

## COMMUNICATION

### HIERARCHY AND COMMUNITY IN THE ELIZABETHAN PARISH: THE SWALLOWFIELD ARTICLES OF 1596\*

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**ABSTRACT.** *The politics of the parish are increasingly attracting the attention of historians of early modern England. The exploration of the depth and extent of popular participation in the process of governance has disclosed sophisticated forms of political organization at relatively humble social levels. The locus classicus of innovation in parish governance is arguably the set of articles drawn up by the chief inhabitants of the Wiltshire community of Swallowfield in 1596. The articles are printed here for the first time. The introduction seeks to place them in their geographical, chronological, and historiographical contexts. In particular, the articles have profound implications for current debates over the nature and meaning of ‘community’, the dynamics of the growth of the state, and the scale and impulse of the reformation of manners.*

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The articles drawn up by the ‘chief inhabitants’ of Swallowfield, printed below, were first discovered in the Huntington Library by Professor Patrick Collinson and discussed by him in the course of the Cambridge inaugural lecture in which he called for ‘a new political history’ of early modern England.<sup>1</sup> For Collinson, the Swallowfield ‘town meeting’ demonstrated the

\* I would like to thank Adam Fox for kindly providing a photocopy of the articles from the Huntington Library and for innumerable discussions of the text; Peter Durrant and Martin Ingram for their help in piecing together the jurisdictional mosaic of Swallowfield and its environs; and Mark Goldie for encouraging the preparation of this edition and commentary. Although the transcription is my own, the introduction has benefited from the constructive criticisms of Bernard Capp, Adam Fox, Peter Marshall, and Keith Wrightson. Thanks are also due to Mary Robertson, Archivist at the Huntington Library, for her prompt answers to last-minute queries. The staffs of the Berkshire and Wiltshire Record Offices (especially Lisa Spurrier), and of the Public Record Office (especially Amanda Bevan), have also provided invaluable assistance. Of course, none of this would have been possible without the archival assiduity, historical insight, and personal generosity of Patrick Collinson, who first discovered the document, elaborated its significance, and suggested that I undertake further work on the local context. The articles are printed by kind permission of the Henry E. Huntington Library and Art Gallery, San Marino, California, and have been numbered for ease of reference.

<sup>1</sup> Patrick Collinson, ‘*De republica anglorum*: or history with the politics put back’, in Patrick Collinson, *Elizabethan essays* (London, 1994), pp. 23–5. Cf. his earlier discussion in Patrick Collinson, ‘The monarchical republic of Queen Elizabeth I’, *Bulletin of the John Rylands Library*, 69 (1987), reprinted in Collinson, *Elizabethan essays*, pp. 32–3.

potential for writing ‘social history with the politics put back in, or an account of political processes which is also social’. Collinson’s projected ‘new political history’ has three objectives: first, ‘to explore the social depth of politics’; second, ‘to find signs of political life at levels where it was not thought to have existed’; and, third, ‘to disclose the horizontal connections of political life at those lower social levels as co-existent with the vertical connections which depended upon monarchy and lordship and which have been the ordinary concerns of political history’.<sup>2</sup> Although work inspired by this clarion call has begun to emerge, the document to which Collinson made such tantalizing reference, and which epitomizes the potential of his prospectus, has remained buried in the obscurity of the Ellesmere manuscripts. This brief introductory note is intended, first, to explore (within the severe limits imposed by the extremely fragmentary nature of the archive) the local and chronological context of the Swallowfield resolutions; and, second, to discuss (albeit very briefly) some of the innumerable points of interest they raise for historians of social and political relationships in early modern local communities. The Swallowfield articles, it will be suggested, demonstrate the extent to which the growth of governance, and especially of those public responsibilities which were delegated to small knots of reliable men in the localities, over the course of the sixteenth century effectively served to narrow the meaning of ‘community’.

The twenty-six resolutions, drawn up in December 1596, appear to have been the product of an extraordinary meeting of chief inhabitants, who were provoked by a perceived social and moral crisis to create a new forum of governance, or ‘company’ (a term used in articles 4–6, 12, 14, 17, 25–6), which both supplemented the manorial institutions of the locality and prefigured later developments in parochial administration. The authors of this constitution justified their actions in three ways: their remoteness from the circuits of secular justice; their desire to create a community of Christian worship embodying charity and neighbourliness; and their hope to execute more efficiently those public responsibilities which the crown had delegated to them. Although regularized monthly meetings (no. 25), with elaborate protocol (nos. 1–3) and bureaucratized record-keeping (no. 11), were evidently envisaged, there are no extant proceedings on the basis of the articles. Indeed, the resolutions provide the merest glimpse of what might well have been an extremely sophisticated system of parish governance. Their chance survival among the papers of Lord Chancellor Ellesmere is itself a conundrum, a speculative solution to which can be reached only through more detailed consideration of the relationship between the Swallowfield company and alternative sources of political authority.

Despite the terminology of the geographical statement with which the articles are headed, Swallowfield was not technically a parish in the sixteenth

<sup>2</sup> Collinson, ‘*De republica anglorum*’, p. 11.

century, being merely a chapelry of neighbouring Shinfield.<sup>3</sup> It lay in Finchampstead bailiwick, at the extreme western end of Windsor Forest, on the borders of the counties of Berkshire and Hampshire. Although the majority of Swallowfield was in fact in Berkshire, Sheepbridge, in the east of the chapelry, and Farley Hill, in the west, were detached portions of Wiltshire. At least part of Swallowfield was therefore under the jurisdiction of a county from which it was some twenty miles distant: as the chief inhabitants remarked, the justices were ‘farr of[f]’. The three detached parts of Wiltshire, including parts of Wokingham, Hurst (Twyford and Hinton), Shinfield, Swallowfield, and Farley Hill, had been formed as a result of royal grants to the earls of Salisbury before 1200. Officially part of the Wiltshire hundred of Amesbury, they were locally known as the hundred of Ashridge and Hartoak, and were only brought under the jurisdiction of the county of Berkshire in 1845. Swallowfield itself lay on the main road from Basingstoke to Reading, which ran through the chapelry from Riseley Common to Spencer’s Wood Common. It contained four manors: Swallowfield Court, which passed from the Litcott family to the Backhouse family in 1588; Bealmes, owned by the Capell family from 1507; (Little) Sheepbridge, sold by the Untons to John Phipps in the mid-1580s; and Wyfords, purchased by George Miller from John Petty at the turn of the sixteenth century.

The ‘chief inhabitants’ of Swallowfield were drawn from the tithings of Great and Little Sheepbridge, Farley Hill, and Diddenham (nos. 10, 12, 16, 17). The meeting therefore had its roots in the medieval system of frankpledge whereby groups of ten households (or ‘tithings’) were responsible to the manorial court leet for the good conduct of each member. Indeed, several of the articles refer to offences (such as hedgebreaking and ‘backbyting’ or eavesdropping in no. 18) which were punishable by courts leet.<sup>4</sup> Even so, both the reference to parochial administration and the geo-political and social justifications offered for the composition of the articles suggest that the assembly was a primitive form of parish vestry or ‘town meeting’. Although there is no evidence of any pre-existing structure of decision-making in the chapelry (other than the manorial ‘Sessions leete’ and ‘Law days’ referred to

<sup>3</sup> The following account is based on *VCH Berks.*, III, pp. 237, 261–74; G. A. Kempthorne, ‘An Elizabethan swanimote court roll of Finchampstead bailiwick’, *Berkshire Archaeological Journal*, 36 (1932), pp. 106–20; Cecil R. Humphery-Smith, ed., *The Phillimore atlas and index of parish registers* (Chichester, 1984), s.v. Berkshire.

