broad definition of riot, no doubt at least partially based on the common law which defined a riot as 'three or more persons assembled in a violent and tumultuous fashion, under their own authority, with the mutual intent of committing a breach of the peace'. While the Star Chamber's definition of riot included both extended disturbances and lesser collective actions, the dispossessions and thefts reported in the bills for the Yorkshire Wolds and elsewhere were generally accompanied by some degree of violence against the person.³¹

Many plaintiffs claimed they had been seriously assaulted, something which was often not disputed by the defendants in their answers. Thomas Gowle was not untypical when he claimed that men who had riotously arrayed themselves with weapons and entered into his tenement and land at Bempton in May 1579, had beaten and wounded him so severely that he was 'still lame of his armes and leges' some months later.³² In a single bill of 1600 Michael Wharton Esq. of Beverley Parks complained that he had been assaulted on no less than six occasions between May 1598 and April 1599 in places as far apart as London and Thorpe-le-Street near Market Weighton (East Riding), as well as on the ferry between Barton and Hull.³³ Other petitioners complained that their servants and tenants had been beaten and wounded or that the defendants 'lay in wayte' for the plaintiff or his men so as to kill or maim them.³⁴ Several petitioners alleged that the defendant or defendants had attempted to murder them, their kin or servants. At the other end of the spectrum, violence included intimidating words spoken whilst bearing offensive weapons, hence the emphasis in many of the bills of complaint on crowds who carried 'billes, staffes, clubbes, pycheforkes and oder wepons after the maner of warre'.³⁵

²⁸ Where counter bills describing the same riot were lodged with the Star Chamber, the mean number of rioters reported in the two or more bills was calculated. This was then used in calculations of the overall mean number of rioters involved in the 20 Wolds riots.

²⁹ Wood, *Riot*, p. 41; R. B. Manning, 'Patterns of violence in early Tudor enclosure riots', *Albion* 6(1974), pp. 132, 129.

³⁰ J. A. Guy, *The cardinal's court: the impact of Thomas*

Wolsey in Star Chamber (1977), p. 15; Guy, *Star Chamber*, p. 52.

³¹ Wood, *Riot*, pp. 41, 47.

³² TNA, STAC 5/G23/5.

³³ TNA, STAC 5/W15/32.

³⁴ W. Brown *et al.* (eds), *Yorkshire Star Chamber Proceedings* [hereafter YSCP] (4 vols, Yorkshire Archaeological Society Record Ser., 41, 45, 51, 70, 1909–27), II, p. 135.

³⁵ Manning, *Village revolts*, p. 57; YSCP, I, pp. 131–7.

The status of the litigants and rioters in the Star Chamber can be fruitfully considered. Of the great magnate families, only the earls of Northumberland appear in the Star Chamber papers for the Wolds. Despite owning land in the Wolds at Londesborough and being involved in the widespread enclosure riots in Craven in 1535, the earls of Cumberland do not appear in the Wolds suits.³⁶ Members of local gentle families like Sir John Hotham of Scarborough and Sir Robert Constable of Flamborough were more frequent litigants, and the latter was cited in numerous bills of complaint. Yet the litigants were by no means all members of the gentry and nobility. Some were freeholders, and even husbandmen or their widows might petition the Star Chamber, as in the case of Isabel Goddishalf, widow of a husbandman from Newbald, who described herself as the mother of 'iiij poor children'.³⁷

Rioters, like litigants, were drawn from a wide variety of social groups. Gentle individuals were often identified as the leaders of the riots, but rather than assume like Manning that rivalries between the gentry were always in the background of enclosure riots, we might suggest that litigants in the Star Chamber were often keen to ascribe the leadership of riots to the gentry.³⁸ Hoyle suggests that landowners sometimes assumed that neighbouring gentry were behind unrest rather than acknowledge the role played by the lower orders in organizing riots.³⁹ The role played by the gentry might also be exaggerated by those keen to ratchet up the charges against the defendants: by arguing that their tenants had confederated with a neighbouring landowner who had no private interest in the enclosed land, plaintiffs might imply that the riot was a strike against enclosures more generally and was thus technically punishable as treason.⁴⁰ In reality, yeomen and husbandmen were usually said to have made up the majority of those present at riots in the Wolds, even where the gentry were identified as playing a leading role. In other words, aristocratic, gentle and 'middling' householders all played a significant role in negotiating access to and property in land, as did women who might play the role of litigants or rioters.

