(natural)

[Specific topics are analysed below in sections on: alehouses and inns, animals, boundaries, clothing, communications, fire, games, water; these were written by Alan Macfarlane in the early 1980s]

[This is taken from the final report to the Economic and Social Research Council, 1983, by Alan Macfarlane]

Natural world and material culture

The records of local communities throw little light on the natural world within which human beings have lived out their lives in the past. We sometimes obtain glimpses of the climate and of the seasons, of the weather and of the soil, the vegetation and the animal species which must have played an enormous part in shaping the quality of people's lives in the past. Yet we have to make an effort to remember this for such matters only appear very occasionally and in the background, indirectly echoed by the documents. This is a major contrast with anthropological experience, for example in the study of the Nepalese community (Macfarlane 1976), where one was constantly aware of natural forces, of the forest and mountains, of the struggle to obtain enough water or wood, of the overlap between the human world and the world of animals and birds. Indeed, if the historian is going to attempt to grasp some idea of this natural world, he needs to put his documents on one side, take the advice of the historian R.H. Tawney, and walk around the area he is studying. Only then will he obtain some idea of the contours and the soils, of the climate and vegetation, even if these have changed very considerably since the period under study. We undertook a good deal of this practical fieldwork, particularly in Kirkby Lonsdale which has suffered less change than Earls Colne.

Anthropologists have always been particularly interested in material culture. They see field shapes, house styles, clothing fashions, tools and measures as expressions of culture, as communication systems as well as material phenomena. Here again, though there is slightly more information in local records, it is still largely a matter of small, discrete, pieces of information. The situation is much better in Kirkby Lonsdale than in Earls Colne, for in the former there are many hundreds of surviving and detailed inventories of possessions. From these and other documents we can learn a certain amount about food and food preparation, about cloth and cloth production, about furniture and housing changes. We can also learn a certain amount about those matters which were regulated by the manor, for example, fencing, ditching and the use of proper weights and measures. Putting all the sources for the two parishes together, including diaries and other accounts, what are the first, over-riding, comparative impressions?

When we compare the period 1400 to 1750 in English parishes either to contemporary continental parishes, or to the Third World today (for example the Nepalese study), certain features seem to stand out. Comparatively speaking, we are examining a very tamed and affluent world. It was a very orderly and controlled material world, with the physical dimensions, the tracks, woods, field shapes, waterways and building patterns, already well established by the start of our period in 1400 in Earls Colne. This was a long-inhabited landscape, almost entirely shaped by man. Within this landscape there lived a basically very well fed, well clothed and well housed population whose 'standard

of living', when compared on the whole to other contemporary peasantries, was very high, Over the period as a whole there were some substantial changes; a few in the basic natural world, and more in the world of diet, clothing and housing. It would seem that for some there was rising affluence, though for many by the eighteenth century the position was worse than it had been in 1400. What is surprising, perhaps, it that given the length of the period, some 350 years, if is difficult to see any major 'revolution' in the material world. Improvements, modifications, and alterations there were, but these were spread out and did not alter the basic material features of the society. The central characteristic of the society, namely that it appears already to have reached a peculiar situation which fits neither into the normal 'subsistence and totally dependent on the material world' type of pattern we find in much of the Third World today, nor into the post-industrial pattern (of more or less total divorce from the natural world), always seems to have been present. We are dealing with a pre-machine society, dependent, as all such societies are, on wind, water and animal (including human) power. Yet unlike many such societies, it seems to have escaped from that extreme vulnerability - to the weather, to the seasons, to animal and crop diseases - which continued to afflict much of Europe until the later nineteenth century. In terms of agricultural and other productive technology, it is difficult to find any hint of a major shift. The techniques and material culture of the start and end of our period was still largely within the same framework.