<sup>4</sup> John S. Beckerman, ‘The articles of presentment of a court leet and court baron, in English, c.1400’, *Bulletin of the Institute of Historical Research*, 47 (1974), pp. 230–4; D. A. Crowley, ‘The later history of frankpledge’, *Bulletin of the Institute of Historical Research*, 48 (1975), pp. 1–15; John S. Beckerman, ‘Procedural innovation and institutional change in medieval English manorial courts’, *Law and History Review*, 10 (1992), pp. 197–252; Phillipp R. Schofield, ‘The late medieval view of frankpledge and the tithing system: an Essex case study’, in Zvi Razi and Richard Smith, eds., *Medieval society and the manor court* (Oxford, 1996), pp. 408–49; and Jonas Adames, *The order of keeping a courte leet and court baron* (London, 1593 (*STC.* 100)). The formation of the Swallowfield company in early December does not conform to the usual manorial pattern whereby the view of frankpledge and court leet was held twice a year most commonly around Easter and Michaelmas.

in no. 25), the chronology of the company's formation fits nicely with the emergence of a peculiar form of parish assembly, the select or 'close' vestry, which was licensed with increasing frequency by bishop's faculty at the turn of the seventeenth century.<sup>5</sup> While the articles make no reference either to the membership of the company, or to the mechanics of appointment, their insistence on the secrecy of their proceedings (no. 26) is entirely characteristic of the select vestry. The institution of the Swallowfield 'company' might therefore be regarded as a milestone on the road from manor to vestry.<sup>6</sup>

The divided administration of the chapelry for taxation purposes renders the estimation of demographic trends in Swallowfield unusually difficult: the lay subsidy return of 1524–5 for 'Swallowfield in the old seven hundreds' lists twenty-five taxpayers, and the arrangement of their names and assessments suggests that these were in fact twenty-five householders rather than a mixture of household-heads and servants.<sup>7</sup> This implies that the Wiltshire part of the chapelry had a population of approximately one hundred in the 1520s. The hearth tax return of Lady Day 1664 lists forty-six households (sixteen – 35 per cent – of which were exempted on the grounds of poverty) which indicates that the population of this part of the chapelry had risen by some 87 per cent to almost two hundred.<sup>8</sup> The Compton Census of 1676 notes that Swallowfield chapelry as a whole had 635 'inhabitants' (sic), suggesting that at least one third of the population lay in the Berkshire part of the parish.<sup>9</sup> These complexities not only reveal substantial population growth over the course of the sixteenth and seventeenth centuries, they also help explain the peculiar arrangements to which the chief inhabitants resorted.

The resolutions were drawn up at a time of severe social and economic dislocation, in the winter of a third consecutive dearth year, and in the middle of a series of expensive military campaigns.<sup>10</sup> Although the opening reference to

<sup>5</sup> The classic study remains Sidney and Beatrice Webb, *English local government from the Revolution to the Municipal Corporations Act: the parish and the county* (London, 1906), pp. 146–276. Cf. the more recent discussions in Beat Kumin, *The shaping of a community: the rise and reformation of the English parish, c. 1400–1560* (Aldershot, 1996), pp. 241–59; and Steve Hindle, 'The political culture of the middling sort in English rural communities, 1550–1700', in Tim Harris, ed., *The politics of the excluded* (London and New York, forthcoming).

<sup>6</sup> See Steve Hindle, *The state and social change in early modern England, c. 1550–1640* (London and New York, forthcoming), ch. 8 ('The governance of the parish').

<sup>7</sup> PRO E179/73/141 (16 Henry VIII).

<sup>8</sup> PRO E179/243/25. These calculations employ the multipliers of 4.3 for both the lay subsidy and for the hearth tax, on the basis that the demographic context of the early sixteenth century was not dissimilar to that of the late seventeenth. Cf. L. R. Poos, *A rural society after the black death: Essex, 1350–1525* (Cambridge, 1991), pp. 89–132.

<sup>9</sup> Anne Whiteman (ed.), *The Compton census of 1676: a critical edition* (British Academy Records of Social and Economic History, 10, 1986), pp. 120, 132 n. 153.

<sup>10</sup> The best recent summaries of the literature on the intersecting crises of war, dearth, and theft in the late sixteenth century are Peter G. Lawson, 'Property crime and hard times in England, 1559–1624', *Law and History Review*, 4 (1986), pp. 95–127; and J. A. Sharpe, 'Social strain and social dislocation, 1585–1603', in John Guy, ed., *The reign of Elizabeth I: court and culture in the last decade* (Cambridge, 1995), pp. 192–211.

the need to discuss ‘Sessments or other Besynes of her Ma[jes]ties’ might be taken as an allusion to the increasing burden of wartime taxation, the private papers of the local gentry suggest that the most controversial financial issue in Ashridge hundred in the 1590s was not the assessment of the parliamentary lay subsidy but the allocation of composition payments for purveyance for the royal household.<sup>11</sup> The deficiencies of both parish registers and quarter sessions papers for Wiltshire or Berkshire in the 1590s, and the total absence of assize records for either county, renders difficult the measurement of the experience of the crisis of the 1590s in this part of south-central England.<sup>12</sup> The register of burials is fragmentary for the turn of the seventeenth century, surviving only as a late seventeenth-century transcription. None the less, the twenty-seven burials recorded for Swallowfield in the period between March 1596 and March 1597 represent a three fold increase on the average annual number of burials for the years 1588–94.<sup>13</sup> The lack of baptismal registers or quarter sessions paternity orders precludes any systematic discussion of the illegitimacy problem, to which the chief inhabitants were evidently sensitive (nos. 8, 13). None the less, the allusions made in the articles to this, and to the other characteristic problems of the age, imply that the inhabitants were all too aware of the threat posed to social order by economic dislocation. Although the references to illegitimacy (no. 13) and to hedgebreaking (no. 18) apparently hint at the perceived threats of sexual misconduct and enclosure rioting, both are almost certainly indicative of economic difficulties: while the late sixteenth-century explosion of bastardy ‘was symptomatic of a point of crisis in a growing disequilibrium between customary attitudes, expectations of sexual behaviour and deteriorating social and economic circumstances’, hedgebreaking (probably less a matter of destroying enclosures than of stealing wood for fuel) ‘served as an *a priori* indicator of a rising level of poverty within a given community’.<sup>14</sup>

Of the nature and scale of the burden of poverty in Swallowfield, little can be said: the articles themselves do not refer to poor rates as such, and overseers’

<sup>11</sup> Berkshire Record Office, Reading (BRO) D/EN, Neville [Braybrooke] Collection, iv (Taxation Papers), 07/1–10. In a composition schedule of 1593 Swallowfield was liable for 26s 8d of a hundredal total of £4 13s 4d. BRO D/EN 07/1/9. The very same day that the Swallowfield articles were drawn up the privy council ordered a report on composition for purveyance ‘in the old seven hundreds’ of Wiltshire. BRO D/EN 07/1/7.

