

*Enclosure Riots on the Commons: Memory and Conflict at Lytham Priory, 1200–1540**

In 1532, the monks of Lytham Priory complained to the chancellor of the Duchy of Lancaster about the ‘secrete & craftye handlyng’ of Lady Margaret Butler, widow, and Thomas Butler, her son, who stood accused of organising some two hundred of their tenants against the priory.¹ On 4 May, armed with weapons as if ‘they had entendyd an insurreccion’, the rioters wrecked 400 rods of ditching, returning three days later to take away 154 of the priory’s cattle. Three days after this, three hundred of the rioters returned, wrecking a priory building and destroying an old cross with St Cuthbert’s image, ‘the crosse of which before had stoud there owte of tyme of memory’.² These episodes of disturbance produced a flurry of legal activity, analysed in detail below, but the larger historical question is how we should interpret such rioting in the early sixteenth century. The immediate explanation might be in the actions of the monks themselves, who had begun enclosing, improving and house-building on an area of land that had traditionally been seen as commons between their lands and the neighbouring manors of Marton and Layton. It is in this light that our case served as one of Roger Manning’s early Tudor ‘village revolts’, providing an example of ‘an intercommoning dispute’ that ‘gave rise to three large enclosure riots stirred up by the Butlers’.³ According to this explanation, the Lytham uprising was nothing more than a familiar episode of enclosure riot, in which tenants protested the loss of common rights at the hands of an enclosing and improving landowner in the changing economic and demographic conditions of Tudor England.⁴ Even the ensuing legal battle has a comforting familiarity to it as ‘the

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1. Durham Cathedral Archive, Durham University Library Archives and Special Collections [hereafter DCD], Locelli collection [hereafter Loc.], Loc.IX: 57. Although aspects of this case have been discussed previously, most notably by Bill Shannon in relation to the competing maps, previous work has not used the Durham Cathedral archive, instead relying upon material in The National Archives and Lancashire Record Office. Peter Shakeshaft’s book on Lytham was published after this article was accepted and so has not been as fully engaged with as it undoubtedly deserves; see P. Shakeshaft, *Lytham Priory: A History* (Halstan, 2023).

2. DCD, Loc.IX: 56 and 57.

3. R.B. Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509–1640* (Oxford, 1988), p. 46.

4. For an overview of these socio-economic changes and early sixteenth-century enclosing movements, see K. Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain, 1470–1750* (London, 2002), pp. 132–58.

stage was therefore set for a classic clash of cultures, customary versus documentary; a pre-literate insistence on the part of the Butlers' tenants that what had applied from time immemorial was all that mattered, versus the legalistic position adopted by the priors that custom was trumped by ancient written evidence'.⁵

There are a multitude of reasons, then, for thinking this another, and a reassuringly recognisable, example of anti-enclosure riot. Although aware of many of the complexities of enclosing movements in the sixteenth century and the varied guises they took, R.H. Tawney predominantly characterised such riots as tenant-inspired opposition to the actions taken by manorial lords and large graziers: ultimately, this was driven by conflict between lord and tenant.⁶ Such a view has cast a long shadow over early modern social history and it is still common to envisage the sixteenth century in such terms: 'the stage was set for one of the defining struggles of the early modern epoch: the conflict between lords and commons, and between richer and poorer neighbours, over custom and popular memory'.⁷ Earlier enclosing in the fifteenth century has been seen as a response to the problems of depopulation: after the Black Death and subsequent outbreaks of disease, the population of England declined or stagnated for well over a century, leaving large swathes of land untenanted or under-utilised.⁸ Lords and tenants, often by mutual agreement—or, rather, in the absence of recorded dissent—reorganised their lands into consolidated enclosed holdings for pasture in order to make productive that which otherwise would have lain unused. It is commonly argued that it was not until the early sixteenth century, with population slowly recovering and increasing inflationary trends in prices and rents, that enclosure became a significant cause of dissent and 'from the 1530s the countryside was pockmarked with minor disorders as the tenantry of particular manors resisted changes in their customs, or attempts by landlords to encroach upon, or enclose, their commons'.⁹

Yet the case at Lytham Priory reveals much more at work here and questions the way we conceptualise enclosure rioting. Firstly, there is the issue of chronology. By focusing on early modern enclosures and interpreting them as precisely that—an *early modern* phenomenon—we implicitly divorce such movements and ensuing riots from a potentially

5. W.D. Shannon, 'Adversarial Map-Making in Pre-Reformation Lancashire', *Northern History*, xlviii (2010), pp. 329–42, at 338.

6. R.H. Tawney, *The Agrarian Problem in the Sixteenth Century* (London, 1912), especially the introduction, in which he discusses the diversity of the term 'enclosing' in this period.

7. A. Wood, *The Memory of the People: Custom and Popular Senses of the Past in Early Modern England* (Cambridge, 2013), p. 65.

8. For population and land-use estimates, see S.N. Broadberry, B.M.S. Campbell, A. Klein, M. Overton and B.V. Leeuwen, *British Economic Growth, 1270–1870* (Cambridge, 2015); for this view of earlier enclosures, see Manning, *Village Revolts*, pp. 27–8.

9. Wrightson, *Earthly Necessities*, p. 152. It was in this context that Sir Thomas More wrote of how the sheep 'eat up and swallow down the very men themselves', as such enclosures were often associated with depopulation and the conversion of land to pasture.

much older heritage and context of disputation. Given their significant impact upon the landscape, economy and society of sixteenth- and seventeenth-century England, it is only natural that enclosing movements and their associated riots have attracted the attention of historians as a distinct phenomenon, but, in so doing, there is a danger of overlooking not only their medieval equivalents but also the extent to which they might simply be the latest manifestation of long-running conflicts over ownership, resources and rights in a locality.¹⁰ Secondly, the outbreak of rioting at Lytham shows the problems in assuming that enclosure riots were the result of a conflictual landlord–tenant relationship. Enclosure riots and the ensuing struggle for the commons have often been interpreted, however implicitly or explicitly, as resulting from imbalances in social relations and access to resources.¹¹ Anti-enclosure riots have thus been seen as a method for those lower down the social order to push back, ‘a challenge to the most visible symbol of the recasting of rural social relationships by the increasing penetration of agrarian capitalism and market forces’.¹² Yet, as Manning demonstrated from his analysis of prosecutions before the Court of Star Chamber, ‘the peerage and gentry played a more significant part in initiating the forcible destruction of enclosures than did smallholders or artisans’. Manning concluded that we should ‘beware of stereotypes of agrarian protest which assume that the typical anti-enclosure riot was perpetuated by an exasperated peasantry venting their rage upon the hedges and ditches of a commercially-minded, grasping gentry’.¹³