The one great vulnerability lay not in relation to food, but in relation to disease. Although famine and even dearth appear to be largely conquered, this is not the case with disease and epidemics. Here are clearly dealing with villagers who live in a society which in its incidence of endemic and epidemic diseases had patterns which are in marked contrast with the present and fall in the broad range of 'pre-modern' structures. High infant mortality rates, bubonic and pneumonic plague and smallpox, were very marked features of the society and helped to give it its peculiar flavour. The obsessions with sickness and possible death is very forcefully shown, for instance, in the diary of Ralph Josselin, the vicar of Earls Colne.

Some supplementary preliminary impressions based on hand-indexing, written in the early 1980's by Alan Macfarlane

The Material and Physical World

Alehouses and Inns

Animals: pets, livestock, game, vermin

Boundaries parish, stone, fences and pales, hedges, diteches and dikes, marks

Clothing

Communications: King's Highway, bridges, bridleways, footpaths, gates

Fire

Games

ALEHOUSES AND INNS

Of the four general 'nuisances' noted by Hale, two were bridges and highways, the other two were inns and alehouses. They were thus conceived of, it would seem, as somewhat similar to public spaces, but public spaces within walls. It is perhaps no coincidence that the 'pub' or 'public house', that uniquely English institution, should be so named. They were also important since, especially with the alehouse, the serving of drink might be expected to lead to a particular threat of disorder. Their regulation, therefore, was a central concern.

INNS

It would appear from the regulations concerning 'Common Inns' that their central characteristic was that they were for the entertainment of guests, that is people who slept the night. A combination of high geographical mobility and weak kinship meant that the English inn was again a very ancient and important institution, especially along the main coaching and other roads. 'Any person may erect a Common Inn, so it be not ad nocumentum'(Hale), as long as there were not too many, they were in a convenient place, and disorders were not permitted. A person who erected a common inn and refused to entertain guest 'may be indicted and fined for the same'. If an inn was used for 'tippling', that is drinking by non-guests, the owner could be bound or indicted.

A brief glance at the thesaurus suggests that there were several inns in Earls Colne - there are ten references to 'inn' and thirty-three to 'innholder'. Where were they, how old were they, what were they called, what sort of person ran them? Is there any sign of any particular disorder associated with them? Is there any way of estimating the amount of traffic that went through them? Were other meetings held at them, for example the manor court? Does Josselin have anything to say about inns(there is nothing in our subject index under inn).With their potential importance, it would be nice to write something about them.

ALEHOUSES

Curiously I cannot discover any article specifically enquiring about alehouse keepers in the court leet articles. Their regulation seems long to have been of main concern to the Justices. This is because much of the regulation seems to have grown out of a number of sixteenth and seventeenth century statutes which are listed in Hale, from 5 Ed 6 c.25 through to 3 Car.c.3. Much of this concerned the suppressing of alehouses. Alehouses had to be licensed by two Justices at the open Sessions, one of the two being of the quorum. They were to be bound not

to keep unlawful games etc. Those keeping unlawful alehouses were to be imprisoned by two Justices until they gave a recognizance not to sell ale. Those allowing inhabitants to sit 'tippling' were to forfeit 10s to the poor. Persons who were drunk were to forfeit 5s to be paid within a week after conviction to the poor. If they were not able to pay, they were to be committed to the stocks for six hours. Any person sitting tippling were to forfeit 3s 4d to the poor, or to be committed to the House of Correction. The second offence was bound to good behaviour.

We would thus expect a good deal about alehouses, ale selling, licensing and drunkenness. This would be reinforced by the court leet which passed certain by-laws about drunk. For instance, in March 1589 the EC court contains the following:' it is agreed by the homage that if any lewd fellow be found either drunken or railing on any man within the precincts of this leet he shall either be sent to the stocks or otherwise punished by the constables of headboroughs of the parish'. There are indeed a number of presentments for drunkenness. It would be interesting to see who these people were and whether there were any patterns in the presentments. There is also quite a bit in Josselin on drunkenness, it would appear that this was already a major social problem. Was it correlated to other offences? There should be material not only in the court leet and quarter sessions, in the licensing of alehouses, but also in the ecclesiastical courts. The word list mentions alehouses 139 times and ale 102 times. Drunken and its like is mentioned about 30 times. Is it possible to reconstruct where the alehouses were, who ran them, how long they lasted? No thorough study at the local level of this important subject has been undertaken.