<sup>12</sup> The dealings of the Wiltshire justices with Swallowfield in the closing decades of the sixteenth century were confined to the issuing of alehouse recognizances, six of which were granted in the period 1580–7. H. C. Johnson, ed., *Wiltshire county records: minutes of proceedings in sessions, 1563 and 1574 to 1592* (Wiltshire Archaeological and Natural History Society: Records Branch, 4, 1949), pp. 14, 60, 91, 93, 115. <sup>13</sup> BRO D/P 129/1/1 (register of burials, 1539–52, 1587–96).

<sup>14</sup> David Levine and Keith Wrightson, ‘The social context of illegitimacy in early modern England’, in Peter Laslett, Karla Oosterveen, and Richard M. Smith eds., *Bastardy and its comparative history: studies in the history of illegitimacy and marital nonconformism in Britain, France, Germany, Sweden, North America, Jamaica and Japan* (London, 1980), p. 175; Marjorie K. McIntosh, ‘Finding language for misconduct: jurors in fifteenth-century local courts’, in Barbara A. Hanawalt and David Wallace, eds., *Bodies and disciplines: intersections of literature and history in fifteenth-century England* (Minneapolis, 1996), p. 103 n. 67.

accounts do not survive until 1687. The first oblique references to an overseer ('his majesties collector') came in 1610, and, more formally, with the appointment of one Robert Miller in 1615. Although the casual relief of householders and their inmates was evidently a fact of life in Swallowfield (no. 21), the allusions to the 'charge' and 'trouble' of the parish (nos. 8, 13, 20) imply that a primitive system of public welfare, probably administered by the churchwardens, was operative at the time that the articles were drawn up. A charity inquisition of 1610 suggests that three endowments were active in the chapelry. Cash rents had long been annually levied on charity lands (4*d* on an ancient and anonymous bequest of the church house and two acres of arable; 20*s* on property bequeathed by Edward Puckeridge), and Richard Fulker, yeoman of Swallowfield, left two bushels of wheat or rye to be distributed annually in the week before Palm Sunday to eight poor people of the chapelry in 1587.<sup>15</sup> These endowments formed the basis of a poor relief scheme which by 1636–7 had an income of £2 3*s* 4*d* and expenditure of £2 3*s* 6*d*.<sup>16</sup> By the mid-seventeenth-century, the rent on the 'poors lands' associated with the church house amounted to £2 15*s*. Together with four separate benefactions of 10*s* a year, this enabled forty ells of canvas and the cash sum of almost £3 to be distributed at Easter to the poor of the parish 'whom the churchwardens shall think have most need'. By 1659, the poor's stock amounted to £9 15*s* 2*d* and from then until at least as late as 1691 the overseers were relieving the poor in money and cloth.

To turn in more detail to the resolutions themselves, it is difficult in a short note of this kind to do justice to their sophistication and significance.<sup>17</sup> Perhaps most remarkable are the preliminary orders (nos. 1–7) regulating conduct within the meetings and encouraging harmony among the members of the company: the highly prescriptive protocol and etiquette, and the repeated references to the need to preserve unanimity and consensus, hint that Swallowfield had been the scene of extraordinary social conflict, both within the parish elite and between the principal inhabitants and the population at large, in the years down to 1596. Indeed, the emphasis on pacification, mediation, and arbitration (nos. 4–7) is entirely typical of a local community terrified of the social and economic consequences of 'hyperlexis' (the excessive growth of litigation).<sup>18</sup> The resolutions which seek to regulate social and moral conduct within the community as a whole (especially nos. 8, 13, 15, 18–25), are

<sup>15</sup> PRO C93/3/17 (chancery petty bag inquisition taken at Wokingham, 6 Apr. 1610).

<sup>16</sup> BRO D/P 129/5/1 (churchwardens' accounts, 1614–1886), unfol.

<sup>17</sup> For fuller discussion, see Hindle, 'The political culture of the middling sort'; and Hindle, *The state and social change*, ch. 8.

<sup>18</sup> Christopher Brooks, *Pettyfoggers and vipers of the commonwealth: the 'lower branch' of the legal profession in early modern England* (Cambridge, 1986), pp. 48–111; Christopher Brooks, 'Litigation and society in England, 1200–1996', in Christopher Brooks, *Lawyers, litigation and English society since 1450* (London, 1998), p. 63. Cf. Steve Hindle, 'The keeping of the public peace', in Paul Griffiths, Adam Fox, and Steve Hindle, eds., *The experience of authority in early modern England* (London, 1996), pp. 213–48.

remarkable in their range and intensity. The regulation of inmates and lodgers (no. 21) under the terms of an act of 1589 was widespread in both rural and urban communities, and concern with harbouring pregnant women, whether they be married or not (no. 8), similarly provoked a great deal of concern in the church courts throughout this period.<sup>19</sup> Punishments for drunkenness (no. 23), however, are insisted upon long before they received statutory backing in 1607.<sup>20</sup> The astonishingly overt reference to the deliberate (and illegal) prohibition of the marriages of the poor (no. 20), a practice which must have been more widespread than surviving records suggest, is virtually unique.<sup>21</sup> More interesting still are the general stipulations for the maintenance of deference and neighbourliness. The explicit injunction that the poor should know their place, and should be condemned as ‘comon disturbers of peace & quyetnes’ if they failed to do so (no. 15), is entirely characteristic of a slippery time for social order.<sup>22</sup> The list of disorderly conduct (no. 18) included not only petty theft and wood-stealing but also a number of moral failings including pride and arrogance. Particularly significant is the reference to ‘backbyters’, a term which had been employed since the fifteenth century to describe those who deliberately spread malicious and false gossip, and associated with scolding and eavesdropping.<sup>23</sup>

At least three issues are likely to remain unresolved. The identification of the ‘chief inhabitants’ who drew up the resolutions is problematic, not least because the document itself is unsigned. Although several gentlemen appear in the Swallowfield lay subsidy return of 1594, it is doubtful whether they were personally resident. Samuel Backhouse, lord of the manor of Swallowfield Court, a Berkshire JP and subsequently both sheriff of Berkshire and MP for Windsor, had business interests in the city of London; and John Phipps, lord of the manor of Sheepbridge, lived in Hampshire until the second decade of the seventeenth century.<sup>24</sup> It is unlikely, however, that they would have troubled themselves with the day-to-day administration of parish affairs, even had they been resident. The position of the clergyman is equally ambiguous. Elsewhere, as at Layston (Hertfordshire), for example, it is clear that the parish minister played a significant role in the vestry; and bishops’ faculties invariably named

<sup>19</sup> 31 Eliz. I, c. 7 (1589); Steve Hindle, ‘Exclusion crises: poverty, migration and parochial responsibility in English rural communities, c.1560–1660’, *Rural History*, 7 (1996), pp. 125–49; R. H. Helmholz, ‘Harbouring sexual offenders: ecclesiastical courts and controlling misbehaviour’, *Journal of British Studies*, 37 (1998), pp. 258–68.