III

The plaintiffs lodging bills in the Star Chamber generally claimed title to the land as private property, arguing that they had been wrongfully and often violently dispossessed. Many of them complained that the land in question had been mismanaged or its use changed whilst wrongfully occupied by the defendants. These suits are revealing not only for what they disclose about the meaning of enclosure, private property and ownership, but also because they imply that title to land might be successfully articulated through possession, use and practice.

The Star Chamber papers for the Yorkshire Wolds include a number of suits in which plaintiffs complained that defendants had wrongfully pastured sheep, horses or cattle on their land. Some of these suits explicitly referred to issues of title. For example, Sir John Hotham complained in

³⁶ R. W. Hoyle, 'Clifford, Henry, first earl of Cumberland (c.1493–1542)', *Oxford Dictionary of National Biography* (2004), available at www.oxforddnb.com/view/article/5647, accessed 7 Nov. 2006; Manning, 'Patterns', pp. 128–9.

³⁷ YSCP, I, p. 133.

³⁸ Manning, 'Patterns', p. 121.

³⁹ R. W. Hoyle, 'Thomas, Lord Darcy, and the Rothwell tenants, c.1526–34', *YAJ* 63 (1991), pp. 85–107.

⁴⁰ Wood, *Riot*, p. 42.

1506 that horses belonging to the earl of Northumberland had been feeding in closes of corn and hay at Scarborough, a parish at the bottom of the Wolds dipslope.⁴¹ The allegation was part of a long list of complaints against the earl, which explicitly aimed to assert Hotham's title over meres, pastures and meadows which lay between his estate at Scarborough and the earl's manor of Leconfield. The suit was part of a property dispute between neighbouring manorial lords and the grazing animals were used as a means of articulating and negotiating the boundary between the manors. In this sense, what one sees at Scarborough is not necessarily *popular* opposition to the extension of *private* property interests.

However in other suits, complaints about the depasturing of animals on crops or leys signal an element of popular discontent at enclosure or the loss of common rights. The type of land depastured varied from suit to suit, but included arable at Scarborough and Bishop Burton, meadow balks at Sancton and woodland at Goodmanham and Weedley. At least some of this land was enclosed and it is clear that hedges, fences and ditches were removed at North Cave in 1534, at Houghton in 1588, and at Goodmanham in 1599.⁴² In 1588, more than twenty men from the neighbouring village of North Cliffe had armed themselves with weapons and assembled in a riotous manner near a close called Gill Garth in Houghton (par. Sancton). The rioters had 'Entered into the said close ... and there in most ryotus and dispitfull mannor did with there swords and pytcheforkes did cut and break down the hedge and cut upp the Earth'. The plaintiff Peter Langdale complained that they had then occupied the close, driven his cattle out and menaced him, saying that they would kill or maim him.⁴³

Some defendants were explicit about the fact that they had removed hedges specifically with the intention of reasserting common rights. For example, Marmaduke Grimston Esq. of Goodmanham submitted two bills to the Star Chamber in 1599 complaining that various inhabitants of the parish had thrown down the fence at Wood Nooke, a close which contained spring and young wood which Grimston had fenced at his own cost. Grimston complained that in casting down the fence and filling in the ditches, the defendants had laid the close open and beasts had depastured the wood. In their answers, the defendants argued that the ground was a part of the common of Goodmanham which Grimston had caused to be enclosed and fenced for his own profit. Two husbandmen denied casting down the fence, but admitted they had willed their wives to do so, presumably because they believed the women were less likely to be prosecuted.⁴⁴ According to the two husbandmen, the womenfolk of the village had met at a tavern or alehouse where they had 'agreed together to throwe the said fences downe to thend that the parish might have common in that grounde as they had before tyme'.⁴⁵

Both hedge-breaking and depasturing animals on arable and grass crops provided a physical means by which title and ownership could be inscribed on the land through use and daily practice. Another incident from the Wolds provides support for this idea. In 1548, a dispute erupted in the ecclesiastical courts at York over tithes of fleece due from a sheep walk called Great Wharram Pasture in the north-west Wolds. The dispute turned on whether the sheep

⁴¹ YSCP, I, pp. 157–8; II, pp. 134–7.