ANIMALS

Here we will deal only with live animals; their carcases, either as butcher's meat or as offal, can be dealt with elsewhere. To a certain degree it is useful in studying the regulation of animals to follow the fourfold classification of animals used by Leach/Tambiah and other anthropologists, namely by social distance, into pets, livestock, game, vermin. Each of these categories of animals which co-inhabited the village with the humans needed to be regulated.

PETS
What evidence is there of the keeping of pets and of their regulation? On first memory, there is a certain amount about pets, especially dogs, in Josselin's diary - where they bit people etc. What regulations were there in general about the keeping of dangerous or destructive pets? The one enquiry in the text-books on the court leet concerned hunting dogs - 'Any keeping a greyhound who cannot spend 40s. a year, or priest keeping a greyhound who cannot spend 10 pounds a year'(1510). It was only the wealthy who could course hares. But in view of the importance of the supposed importance and widespread presence of fierce mastiffs etc. (cf.KThomas and Hasluck) in peasant societies, and the English love

of pets etc. it will be very interesting to look into the 'law of the dog' in some detail. And were there other pets? Any mention of cats, or pet birds, lambs etc. Are there cases where people were attacked or their property destroyed by animals & what did they do? Horses provide a rather ambiguous category, half pet, half farm-animal, as do sheep dogs etc.

LIVESTOCK

It should be possible to make some rough guesses at the major forms and rough numbers of livestock in the village - and this will probably have been done under 'material world'. There were largish numbers of cows, horses, sheep, oxen, etc. wandering around, supposedly penned in fields, or being led through the village. Such livestock could create many difficulties- through straying and destroying crops, through spreading disease, through causing dirt and pollution on the highways. The court leet was therefore very concerned with these minor infringements out of which very large disputes could grow. Among the matters to be enquired of were the following:

'If any horse or mare be put upon a waste ground, and be scabbe, or having an infectious disease, he shall forfeit to the lord of the leet ten shillings' (a very serious penalty).
'No stoned horse(i.e. gelding) shall be put to pasture in any common...any mare, foal or gelding, not likely to be able to bear foals, or to do profitable service, the same shall be slain and buried'.
'Any stray animals come into the lordship'.

From this evidence it would seem that the three main concerns were to prevent disease, a surplus of very old animals, and strays. Is there evidence of a village pound and the office of pounder. Were animals impounded? And are there any other kinds of offence presented by the court leet? Does Josselin or Harlakenden give any evidence of difficulties over straying or diseased etc. animals? Was there any stinting of the common, and how did this work if it existed?

GAME

This covers the category of wild animals which were protected in some way. Rightly speaking it should embrace two categories, firstly those 'wild' animals which were protected because they were good to eat and good to hunt -fish, fowl, mammals and were protected either because they were private property or because they were out of season/the wrong sex or size etc. Secondly, is there any sign of protection of animals for and in themselves(e.g. the swans of the king, rare species etc.)

The former is clearly much more important. It is a topic which could well, like wood, come under private property and may well go there. But there are also public aspects of game. Firstly, like other animals, game animals can cause great trouble to neighbours; what rights did villagers have over straying rabbits

or doves, or deer etc? Secondly, were there any forms of 'game' which were, in a sense, 'public property'? What about small wild birds, or fish?

With regard to the latter, some suggestion about this seems implied by one of the articles to be enquired of by the court leet, at least in the 1650 edition:
'Also you shall enquire if any person by any means hath taken and killed any young brood, spawn or fry of salmons, eels, pikes, or any other fish, in any stream, river, brook, floodgate, or in the tail of any mill, and present the offenders.And further, when any person hath taken in any of the aforesaid,any salmons or trouts out of season, or pikes, or pikrels,not being in length ten inches, or any barbel not being in length twelve inches, or any salmons not sixteen inchs,or trouts not eight inches long, if any have done so, they shall forfeit certain penalties. Any broken the head of any pond or pool with fish in with intent to destroy them -penalty of 3 months and sureties for seven years good behaviour.'