<sup>20</sup> 4 James I, c. 5 (1607); 21 James I, c. 7 (1624). Cf. the earlier parliamentary bills discussed in David Dean, *Law-making and society in late Elizabethan England: the parliament of England, 1584–1601* (Cambridge, 1996), pp. 177–8.

<sup>21</sup> Steve Hindle, ‘The problem of pauper marriage in seventeenth-century England’, *Transactions of the Royal Historical Society*, 6th ser., 8 (1998), pp. 71–89.

<sup>22</sup> John Walter and Keith Wrightson, ‘Dearth and the social order in early modern England’, *Past and Present*, 71 (1976), pp. 22–42. On the value of ‘quietness’ to the moral community, see Keith Wrightson, ‘The politics of the parish in early modern England’, in Griffiths, Fox, and Hindle, eds., *The experience of authority in early modern England*, pp. 18–19.

<sup>23</sup> McIntosh, ‘Finding language for misconduct’, p. 92. <sup>24</sup> *VCH Berks.*, III, p. 269.

the clergyman as part of the quorum when select vestries were instituted or confirmed.<sup>25</sup> The single reference to a clergyman in the Swallowfield articles, and that in the third person (no. 20), suggests that he was probably not one of the authors. Visitation records, in fact, suggest that Swallowfield chapelry itself had no curate in 1596, although the minister of Shinfield parish may possibly have been a Huguenot refugee, perhaps bringing some Calvinist influence to bear among his flock.<sup>26</sup>

The possible identity of the ‘chief inhabitants’ themselves can be conjectured only from the fragmentary evidence of manorial records, lay subsidy returns, visitation materials, and depositions given during the course of litigation. Although these sources are chronologically diverse, stretching back to 1588 and forward to 1620, and are therefore vulnerable to the impact of both population turnover and of (crisis) mortality, they tantalizingly suggest a list of names which might profitably form the basis of further investigation, especially in the probate records of the archdeaconry of Berkshire. The court rolls of the manor of Bealmes reveal that the homage, like the town meeting, consisted of men drawn from Great Sheepbridge, Diddenham, and Farley Hill.<sup>27</sup> The names of twenty-eight men appear as homagers in the years 1588 to 1613, filling some 215 jury seats between them. The eleven jurors who served at Michaelmas 1596 accounted for 166 (or 77 per cent) of these appearances: Edward Benny (6 appearances), George Blunt (17), Thomas Dee (13), John Howles (13), William Isdall (19), John Kirkham (17), John Louche (10), Edward May (18), Richard Pether (20), Thomas Portsmouth (17), and William Wigg (16). Since these men were the entrenched office-holding elite of the community, they probably regarded themselves as its ‘chief inhabitants’.<sup>28</sup> Kirkham in

<sup>25</sup> Cf. Hindle, ‘Exclusion crises’, pp. 123–5, 136–7; and the faculties in London Metropolitan Archives (LMA) DL/C/338–44 (vicar-generals’ books of the diocese of London, 1601–62).

<sup>26</sup> BRO D/A 2 c. 7 (visitation book of the archdeaconry of Berkshire, 1594–6), fos. 28, 39v, 52v. One Henry Kennard had served as curate of Swallowfield in 1594–5. The vicar of Shinfield throughout these years was Anthony Colynet, who appears to have attended neither Oxford nor Cambridge, but published *The true history of the civill warres of France, between King Henry 4 and the leaguers, gathered from 1585 untill this present October 1591* (London, 1591 (STC 5590)), of which a second edition appeared in 1609 (STC 5590.5). The consistory of Threadneedle Street, London, summoned a ‘Monsieur Colinet’ before them in April 1571: A. M. Oakley, ed., *Actes du consistoire de l’église de Threadneedle Street, Londres, II: 1571–1577* (Huguenot Society Quarto Series, 48, 1969), p. 7 (I am grateful to Andrew Spicer for this reference). The living of Swallowfield, the advowson of which lay (like that of Shinfield) with the dean and chapter of Hereford cathedral, was a very poor one, with only 1.5 acres of glebe, the house, its garden and tithes of corn and hay for the parsonage of Swallowfield; and only 0.25 acres of glebe, and one cottage, with the small tithes for the vicarage of Shinfield in Swallowfield. Ian Mortimer, ed., *Berkshire glebe terriers, 1634* (Berkshire Record Society, 2, 1995), p. 112.

<sup>27</sup> The following discussion is based on BRO D/EHR M1–20 (court rolls of Bealmes manor, 1588–1613).

<sup>28</sup> The personnel of the vestry and of the manor court in Braintree (Essex) and in Whickham (County Durham) were very similar, despite the lack of overlap in functions between the two bodies. F. G. Emmison ed., *Early Essex town meetings: Braintree, 1619–36; Finchingfield, 1626–34* (London and Chichester, 1970), p. xv; David Levine and Wrightson, *The making of an industrial society: Whickham, 1560–1765* (Oxford, 1991), pp. 344–5n. 148.



particular seems to have been especially dutiful, serving continuously (along with one John Prince, homager in 1588 and 1590) as churchwarden for the years 1594–6.<sup>29</sup> It is striking, however, that not a single one of these jurymen was among the eleven taxpayers listed in the parliamentary lay subsidy return of 1594: Samuel Backhouse, esq. (assessed at £30 in lands), John Blagrave, gent. (£4 in lands), Edward Puckeridge (40s in lands), Thomas Rapley and Bryan Paice (each at 20s in lands), William Taylor, John Taylor, Robert Watts, Francis Jennings, John Swaine, and Christopher Dye (each at £3 in goods).<sup>30</sup> Although the members of the company of Swallowfield were the ‘chief inhabitants’ of the chapelry, they evidently resided on the upper slopes rather than right at the summit of the local economic hierarchy. Their ‘middling’ status is further emphasized by the fact that none of them was among the local worthies identified in the course of a star chamber prosecution concerning a disputed pew in Swallowfield church in 1619. Attorney-General Yelverton referred to ‘the better sort of the parish namely Mr Bellamy, Mr Laward, Mr Harrison, Mr Hercy, Mr Wutton, and Mr George Miller the father and after him his son’ as occupants of the contested seat.<sup>31</sup> It is, of course, conceivable that the authors of the 1596 articles were dead by then, a possibility which might also explain why there was so little overlap between the jurymen and the subscribers to a certificate provided by ‘the inhabitants’ of Swallowfield in the course of the pew dispute of 1619–20, signed (in order) by the minister Daniel Barry, John Halfhide, William Wigg, John Prince, John Fulker, Christopher Ellis, Bryan Paice, Edward Turner, George Blunt, and Arthur Knapp; and marked by John Swaine, Robert Freeman, Thomas Portsmouth, Gregory Cannon, John Alexander, John Crouche, John Deanes, and William Yeasden.<sup>32</sup>

The fact that only George Blunt, Thomas Portsmouth, and William Wigg appear on both the 1596 homage and the 1620 subscription list is a powerful index of the transitory nature of such coalitions of local notables. Although institutions like the Swallowfield company obviously enjoyed a far more enduring local presence than any individual who served in them, the spirit which animated their creation may well have been more widely diffused throughout local society by men like Blunt, Portsmouth, and Wigg (and by their dispersed posterity). There was, inevitably, a high degree of local specificity in the institutional structures of individual parishes and townships, but the broader political culture to which they gave expression was emphatically not just a local matter, as comparison with the few other surviving sets of parish orders suggests. The Swallowfield company were motivated by the same kind of governmental ambitions as the vestrymen of Finchingfield and

<sup>29</sup> BRO D/A 2 c. 7, fos. 28, 39v, 52v.