10. C. Dyer, ‘Conflict in the Landscape: the Enclosure Movement in England, 1220–1349’, *Landscape History*, xviii (2006), pp. 21–33. See also N.R. Amor, ‘Late Medieval Enclosure—a Study of Thorney, near Stowmarket, Suffolk’, *Proceedings of the Suffolk Institute of Archaeology (and History)*, xli (2006), pp. 175–97; C.D. Liddy, ‘Urban Enclosure Riots: Risings of the Commons in English Towns, 1480–1525’, *Past and Present*, no. 226 (2015), pp. 41–77; A. Raw, ‘Gender and Protest in Late Medieval England, c.1400–c.1532’, *English Historical Review*, cxxxvi (2021), pp. 1148–63; B. McDonagh, ‘Landscape, Territory and Common Rights in Medieval East Yorkshire’, *Landscape History*, xl (2019), pp. 77–100; D. Leech, “‘By the Evidence of This City’: Enclosing Land and Memory in Fifteenth-Century Coventry”, *Medieval History Journal*, xv (2012), pp. 171–96.

11. A. Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke, 2002), pp. 82–3; E.P. Thompson, *Customs in Common* (London, 1991); Tawney, *Agrarian Problem*.

12. J. Walter, *Crowds and Popular Politics in Early Modern England* (Manchester, 2006), p. 18, though he did qualify this in a reference that acknowledged that ‘this is not, however, a description that can be applied to all acts of pulling down hedges, since not a few riots involved a dispute over property rights, and not hostility to enclosure *per se*’.

13. Manning, *Village Revolts*, p. 38. More recent studies have borne this out: B. McDonagh, ‘Negotiating Enclosure in Sixteenth-Century Yorkshire: The South Cave Dispute, 1530–1536’, in J. Whittle, ed., *Landlords and Tenants in Britain, 1440–1660: Tawney’s Agrarian Problem Revisited* (Woodbridge, 2013), pp. 52–66, at 65; H. Falvey, ‘The Politics of Enclosure in Elizabethan England: Contesting “Neighbourship” in Chinley (Derbyshire)’, in J. Whittle, ed., *Landlords and Tenants in Britain, 1440–1660: Tawney’s Agrarian Problem Revisited* (Woodbridge, 2013), pp. 67–84, at 70; J.P. Bowen, “‘Before the Breaking of the Day, in a Riotous Manner and with Great Shouts and Outcries’: Disputes over Common Land in Shropshire in the Sixteenth and Seventeenth Centuries”, *Rural History*, xxvi (2015), pp. 133–59; C.J. Griffin, ‘Enclosures from Below? The Politics of Squatting and Encroachment in the Post-Restoration New Forest’, *Historical Research*, xci (2018), pp. 274–95.

Thirdly, understanding this heritage of disputation in a locality becomes vitally important because it sheds light upon what we might think of as the intersection between popular and institutional memory. Landlords and tenants in the early sixteenth century were aware of earlier forms of protest, and this in turn helps to explain the scale, scope and shape of early sixteenth-century riots. Social historians of early modern England have shown the multiplicity of ways that popular memory could be created, sustained and inculcated through a variety of practices, such as beating the parish bounds or perambulating manorial boundaries, to assert particular customary rights.¹⁴ Yet we need to understand this popular memory in its institutional context: this was, and had been for many centuries, a landscape of lordship, with so many of the features of social memory, from crosses to dykes, involving the construction and contestation of boundaries and jurisdictions.¹⁵ Finally, this case demonstrates how the landscape played an active role in mediating and memorialising shifting patterns of land use.¹⁶ As Tom Johnson has shown, competing claims to jurisdictional rights produced a recurring need to reconcile centuries-old charters with present conditions, with contemporaries often seeking to interpret ‘frustratingly vague texts, which referred to rights held “in” certain places, but which rarely attempted to define those places, or their boundaries’.¹⁷ Despite repeated attempts at creating fixed points as boundary markers, successive generations sought to reinterpret the shifting Lytham landscape, utilising the changing nature of the coast and sand dunes, and the featureless vistas of moss, to their best advantage, none more so than in the competing maps produced by the Butlers and the monks in their legal dispute following the riots of the 1530s.¹⁸

On the surface a set of rather mundane enclosure riots of the early sixteenth century, the intercommoning disputes of the 1530s take on a greater significance when understood in this institutional context and centuries-long heritage of local conflict. Manning concluded that ‘in its most primitive form it [enclosure riot] was merely a means of pursuing a feud’, yet the only way we can understand how the demographic

14. Wood, *Memory of the People*; S. Sandall, *Custom and Popular Memory in the Forest of Dean, c.1550–1832* (Saarbrücken, 2013); D. Rollison, *The Local Origins of Modern Society: Gloucestershire 1500–1800* (London, 1992); S. Hindle, ‘Beating the Bounds of the Parish: Order, Memory, and Identity in the English Local Community, c.1500–1700’, in M.J. Halvorson and K.E. Spierling, eds, *Defining Community in Early Modern Europe* (Aldershot, 2008), pp. 205–28.

15. N. Whyte, ‘Landscape, Memory and Custom: Parish Identities, c.1550–1700’, *Social History*, xxxii (2007), pp. 166–86.

16. For the ways in which the landscape could be an active agent of change in early modern society, see A. Walsham, *The Reformation of the Landscape: Religion, Identity, and Memory in Early Modern Britain and Ireland* (Oxford, 2011).

17. T. Johnson, ‘The Tree and the Rod: Jurisdiction in Late Medieval England’, *Past and Present*, no. 237 (2017), pp. 13–51, at 15.