Many of these regulations would be inappropriate for EC, but it seems that the idea of minimum size, close seasons etc. was already of public concern. It would be interesting to know if there were any prosecutions.

The whole question of the regulation of poaching would come in here. Although poaching does not seem to have been distinguished in law as a separate offence, it may already have been classified separately in the general mind. How frequent were instances and what did they consist of? What kinds of animals did the lord keep as his own and who went after them and for what ends? One instance of a case which combines an offence against the statute concerning guns and also against poaching, is that in June 1593 in the EC court leet: 'they present Frances Stevens having no free lands or tenement useth to shoot with a birding piece and therewith killeth and driveth away the lords dovees and therefore is in mercy 10s.

VERMIN

The final category of animals are those which were considered a threat to man in general; in different places and areas these would include wild animals such as wolves, foxes, badgers or polecats, or smaller birds and animals such as rats, mice, squirrels, martins, rooks etc. In the general regulations for court leets(1650) the leet was to enquire:
'if they be any crow nets, if there be not, the Lord shall have the moiety of ten shillings, which shall be forfeited by the parish or town for not having the same. Also if they destroy not the crow nests when they begin to breed, they shall be amerced.' One wonders whether there is any other indication about vermin in the parish. With the bubonic plague endemic, anything on rats etc. would be interesting - but with no mention of cats, perhaps there is no mention of rats as well?

BOUNDARIES

   As the work of Leach, Douglas and others have reminded us, boundaries
and boundary maintenance are of enormous importance and the placing,
nature and disputes over boundaries tell us a great deal about a societies
concepts of space and other fundamental concepts. Of the many potential
boundaries, here we will only deal with physical boundaries, that is
to say boundaries which demarcate property. This consists at the outer
level of the parish boundary, the manorial boundaries, the boundaries
between holdings, the boundaries between fields and gardens, the boundaries
between houses. What were the major materials which were used to demarcate
these boundaries and how were they regulated? At the moment, they seem to
boil down to the following: stone -walls; dead wood -fences, pales; live
wood-hedges; earth-mainly ditches or dikes; miscellaneous boundary marks.
An analysis of these will throw light on the whole question of enclosure,
encroachment, the shifting power relations in a village over time etc.

PARISH BOUNDARY

   This can be ascertained from the map and later work. How was it shown.
Did it coincide with natural features? Did it shift over time (e.g. the
changes in relation to White Colne). Were there disputes between parishes
over the bounds? Was it necessary to 'beat the bounds' to remind the
inhabitants where the boundaries were? What happened at the church
festival of rogation tide, when in many parts of England the church
led a procession along the old boundaries?

STONE

   The area does not seem to have produced stone(check) and therefore
there is very little use of this building material, I suspect. The
word wall or walls only appears about 33 times in our present sample
of words, whereas fence etc. appears ten times as often. The major
exception is the very long wall round the house at Colne Priory, which
Josselin records as being blown down and repaired. It should be
possible to show where else stone was used.

DEAD WOOD:FENCES AND PALES

  What exactly the difference was between what were termed 'fences' and
'pales' we will need to establish - at first guess one assumes that the
pales are continuous, whereas fences use uprights with something across.
Thus a pale would be more appropriate for gardens, and fences for fields.
But only when we can draw a map showing where the two occurred, if that
is possible, will we know.

   There is a vast amount of material on fencing
and pales. Many of the major neighbourly disputes not surprisingly

took place at these boundaries. It will be interesting to analyse these, both as a part of neighbourly relations, and as a reflection of the involvement of the regulatory machine which tried to sort out the quarrels. Attempts to move, pull down, newly erect etc. fences; failure to mend them so that animals strayed, these and many other topics can be investigated.