<sup>30</sup> PRO E179/74/280 (36 Eliz. I).

<sup>31</sup> PRO STAC 8/24/2 (Yelverton *ex rel.* Backhouse vs. Phipps et al., October 1619), m. 16.

<sup>32</sup> BRO D/EHR Q1 (certificate regarding a pew in Swallowfield church belonging to the lord of Sheepbridge manor). The BRO listing of parish papers dates this document to c. 1625, but it must have been drawn up in the course of the pew dispute of 1619–20.

Braintree (Essex) or the ‘lawmakers’ of Constantine (Cornwall). The significance of the Swallowfield articles lies in the extraordinary vividness and detail with which they expressed a political impulse which was undoubtedly latent in a very large number of late sixteenth- and early seventeenth-century rural communities.<sup>33</sup>

The second unresolved issue, rendered especially controversial by the lack of any subsequent proceedings, is the effectiveness of the articles in securing order and harmony in the local community. This problem might be approached from either of two perspectives. On the one hand, given that several of the resolutions (nos. 14, 25) refer to local mediation ‘as the best meanes for to keep downe synne’, it is theoretically possible that any subsequent social conflict actually *was* pacified informally, leaving no trace in the archival record. Indeed, a systematic search of the act and deposition books of the archdeaconry of Berkshire for the period 1590–1610 failed to reveal a single inhabitant of Swallowfield who was prosecuted in the church courts.<sup>34</sup> The earliest churchwardens’ presentments, dating from 1667, are dominated by the refrain ‘*omnia bene*’, punctuated only by the very occasional reference to non-payment of church rates, tipping, failure to attend communion, bastard-bearing, and bridal pregnancy.<sup>35</sup> The late Elizabethan and early Jacobean manorial presentments are equally unrevealing, with only very sporadic concern with encroachment on the wastes of Spencer’s Wood Common and the illegal felling of oaks.<sup>36</sup> The absence of a burst of prosecutions in the years after 1596 possibly indicates that the ‘company’ really were the victors in a struggle for local control, a struggle which had perhaps culminated in the composition of the articles themselves, and which arguably rendered subsequent prosecutions either undesirable or unnecessary.

On the other hand, however, the emphasis on the secrecy of the meeting and its proceedings (no. 26) raises the possibility that any further documentation generated by the company was kept in private hands or destroyed. Indeed, the chance survival of litigation in other jurisdictions hints that the quiet of the country was not long preserved in Swallowfield. Intriguingly, the best-documented episode of social conflict turned on a pew dispute between the two gentlemen Samuel Backhouse and John Phipps, both of whom had returned to

<sup>33</sup> See Hindle, *The state and social change*, ch. 8.

<sup>34</sup> BRO D/A 2 c. 40, c. 46, c. 154, c. 155 (act book, 1597–1601, deposition books, 1590–4, 1594–1600, 1601–10).

<sup>35</sup> BRO D/A 2 c. 136, fos. 346–67 (churchwardens’ presentments of Swallowfield in the deanery of Reading).

<sup>36</sup> BRO D/EHR M1–20. Nothing in the Swallowfield manorial archive suggests the intensive regulation of the uses of waste that was characteristic of other forest communities at the turn of the seventeenth century. Cf. Steve Hindle, ‘Persuasion and protest in the Caddington common enclosure dispute, 1635–39’, *Past and Present*, 158 (1998), pp. 48–50. Although it is just possible that the Windsor Forest Swanimote court rolls and files contain prosecutions of this kind, the printed example is not very revealing. See PRO C154/11 (Swanimote court, held at Wokingham in Finchampstead bailiwick, 26 Eliz. I–9 Chas. I); and Kempthorne, ‘An Elizabethan swanimote court roll’.

live in Swallowfield in the early 1610s. By 1619, the feud had escalated to the point where it caused unseemly brawling in church and unlawful duelling on the common, and ultimately resulted in a star chamber prosecution by the attorney-general and the award of substantial fines and damages against the defendants.<sup>37</sup> There was also, it seems, chancery litigation over the title to the manor of Little Sheepbridge in 1633.<sup>38</sup> More tentatively, it might be suggested that Swallowfield would be entirely typical of neighbouring communities in Windsor Forest if its residents had participated in social protests against crown policy in the 1640s, and again in the 1710s.<sup>39</sup>

The third puzzle is the chance survival of the resolutions amongst the papers of Lord Chancellor Ellesmere. The repeated references to service and obedience to the crown initially undermine the belief that the articles might have been regarded as politically subversive. None the less, an important clue is provided by the comparison of the articles with the parish constitutions stipulated by episcopal authority when licensing select vestries. The conditions imposed upon vestrymen in early seventeenth-century bishops' faculties prevented them from 'intermeddling' with the churchwardens when drawing up their bills of presentment to the ecclesiastical courts, from questioning the churchwardens 'about the making of presentments other than to inform themselves of which presentments were to be made', and from summoning any of the presented parties before them.<sup>40</sup> Given that the chief inhabitants of Swallowfield actively sought 'To make the whole company previe to such faultes as are to presented, That some good order may be taken by us all for the remedie ther[e] of, befor any presentment be mad[e]' (no. 14), it may well be that the authorities in general, and Ellesmere in particular, were alarmed by an apparent attempt to short the circuits of ecclesiastical justice. Indeed, in erecting a formal, though extra-curial, structure 'to keepe down sinne', the Swallowfield company resembled nothing so much as a consistory.<sup>41</sup>

These interpretative difficulties notwithstanding, the Swallowfield evidence will probably be most intensively deployed in the long-standing debates about the nature and origins of the campaign for the 'reformation of manners' in

<sup>37</sup> PRO STAC 8/24/2. John Phipps and Mary Phipps were convicted and fined £500 and £40 respectively in June 1620. PRO E.159/460 Trinity 19 Jas., rot. 46 (30 June 1620). The 'inhabitants' of Swallowfield provided a testimonial in support of Phipps. BRO D/EHR Q1. Phipps was prosecuted again two years later for conspiracy to secure an undervaluation of property in order to avoid payment of the damages of £500 and costs of one hundred marks. PRO STAC 8/78/11.

<sup>38</sup> *VCH Berks.*, III, p. 271.

<sup>39</sup> Buchanan Sharp, *In contempt of all authority: rural artisans and riot in the west of England, 1586–1660* (Los Angeles, 1980), p. 223; Edward Thompson, *Whigs and hunters: the origins of the Black Act* (London, 1975), esp. pp. 61–62, 110–11.

<sup>40</sup> For one example among many, see the bishop's faculty for the select vestry at Enfield (Middlesex) issued on 3 Nov. 1615. LMA DL/C/340, fos. 184v–5.