18. The sand dunes at Lytham played havoc on the fields and boundaries of the monks, as did coastal erosion, which prior to modern coastal defences might account for land loss in the region of perhaps two metres annually. D. Kenyon, *The Origins of Lancashire* (Manchester, 1991), pp. 1–24.

pressures of Tudor England changed the shape of these feuds—if, indeed, they did at all—is by studying their medieval origins.¹⁹ Although the monks may have provoked the riots on this particular occasion because of the management of their landed resources, the nature, scope and purpose of these riots were all heavily shaped by the centuries-long conflict between Lytham Priory and its neighbours. The first part of this article, then, traces the origins, causes and shape of these earlier conflicts, showing how the commons disputes of the 1530s were the latest in a long line of struggles between the monks of Lytham Priory and their neighbours, revealing the problems of intercommoning more generally and the difficulties facing a distant dependent priory. The second section analyses the specific context of the fifteenth- and early sixteenth-century disputes with the Butlers and shows the many continuities with past conflicts. The third part considers the institutional context of Lytham Priory, showing how the cultivation of an institutional memory was possible, and the fourth section explores how such estate structures provided their own cause for internal dispute as the monks of Lytham found themselves in potential conflict with their motherhouse. Finally, the last section discusses some of the broader implications of our Lytham case-study, most notably the need to understand such disputes in their institutional context and the local history of these conflicts. In so doing, this article shows how institutional memory could be created, cultivated and preserved within the archives of a major landowning organisation such as Durham Priory, whose institutional continuity could overcome the difficulties produced by frequent changes in the management of small dependent cells like Lytham. It also demonstrates how contests arising over commons were not intrinsically driven by ‘class conflict’, instead showing how the access rights of tenants could closely align with the jurisdictional concerns of their lords against the competing claims of an outside seigneurial authority. Above all, this article shows how our understanding of enclosure riots may radically alter depending upon whether we read such events forwards into the early modern struggle for the commons or backwards into medieval manorial disputes, our interpretative framework fundamentally shaping how we perceive such rural conflict.

I

Lytham Priory in Lancashire was a small dependent cell of Durham Priory, a much larger Benedictine monastery. It was founded in the twelfth century, when the church of Lytham and surrounding lands on the Fylde coast in north-western England were given to the monks

19. Manning, *Village Revolts*, p. 52. Dyer noted similarly for the thirteenth century that ‘the attack on the enclosures was often no more than a stage in a long-running dispute’: ‘Conflict in the Landscape’, p. 25.

site of successive conflicts between, on the one hand, the Butlers and their tenants, who claimed common pasture rights from their manors of Layton and Marton to the north-west and, on the other hand, the monks of Lytham Priory, who contended this issue from their lands to the south.

In the twelfth and thirteenth centuries, Lytham Priory was endowed with numerous parcels of lands and rights in the surrounding area that, in total, produced an income of £66 8s 11½d in 1344. Depopulation, recession and nature took their toll on Lytham in the subsequent two centuries, reducing this total to £48 18s 6d in 1535.²³ Much of the priory's land was in areas of moss and moorland or among the dunes, so there was a predominance of pastoral farming on their estate. Just prior to the Black Death, the monks had some eight quarters of wheat, seven quarters of beans and peas, four quarters of barley, and forty-five quarters of oats, the latter clearly being used as fodder for the 40 plough oxen, 63 cows, 149 sheep and 81 pigs, resulting in a very well-stocked larder. Much of the soil in the region tended to be gleys (peaty waterlogged ground) because of its susceptibility to flooding, especially near the Ribble estuary, which produced considerable marshlands. These peat deposits and poor surface drainage created vast areas of mosslands, characterised by the presence of plant bog moss, or sphagnum. As a result, our case involves the enclosure of what contemporaries thought of as wasteland lying between two manors, rather than the more widely studied and contentious 'depopulating' enclosures of the Midlands.²⁴ The environment thus dictated a more pastoral approach to their agricultural pursuits, perhaps heightening concerns on all sides when vital grazing rights were at stake, though the priory's map, created during the legal conflict of the 1530s (Fig. 2), suggests that it had a number of arable fields close to the village itself.²⁵ Moreover, the monks were not passive in allowing sand or moss to reclaim the whole area; they

23. This income was composed of £35 5s 7d in rents, £9 13s 11d in tithes and offerings, and £8 13s from the site and demesne. The manor of Lytham was leased to Sir Thomas Dannett for eighty years shortly before the dissolution of the priory, at an annual rent of £48 19s 6d. After Dannett claimed to be unable to pay the rent, an inspection by the king's surveyors found that nearly 100 acres of arable, 410 acres of common pasture and four cottages and gardens were 'lost and cannot be recovered, being wasted by the rage of the sand there', and they reduced his rent to £26 8s 5d: Fishwick, *History of the Parish of Lytham*, p. 10.

24. J. Thirsk, 'Enclosing and Engrossing', in J. Thirsk, ed., *The Agrarian History of England and Wales*, IV: 1500–1640 (Cambridge, 1967), pp. 200–256; A. Everitt, 'Common Land', in J. Thirsk, ed., *The English Rural Landscape* (Oxford, 2000), pp. 210–35. The latter have attracted more attention, yet, as Jonathan Healey has shown from his study of depositions in the Court of Exchequer, 'the majority relate to pasture rights on large common wastes (though in some cases it was pasture rights on open fields at stake), with enclosures, intercommoning between communities, and the boundaries between manors being the most frequently contested issues': J. Healey, 'The Political Culture of the English Commons, c.1550–1650', *Agricultural History Review*, lx (2012), pp. 266–87, at 272.

25. For the generally pastoral nature of the coastal Fylde and Ribble estuary region, see H.B. Rogers, 'Land Use in Tudor Lancashire: The Evidence of the Final Concords, 1450–1558', *Transactions and Papers (Institute of British Geographers)*, xxi (1955), pp. 79–97.



Figure 2. The monks' map of the Hawes.

Source: Kew, The National Archives, MPC 1/55

The top of the map is north-west. Light green represents grasslands; dark green, the peat moss; golden yellow, arable fields. In the following key, names in *italics* are the most significant boundary areas of dispute, those in **bold** the major settlements.

Key: 1: The sea, 2: Kilgrimols, 3: *Cross of the Hawes*, 4: *Cross*, 5: North Hawes, 6: Mere Pull, 7: **Great Marton**, 8: **Little Marton**, 9: *Cursed Mere*, 10: *Midgeland*, 11: *Ballam*, 12: *Swinbridge*, 13: Holme field, 14: North field, 15: Hyrst field, 16: New hege, 17: Merestone, 18: Merestone, 19: Hey Houses and tenements, **20: Lytham Priory**, 21: Holme house, 22: Medhep tenements, 23: Arable fields, 24: Mill, **25: Lytham church**, **26: Lytham**, 27: The Ribble, 28: Marsh, 29: Arable fields, 30: Saltcotes tenements, 31: Marsh, 32: Eastholm tenements, 33: *Eastholmker*, 34: Brynning Carr, 35: Vill of Brynyng, Robert Betham, 36: Cowburne, Robert Betham, 37: Land of Robert Betham, **38: Warton**, 39: the pull.

possessed a lime-house, which contained some four quarters of lime in 1446, suggesting a conscientious level of agricultural improvement as the monks battled the elements in an effort to retain the productivity of the land. Their ditches too—which were themselves one of the

grievances of rioters in the 1530s—suggest perhaps early attempts to drain parts of the mosslands.²⁶

