

(law)

LAW AND GOVERNMENT

[For notes on the following written in the early 1980s see below: Allegiance, Informants, Recognizances, Regulation, Services and duties, Soldiers, Standards]

Overview

[This is part of the final report to the E.S.R.C. written in 1983 by Alan Macfarlane]

Anthropologists have always been interested in the formal institutions which appear to control society. Yet because they have usually worked in tribal or peasant societies where State and Church, the 'Great Tradition', is absent or distant, they often say little about them. The absence is compounded by the difficulty of simultaneously studying a particular community in depth and also being able to investigate the major centres of power. The material from Kirkby Lonsdale and Earls Colne is particularly helpful in correcting this bias. This is firstly because, for reasons alluded to throughout this report, the gap between the 'little tradition' of the community and the 'great tradition' of the State and Church does not seem to have developed in England. We are dealing with historical material created by a centralized Church and a centralized State. The very records themselves give evidence of the activity and the local penetration of these institutions. Indeed, most of the records we have were made by formal institutions, the State, the Church and Estates. Consequently much of the material throws light precisely on that link between the centre and the periphery which it is so hard to examine through conventional anthropological fieldwork. Let us now examine each of the formal institutions which impinged on the life of inhabitants of Earls Colne and Kirkby Lonsdale in a little more detail.

State Institutions

About the operation of the State we can learn a very great deal. About the various courts of common law and equity and their processes and the cases that came before them; of the operation of general laws at the local level; of the power and jurisdiction, the interplay between national law and local custom, there is much information. We can watch the officers of the State at the local level, the Justices of the Peace and the constables, operating over the centuries and see the way in which social control was maintained. We can investigate the financing of the State, how the taxes were allocated, collected and avoided. We can watch how the State raised soldiers, controlled the market, attempted to direct migration, tried to deal with problems of poverty. Changes in these areas over the centuries can be observed. Brief examples of the kinds of analysis we are undertaking may be described.

We have begun to analyse the effectiveness and workings of the criminal courts, from the Quarter Sessions, through Assizes, to King's Bench. A great deal of work has now been undertaken on criminal patterns in the past using the records created by such institutions, but serious doubt was cast on the value of such work by Dr. James Cockburn, who suggested that many of the details in the records such as the name of the accused, the domicile, the date of the offence and the seriousness of the offence are

inaccurate if we compare recognizances and indictments. By setting the indictments within the context of a total reconstruction of the records of two parishes it is possible to test just how accurate or misleading criminal records are. We have published a monograph examining these problems (Macfarlane 1981) and we have carried out other exercises to examine the problem (Macfarlane 1980). It would appear that indictments in Earls Colne clearly distinguished between the accused, his accessories and receivers, and that the value of the goods stolen was indeed sometimes lessened to avoid a capital offence. By comparing the occupation/status given in the indictment with that in the local records, it becomes clear that there is not such a large discrepancy as Cockburn feared. For instance, in 9 out of 17 indictments so far checked for Earls Colne there is an exact match and in all but one of the other cases the difference arises because one document is speaking of status, the other of occupation. Thus a person was both a labourer and a bricklayer. As far as residence is concerned, of fifty accused persons said to be of Earls Colne, it would seem that about one quarter were only so described because the crime was said to have been committed there.

Concerning the actual operation of the criminal law, we have published a study which combines the use of local records, the manuscript records of a local justice, and central Assize records, concerning the parish of Kirkby Lonsdale (Macfarlane 1980). By setting these findings in a comparative framework, we were able to argue that many of the recent stereotypes concerning the lawlessness of the past were incorrect. Again, we draw attention to many of the peculiar features of the English population - the absence of bandits, of physical violence, of mafia, of opposition between young and old, town and country, peasants and landlords. In that study we concentrated on the criminal courts, but we are now working in parallel on the civil courts which were, in many respects, more important.

We have been examining the process and contents of the records of the central prerogative and equity courts which flourished in the later sixteenth and seventeenth centuries and which provide lengthy bills, answers and examinations. Chancery, Requests, Star Chamber, Wards and Liveries are the main courts and because of satisfactory catalogues and indexes and other factors, these records have largely been neglected as a source for local analysis.