⁴² YSCP, III, pp. 68–9; TNA, STAC 5/L3/40; STAC 5/G23/4; and STAC 5/G17/35.

⁴³ TNA, STAC 5/L3/40.

⁴⁴ Hoyle, 'Rothwell tenants', p. 104; R. A. Houlbrooke,

'Women's social life and common action in England from the fifteenth century to the Civil War', *Continuity and Change* 1 (1986), pp. 171–89.

⁴⁵ TNA, STAC 5/G23/4 and STAC 5/G17/35.

walk lay in the parish of Kirby Underdale or the neighbouring township of Thixendale, itself part of Wharram Percy parish. Several witnesses claimed that the long-standing use of the pasture by sheep and cattle belonging to inhabitants of Kirby proved that the pasture was part of Kirby Underdale.⁴⁶ In other words, local custom and agricultural land use were understood by contemporaries to demonstrate ownership. In this context, we can begin to see how various types of agricultural practice, including the depasturing of animals on arable and grass crops, might function as a means to assert private ownership of land or common rights.

Local discontent at the loss of customary and common rights at Newbald in the southern Wolds led to the largest and most serious breach of the peace recorded as a riot in the extant Star Chamber records for the Yorkshire Wolds. In June 1524 the inhabitants of Newbald had riotously assembled on the green, demanding turves and thorns (probably hawthorn or gorse) from an area known as the West Ground, part of the prebendal estate which lay close to the green and an area of common grazing known as the Mires.⁴⁷ It is not known if the prebendary, Henry Machell, had recently enclosed the land from the common, but it is clear that he was trying to curtail customary rights.⁴⁸

According to the prebendary, the riot started after a local husbandman, Richard Bank, had gone house-to-house telling the inhabitants of the village to assemble at the green and demand the thorns and turves. By six o'clock in the morning, sixty people had armed themselves with bills, clubs, pitchforks and other weapons and assembled on the green in what Machell described as 'a great rout'. The rioters demanded to speak with the prebendary and when Machell arrived on the green, he offered to try the inhabitants' right in the forthcoming court. At this, Bank grabbed Machell, and demanded that the villagers should have the turves and try their right afterward, shouting 'Thou prest, what makyst thowe here, gete the hens, or els thou shalt haue that thowe comyst fore'. A riot ensued in which stones were thrown and blows dealt. Machell fled the scene, and while some of the rioters followed him, others rang the church bells to assemble the rest of the villagers.⁴⁹

Sixty inhabitants of the village were involved in the initial assembly on the green and others joined them after the church bells were rung. Moreover, at least one person was killed during the riot. Isabel Goddishalf sued the initial bill in which she complained that Machell and others had murdered her husband Anthony, one of the husbandmen who had helped Bank call the villagers out of their houses. Perhaps not surprisingly, Isabel offered a very different version of events to the prebendary. She alleged that on the morning of the supposed riot, Anthony and other husbandmen had been at the common forge preparing their tools, when Machell and others came through the streets of Newbald 'in terrible maner ... to thintent to haue muredred and beten your said poore subiectes'. She described the events vividly in her bill, stating that on arriving at the forge members of Machell's riotous company:

violently drue the said Anthony ... hauyng noo maner wepon for his defence, bakwarde to a wall ther being, and with a bill then and ther strake the said Anthony upon the hedd in soo

⁴⁶ BIHR, CP G 379; J. S. Purvis (ed.), *Select sixteenth-century causes in tithe, from the York Diocesan Registry* (YASRS 114, 1947), pp. 23–34.