How we judge the wealth of such small monastic communities seems largely to depend upon the yardstick we use to compare them. For example, Barrie Dobson described Lytham as ‘one of the most isolated as well as one of the most prosperous Durham cells’, while Bill Shannon thought of it as ‘never very prosperous: at the Dissolution it was the second poorest monastery in Lancashire’.²⁷ Dobson considered Lytham within its institutional context of Durham Priory, whereas Shannon treated it as a monastic community in its own right. Both viewpoints are, of course, perfectly valid, but how do we reconcile these potentially conflicting views of the priory’s value? Generally speaking, Lytham was able to meet its annual expenses, sometimes generating a small surplus, while, judged by the frequent inventories of the possessions of the cell, the monks living there enjoyed a reasonable standard of living. In 1345, this included an uncategorised ‘quantity’ of silver, nineteen silver spoons, nine table cloths and seven pairs of sheets, while their accounts regularly bore payments of between 10s and 20s to travelling minstrels. The priory may have only maintained three monks at a time, but they certainly did not live in squalor.

Despite this relative comfort and small size, Lytham’s history is predominantly one of conflict: conflict with its neighbours over disputed common rights, and conflict with the motherhouse over its subordination. As many landowners experienced in an area of intercommoning, the monks of Lytham were in regular conflict with their neighbours over disputed pasture rights, especially with the Butlers, the Barons of Warrington, and the Cliftons of Westby—the latter being the eventual seventeenth-century purchasers of the manor after the priory’s suppression.²⁸ At its heart, these disputes centred on intercommoning of the Hawes, an area of land lying between Lytham Priory and the Butlers’ manors of Layton and Marton, which had a history going back to the very foundation of the cell. In the original grant of land to the monks (c.1189 × 1194), Richard, son of Roger bestowed upon the monks the following lands:

from the ditch west of the graveyard of *Kilgrimol* above which I [Richard] have erected a cross, to the sea to the west, and again from the ditch and cross across eastwards by the *Cursidmere* beyond the great moss and the stream to *Balholm*—the stream running towards *Swinebrigge*—from *Balholm* straight across beyond the moss divided between John, Count of Mortain,

26. DCD, Lytham accounts status, 1446; R. Middleton, C.E. Wells and E. Huckerby, eds, *The Wetlands of North Lancashire* (Lancaster, 1995), p. 100.

27. R.B. Dobson, *Durham Priory, 1400–1450* (Cambridge, 1973), p. 328; Shannon, ‘Adversarial Map-Making’, p. 334.

28. The Butlers held the manors of Marton and Layton to the north of Lytham, but lived at Bewsey Hall near Warrington, while the Cliftons held the manor of Westby just to the north-east of Lytham: Shannon, ‘Adversarial Map-Making’.

and myself, to the northern part of *Eastholmker*, following eastwards to the edge of the water coming from *Boicheholm* and dividing *Eastholmker* and *Briningker*, following the edge south to the medium between *Eastholm* and *Cuburngh*, and so following eastwards and going round towards the south beyond the moss to the pull [pool/creek] beyond *Snartsalt* as it falls into the sand of the sea [beach], and so southwards across to the middle of the *Ribble*, and following its mid-stream west to the sea and so to the ditch and cross.²⁹

Although there are some landmarks mentioned—most significantly, the coastal burial ground at *Kilgrimol* and the cross that Richard erected there—the boundaries were often ill-defined between areas of open moss and waste ground, further complicated no doubt by the shifting sand dunes themselves. In such an open and fluid landscape, the monks made repeated attempts at fixing the boundaries with particular markers, which became sources of conflict in every ensuing century until the priory's eventual suppression.

In the thirteenth century, there was a flurry of legal activity between the monks and their gentry neighbours as population growth put increasing pressure on the commons reserves, a reminder that the demographic recovery of the Tudor period was not without earlier precedent.³⁰ For example, in the mid-thirteenth century, Quenilda, the daughter of Richard, son of Roger, granted the monks her whole part in the Hawes of Lytham, later confirmed by William, son of Aimery le Butler.³¹ On 18 March 1269, William Butler similarly quitclaimed his lands set within the limits of Richard, son of Roger's foundation charter, confirming to the monks half the land, pasture and moss called *Kilgrimols* with appurtenances including wreck, and free access for the men of the prior of Lytham with his men of Layton to the pasture of *Kilgrimols*.³² This was not straightforward, however, and the issue was brought to adjudication before Ranulf de Dacre, sheriff of Lancashire, who sought to clarify the ancient bounds of the manor. On 9 February 1272, he judged the boundary to run west to the sea from 'the old cross on Cross Howe', and from that cross to another cross, which had been erected on the road from Lytham towards Layton by agreement between the monks and William, son of Aimery le Butler, and from that cross straight through the middle of the moss between Marton and Lytham north of the *Miggylund* to the stream called *Swinebrigge*, and noted that *Kilgrimoles* and the *Northowes* were common between them.³³ There now existed two clear and fixed boundary crosses: the old cross, originally erected by Richard, son of Roger in the twelfth century and mentioned in the priory's foundation charter, and the

29. DCD, 2.2.4.Ebor.57.

30. Dyer, 'Conflict in the Landscape'; Everitt, 'Common Land'.

31. DCD, 2.2.4.Ebor.66 and 67.

32. DCD, 2.4.Ebor.24.

33. DCD, 2.4.Ebor.14a.

cross erected by agreement between the monks and the Butlers to settle the boundary between Lytham and Marton in the thirteenth century. These were clear attempts by the monks and their neighbours to create a physical demarcation of their boundaries in an otherwise fluid and shifting landscape. Yet the exact status of the Hawes remained contentious: Quenilda having seemingly given up her claims there; William maintaining free access for his tenants and the monks to the pasture of *Kilgrimols*; and Dacre adjudicating that *Kilgrimols* and the *North Hawes* were commons between them. The implication was that the Hawes south of the cross belonged entirely to the monks.³⁴