For Earls Colne there were a clump of cases, extending to over a hundred thousand words of text, between 1580 and 1625. They concerned a dispute between the Earls of Oxford and the former steward whom they considered had cheated them and fraudulently obtained the manors of Earls Colne and Colne Priory. The bundle of rights in dispute covered many facets of life in Earls Colne. There were disputes over the tithes, over the appointment of the vicar, over the running of the school and appointment of the schoolmaster, over the responsibility of repairing the Great Bridge in Colne, over the standing timber in Colne Park, over the ownership of hop grounds, over the ownership of the mills, as well as over the very ownerships of the manors. These led to several alleged riots, smashed glass in the church, accusations of gross fraud and corruption. Nor were the cases confined to disputes between the gentry. Others were drawn in, the copyholders against their lord over the rights to chop wood on their copyholds, an aged woman over her rights to her husband's land and the right to disinherit her children. The cases were heard before many of the most distinguished judges of the land, Lord Ellesmere (Lord Chancellor), Sir Henry Hobart (Chief Justice of the Common Pleas), Sir Edward Coke (Chief Justice of the King's Bench), John Williams (Bishop of Lincoln,

Lord Chancellor), and Viscount Mandeville (Chief Justice of the King's Bench). A great deal of verbatim comment is included.

In order to understand many topics, extending from the nature of the manor, of the judicial institutions, through to the attitudes of individuals to their superiors, towards children, towards law and order, it is essential to unravel this mass of litigation and to tie it in with the private account books, land transfers, wills and other documents which explain who the actors are and some of their motives. We have therefore spent some time drafting a preliminary analysis of this set of cases, so valuable in that they allow us to reach down into the ordinary lives of the villages. A preliminary draft of about 100,000 words of analysis has been written. This will need to be set within the demographic and economic analysis described elsewhere in this report.

Although these are bound to be very preliminary and tentative impressions from our work, it is worth recording our first conclusions from this analysis. In relation to the courts and law in general, the impression we have from studying two parishes in opposite parts of England over long periods of time include the following. When we look at the interlocking jurisdictions and courts, at the systems of common law, equity, conciliar, manorial and ecclesiastical courts, at who came to courts, the fees, the judgments, and the nature of the process, a number of peculiarities strike us in comparison to the situation reported for continental Europe or the Third World. There is an impressive uniformity of law throughout England, with only minor differences between regions; an impressive universality of the law, with few distinctions because of wealth, status, age, sex etc; a marked durability of the law, with strong continuities in the main structure of the institutions throughout our period; and a massive involvement in law of ordinary people. The courts were used to persuade people to allegiance and orderliness through oaths and through judicial ceremonial. It is difficult to think of a more court-soaked society than England throughout this period and it is difficult to over-emphasize the strong interconnections between different jurisdictions and between the locality and the centre. If ever there was a society which lived under law and in a constant state of litigation, this was it.

In relation to the preservation of public order, we have begun to examine the control of violence, of what were termed at the time 'crime and misdemeanour', that is interpersonal acts which were held to be acts against the commonwealth and not just against individuals. The very classification of such acts as involving acts against a 'state' is, of course, interesting in itself and unusual. The detailed intervention of State appointed persons, from cases of the most trivial kind, offences on the public highway in the court leet, up to treason and riot and murder is very well documented in the materials and susceptible to analysis. Our initial hypotheses stem from Macfarlane (1981, ch.11), namely that we have in both our parishes departed a long way from the violent, brutal, feuding, bandit-ridden type of society which many anthropologists have found in traditional peasantries. The crimes we witness in both parishes are capitalistic crimes; theft, coining, extortion etc., and the level of inter-personal violence of a physical and verbal kind is fairly low. Furthermore, the treatment of offenders, while savage in theory, is not so savage in practice. Another interesting feature is the quality of the local policing. Although done by amateurs, the constables, justices etc. on the whole it seems to have worked well. Nor is there any evidence of a notable conflict between the local community and its norms of justice and those of the national law; the divergence between local custom and national law seems to have been slight.