Two particularly vulnerable areas were the fences round the demesne land and round the church. In relation to the latter, one would have to use the ecclesiastical court material which suggests the way in which tiny parts of the fence were allocated to particular tenants. This subject would also overlap with that of the quarrels between lord and tenants about wood rights, for it was a moot point as to who and how the wood for this fencing should be provided. The height and placing of these fences was all governed by the ancient customs of the manor, as was the manner in which they were made. For example, in 1573 John Tracer was put under pain of 3s 4d 'to turn his pales and fasten them with nails according to the custom of the manor before the feast of All Saints'.

LIVE WOOD:HEDGES

There is something curious and different when we compare fences and hedges. Though detailed checking may show I am wrong, I get the impression that the offences connected with fences, pales etc. concern either making them in the wrong place, or leaving them dilapidated. There are a number of such cases in relation to hedges where tenants in the court leet are ordered to mend or remove hedges. But there is also an added category. This is what was termed 'hedgebreakers'. Some of these hedgebreakers were persons who objected to a specific hedge, as they might object to a fence or wall. But a large proportion of the presentments were for people who were said to be 'common hedgebreakers'. Even those who harboured such people were to be presented. In 1558 it was ordered in the EC court that 'We will every tenant that shall keep any hedgebreakers in his house after warning given shall forfeit 6s8d' and the identical regulation was passed in the following year. Thus for example, in 1555 the wife of John Smythe was presented as a 'common hedgebreaker and a milker of other men's kyne, therefore we command the householder she dwelleth in to remove her out of his house before the feast of Michaelmas next on pain 20s.'

What patterns and motives can be discern in this activity? By looking at the dates when these offences were presented, the sex and status etc. of those involved, it should be possible to see whether there is any pattern. At first sight, such activity would probably be interpreted by Tawney-like historians as an attempt by the common people to fight off the enclosure movement. As the new quick-set hawthorn hedges spread, they threatened old rights of common etc. If we can pin point who the people were, which hedges they attacked etc. it might be possible to investigate this.

My hunch is that the motive
had little if anything to do with an attack on enclosures and was solely
to do with theft of wood. This seems implied in the way it was linked
with milk stealing in the example given above, or in other instances,
for instance in 1555 in CP: 'pain that Alice Little widow, John Fooxe,
John Carter and Thomas Cobb or their servants or undertenants to break any
hedges or carry any wood out of the precincts on a pain for each of
them 20d.'It is not absolutely clear that the breaking of hedges or
carrying away of wood are linked, but they seem to be. The wordlist
we now have mentions hedgebreakers only a few times - but more will
appear. What is hedgeboot and what connection does it have to this?

DITCHES AND DIKES

Under 'water' I have looked at the function of ditches in drainage -
the many presentments for not scouring them. But looking through the
cases, one becomes increasingly aware that ditches were just as
important as boundary markers/maintainers as they were for drainage.
This is made explicit when people are presented to repair their
hedge and ditch, but it is also clear in the wording of many of the
ditch presentments. On the map of boundaries, therefore, it will be
necessary to try to place these boundary ditches - if that is
possible. One will also need to look at the disputes over such
boundaries over time.

BOUNDARY MARKS

All the preceding devices had two functions - to mark where a
boundary was and also to act as some sort of barrier to prevent
people crossing this boundary. There remains one miscellaneous
category which encompasses all those objects which act as signs
or symbols of spatial divisions, but do not form physical barriers.
In many areas such things as natural objects - small streams,
old trees and rocks etc. are used, as in the parish or township
boundaries for Lupton or Killington. Were these used at all in
Earls Colne, or were all the boundary marks artificial, man-made?

One clear example is the river Colne and its tributary on the north
and west, but were there other natural marks? Where there were no
obvious natural features, then artificial marks had to be set up.
The setting up of stakes by a jury working an open-field system
in Laxton today shows how this could be done, and elsewhere
stones were used rather than stakes. Among the articles to be
enquired of by the court leet according to the 1510 textbook
was 'All persons who dispossess others, breakers that make
stones stakes'; this is the actual wording, which makes little
sense, and one assume that what is meant 'breakers that move
stones or stakes'.