Further disputes with other local landowners led to a love-day on 23 March 1284 between the prior of Lytham and Ralph of Beetham. It was agreed that, until that day, the tenants of both disputing parties were to cut and dry rushes but not remove them from the disputed area, and the animals of Ralph and his men should pasture with those of the prior, and the prior should abandon his action for trespass.³⁵ From various grants and leases, we can see how the monks were using some of the key areas of land mentioned in the foundation charter and subsequent legal proceedings. For example, in 1327, the monks leased to John de Bredkyrk and Alice his wife, for their lives and the life of their son John, the whole waste of *Eastholmer* for *4d per annum* for every acre brought into cultivation.³⁶ They were to have turbary (the right to cut peat for fuel) and pasture rights as other tenants of Lytham but were not to sell or give away turf or marl (clay soil used for fertiliser) and they had no pasturage in the adjoining places belonging to the priory. Yet these areas on the edges of their estate, especially if subject to intercommoning, continued to provide conflict with their gentry neighbours, who were more than willing to mobilise their tenants in such disputes. This occurred, for example, in 1320, when Prior Roger of Tynemouth complained to the Earl of Lancaster that William de Clifton had invaded the priory with two hundred of his tenants of Westby, 'castyng down the dykes of the priory', destroying ditches, buildings and grasslands, rescuing some impounded cattle, doing damage worth £100 and putting him in such fear that he dared not stir abroad 'for fere of losse of lyfe or of lym'.³⁷ Westby was to the east of the manors of Marton and Layton (see Fig. 1) and touched upon many of the same agricultural disputes that we encounter in their conflicts with

34. See also DCD, 2.4.Ebor.22 and 23, in which William gave free access to the monks and his own tenants of the whole pasture, moss and marsh belonging to Great Marton, from the cross of Lytham at *Wynegathe* to the arable of Great Marton, then to the *Mulespull* or *Crosspul* and back. These features do not appear in the conflicting maps, except for the pull to the north of the Hawes. The complicated nature of the dispute can be seen in the decision of the court in the 1530s that the Butlers' tenants should not in 'any wyse meddell in the Hawes but only to use their comen in Kilgremose as they have used to do in tymes past': DCD, Loc.IX: 44.

35. DCD, 2.4.Ebor.48.

36. DCD, 2.4.Ebor.5, original missing but copied in DCD, Cartulary III, fo. 132r.

37. DCD, 2.4.Ebor.46; DCD, 4.4.Ebor.7; DCD, Loc.IX: 65.

the Butlers below. These disputes with the Cliftons flared up again in the early sixteenth century and, on 1 August 1507, Cuthbert Clifton, along with several local landowners, provided a £200 bond to Prior Castell of Lytham, which required him to abide by the ruling of several arbiters in a dispute over common grounds with the monks.³⁸

The medieval experience of Lytham Priory was thus one of conflict with its neighbours; the changeable landscape of commons wastes made such quarrels almost inevitable. This in itself should caution against claims of novelty in the early modern period, as such conflicts were often as much a product of their landscapes as of the particular political complaints or social relations of the day.

II

There was thus a long history of conflict between the monks of Lytham Priory and their neighbours, but it was to be their long-running feud with the Butlers that proved the most vicious thorn in the priory's side. In 1428/9, the prior of Lytham, Richard Haswell, brought charges against John Coton, vicar of Kirkham (to the north-east of Lytham, see Fig. 1), concerning a tithe dispute, in which Coton was said to have told all that the 'prior was cussyt and stode cussyt ... and wit his finger pontyt a lad standing by him, and said that he had as myche powere to syng a mas as the sayde prior'.³⁹ The vicar also stood accused of driving his cart through the priory's grounds and loading hay from land belonging to the monks, warning his parishioners not to eat or drink with the prior or greet him in the street and taking fish from within the bounds of Lytham. More significant for our purposes, though, are the vicar's accomplices. He was said to have made Sir John Butler—though one suspects Butler needed little encouragement—send two men, including the vicar's brother, to beat up and rob the prior's servant on the highway; sent Butler to take hay from where he had never had any before; and encouraged Sir John Butler, Nicholas Butler, William of Westby and Henry of Fleetwood to be enemies of the priory so that they intruded on the monks' lands, cut their grass for hay and infringed upon their rights.⁴⁰

A more extensive list of accusations against the Butlers survives from this period, from which it appears that the family had resumed their earlier disputes from the thirteenth century with gusto, threatening to 'dowse him [the prior] in the see' in 1428/9.⁴¹ Among the allegations

38. DCD, 2.4.Ebor.54.

39. Dobson, *Durham Priory*, p. 328; for the original, see DCD, Loc.IX: 39. See also DCD, Loc.IX: 46. Just prior to this, the Lytham Priory accounts refer to the collection of tithes from the parishioners of Poulton from 'the cross of *le Northhows* and *le Hundhill* because this land is in the parish of Lytham'. B. Dodds, 'Tithe and Agrarian Output between the Tyne and Tees, 1350–1450' (Durham Univ. Ph.D. thesis, 2002), p. 46. For the original, see DCD, Lytham accounts, 1427–8.

40. DCD, Loc.IX: 39.

41. DCD, Loc.IX: 35.

laid against the Butlers was that their servant, William of Hold, a miller, had assaulted the prior at Lytham mill with a great club and threatened him before riding away. It was alleged that Butler had sent two men in war harness on Holy Rood Day (14 September) with pallets and clubs to menace the prior in his own place. Butler and his servants were accused of beating and wounding old Richard of Plumpton, the prior's servant, shooting him with an arrow, taking away his staff called a *padell*, and beating and wounding his daughter, Isabel. Alongside these complaints of physical and verbal abuse stand the usual list of agricultural grievances, including the allegation that the cattle of Butler and his tenants had destroyed thirty acres of oats as well as some wheat, barley and hay crops; and that the tenants had destroyed pasture from 'the crosse in Hawes to Lytham', taken away the prior's grass and timber in a cart and cast their fishing lines into the sea before the prior's servants. Just a few years after these disputes, Prior Haswell requested permission to be repatriated to the motherhouse, as had Prior Masham previously, because of the serious litigation and cantankerous relations with the priory's neighbours. Indeed, there had been a sequence of such requests and it is a sign of the tumultuous relations that the monks had with their neighbours that both Richard of Birtley and William Aslakby, consecutive priors in the 1370s and 1380s, had similarly requested that they be returned to the motherhouse because they found this distant cell so uncongenial.⁴² Just before this latest dispute with the Butlers, Prior Haswell had even used his religious powers in 1425 to have some of his own tenants excommunicated for destroying the priory's property and refusing to pay their tithes—a reminder that conflict which aligned interests in one direction could divide them in others.⁴³ We begin to get a distinct sense of a handful of monks under siege by their Lancastrian neighbours.