⁴⁷ YSCP, III, p. 52.

⁴⁸ F. W. Brooks, *Yorkshire and the Star Chamber* (East Yorkshire Local History Ser. 4, 1954).

⁴⁹ YSCP, III, pp. 51–3; I, pp. 131–7.

pituous wise that the brayne ranne and issued out of the hedd ... by force of which stroke and pitefull wounde the same Anthony, then and ther, immediatly, without ony woorde speking, fell down and died.

In his answer, Machell denied unlawfully assembling his servants or killing Anthony Goddishalf, although by his own admission, he had subsequently fled the town. Isabel complained that, although a coroner and jury had already indicted Machell, and his goods were therefore forfeit to the Crown, she feared that he would escape without due punishment.⁵⁰

Like all of the Star Chamber suits, the outcome of the court proceedings is unknown and one can only guess at whether Machell was brought to justice or the inhabitants succeeded in claiming the customary rights they demanded. However, it is clear from the bills and answers that this was the largest and most violent public assembly in the Yorkshire Wolds to be litigated in the Star Chamber. This underlines the fact that allegations of riot were not simply a means to ensure a hearing at the Star Chamber. Rather, property disputes and customary rights litigated in the central equity courts might concurrently be negotiated through a variety of other practices, including counter-litigation, evictions, dispossessions, thefts and riots, which were often violent and bloody.

IV

Complainants often alleged that defendants who wrongfully occupied their land had broken up pastures by ploughing them. For example, in an undated early sixteenth-century bill Thomas Portington Esq., lord of the manor of Speeton in the north-east Wolds, complained that the prior of Bridlington and 16 riotous persons had entered then 'subverted and tilled' the demesne at Speeton, as well as wrongfully taking £20 of Portington's goods and chattels.⁵¹ To subvert the ground meant to turn over pasture with a plough, a practice which was also favoured by rioters elsewhere in the Yorkshire Wolds. For example, the owners of the rectorial estate at Bishop Burton complained that various riotous persons had forcibly entered the parsonage grounds in March 1523 and 'with their ploughs subverted the ground'.⁵² Much the same was alleged at South Kettlethorpe in 1533, when a local farmer Marmaduke Monkton complained that rioters had entered a close belonging to him and 'with 36 ploughs with force subverted, manured and sowed'.⁵³

These were undoubtedly organized forms of protest rather than spontaneous incursions on private property. The bills of complaint did not specify the number of ploughs used at Speeton and Bishop Burton, but 36 were said to have been used at South Kettlethorpe in 1533. Although the plaintiffs may have exaggerated the number of ploughs involved in these incidents, mobilizing even a small number of ploughs and the necessary plough-beasts to pull them would have required days of planning and a significant degree of community involvement. Dyer and Blomley both make much the same point with reference to hedge-breaking, drawing attention to the considerable effort that went into destroying hedges and

⁵⁰ YSCP, I, pp. 131–7.

⁵¹ YSCP, II, p. 147.

⁵² YSCP, II, p. 104.

⁵³ YSCP, IV, pp. 16–7.

filling in substantial features like ditches, and arguing that enclosure-breaking often took place over several days or weeks.⁵⁴

Wrongful ploughing was also alleged at South Cave in 1529, and here the survival of additional documents helps to recover something about individuals' motivations in property disputes and the complex web of interests whereby landowners might sometimes support and other times oppose enclosure. In his bill of complaint, Richard Smetheley Esq. complained that he had been forcibly evicted from the manor of East Hall by Sir Robert Constable, who had menaced Smetheley's tenants and driven his sheep and cattle out of closes which Sir Robert then ploughed up.⁵⁵ Though he disputed the degree of violence involved in the dispossession, Sir Robert did not deny ploughing up the closes in his answer. He claimed instead that Smetheley had not only wrongfully occupied the manor, but also failed to manage the estate for the 'best profit' of the heir, on whose behalf Sir Robert claimed he was acting.