This offence, which was treated as so heinous
in the bible, is clearly not quite so important in a parish which
has been early enclosed and where, therefore, the boundaries are
fairly fixed. Yet it was obviously felt necessary that some kind
of mark be set up, for in CP in 1622 it was ordered as following:
'Present that there are no boundary marks within the precincts of this
leet and they pain the now constables and supervisors to well and
sufficiently make boundary marks according to statute in this
case provided before the feast of Pentecost next on pain to forfeit
to the lord 20s.' Whether there were any presentments for tampering
with boundary marks, or any evidence that such marks were used,
it will be interesting to see, though what exactly one would look
under it is difficult to know. Were there any areas which would be
divided up on a temporary basis, or farmed in common, so that one
would need movable markers?

CLOTHING

What people wore was also regulated, for clothing or apparel was of
interest to the common-weal in various ways. There was need to encourage
the consumption of wool - hence the late seventeenth century material on
burials in woollen, which need to be documented. But even more important
was the preservation of social distinctions which were symbolized by
clothing. Thus various sumptuary laws were passed. One of these is
indicated in a matter stated to be enquired by courts leet in the 1650
manual: 'Also you shall enquire whether any have used in any of their
garments, velvet, sattin, damask, taffata, sarcenet, chamlet: or any fur
as foins, lennets, martins, squirrel,fox, gray, cony, hare, or other furs
growing within this land; or gold, or silver, in or upon any of their
garments, otherwise than the Statutes made in the 14 year H.8 and 1. and
2 Philip and Mary do allow, you shall present the offenders. '
Were there any presentments for this in the court leet or quarter
sessions one wonders?

COMMUNICATIONS

Since, as far as I know, the river Colne was not navigable through
Earls Colne, we will be dealing here exclusively with communications on
land, including bridges. This includes three forms of travel, on foot,
on horseback and by cart, as well as the movement of animals. It covers
all public rights of way, which should be shown on a map. These would
vary from the main Cambridge to Colchester highroad(now A604),through the
major roads to Coggeshall, Great Tey etc., to minor roads, down through
bridle-ways and cart-tracks, down to footpaths and access to certain
houses and barns. It would also include the bridges these highways
required, whether major bridges such as Colneford bridge or minor footbridges.
It would also include obstacles to communications, such as gates, stiles.

It is obvious that the maintenance of this lacework pattern of rights of way, thin threads of public space in the midst of a sea of private property, was a very important and potentially conflict-filled situation. Who were to maintain them, who was to prevent them becoming clogged or shut off? We learn a great deal about a society by studying these problems and it is particularly important in the study of a society with as high geographical mobility and as much economic activity as we know occurred in England. We have many famous portraits of the muddy and impassable roads etc.(Macaulay and others); how bad were they? The contrast between the English road system and maintenance of communications and that in France, for instance, was strongly commented on by Arthur Young.

KING'S HIGHWAY

The repair of the major highways through the parish were the responsibility of the parish as a whole. How did this work in practice? There are hints which could be pursued here. The responsibility seems to have lain with both the court leet and the petty and quarter sessions. Thus there are a number of presentments(see under 'obstruction') in the court leet for blocking up the streets. But the main responsibility for surveying and repairing the highway was exercised through the sessions. There were various statutes(listed in Hale) concerning their enlarging and removing of trees from them, but the general charge 'of repair of highways lies of common right upon that parish wherein they are, unless a special prescription cast it upon another'. Do we have any information on how much had to be raised - either in money or in day's labour? Do we know who the surveyors of the highways were? Are there complaints about dilapidated highways either in Josselin, the quarter sessions or elsewhere? It should be possible to say something about this. Under 'ditches' one would find something also, since 'they that have ditches on either side ought to scour them'(Hale). What, one wonders, was the quality and nature of the roads - were they paved, or just mud? How impassable were they?