Yet we should be cautious of framing the monks as solely the victims in such exchanges, given that many of the surviving complaints were authored by the monks themselves and so were clearly couched in a rhetoric to enhance this impression. In the 1430s, for example, two of the monks at Lytham Priory were particularly unruly: Robert Erghowe was accused of stealing some of the prior's personal property and George Cyther was accused of 'feghting and strikyng of seculares' and 'in drawyng of his knyves' against the chaplain of the priory church. Both escaped public indictment because Thomas Urswicke, receiver-general of the Duchy of Lancaster, referred their crimes to John Wessington, prior of Durham, begging him to 'putte hym [George] to sum other place out of oure countre tel god will gyff hym grace to be of better rewle and governance'.⁴⁴ He was returned to Finchale Priory, another

42. Dobson, *Durham Priory*, p. 328 and DCD, Loc.IX: 14.

43. Ibid. and DCD, Loc.IX: 15.

44. Fishwick, *History of the Parish of Lytham*; Dobson, *Durham Priory*, p. 329.

dependent cell of Durham Priory, which stood just a few miles away from the motherhouse in north-eastern England, where a much closer eye could be kept on him.

Although these moments of conflict brought the issue to a head in dramatic fashion, it is clear from the surviving documents that such disputes never truly went away.⁴⁵ Later in the century, in July 1495, the sheriff was instructed to distrain Sir Thomas Butler to appear before the justices to answer for his trespass with William Bamburgh and John Bispham, husbandmen of Layton and Bispham respectively, against the prior's herbage at Lytham to the value of £20. Butler's attorney refuted the trespass, contending that the close in question was in fact part of the 1,000 acres of pasture called the Hawes in Layton, adjacent to the vill of Lytham, and belonging to Sir Thomas Butler.⁴⁶ In other words, the Butlers were already taking action against the monks' attempts to enclose land in the region, claiming that it was both commons and in fact belonged to the Butlers themselves. At issue was an area of rough pasture known as the Hawes, which lay between Lytham in the south and the Butler manors of Layton and Marton to the north. As we have seen in the introduction, this dispute played out again in dramatic fashion in the 1530s, when the monks of Lytham complained to the Chancellor of the Duchy of Lancaster that the Butlers had sent some two hundred of their tenants against the priory.⁴⁷ On 4 May 1532, armed with weapons as if 'they had entendyd an insurrecion', the rioters destroyed ditching, returning three days later to remove the priory's cattle. Three days after this, three hundred of the rioters returned, wrecking a priory building and destroying an old cross that bore the image of St Cuthbert.⁴⁸ The monks claimed that the rioters intended to wound or murder Ralph Blakeston, prior of Lytham, and so the prior had sent a monk, Thomas Eden, and the parish priest, George Lorimare, carrying the cross from the high altar to pacify the rioters, which succeeded in dispersing them. Thomas Butler in turn denounced the complaint as 'uncertain and insufficient in the law', denied knowledge of any riotous assembly and asserted that the whole case was slanderously untrue.⁴⁹

Despite them being largely absentee landlords, the interrogatories put to Thomas Butler certainly envisaged him and his mother, Lady Margaret Butler, as having a guiding hand in their tenants' actions. They questioned Butler's knowledge of the tenants' actions throughout; whether he was aware of their plans in advance; if his household servants were involved and whether they had used Butler's horses; if he had promised to maintain and justify the tenants after the riots; and, if

45. For example, the prior of Lytham complained in 1338 that Sibyl, widow of William Butler, had seized an anchor at *Kilgrimol*, but she asserted that it was taken within Great Layton.

46. DCD, 2.2.4.Ebor.78a.

47. DCD, Loc.IX: 57.

48. DCD, Loc.IX: 56 and 57.

49. DCD, Loc.IX: 58.

he had been aware of the rioters' intentions, whether he had done anything to stop them.⁵⁰ He responded that he had heard say that tenants had cast down a new ditch and rails newly put upon the Hawes and that some cattle had been put into the king's fold, but as to the rest he knew no more than the common report. Despite Butler's protestations, there was clearly a level of organisation among the rioters that sustained them during these repeated attacks on the monks over the course of just over a week.

Although some deponents protested that no one told them to riot and all agreed before they went that it was their own 'dede', done by common assent, many of the rioters confessed to being warned by the local grave (reeve) of what was happening. For example, Thomas Bamburgh detailed how two people in each township were to direct the rioters: the grave, Henry Warbreck, was one of those from Layton, and Thomas Davy, John Lytham and Roger Silgrave confirmed that Warbreck had 'appoynted the tyme when they shuld go' to the common. Richard Hull said that he was the grave of Marton and that 'they werr agreed eche graves to geve warnyng to others when they shuld go and sayeth that he warned hys neighbours of Marton and sayeth that or they come how they all werr agreed to say that it was ther dede and to so say what so ever questions werr axed them'. Some presented it almost as a form of social pressure, with James Sanderson claiming that Richard Hull had told him that it was his neighbours' 'mynd to pull downe the prior hegge wherfor he wyllled thys deponent to go wt hym and his neighbours for the sayed cause and so he dyd', while William Davy said that John Bispham, grave of Bispham, warned him to be at the ditch pulling down, so he was. Others were decidedly terser, with John Hull saying that 'he was at the sayed pullyng down by common assent and nothyng fether wyll answer'. Such was the depth of feeling that John Lytham noted that they would have gone to the priory's gate had the sacrament not been brought out to meet them. For his part, Henry Warbreck, identified as one of the key instigators, denied the charge of knowing the rioters' intentions, claiming instead that they were innocently going to see the prior—somewhat mob-handed and curiously armed with spades—to enquire about an anchor that was wreck.⁵¹ Although we cannot know the extent of collusion between the Butlers and their tenants, it is clear that the latter were organised and encouraged by manorial officials from across at least three villages—Layton, Marton and Bispham—for over a week of sustained actions. For their part, the Butlers became heavily invested in the subsequent legal dispute; it was, after all, in both groups' interests to gain access (on the part of the tenants) and ownership (on the part of the Butlers) of the Hawes.⁵² Just as Jonathan Healey has argued that we might not always be studying the 'weapons of the

50. DCD, Loc.IX: 60.

51. DCD, Loc.IX: 60 and 61.

52. The depositions certainly make this identity clear, with some of those who were said to have warned their neighbours described as 'tenant to lady Butler'.

weak' in early modern enclosure riots, just 'weapons', so too we might not be seeing here 'class conflict', just 'conflict'—conflict that could, and did, transgress social boundaries as often as follow them.⁵³