Chancery cases of the 1530s make it clear that Smetheley was enclosing parts of the parish.⁵⁶ At Weedley on the wold above the village, Smetheley impounded 300–400 sheep that the inhabitants of South Cave pastured there, claiming that the sheep had destroyed grass and wood in an area in which he was tenant. Smetheley was clearly trying to extinguish common rights, create a fully private form of ownership and lay the land down to more profitable pastoral farming. In their answers, the tenants claimed that Smetheley had also wrongfully impounded their sheep and thereby disturbed them in taking their common both in the common fields and in Wallingfen, a low-lying area of waterlogged carrs to the south-west of the parish, over which the lords of South Cave had periodically and largely unsuccessfully claimed superior jurisdiction. In Wallingfen at least, Smetheley's aggressive stance was part of a long-running dispute which had also involved Smetheley's predecessor at East Hall, John London, in a Star Chamber suit.⁵⁷

What was perhaps new in the early sixteenth century were Smetheley's plans to enclose parts of the common fields. According to the inhabitants' answers in the Chancery, Smetheley had grazed his sheep on their crops, thereby destroying 700 quarters of corn and peas in the common fields and at Cold Wold, another area of high wold land above the village. The enclosures that Smetheley wanted to lay out in the common fields and at Cold Wold were clearly intended for pasture, although Smetheley was careful to state that his existing pastures at Weedley were still 'open upon the feeldes of Cave'.⁵⁸ Hence where Smetheley depastured his animals on the tenants' corn, it was a means not of reversing enclosures as in the suits discussed before, but of promoting them.

The tenants complained that as a consequence of Smetheley's actions, the town was 'greatly decayed withyn the foure or fyve yeres as well in plowes & other substaunce But is also depopulate of people'.⁵⁹ South Cave was a large village split between two main manors and, as

⁵⁴ Dyer, 'Conflict', p. 24; N. Blomley, 'Making private property: enclosure, common right and the work of hedges', *Rural Hist.* 18 (2007), pp. 1–21.

⁵⁵ YSCP, III, pp. 140–4.

⁵⁶ TNA, C 1/845/35; 839/21.

⁵⁷ Hull University Archives [hereafter HUL], DDBA/10/1; VCH, *East Riding* IV, p. 48; TNA, C 1/535/21;

YSCP, IV, pp. 56–9.

⁵⁸ TNA, C 1/845/36. Weedley had certainly been enclosed by 1574/75, when the lessee of East Hall was charged with providing 100 kids a year for maintenance of the Weedley hedges (HUL, DDBA(2)/6/42).

⁵⁹ TNA, C 1/839/21.

such, Smetheley would have recognized the impossibility of total depopulation and wholesale conversion of the common fields to sheep walk.⁶⁰ Yet unemployment and the resultant fall in population would have been a foreseen side-effect of Smetheley's decision to convert demesne and common field arable to pasture. By destroying the tenants' crops and pursuing them through the courts with 'wrongfull vexaciones and suytes', Smetheley was presumably attempting to make their tenancies unviable and rid himself of those tenants who most vehemently opposed his plans for enclosure.⁶¹

All this suggests that by ploughing up the closes, Sir Robert Constable was reversing Smetheley's new enclosures. In this sense, Sir Robert aligned himself with the other parishioners, supporting them in their opposition to an enclosing landlord. Sir Robert first appears in the South Cave records between 1518 and 1525, when he was one of the men chosen by the inhabitants as surveyor and ruler of Wallingfen, and thus became involved in the dispute between John London and the villagers over rights in the marsh.⁶² He was then farmer of the parsonage, though by no means a universally popular figure. A Chancery suit brought against him around the same date claimed that Sir Robert owed tithes on the parsonage, and maintained the parish clerk against the will of the parishioners.⁶³

Born in c.1478, Sir Robert was the eldest son of Sir Marmaduke Constable (c.1456/7–1518), head of an established gentle family who held a considerable estate centred on Flamborough Castle, a large fortified manor house in the north-east Wolds. Sir Robert was knighted in 1497 after fighting for the royal army at Blackheath, and in 1513 he fought at Flodden alongside his father, brothers and cousins. He was a man of considerable local importance, serving as Justice of the Peace and commissioner of array for the East Riding from the early 1500s, as well as a member of the king's Council of the North from the early 1530s.⁶⁴ Sir Robert succeeded to the family estates in 1518 after the death of his father, who reputedly choked to death on a frog which hopped into his glass whilst he relaxed in the garden of Flamborough Castle.⁶⁵