The most striking fact about the system of government revealed by the documents is a curious ambiguity. Just as F.W. Maitland described England as the most feudal and the least feudal of countries, so England could also be described as the most governed and the least governed of countries, the most centralized and the least centralized. On the one hand an examination of the courts, of the collection of taxes, of the activities of the Justices, of the regulation of things like prices and wages, shows the everything ultimately flowed from the centre, from Westminster and London, downwards. The decisions made at the centre were as effective in Essex as they were in Westmorland; decisions and information travelled very fast. Every villager in both parishes through the rates, through taxes, through oaths, through poor law obligations, was tied into the central structure and there was a massive vertical integration of a kind totally unknown in the sprawling peasantries of India, China or France. It is no coincidence that the welfare state was invented in England, for the tradition of public responsibility, of the right and duty of the State and the Church to redistribute wealth, was already strongly present in both our parishes from very early on.

On the other hand there was an equally surprising and untypical devolution of power and responsibility. The local gentry, the local 'middling sort' felt that they had power to take decisions and were expected to take responsibilities. The taxes could be relatively light because there was only a very slender, almost non-existent central bureaucracy. The country was largely run by people who did so alongside their normal jobs, justices constables, jurors. The overblown bureaucracies which have been held to be responsible for the ills of many societies, the large standing army, the army of tax collectors and armed police and other paid officials, was somehow avoided. This again seems to be explained by some kind of vertically integrated bureaucratic system of an unusual kind. If we use Weber's three ideal types of authority- charismatic, traditional, bureaucratic - England does not really fit conveniently into any of them, but it is definitely furthest away from the first two of the types than the last.

It might be expected from this that such a situation, with an absence of officials, and a great deal of personal responsibility, would be an ideal situation for the development of those 'patron-client' structures which have been found classically in Mediterranean societies, India and China. Where the centre is weak, dyadic ties of a personal kind provide the effective, though informal, integrating mechanism. Curiously enough, this does not appear to have been the case. Of course, if one defines patron-client links very widely, as some have done, and include for example every tie between a lord and his man, then a copyholder who regularly takes an oath of fealty, is a client, and our sample parishes were thick with clientage. Furthermore, the deferential language of letters and requests to powerful people, and the use of money in return for 'favours' might lead an unwary analyst to jump to the conclusion that this is indeed a society in which government was based on just those personalized, unequal, quasi-moral, relationships which anthropologists have documented elsewhere. Yet the closer examination which has for the first time become possible by setting the complex legal cases in their social setting reveals a strikingly different situation. For example, except possibly at the level of the very highest of the aristocracy, the idea of a very powerful man who keeps an army of retainers in his control with political gifts, who forms a kind of channel to power and influence does not fit the situation. It appears from our studies that people bought advice and power on the open market through hiring lawyers, doctors, teachers, just as people hired helpers in the economic domain through employing servants, bailiffs and

labourers. The essence of the situation is that instead of a quasi-moral relationship based on favours of a vague kind by the patron, including generalized 'protection', in return for which the client gives generalized support, there appears to have been a more equal relationship. This was a relationship of contract, in which a person does specific tasks - mowing a field, fighting a law case - in return for a specific fee. The cash nexus enters in and deadens the moral, long-term, aspect, making for that balanced reciprocity which anthropologists have analysed.