Although the interrogatories and subsequent depositions naturally focus on the riotous behaviour of those assembled and the extent of organisation and planning involved, there was also a further attempt to clarify the boundary between Lytham and Layton since this was so fundamental to the dispute.⁵⁴ For example, George Noblet of Warton (to the east of Lytham), aged 60 years, said that his father, Edmund Noblet, had been bailiff to the prior of Lytham, and that he well remembered that if the cattle of Butler's tenants went beyond the cross in the Hawes towards Lytham his father drove them back—the cross being a key boundary marker (as laid down in the twelfth and thirteenth centuries). Contrary to this, Thomas Butler claimed that he had 'hard say that they [the rioters] cast downe a crosse that was set there for the dethe of one Wheler and for no bounde'. Initially, this would appear to be a fairly flimsy defence and a desperate attempt to deny the importance of the destroyed cross, but this might actually have derived from a genuine local tradition. For example, Robert Crockay of Warbreck, aged 70, deposed that his 94-year-old father had told him that the cross in the Hawes was set up in remembrance that one Fideler killed a man called Wheler, and was 'nawther for meyre ner bounde' and within his memory there is 'worn into the sea to the quantity of two miles, which was fair pasture in his life'.⁵⁵ The role of the cross as a boundary marker may have in turn slipped out of local memory in some quarters as its role as a commemorative cross came to be emphasised more, perhaps as the people of Layton increasingly encroached onto the monks' side of the cross, and Butler seized upon this local tradition to defend the rioters.

Other testimony also reveals how such local knowledge and popular memory could be utilised to support competing interpretations of the landscape. For example, John Bochier, a 72 year old from Much Merton, supported Crockay's contention that the graveyard of *Kilgrimols* was 'worn into the sea two or three miles', and that the '*Cursidmere*' was not in fact a mere but was so called because there had 'been many beasts and cattle drowned therein'—perhaps suggesting an attempt to put animals to pasture on the mosses or describing the unfortunate fate of animals that had strayed from the Hawes.⁵⁶ The landscape itself probably aided

53. Healey, 'Political Culture', p. 269.

54. For similar debates surrounding interpretations of boundaries and the landscape, see Whyte, 'Landscape, Memory and Custom'.

55. DCD, Loc.IX: 60 and 61; see also *Pleadings and Depositions in the Duchy Court of Lancaster*, ed. Henry Fishwick, Record Society of Lancashire and Cheshire, xxxii, xxxv, lx (3 vols, 1896–99), esp. ii, pp. 9–19.

56. *Pleadings and Depositions*, ed. Fishwick, i, p. 16. For other examples of the impact of coastal erosion and the environment upon Lancashire, see Henry Fishwick, 'Places in Lancashire Destroyed by the Sea', *Transactions of the Historic Society of Lancashire and Cheshire*, xlix (1898), pp. 87–96.

such conflicting interpretations, as the *Cursed Mere* was later described in 1608 as ‘a standing poole or mear in the mosse beeing deepe of mosse or slitche and covered over with broade leaves’.⁵⁷ The hidden dangers of this landscape are shown by the occasional ‘bog bursts’, as at Chat Moss in 1526 when high levels of rainfall caused the peat moss to collapse, producing a flow of liquified peat which contemporaries likened to ‘domysday’ when it flowed into the River Mersey and ‘colowred the water lyck to yncke downe unto Warington’.⁵⁸ It is difficult to know the extent to which these tenants had internalised a vision of the landscape that their lords, the Butlers, had advocated for centuries or whether they were in fact creating this memory through their own daily interactions with the monks on the sometimes vague and shifting landscape between Lytham and Layton. However, the case does show the vital role that local customary memory could play in challenging the monks’ claims to the land. After all, these testimonies were contesting two of the most important artificial boundary markers in the landscape: the twelfth-century cross at *Kilgrimols* having supposedly been eroded into the sea and the thirteenth-century cross being seemingly repurposed as a commemorative cross. Given the extensive documentary evidence of the monks, it would be easy to be cynical about this encounter and interpret the Butlers and their tenants as trying to manipulate the memory attached to certain physical boundaries. Yet, as Bronach Kane has noted, memories of places focused on events that were integral to personal and collective identities, and it is entirely possible that each community had come to think of the same cross in different ways by the early sixteenth century: the neighbouring tenants as a commemorative cross, the monks as a boundary marker.⁵⁹ It is even possible that the monks were in error—that their boundary cross had long since disappeared and the surviving cross was actually a much later commemoration of Wheler’s death which the monks then latched onto as the only cross in the area.

At issue was the common land between Lytham Priory and the Butler manors of Marton and Layton, and the case reflects many aspects of early sixteenth-century enclosure riots: the monks had enclosed some of the waste to the north of the priory, on which the tenants of the Butlers claimed they had held pasture rights by custom since time immemorial. The tenants denied having assembled in riotous fashion, claiming they simply gathered up and impounded the cattle as was customary on the common until Prior Ralph ‘by his sinister and crafty means hath enclosed’ the land, and that the building they had destroyed was illegally built upon the commons. By considering the medieval history

57. A. Winchester, ed., *England’s Landscape: The North West* (London, 2006), p. 26.

58. Ibid.

59. B.C. Kane, *Popular Memory and Gender in Medieval England: Men, Women and Testimony in the Church Courts, c.1200–1500* (Woodbridge, 2019), esp. chs 6 and 7.

of such conflicts, we can see how the access rights of the tenants of Marton and Layton aligned with the centuries-old ownership claims of the Butlers, demonstrating the complexity of such enclosure rioting and the ways in which the interests of lords and tenants could align, not just for a brief week of ditch-destroying, but over generations of dispute against outside interests, in this case the monks of Lytham.

III

There was, therefore, considerable precedent for the events of the 1530s. Not only had the embattled monks of Lytham Priory faced conflict with their neighbours on a range of agricultural issues previously, but the very same intercommoning dispute over the Hawes between Layton and Lytham had flared up repeatedly over the centuries. Given the survival of major institutional archives such as those of Durham Priory, it would be easy to interpret these events as an interconnected series of disputes, of which the 1530s was just the latest in a long history of conflict. Yet we cannot blithely assume that there was a clear connection between these different events, especially in the minds of contemporaries. How far were either Butler's tenants or even the monks of Lytham themselves in the early sixteenth century aware of these past disputes? To what extent did those previous conflicts shape the nature, scope and purpose of our latest enclosure riot? And how far did the outcomes of those earlier quarrels affect the resolution of the intercommoning dispute of the 1530s? As we shall see, the answers to these questions show the close links between institutional and popular memory, and the various ways that both of these could be constructed, sustained and deployed in medieval and early modern England.