Sir Robert was also reversing recent enclosures elsewhere in the southern Wolds. John Key of North Cave complained in 1534 that Sir Robert had sent more than 40 of his servants and tenants to the village where they had riotously entered a close, pulled up and burnt the hedge. The rioters had then grazed their horses, oxen and cattle in the close, thereby destroying 13 cart-loads of wheat and rye, presumably in an attempt to reassert common grazing rights claimed by Sir Robert, who was then managing a local estate on behalf of the young son of his cousin Marmaduke Constable of North Cliffe (d. 1525).⁶⁶ In the previous year, another local landowner Marmaduke Monkton had complained that Sir Robert and 40 riotous persons had unlawfully entered into closes at South Kettlethorpe, a farm between South Cave and Newbald, where they had ploughed, manured and sowed the land.⁶⁷ Like hedge-breaking, ploughing up pasture

⁶⁰ VCH, *East Riding*, IV, pp. 43–5.

⁶¹ TNA, C 1/839/21.

⁶² TNA, C 1/535/21.

⁶³ TNA, C 1/563/27.

⁶⁴ C. M. Newman, 'Constable, Sir Robert (1478?–1537)', *Oxford Dictionary of National Biography* (2004), available at www.oxford.com/view/article/6110, accessed 21 Nov. 2006.

⁶⁵ W. E. Hampton, *Memorials of the Wars of the Roses* (1979), pp. 219–20.

⁶⁶ YSCP, III, pp. 68–9; J. H. Baker 'Constable, Robert (late 1450s–1501), lawyer', *Oxford Dictionary of National Biography* (2004), available at www.oxforddnb.com/view/article/49669, accessed 18 May 2009.

⁶⁷ YSCP, IV, pp. 16–7.

closes functioned as a means to resist – or subvert – attempts to extend pastoral husbandry in the region.

Yet if ploughing functioned as a form of resistance to enclosure in the incidents cited above, this is not to suggest that Sir Robert was always an anti-enclosure figure. In fact, he was responsible for the only instance of forcible depopulation in the Yorkshire Wolds to be recorded in the Star Chamber. In 1532, Sir Robert was accused of evicting four husbandmen from their houses and lands at Arras, and thereby largely depopulating the hamlet.⁶⁸ Arras had probably always been a small settlement with only 35 taxpayers at the Poll Tax, though it was then bigger than other surviving settlements. It may have been badly affected by the Black Death for it received a 46 per cent reduction in tax and a waste plot was recorded there in 1368.⁶⁹ A recent resistivity survey suggested that the tofts were arranged to the north and south of the surviving trackway, backing directly on to the arable land. Pottery finds from the site were largely confined to the period between the twelfth century and the end of the fifteenth century. The surviving settlement was evidently very small by the early sixteenth century, and probably consisted solely of the five tofts and crofts mentioned in 1526.⁷⁰

The 1532 case was brought against Sir Robert by the four husbandmen, who complained to the Star Chamber that Sir Robert had not only riotously expelled them from their houses and land, but had also put forth their cattle, which had died of starvation. He also depastured 400 sheep on 10 acres in the common fields, which the tenants had recently sown with oats. As a consequence, the husbandmen complained that they were ‘utterly impoverysshed for ever’.⁷¹ The outcome of the Star Chamber suit is unknown, but the court probably found in favour of the husbandmen, for there were still at least four farmers at Arras in the late 1550s.⁷² However, the Constable family were probably responsible for the final depopulation of the hamlet. By c.1600 Philip Constable owned nine-tenths of the township and was attempting to prosecute the only remaining farmer in Chancery, claiming that the farmer had wrongfully entered into Constable’s property, and overstocked the surviving common with a great numbers of animals ‘in suche disorderly manner, that your said orator can make no profit ... at all’.⁷³ Philip Constable’s complaints suggest that the disorderly behaviour of animals, as well as humans, might reduce profits and thwart a landowner’s plans for enclosure.