A related aspect concerns the morality of power. It is difficult to detect in the detailed documents that large gap between the 'official' morality of government - the supposed impartiality and rule-guided behaviour of the formal institutions - and the presence of an alternative, informal, morality, based on personal ties which is such a striking feature of most political systems, and which is often termed 'corruption'. Such a gap, the 'black economy' of the political economy, is very widespread in much of the world. Thus it would be naive to assume that there was nothing of this. But the amazing fact about the system revealed by our probings into the documents is that, unless all traces are lost because everything was done by word of mouth or have been destroyed, the 'corruption', the gap between ideals and practice, is minimal. There is very little evidence in either of our parishes that officials were corrupt in the sense of confusing their private and their public lives. There is little evidence of that cynicism which leads people to defend their admittedly corrupt behaviour by claiming that 'everyone does it'. Just as in economic dealings, an honourable reputation was absolutely essential, since so much of the transacting was done on a basis of trust, so in government, all officials had to be assumed to be governed by public sentiment and to be above personal influence, otherwise the wheels of a complicated, largely unwritten and voluntary, system would not have worked. Justice and government not only had to be done, but had to be seen to be done. The anger and bitterness of the judges when they suspected that the court rolls of Earls Colne had been tampered with, their reprimand to the lord of the manor Harlakenden when they learned that he kept the rolls himself rather than leaving them with his steward, and the anger of the steward that he might become involved in something which might damage his reputation, are all parts of this system. Built into the structure was a complicated set of balances and checks; for example, the way in which higher courts could issue writs to bring up suspect actions and decisions from lower courts, or the way in which high constables were to check ordinary constables. The case described in Macfarlane (1981), concerning a deviant high constable, shows how delicate was the balance and the fierce reactions when something did go wrong.

The other formal institutions: Church and Estates

In the description of the nature of the record-making machinery we have provided an overview of how these institutions worked. There is certainly as much material on the operation of these institutions at the local level as there is concerning the influence of the State. In relation to the Church, we can learn about its officers, the clergy, churchwardens and sidesmen, its services and rituals, its financing, its courts and procedures. In Earls Colne the presence of a Priory up to 1534 enables us, through the use of account rolls and other documents, to add the further dimension of the study of a medieval religious house. The laws, customs and discipline of the church as observed at the local level, the seating pattern, the prayers, perambulations and ritual calendar, all find some reflection in the local documents. In Kirkby Lonsdale there is an especially interesting set of materials concerning the Quakers, for this was the centre of northern

Quakerism. The church was also one of the main bodies which provided for the poor, so we learn a good deal about charity and the re-allocation of money to the poor. As with a study of the State, almost every question we ask takes us outside the parish, to higher levels of the organization, and to other kinds of evidence. The ethical and religious system which the Church as an organization tried to uphold will be examined later in this survey.

Perhaps the best recorded of all the formal institutions in the parishes was that of the landed estates, the manors. For Earls Colne, more than half of all the surviving records for the parish concern the operations of the manor court which deal with copyhold and other tenancies. The rolls also record minor offences concerning the land and breaking of the peace, quarrels, minor assaults and thefts and other matters described above. Combined with the other archives produced by the Estates, the surveys and rentals, maps, accounts of income and expenditure, the transfers of land, as well as the indirect information from cases in the King's courts, we are able to learn an enormous amount about both the operation of manorial estates, and also about landholding and the distribution of property.

In conclusion, if we consider the three formal institutions together, what impresses us is the way in which they fitted together, and the enormous part they played in holding the society together. Their strength, uniformity and continuity, as we shall argue below, helps to explain many other features which are striking about the English system.

Some specific topics

[These are preliminary comments, written by Alan Macfarlane in the early 1980's]

ALLEGIANCE

In attempting to understand how a very high level of public order was maintained it is essential to understand the system of oath taking, the oaths of fealty and allegiance etc. The oaths to faithfully carry out duties can be dealt with under offices and the oaths to the lord of the manor can be dealt with elsewhere. Here one will deal with the oaths in the view of frankpledge and in the holding of the court leet. It would appear that one has a system where every adult male, in theory, should swear at least twice a year to keep the peace and to present all misdemeanours of their neighbours. Occasionally this was elevated to the level of the oath of Association etc., but usually happened automatically at a lower level. What were the sanctions and how effective was all this? This would probably be the place to deal with the whole function and working of the view of frankpledge system.