<sup>41</sup> The very use of the term 'company' is significant in this regard, since it was widely used in its French form (*la compagnie*) to describe meetings of consistories on the Calvinist model. For Ellesmere's views on ecclesiastical jurisdiction, see Louis A. Knafly, *Law and politics in Jacobean England: the tracts of Lord Chancellor Ellesmere* (Cambridge, 1977), pp. 134–45.

Elizabethan and early Stuart England.<sup>42</sup> The ‘wilfull & vyle synns’ (no. 25) which the company sought to suppress ranged across fornication and illegitimacy (nos. 8, 13); insubordination and disturbance of the peace (no. 15); petty theft, malicious gossip, wood-stealing, pride, dissent, and arrogance (no. 18); improvident marriage (no. 20); harbouring inmates (no. 21); profanation of the sabbath (nos. 22, 24); and drunkenness (no. 23). This extraordinary list of disorders therefore includes not only several staples of late sixteenth- and early seventeenth-century church court presentments, but also a number of moral failings far more characteristic of fifteenth-century conduct literature. The seven sins therefore loom as large in the company’s concerns as the ten commandments.<sup>43</sup> The punishments stipulated by the articles similarly contain typical medieval sanctions such as banishment for fornicators and bastard-bearers (no. 13) alongside the stocks and fines for drunkenness (no. 23) more commonly associated with the seventeenth century.<sup>44</sup> Although many of these offences were to become subject to statutory sanction as part of the turn of the seventeenth century increase of governance, the Swallowfield company evidently took the initiative to launch a local experiment in social regulation.

The justifications offered for the reform of the unruly are oblique: while concern with sexual offences seems to be motivated by fear of their economic consequences (nos. 8, 13), drunkenness was evidently regarded as a matter for shame (no. 23); and the worldliness of employers (rather than the rival attractions of drinking, dancing, or sport) was regarded as the main threat to the strict observance of the sabbath (no. 24). Although at first sight the overall tone of the document seems predominantly secular, closer inspection shows the articles to be saturated with traditional Christian notions of charity and harmony. Indeed, the chief inhabitants generically described all disorder as sinful (no. 25), insisted that the sabbath be treated with more reverence (no. 22), described the pulpit as a medium of edification (no. 24), and concluded their articles with a scrawled quotation from the lord’s prayer. The religious affiliations of the chief inhabitants are, however, difficult to determine. There was, it seems, widespread hostility to the confessional leanings of Samuel Backhouse, lord of the manor of Swallowfield: during the course of their feud over church seating arrangements, John Phipps had allegedly remarked that at Swallowfield Court ‘there was great show made of religion but that there were none in it but popes cardinals and whoremasters’, and in his campaign against Backhouse, Phipps evidently enjoyed the support of the minister and of many

<sup>42</sup> The most significant recent contributions are Keith Wrightson and David Levine, *Poverty and piety in an English village: Terling, 1525–1700* (2nd edn, Oxford, 1995), pp. 197–220; Martin Ingram, ‘Reformation of manners in early modern England’, in Griffiths, Fox and Hindle, eds., *The experience of authority in early modern England*, pp. 47–88; and Marjorie K. McIntosh, *Controlling misbehaviour in England, 1370–1600* (Cambridge, 1998), pp. 1–6.

<sup>43</sup> Wrightson and Levine, *Poverty and piety*, pp. 125–41; McIntosh, ‘Finding language for misconduct’, pp. 93–7; John Bossy, ‘Moral arithmetic: seven sins into ten commandments’, in Edmund Leites, ed., *Conscience and casuistry in early modern Europe* (Cambridge, 1988), pp. 214–34.

<sup>44</sup> McIntosh, *Controlling misbehaviour*, p. 39; Ingram, ‘Reformation of manners’, pp. 65–6.

of the chief inhabitants.<sup>45</sup> Given the absence of any references to Swallowfield in the archdeaconry act book, it is only through analysis of the probate materials that future researchers will be able to shed any light on the religious complexion of the community, and, more specifically, to investigate the validity in this context of the putative link between radical Protestantism and social regulation.<sup>46</sup>

Despite these unresolved problems, the articles unequivocally express the practical significance of an ethos of participation in public office in early modern England. The collective sense of duty so powerfully expressed in the preamble to the articles – the desire to achieve the ‘better servyng’ of the interests of the crown – epitomizes the tradition of communalism so characteristic of sixteenth-century rural parishes. All the more remarkable, however, is the explicit statement of the close relationship between this sense of communal responsibility and the increasing demands (not only ‘Sessments or other Besynes of her Ma[jes]ties what so ever’, but also causes ‘consernynge the Churche, the poore or the parrishe’) of the Elizabethan regime. Although the chief inhabitants’ declaration that ‘non of us is ruler of hym selfe, but the whole companye or the moste parte is the ruler of us all’ (no. 6) supports Professor Collinson’s view that the Swallowfield resolutions – no less than privy council projects – expressed the civic humanist ideal that ‘citizens were concealed within subjects’, the tradition of self-government expressed by the company had deeper, more practical roots.<sup>47</sup> The Swallowfield articles take their inspiration from medieval notions of neighbourliness and reciprocal obligation: the chief inhabitants’ self-estimation as ‘men of discretion, good Credett, honest Myndes & Christian lyke behaviour one towards another’ resonates with an older tradition of suretyship and charity, expressing a set of values

<sup>45</sup> PRO STAC 8/24/2, m. 9 (interrogatories to be ministered to the defendants, item 11); BRO D/EHR Q1. Swallowfield Court was subsequently inherited by Samuel Backhouse’s younger son William (1593–1662), renowned as a Rosicrucian philosopher and alchemist, and friend of Elias Ashmole. See *DNB* (s.v. Backhouse, William); C. H. Josten, ‘William Backhouse of Swallowfield’, *Ambix*, 4 (1949), pp. 1–33; and C. H. Josten, ed., *Elias Ashmole (1617–1692)* (5 vols., Oxford, 1966), 1, pp. 76–8, 81.

<sup>46</sup> A preliminary search revealed the wills of four of the eleven men who served on the homage in 1596. George Blunt the younger of Swallowfield, yeoman (d. 1627), made no reference at all to the fate of his soul, and left an inventory worth £85 3s 4d. BRO D/A1/43/169. Thomas Dec of Shinfield, carpenter (d. 1611), bequeathed his soul ‘to almighty God and his son Jesus Christ our lord my only saviour and redeemer’ and left an inventory valued at £36 7s. BRO D/A1/61/247. John Kirkham of Swallowfield, yeoman (d. 1626), humbly submitted himself ‘to the grace of God on whose gracious providence I have and do depend assuring myself that of his free grace I shall have forgiveness of all my sins and resurrection and preservation of my body and soul’, and left an inventory worth £12 1s 4d. BRO D/A1/89/134. Richard Pether of Shinfield, husbandman (d. 1614), bequeathed his soul ‘to almighty God who made me a living soule trusting wholly to be saved through Jesus Christ my redeemer’ and left an inventory valued at £7 12s 8d. BRO D/A1/105/10. Only Kirkham gave anything to the poor, asking that 40s be distributed among the poor of Swallowfield at his funeral.