Despite his good public standing, Sir Robert Constable was brought before the Star Chamber on at least nine occasions between 1524 and his death in 1537.⁷⁴ In addition to the land disputes in the southern Wolds, Sir Robert was twice accused of abduction. Sometime before 1521, Thomas Lutton of Knapton complained that Sir Robert had abducted his niece from the nunnery at Yeddingham in the Vale of Pickering, and in 1524, he was accused of kidnapping a 10-year old royal ward from the manor house at Bishop Burton.⁷⁵ Although later pardoned

⁶⁸ TNA, STAC 2/1/42.

⁶⁹ Beresford, ‘Lost villages’, pp. 44–70; W. Brown (ed.), *Yorkshire Deeds*, III, (YASRS 63, 1922), p. 3.

⁷⁰ M. Phillpott, ‘A landscape study of the deserted medieval settlement of Arras, East Yorkshire’, *Medieval Settlement Research Group Annual Report 20* (2005), pp. 31–3; TNA, C 1/925/30.

⁷¹ TNA, STAC 2/1/42.

⁷² TNA, C 1/1444/64–6.

⁷³ TNA, C2/Eliz/C5/33.

⁷⁴ TNA, STAC 2/1/42; STAC 2/8/205–10; STAC 2/16/204; YSCP, I, pp. 186–8; II, pp. 140–2; III, pp. 18, 68–9, 98, 110–3 and 140–4; IV, pp. 16–7 and 28–36.

⁷⁵ YSCP, IV, pp. 28–36; I, pp. 186–8; II, pp. 140–2; TNA, STAC 2/24/353.

for the abduction, Sir Robert was publicly reprimanded several times in the 1520s and 1530s for his involvement in local feuds.⁷⁶ Moreover, he went on to play a key role in the Pilgrimage of Grace, being captured by the rebels with Thomas Lord Darcy at the fall of Pontefract castle. Constable was amongst those who urged that the North should protect itself against the King in the autumn of 1536 although he later acted to stifle Bigod's second East Riding revolt in January 1537.⁷⁷ He was ultimately executed at Hull in July 1537. This was a local execution for a local man, no doubt reflecting his previous involvement both in county administration and in local disputes including the enclosure riots discussed in this paper.

V

The conclusion addresses three related points concerned with the making and meaning of private property in sixteenth-century England. Firstly, in exploring the roles of litigation, collective action and riot in negotiating property rights, the paper has argued for the materiality of events reported in the Star Chamber. Contrary to the view of some writers, the riots and violence reported in the bills of complaint were not solely a means to get an action into the Star Chamber and thus determine property disputes by legal means.⁷⁸ Many rioters were undoubtedly legally sophisticated, but litigation at the Star Chamber was only one of the means by which access to land and common rights could be asserted, and individual suits should be viewed as part of a process of negotiation taking place both within *and outside* the court. Nor was the violence reported in Wolds cases always superficial: several of the riots and dispossessions discussed in this paper resulted in bloodshed or even death, and men like Sir Robert Constable clearly used abductions, assaults and forcible evictions as means to negotiate claims to property. Thus, rather than subscribe to Guy's distinction between real and alleged rioting, we should view the riots, dispossessions and thefts alleged in the bills as some of the 'self-help' remedies available to those asserting titles to land and chattels. Here the paper draws on new histories of riot, rebellion and popular politics which have recently emerged within both post-revisionist social history and cultural geography, and which highlight more everyday acts of resistance.⁷⁹

⁷⁶ Newman, 'Constable'.

⁷⁷ Hoyle, *Pilgrimage*, pp. 327–8, 355, 383–5 and 419.