INFORMANTS

village over the period. Thus one would deal with people associated with the church - particularly the official's of the archdeacon's court, the vicar the churchwardens and the overseers of the poor. One would also deal with will scribes. With State officials and writers, the most important would be the clerks of the courts, principally quarter sessions and assizes, and the village constables. Most important in terms of sheer bulk would be the official of the lord - the steward, bailiff and their scribes. On the last of these we have a particularly intriguing account in the disputes over the accuracy of the EC court rolls. In these it is explained how rolls are made etc. and we learn about specific writers etc.

In each case we would describe what sort of person(i.e. social position, religious affiliation etc.) wrote the documents. Why were they writing the document. What sort of prejudices did they have. What did they leave out. What did they take for granted? What proportion of what they wrote has survived? Were they paid for the work? Were they making the original, or merely copying? Did they know the events/people they were writing about at first hand? A good deal of this can be established from the spelling of the documents and the cross-checking of sources. For example, the Assize and Quarter Sessions clerks obviously did not know the people they were writing about and hence their spelling is erratic.

As a historian one is at the mercy of one's scribes - even more than an anthropologist is at the mercy of his or her informants. In the latter case, at least one can use one's own eyes, and one can cross-check remarks with other informants, or challenge one's informants remarks. But when one is trying to recreate a vanished world using only the scratches that have been left on bits of parchment and paper, supplemented with a few visual remains, it is even more important that one knows a lot about one's informants. Because one is more at their mercy, their biases must be even more carefully studied.

Most of the scribes are shadowy figures, a name being repeated in an overseer's account, an officer in a court who dealt with many other villages. But there are a few figures who both as scribes and as actors in the various dramas to be described merit special attention. A fairly rounded portrait of several of them, chosen from each of the major writing categories, would bring the account to life and also show how what was written was not written in a void; it served political, social, economic and other purposes and these all distort and add interest to the writing. For example, one might select:

- a lord of the manor, e.g. Richard Harlakenden
- a constable, e.g. Henry Abbott
- a vicar, e.g. William Adams or Ralph Josselin
- a bailiff, e.g. Robert Cobbe
- a churchwarden, e.g.
- a steward,
- a Justice of the Peace, e.g. Roger Harlakenden

an overseer of the poor

It is possible that there would be other categories, e.g. an important will scribe etc.

By doing this one would have not only explained something about how the information came to us and how far we can trust it, what has been lost, etc. but one would also have started to give a portrait of the place, a feel for the people who were involved in creating the history. It would obviously be handy to use the computer to provide a preliminary linked profile of the eight or so key individuals described

RECOGNIZANCES

In the effort to understand how the system of justice worked and how people were put under pressure to keep the peace, the system of recognizances is of central importance. The idea of admitting oneself to be bound in a certain sum of money to do something, and of others also being bound to be responsible if one failed to do it in like sums, is a fairly sophisticated and clever one. How old is it and how did it start? Among its many consequences, we may look at two to start with.

The first is the way in which it overcame the problem of forcing people to prosecute or witness against their neighbours etc. One of the very considerable problems is how to break down local, kin etc. loyalties so that individuals will conform to some universal norms. They will tend to be pushed towards their short-term, particular, local interests and be reluctant to give evidence, for instance, against their friends, neighbours or kin. They will live in a relativistic world of the kind described by many anthropologists. But if it is widely accepted that they can be bound in very hefty sums to give evidence or prosecute those close to them, this helps to overcome the difficulty.

Another difficulty it overcomes is that of dealing with minor offenders for their first offence - something like the function of bail nowadays, or standing surety. Rather than filling the available prisons or inflicting fines in the first instance, a person can be bound not to commit a similar offence on pain of a much more serious fine for a second. It will be interesting to look at the system of 'pains' in the court leet to see how that worked - was it a system of suspended sentences also? There is also the system of pledging - is this another form of shared responsibility rather similar to the recognizances system? The nature and methods of pledging will be worth close investigation.