<sup>47</sup> Collinson, ‘*De republica anglorum*’, p. 19. Cf. Markku Peltonen, *Classical humanism and republicanism in English political thought, 1570–1640* (Cambridge, 1995); and Mark Goldie’s forthcoming essay in Harris, ed., *The politics of the excluded*.

found not only in the practice of the medieval frankpledge but also in the protocols of parish guilds and fraternities.<sup>48</sup> Popular – though none the less circumscribed – political participation of this kind was commonplace throughout the sixteenth century, and villages across Europe doubtless had their local elites.<sup>49</sup> The most distinctive cultural characteristic of the English polity was arguably the extent to which the interests of such ruling groups intersected with the centralized policies of church and state.<sup>50</sup> The company of Swallowfield recognized the identity between ‘her Ma[jes]ties service’ and ‘the publique affayers of the Tythyngs’ (no. 10), and their resolutions illustrate not only the myriad ways in which the planes of hierarchy and community overlapped and intersected in the Elizabethan parish, but also the extent to which middling groups had emerged as agents of social and political transformation even by the turn of the sixteenth century.

*The Swallowfield articles*<sup>51</sup>

*in parochia de swalloffield in comit Wilcest*

The 4 day of december 1596 & in the 38 yere of the raigne of o[u]r Souveraigne ladie Queene Elizabethhe

*Md* th[a]t the day & yeere above wreten Wee Whose names are herunto subscriybed beyng the chieffe inabitants in Shepperige Magna & Sheperidge Parva, Fowleighe Hill, & Didenham, in the *comit* of Wilc have fyrmly agreed to observe & keepe all & synguler the artycles her[e] sett downe, And for th[a]t the Josteces are farr of[f], This we have don to the end we may the better & more quyetyly lyve together in good love & Amyte to the praise of God, and for the better servynge of her Ma[jes]tie when we meete together about any Sessments or other Besynes of her Ma[jes]ties what so ever, or any other mat[t]er or cause consernynge the Church, the poore or the parrishe as followethe

[*fol. 35a*]

[1] ffirst it is agre[e]d, That every man shalbe h[e]ard at o[u]r metynge quyetyly one after an other, And th[a]t non shall interrupte an other in his speche, And th[a]t every man shal speake as he is fyrste in accompt, & so in order, th[a]t therby the depthe of every mans Judgment w[i]th reason may be concedered

<sup>48</sup> Cf. Beckerman, ‘The articles of presentment of a court leet and court baron’; Patricia Basing, ed., *Parish fraternity register: fraternity of the holy trinity and SS. Fabian and Sebastian in the parish of St Botolph Without Aldersgate* (London Record Society 18, 1982), pp. 80–1.

<sup>49</sup> For the most recent statement of this position, see the essays collected in Peter Blickle, ed., *Resistance, representation and community* (Oxford, 1997).

<sup>50</sup> Hindle, *The state and social change*, ch. 1.

<sup>51</sup> Henry E. Huntington Library, San Marino, CA., MS Ellesmere 6162, fos. 34av–6ar. These pages have been given a separate catalogue number as MS EL 6195, which they retain for citation purposes. EL 6162 (measuring 350 × 240 mm) is the first of a number of volumes of miscellaneous papers in the Ellesmere collection, and contains copies of various documents (ranging from ‘Epigrams on the state of Spain’ to ‘Notes taken out of John Bale upon the Revelation’) in a clerk’s hand. The articles are both untitled and unnumbered, and occupy just over three folios, inverted at the rear of the volume. The sequence in which the resolutions appear is logical and coherent, though the rather surprising interval between two clauses relating to single mothers (nos. 8, 13) might suggest either composition by committee or a scribal error in copying from the original.

[2] And th[a]t no man shall skorne an others speeche, but th[a]t all th[a]t shalbe spoken may be quietly taken & h[e]ard of all, be it againste any man or w[i]th hym, his Reason of defence th[a]t is agreved, onlie allowed when the other hath ended

[3] And th[a]t every man shall submytt hym selfe to the censure of the whole compaynye, or to the moste in nomber, so th[a]t no man in o[u]r metyng shall thynck hymselfe wysest or greatest

[4] And to brynge all thynges the better to passe, & th[a]t we may the better conteneue in good love & lykinge one of another, every one doth promyse for hymselfe to the whole compayne & to every of them, That they will not fall out one w[i]th an other, nor offer to goe to lawe one w[i]th an other, before the whole company or the moste parte therof th[a]t cause be made previe to theis grieffes That by them all stryfes may be ended before any mallece take roote, for pacyfyng of wiche grieffes every of us promysethe to do the beste he can, and altogether do promys the same one to another.<sup>52</sup>

[5] And he th[a]t shall refuse to be ordered in suche matters, as neighebers shalbe abull to conceder of & to decyde, so it be no matter of the Crowen & touche no mans freehold, shall not be accompted one of o[u]r compayne, as one worthie to be accompted of Amongest us, because he refuseth [h]is promes w[hi]ch was made & Receaved by us all, for o[u]r better quiet & orderynge of o[u]r selves, & the whole inhabitantes aforsayd

[6] And th[a]t no man shall do any thyng one agaynste another nor agaynst any man, by word nor deede uppon affection, or mallece, in o[u]r meetynge nor to be di[s]contented, one w[i]th an other, synce non of us is ruler of hym selfe, but the whole compayne or the moste parte is ruler of us all

[7] And th[a]t non of us shall disdayne one another, nor seeke to hynder one an other nether by woordes nor deedes, But Rather to be helpers, assisters & counsellors of one another, And all o[u]r doynge to be good, honest, lovyng and iuste one to an other

[8] And th[a]t whosoever dothe take in to his house ether Wyfe or other woman withe child, & suffer her to be brought a bedd in his house th[a]t therby the parrishe shalbe charged w[i]th a child or children ther borne, Every one uppon knowledge ther[e]of shall geve Warnynge to the Constable th[a]t therby some present order may be taken & due presentment made by the Churche wardens

[9] And th[a]t every man what so ever he be upon denyall of his dutie by any assesment, or that dothe not paye it, when he is asked or apoynt not some day or tyme to paye it to hym, th[a]t shall be apoynted to gather the same, shall after have no favor, & yet be complayned on to the Justice to force hym ther unto

[10] And th[a]t all offycers what so ever concernynge her Ma[jes]ties service & all other offycers for the publique affayers of the Tythyngs & the inhabytantes ther[e]of shalbe countenanced & borne out of us all

[11] And th[a]t ther be a paper Booke to Register all o[u]r doynge & by or w[i]th [what] autoretie or warrant wee do it consernynge her Ma[jes]ties service & one other Booke for the Churche & the poore

[fol. 36]

[12] And everye of us doth promyse one to an other & to the whole company th[a]t whatsoever suyte shall growe or aryse in the s[ai]d Tythyngs or in any of them amongst the Inhabytantes therof, w[hi]ch touchethe the whole Tythynges or in any of them & the

<sup>52</sup> Article [4] implies that the company as a whole should be 'made previe' (i.e. informed) of any 'grieffes' (i.e. grievances) which were likely to lead to litigation between its members in order that dispute be pacified informally.