⁷⁸ For example, Blomley, 'Private property', p. 5 sees the Star Chamber suits as part of a realm of signs and stories distinct from the materiality of hedges; Beer, *Rebellion and riot*, p. 10; Blanchard, 'Population change', p. 440; E. Kerridge, *Agrarian problems in the sixteenth century and after* (1969), p. 82; Guy, *Cardinal's court*, p. 15; Guy, *Star Chamber*, p. 52.

⁷⁹ K. J. Kesslering, 'Deference and dissent in Tudor England: reflections on sixteenth-century protest', *History Compass* 3 (2005), pp. 1–16; C. Marsh, 'Order and place in England, 1580–1640: the view from the pew', *J. British Studies* 44 (2005); M. J. Braddick and J. Walter, 'Grids of power: order, hierarchy and subordination in early modern society', in M. J. Braddick and J. Walter

(eds), *Negotiating power in early modern society: order, hierarchy and subordination in Britain and Ireland* (2001), pp. 1–42; J. Walter, 'Public transcripts, popular agency and the politics of subsistence in early modern England', in *ibid.*, pp. 123–48; Wood, *Riot*, pp. x–xii and 5–17; M. Rose, 'The seductions of resistance: power, politics, and a performative style of systems', *Environment and Planning D: Society and Space* 20 (2002), pp. 383–400; S. Pile, 'Introduction: opposition, political identities and spaces of resistance', in S. Pile and M. Keith (eds), *Geographies of resistance* (1997), pp. 1–32; J. P. Sharp, P. Routledge, C. Philo and R. Paddison, 'Entanglements of power: geographies of domination/resistance', in J. P. Sharp, P. Routledge, C. Philo and R. Paddison (eds), *Entanglements of power: geographies of domination/resistance* (2000), pp. 1–42.

Secondly, the paper has drawn attention to the multiple and continually shifting practices of power by which individuals and communities negotiated property ownership and common rights. The evidence from the southern Wolds – and the actions of Sir Robert Constable in particular – are revealing in this context. At both North and South Cave Sir Robert seems to have acted as a champion for a local cause, though he no doubt also had his own familial interests in mind, while at nearby Arras he evicted the villagers with the aim of extending pastoral husbandry in the area. Rather than a binary opposition between the interests of villagers on one hand and an enclosing landlord on the other, this was a tangled web of interests in enclosure, which cut across local socio-economic structures. We see something similar in the Kirby Underdale tithe case, where there was a temporary alliance of interests between the rector, local gentleman-grazier and tenant farmers in claiming use rights in Wharram sheep pasture. All this suggests we need to think beyond simple dichotomies between lord and community or between enclosure and custom, and instead recognize a much more complex nexus of power relations in which allegiances and alliances were constantly shifting.

Thirdly, and finally, the Star Chamber cases discussed in this paper provide good evidence about the practices by which individuals and communities could negotiate property interests ‘on the ground’. Possession, use and daily practice were often seen as the key to demonstrating ownership, and direct action like mass ploughings or grazing the town herd on new enclosures could function as a means to resist the extension of private property rights. Land was difficult to possess physically in the same sense as chattels but hedges and fences were one means of symbolizing property rights, hence the significance of hedge-breaking.⁸⁰ Similarly, land use could be a highly visible symbol of ownership and physical acts like ploughing up closes and depasturing animals on grass and arable crops functioned as means to assert – or conversely, subvert – claims to own land privately. This was perhaps especially the case in areas like the Yorkshire Wolds where common field arable was often converted to sheep walks without necessarily being physically enclosed by hedges or fences. Fields and commons – like fences and hedges – were sites for wider negotiations about the meaning of community, property, and private ownership. As I argued in the introduction, the modern concept of absolute property in land first emerged in the late fifteenth century, and increasingly solidified in the sixteenth and seventeenth centuries. In this sense, both the legal actions and the dispossessions and riots recorded within them were part of the ongoing debate whereby complex use rights gradually – and perhaps haltingly – gave way to individualized property rights. As such, the Star Chamber papers provide crucial evidence not only for charting the emergence of modern attitudes towards property, but also for exploring how contemporaries understood and experienced the changing landscape around them.

⁸⁰ Blomley, ‘Private property’, pp. 13–16.