REGULATION

The degree to which a country has moved towards a 'capitalist' or

'bureaucratic' system will be closely connected to the sophistication and integration of its regulative mechanisms. If trade and industry is to flourish, then a complicated set of procedures and institutions are required in order to maintain communications, standards, prices etc. etc. The growth and development of this system can be seen reflected in the documents which we have which are largely a creation of that system of local government. It is obvious that we will neither understand the documents nor the society unless we understand this system. Hence, though it may seem a fairly dry area, it requires careful analysis. Out of the frictions over many of these matters, considered to be 'misdemeanours', that is minor offences against the state, arose a great deal of the litigation which we have.

The problem of unravelling this system is complicated by the fact that we have three overlapping structures, existing from the start but gradually shifting in their responsibilities and power. The officers of any one institution, were often responsible to several authorities - thus the constable was an officer of the manor, being chosen by the court leet, but was also responsible to the Justices, and the churchwardens were officers of the church, but responsible in poor law matters to the state as well.

The treatment of this topic of regulation might, as a start, be divided into three parts - though whether this is the best final arrangement we will have to wait and see. There is a description of the officers and officials of the jurisdictions, of manor, state and church. This would cover what they were expected to do, their oaths, their defects, their payments and public service, their difficulties in operating, their code of conduct etc. (it would be best to place the section under 'office' here). This would include some account of the types of record they kept of their duties; notebooks, accounts, hearth tax etc. The second topic would be the question of raising the revenue for this public regulation and welfare. Here one would look at money raised at the local level for local services (i.e. rates and equivalent), at money raised at the local level for the national bureaucracy (i.e. taxation and subsidies) at money raised through private gifts and through the church etc. for local services and for the poor, and money raised (through the general fine?) for the manorial services. Thus one would look at the revenue/income side as one issue and this would take one into the questions of how much was raised, whether the burden was heavy or light etc. One would also look at the payments to officers. It might also be necessary to see what holders of estates were expected to do out of the profits of their estates, e.g. the responsibility for the bridge of Earls Colne on part of the lord etc. The raising of labour, e.g. in repair of highway, would also be worth considering - how does it compare to French corvée labour, for example?

Having looked at the officers and at the income in terms of money and labour, one could then look at what these officers did and what this income was spent on. Here it would probably be best to divide the subject up into separate topics. By far the largest of these is the treatment of the

poor. This would include topics such as the poor, vagrancy, settlement, apprenticeship, bastardy and maintenance. It is a huge subject and obviously one upon which we will have a great deal to say. The next largest topic is probably communications - roads, paths, bridges etc - which necessarily includes boundaries. Related to this is the control of watercourses and of public water. Also related is the question of building and erection of buildings. Another broad category similar to water is the regulation of fire - public fire fighting. A set of separate matters can be dealt with under the question of marketing and the control of the market. These include measures of size and quality, prices and wages, the public marketing of produce, milling, cloth-working. Under the general heading of 'animals', there are three main classifications rather resembling Leach's classification into domestic/pets/wild, but slightly different - namely into farm animals, pets, game, vermin. There were careful divisions and regulations of each of these as there would have to be in a society where animals were so very important. A rather curious cross-cutting type of regulation was that of time. Just as space and boundaries needs a separate heading, so does the regulation of time. This would include such matter as the difference between night and day, the right time to do things, the days of the week (Sabbatarianism), work discipline, feasts, Lent, etc. The control of food, sex, labour, various activities by times etc. It might also be necessary to have something under 'pollution', to cover privies, carcasses, dunghills, sanitation etc. etc. Under 'building' one should include ancient lights, eavesdrops, thatching areas etc. etc.

Finally there was the supervision of what might be called leisure and recreation. Here there is the supervision and importance of alehouses, inns and of games and sport. All these could pose threats to public order and needed to be regulated carefully. Thus one has poor; communications and buildings; water and fire; marketing; animals; leisure and games. One important category that has been omitted here is the regulation of fuel, building materials etc. made out of wood and other materials. This is because the whole question of the management of wood, about which we have so much, is probably best dealt with under property since wood was one of the privately owned assets on the manor.