Inhabytantes therin, That then we agree to ioyne together in purse, travell & credett in defence of all suche wronges and not otherwyse

[13] And yf any syngle or unmaryed woman shalbe brought to bedd or be gotten w[i]th child, then presently to fynd out the sposed father & force hym by the helpe of the Justice, to put in good suertye for the discharge of the parishe, yf she be a towen borne child, yf not to banyshe her the parryshe<sup>53</sup>

[14] And all the Company prayethe & besechethe all offycers befor they goe to any courte to present any offence, To make the whole company previe to such faultes as are to be presented, That some good order may be taken by us all for the remedie ther[e]of, befor any presentment be mad[e], That therby we may lyve in lawfull maner together w[i]thout any discord or dislykinge one of an other

[15] And every one promysethe to do his beste to end all stryfes w[hi]ch shall happen between neighebor & neighebour be they poore or Rytche, And th[a]t suche as be poore & will malepertlye compare w[i]th their betters & sett them at nought, shalbe warned to lyve & behave them selves as becomethe them, yf suche amend not, then no man to make any other accompte of theme [but] of comon disturbers of peace & quyetnes, And the Justice of the Shyre to be made preveye of suche mysdemeanors that at the Sessions or assizes such persons may be reformed by the severitie of the lawe in such case provyded

[16] And th[a]t the offycers shall not be dislyked of, for the doynge of theyr offyce, & in furtherynge of her Ma[jes]ties service, or any other busynes of the Tythynges aforsayd, but shalbe used w[i]th all gentellnes bothe in word and deed

[17] And th[a]t hereafter yf Any Man Remember an Artycle or mat[t]er wherby the tythynges aforsayd may be benefyted or otherwyse saved from harme or danger, th[a]t shalbe by the whole companye or the moste parte of them be set in this Booke, wherfor o[u]r desyre is, that in charetye & truthe everye of us shall take all honest care one of an other, And of the wronges, that may aryse amongst us or agaynste us, especyally of o[u]r duties or servece towards her Ma[jes]tie

[18] And th[a]t all shall do their best to suppresser pilferers Backbyters hedge breakers, & myschevous persons, & all suche as be prowde, dissentious & arrogant persons

[19] And th[a]t all shall do their best to helpe the honest poore, the blynd, the syck, the lame & diseased persons

[20] And th[a]t all of us have an especyall care to speake to the mynyster to stay the maryage of suche as wolde mar[r]y before they have a convenyent house to lyve in, accordynge to their callynge, That therby, the parryshe shall not be trowbled withe suche inmates

[fol. 36a]

[21] And th[a]t every man shalbe forbydden to keepe inmates, & whosoever dothe keep any inmates, To complayne on theme to the Justice & by no meanes to Releeve the housholder, nor Inmates durynge the tyme of the Inmates abydyng w[i]th the housholder

[22] And for the better observation to see th[a]t the Sabothe day w[i]th more reverence

<sup>53</sup> Article [13] implies recognition of parochial responsibility only for illegitimate children born to 'toven borne' women (i.e. to women who were themselves born in Swallowfield). Single mothers who had migrated from elsewhere were to be banished even if the bastard was actually born in Swallowfield. This issue was to vex parish officers everywhere until the judges of assize resolved in 1633 that 'the place where such a woman was lawfully settled is the direction in this case, not where she was begotten with child'. PRO SP 16/255/46, item 14, reprinted in Thomas G. Barnes, ed., *Somerset assize orders, 1629–1640* (Somerset Record Society 65, 1959), p. 65.



& lesse prophanyng therof, then shalbe apoynted towe of us to see that all the Typlers shall after the second ryng of the bell as well before mornynge prayer as Evenynge prayer shutt in their doors & so to come to the Churche, And yf they shall neclecte or suffer any to come w[i]thin theyr house to eate or dryncke the party so offendyng to pay to the lame blynde & poore for every tyme ijs & the part[i]es taken drynckynge or eatyng in tyme of publick servece vjd a man to the same use & to be regestered in the booke, but it shalbe lawfull for the traveler to cal for drynck & drynck at the dore & so awaye<sup>54</sup>

[23] And he or she that shall be fo[u]nd to be drunck beyng Warned once befor & will not take Warnynge shall for every tyme so offendyng as he is of welthe to be ponneshed by the pursse, those that be poor and not abull, to be put in to the Stockes tyll he or she shalbe sober & be ashamed of their druncknes

[24] And also th[a]t all the Inhabytants shall henceforthe see th[a]t all his servantes shall come to the churche in due tyme to learne & put in practize that wiche shall ther be delyverd by the mynyster out of the Word of God for their edification & not to send them on that day on their worldly besynes as is to muche practysed but that they shall see them in the Churche excepte it be those th[a]t dresse d[in]ner at home & see to the house

[25] And further by the concent of us all & at the request of every of us it is agreed th[a]t tow of us (yf need be) shalbe apoynted to every Sessyons to make the Justices prevey to the mysorders & to present the deffaultes th[a]t ar amongst us yf upon Warnynge to the offenders they persist in their wilfull & vyle synns, for wiche cause & to keepe men from harmes the whole company promesethe to meete once in every monethe to heare the complayntes of suche as have byn wronged or are moved to discover the disorders of any & upon their complaynts to apoynt towe of the company to examen the ma[t]ter & to make reporte th[a]t the unrulie may be reformed or ells that tow of us shall be present at Sessions leete & Law days for to use the best means for to keepe down Synne, & all of us to be contrybutory to the charges her[e]of, yf those parties shall be wilfull & stubborne agaynst the peace<sup>55</sup>

[26] More over it is agreed by us all, & every of us for hym selffe dothe promyse to eache other & to the whole company That what so ever shalby any of us [be] don or sayd in o[u]r meetyngs to the effect of the former Artycles menconed shalbe kept secret, & not to be revayled further than o[u]r owen Company, And th[a]t non of us all shall use any comunycation or means co[n]serynyng o[u]r meetyngs or any thynge ther in don or sayd w[hi]ch may tend to, or procure the discredet or disgrace of o[u]r meetynges & good intent, or of any of owre company

And this artycle w[i]th all the rest to be trulie observed by every of us, as wee wilbe esteemed to be men of discretion, good Credett, honest Myndes & Christian lyke behaveour one towards an other

in the name of god amen so be it

our father w[hi]ch art in heaven hallowed be th[y] name kyngdom come

<sup>54</sup> The fines stipulated in article [22] (2s for every alehousekeeper found serving ale during divine service, 6d for every customer caught tipping there), and their delivery to the poor of the parish, anticipate the closer regulation of alehouses and tipping under Jacobean statutes. Cf. 1 James I, c. 9 (1604); 4 James I, cc. 4, 5 (1607).

<sup>55</sup> The insistence in article [25] that the chief inhabitants send two of their number both to ‘Sessyons’ (i.e. the Wiltshire quarter sessions) and to ‘Sessions leete & Law days’ (i.e. the court leet and view of frankpledge of the manors of which the tithings formed part), and the recognition that each institution offered a forum for the suppression of sin, reflects the overlapping jurisdictions to which Swallowfield was subject.