PUBLIC BRIDGES

According to Hale, 'Bridges Public are not chargable upon a particular person, but ratione tenurae. But of common right repairable by the whole county. The manner of repairing directed by Statute 22 H.8.c.5.' The main bridge in Earls Colne was Colnford Bridge a very large and important bridge, alongside a ford. Much smaller and less important over a tributary of the Colne was Stonebridge. Fortunately, we have a very interesting set of material about the maintenance of Colneford bridge in the dispute between Harlakenden and the local inhabitants, which went on for thirty years, about who should repair the bridge. This appears in Chancery, Quarter Sessions etc. and illuminates a good deal about methods of repair, responsibilities etc. It is something I hope to write about as part of the study of Harlakenden's law suits.

Is there anything in Josselin or elsewhere about the smaller bridges in the parish and how much they needed repair etc. and whose responsibility they were? A search for the word 'bridge' and its context should reveal something.

BRIDLEWAYS AND TRACKS

These were the middling sized highways along which carts and horses and animals could move. They might be public, or provide rights of access to certain individuals. Where were they on the map and how were they maintained? What kinds of dispute were there over them and how/where were they resolved?

FOOTPATHS AND RIGHTS OF WAY

These were merely for humans to use and were the most fragile and easily destroyed. Is it possible using the various sources to reconstruct a footpath map of the village? How did this change over time with the changing agriculture of the village. The material here would mostly come from the court leet. For example, there is evidence of attempts to prevent new rights of way being established: 'We charge all the tenants and inhabitants beside and against a certain field called Spout field als Riecroft that from henceforth they make no cross ways or paths in the said croft on pain to forfeit for every time so offending 12d.'(1596). Or there were attempts to close old rights of way. 'Presented that a footpath from EC to Coggeshall, from a close 'Ashwell field' is in decay, so that people cannot go along it to their own property. Edward Potter and Henry Hatch are to repair their parts of the path, under pain of fine of 10 shillings each if not done by the end of next month.' (11/12/77).

GATES,FARM GATES

The intersection of public and private space always causes problems, and these focus around gates. Presumably there were no gates on the King's Highway in Colne, but on the smaller bridle-ways and cart-tracks, they were important. They were also important at the termination of public roads. Their importance is shown not only by the fact that they are carefully drawn in on the 1598 map and that places are named after them (Gouldsgate etc.), but also in the fact that in tenurial agreements the gates were often specified. Probably the gates onto the demesne lands were especially important and hence gatekeepers were specific officers, about whom we have considerable information.

STILES AND SMALL GATES

A quick glance at the soundex printout suggests that at present, with most of the data in, we have some 38 references to stiles or stile. This compares to some ten references in our hand index and thus shows how much more we will be able to produce with the computer. Stiles and small gates were for the use of humans only. Much of the prosecution was for people either blocking up stiles, or creating them or gates in places where they should not have been. It should be possible to produce on the map of communications the location of many of these small entries. Anyone who has walked through farming country will know what a bone of contention such gates and stiles can be.

FIRE

One aspect of this has already been touched on in relation to arson, and since it is not a subject upon which we seem to have a very large amount of information, it might be best to bring the material under one head or the other. Surprisingly, there seems to be little in the public regulations concerning this danger, but we should indirectly have a certain amount in Josselin's Diary, in the church briefs and elsewhere. How great a danger was fire and what local contrivances were there to deal with fires? Were there not regulations concerning fuels, building materials, chimneys etc. to try to minimize it? Is there any evidence of public fire-fighting equipment, or of anybody co-ordinating fire-fighting?

GAMES

Another well known peculiarity of the English is their obsession with games - from cricket to darts. Not only do they seem to have the leisure for such games, absent for many societies, but they take them very seriously. How old is this feature and what importance did games have in this period? The subject is well treated under regulation for the authorities were well aware that the boundary between a game and real life was easily crossed, and games might well lead to 'disorder'. They were therefore carefully monitored. There is thus a considerable amount of material in all the courts and a little in Josselin about games. Among the articles to be enquired of by the court leet according to the 1650 handbook was :'Also you shall enquire if any person do keep or maintain any common house, alley or place of bowling, quoits, cailes, tennis, dicing, tables, or carding, or any other unlawful games -also if any haunt such places.'