SERVICES AND DUTIES

This is not a wholly appropriate term, but it is meant to be equivalent in the public realm to what in the private world of property would be the labour and other services a tenant had to provide for a lord. In the highly developed cash economy many of these were long commuted for money - hence the taxation, rates, tithes in cash rather than in kind. But at least three kinds of services still seem to have persisted and been important, if less important in the first two cases than in most of the rest of Europe.

The first of these was service for the lord in war - in this case the lord being the King. The absence of a standing army and the isolation of

England meant that this was a very weakly developed duty in England, and its absence is indeed one of the central features of the society. Yet there were such duties, particularly in sensitive areas such as the borders, or in sensitive times, such as 1588 or the Civil War or in 1715. We therefore need to have some impression of what duties people had - to have arms, serve the king, provide soldiers etc. There is a little bit about this under weapon practice, the butts, musters, the enlistment and disbanding of soldiers etc. Is it possible to establish roughly how large a proportion of the population participated in all this and for what lengths of time? There is intriguing material on the militia in Fleming's papers, can one do anything similar for Essex from the justice's papers? What evidence is there for billeting of soldiers, another way of indirectly supporting the army very widespread on the continent, or of the forced provision of foodstuffs for the army? What evidence is there of conscription or forced enlistment?

The second form of service was to repair public communications and buildings - particularly highway maintenance. This will have been touched on under communications elsewhere. Were there any other forms of compulsory labour for the good of the community, of a manual kind, e.g. carrying/porterage?

The third form of service was less manual, it was the giving of time and expertise for the good of the community in public service. This, again, is one of the central peculiarities - the large amount of unpaid public office time given by villagers - from the Justice of the Peace, down to the constable and the aleconner. Here the analysis would fit in with the section on 'office', dealing with the amount of time people gave, how they were recruited, what rewards they seem to have received. In a sense it was a circular system. The fact that much of the administration was done for free, that the society was self-governing, meant that the bureaucracy, i.e. full-time paid officials, at both the local and national level, was extremely light. This meant that less needed to be raised by way of fees and taxes to pay them. Which meant that people kept a large proportion of their profits, which meant that they were wealthier, which meant that they had more leisure time and security which enabled them to undertake public offices. The idea of the amateur justices, administrators etc., of being governed by one's peers, is clearly deeply embedded in the system and is one of its most central characteristics.

SOLDIERS

It would probably be best to deal with the question of musters, soldiers, weapon practicing etc. under the general field of the keeping of the public peace. Among the topics to be considered

would be: recruiting of soldiers in Earls Colne, musters, licensed weapons, evidence of soldiers in EC, for instance in the Wars of the Roses or during the English Civil War (Josselin). There are hints of soldiery etc., but in general the presence of the army is not greatly stressed and one suspects that the absence of a standing army and large numbers of quartered troops is one of the major differences between England and most continental countries. It was not, on the whole, a fought-over landscape. There are a few hints of the working of musters etc. in the directions to the court leet. A search through the relevant parts of the thesaurus should be instructive. What proportion of the local income went into defence one wonders (as compared, for example, to present payments).

STANDARDS

The preservation of the standards of commodities and of workmanship is separate from the regulation of prices and of weights and measures. It involves such things as ensuring that food is in good condition when it is sold and artifacts are up to standards. The former was clearly the concern of the authorities in the village. For example, the court leet by the regulations of 1510 were to present 'All butchers, fishmongers and other victuallers who sell unwholesome food'. Are there any presentments in the court leet for these offences - or elsewhere? Was it something to appear at the county court? As for artefacts or non-food items, these also were to be regulated. In the same articles the leet were to present 'white tawwers' who did not sell good merchandise, ie. skins and in the 1650 version they were to present 'any tanner selling any hide gashed or cut, twelvepence per hide fine' and also 'none ought to curry any leather evil tanned'. It will be interesting to see what other attempts were made to regulate standards - e.g. mouldy flour, poor quality weaving etc. Is there anything in our material? It is possible that a number of offences here would have been prosecuted under civil actions in the exchequer or common pleas and hence not have been found by us. The professional informers described by Beresford were out to notice infringements.