It would be worth looking under the various kinds of game listed above in our word list. In our manual subject index there are six references to unlawful games, as well as one to dice and one in 1527 that 'Nich Banbury keepeth common tennis play within his yard contrary etc...charged to do so no more on pain of 20s. 'In general it was ordered at the 1586 EC court that 'we appoint and decree that

no householder within the precincts of this court or leet shall suffer
any unlawful games in their houses on pain of 5s.' In the word list
there are 25 references so far to 'game' or 'games'. More extraordinary
is the fact that there are eighteen references to dice: but on getting
these out with Tim King's new query system, it appears that the majority are
references to Ralph Lunt the dice maker.

One could look up the other
sports. For instance looked up 'football' and found ten references
to football. There are appropriately, as the first Sunday football is
starting to be played again, a majority of cases concerned with
playing football on Sundays - in fact, they are all for that offence.
One thus has a wide variety of games probably being played from the
start. Where were they played? Who were they played by? Was there
a specific field etc. Were there many disorders arising out of them?

WATER

The control of the water courses in EC was an important matter in
Earls Colne. The principal rivers, streams, ditches and springs/wells have
already been described (material world). There were three major reasons
for controlling these: to provide a suitable drinking supply for villagers;
to provide a suitable drinking supply for animals; to prevent flooding.
The water also needed to be controlled to enable it to be used for
fish and fish-ponds and for mills. While the disputes and regulation of
water in a climate such as England's might not be quite as important
as that in irrigation cultures(cf. eg. Leach on Pul Eliya),nevertheless
the danger of flooding was greater and with the dense population and
large amount of potential pollution, careful control was still needed.

POLLUTION

The pollution of the water supply was monitored by the court leet.
Among the matters to be enquired of in 1650 were:' if any person have
watered any hemp or flax in any river, running water, stream brook, or
other common pond where beasts do use to drink...' It will be interesting
to see whether there are any presentments under this heading in the
court leet or quarter sessions rolls throughout the period. Especially
other types of pollution, for example of the wells etc. How many
references are there to privies, for example? I have discovered one instance
in the EC court leet for 1570, when William Cat was ordered to 'remove a
privies from the kitchens of Robert Read'. The present word list contains
49 references to privy, thus there should be a lot of completely new
material here.

FLOODING

Josselin gives some graphic accounts of floods which it would be worth

looking at to see if there is any correlation with anything in other sources. One of the articles of presentment for 1650 was to ensure that 'ditches be scoured'. In the 1510 work,' Any ditches, paths etc. unscoured and turned out of the right course' were to be presented. How frequent were presentments made for this, and were there any peaks? Also, who was responsible for the Colne river itself - was it the lord of the manor? And how were the drains in the village street looked after. This is all important, both as an indicator of the relation between private and public responsibility, and as a strong and potential cause of friction. One blocked drain can cause huge friction between householders or farmers. It would probably be necessary to look at cases between tenants and lords and between tenants themselves over water-courses. One should also look under 'gutters' where there are a number of references to blocked gutters.

STEALING WATER

  Just as there was a problem of surplus water, so there was, especially in times of drought and for animals, periods of water shortage -for the crops, for animals and for fish-ponds and mills. Huge disputes occur in India etc. over water rights of this kind, were there disputes in Earls Colne over this subject and how were they handled. Is there any correlation between them and the periods of drought which Josselin has so graphically described? Or can such references be used as any kind of indication of drought in earlier periods? How careful were people, for example in deeds, in specifying the water rights? How many houses had access to private water supplies? What water was considered to be 'public' - e.g. the Colne?

   There is a certain amount of material under 'springs', the neglect of upkeep of etc. so that one should be able to see how important they were etc. There is also a good deal under 'alteration of watercourses', showing where people had moved them. There seems, for example, to have been a particular attempt in the 1580's when Harlakenden took over to restore watercourses to their old courses - a part of the general tightening up of manorial control.