Although social historians have paid particular attention to popular memory within such early modern conflicts—calling upon the old heads of the parish community to verify the customs from time immemorial—this is less often conceived of as institutional memory.⁶⁰ Yet that is precisely what we often see in court records: tenants, officials and landowners recounting the historic tenurial arrangements of their properties. We are thus seeing the intersection between popular and institutional memory: it was all well and good for charters, account rolls and court books to sit at the bottom of a decaying chest in the strong-room of a manor house, but without individuals who knew those records they were effectively useless rolls of parchment. Much like the importance of archivists and catalogues to historical research today,

60. Wood, *Memory of the People*; Sandall, *Custom and Popular Memory*; Rollison, *Local Origins of Modern Society*; N. Whyte, 'High Culture and Popular Culture: Memory, Custom and Landscape', in M. Tamm and A. Arcangeli, eds, *A Cultural History of Memory in the Early Modern Age* (London, 2020); Kane, *Popular Memory*, ch. 6. See also the essays in C.J. Griffin and B. McDonagh, eds, *Remembering Protest in Britain since 1500: Memory, Materiality and the Landscape* (Cham, 2018).

institutional memory of records could prove vital, especially given the rupture in this ecosystem created by the Dissolution of the Monasteries and the subsequent significant changes in ownership and personnel. For example, one of the Earl of Northumberland's officers wrote to the earl in 1600 that:

it is to be remembered that his lordship may move Sir Robert Cycill to have the ancient grantes of Tynemouth againe containing three large skinnnes of parchment, which the late earle your father did deliver to the late Lord Treasurer, Sir Robert's late father, which he can come by and get if he please, which would greatly further his lordship's proceedings for the libertyes, etc, bycause they conteyne the grantes and confirmacons of sundry kings and princes of this land, and made to the prior and convent of Tynemouth.⁶¹

In order to understand how far medieval conflicts influenced early modern enclosure disputes, we need to consider both popular and institutional memory, in the latter of which the monks of major monastic foundations excelled.⁶² For example, the monks of Durham Priory actively utilised their records to defend their ancient rights and privileges, as in a separate case of the court of Hemingbrough (now in North Yorkshire) from the early fifteenth century, in which the prior presented the monks' original charter of William I, alongside extracts from charters of William II, Henry I, Henry II and Edward III.⁶³ These extracts were specially compiled in the first half of the fifteenth century by Prior Wessington, who wrote a set of 'evidences' relating to a range of disputed rights of the priory, tracing the relevant rights back to the historical foundation of the monastery at Durham through its charter and court records, and to more recent oral testimony.⁶⁴ The monks also went to great lengths to notarise and copy their charters, especially if they might be needed in 'remote places' far from Durham, fearing that they might be damaged or destroyed through the hazards of the roads, flood, robbery, plunder, fire, loss or other such accidents.⁶⁵ This was often learnt by hard experience, such as in 1311/12 when the

61. H.H.E. Craster, *A History of Northumberland*, VIII: *A History of Tynemouth* (London, 1907), p. 120.

62. As an example of this in practice, see A.T. Brown and B. Cox, 'Institutional Memory and Legal Conflict in the Old Borough of Durham, 1300–1450', *Continuity and Change*, xxxviii (2023), pp. 255–81.

63. DCD, 3.2.Ebor.41a. The original charters extracted were: 1.1.Reg.9; 1.1.Reg.2b; 1.1.Reg.4; 2.1.Reg.1; 2.1.Reg.4a; 3.1.Reg.1a; 3.1.Reg.10; 2.3.Reg.3a. Another document was drawn up in DCD, 3.2.Ebor.41b, which also extracted evidence from Domesday Book; an inquisition by jurors between the Ouse and Derwent; and a sequence of charters from bishops of Durham, including William of St Calais, Hugh of Le Puiset and Richard Marsh.

64. See, for example, A.J. Piper, 'The Historical Interests of the Monks of Durham', in D. Rollason, ed., *Symeon of Durham: Historian of Durham and the North* (Stamford, 1998), pp. 303–4; A.J. Piper, 'Dr Thomas Swalwell, Monk of Durham, Archivist and Bibliophile (d. 1539)', in J.P. Carley and C.G.C. Tite, eds, *Books and Collectors, 1200–1700: Essays Presented to Andrew Watson* (London, 1997), pp. 71–100.

65. See, for example, DCD, Loc.III: 49, though there are many such other transcriptions of deeds and muniments within their records. For the copying of the Lytham foundation charters in June 1495, see DCD, Register V, fos 31r–32r.

deeds and muniments of the hospital of St Giles, Kepier (Durham), were destroyed in a sudden fire and the monks, fearing challenges to their ownership of various properties, conducted an inquisition of law-worthy men of the county into what lands, rents and tenements the brethren had held, from what time, of whom and by what service.⁶⁶ Oral testimony, after all, could shape written evidence, and the two coexisted alongside each other throughout this period rather than the former simply being replaced by the latter.⁶⁷

The monks of Durham Priory were not unused to handling important documents, their archive housing material ranging from a copy of the Forest Charter (1217) through to the will of Ralph Neville, earl of Westmorland, in the early fifteenth century.⁶⁸ The importance of fostering an active institutional memory in the preservation of documents was seen when Ralph Neville sent a letter to the prior of Durham in 1441 noting that he was depositing certain deeds in the prior's chancery and asking the prior to send him a receipt. Most importantly, however, Neville also requested of the prior 'that done ye will send me agayn with the saide my servant the which y truste the saide dedis and that ye will latt v or vi persons of your brethir the which that knys me have knaweleghe of this mater to thencent it may be remembirt'.⁶⁹ Fostering such an active memory was seen as crucial: deeds and charters remained important only so long as they were remembered. Much care was similarly taken in their storage and access, as in 1495, for example, when two servants of local esquires in county Durham declared that they had entered the chancery of Durham Cathedral with the keys of their masters, opened a locked chest and taken out two panniers containing deeds and muniments lately put in there by their lords, the declaration acting as a kind of receipt to indemnify the monks of any further responsibility for them.⁷⁰ More specific to our case at Lytham, we can see Henry Clifton quitclaiming his lands in *Lytheker* in 1259 according to the boundaries set out in the foundation charter of Richard, son of Roger held by Lytham Priory, and notifying receipt of all his documents, which he had put in two sealed caskets at the priory, undertaking to indemnify the prior for any loss resulting from their delivery.⁷¹

66. DCD, Register III, fos IXr–XIr.

67. Whyte, 'Landscape, Memory and Custom'; Wood, *Memory of the People*.

68. For the dispute surrounding the Earl's will in the 1430s, see DCD, 1.2.Ebor.15a. A similar incident involved the Scropes when Henry VI wrote to Prior Wessington countermanding a previous order 'to make livery' to John Lord Scrope of the charters, muniments and evidences that were in the prior's keeping, instead ordering him not to deliver such documents after the forfeiture and death of Henry Lord Scrope, and instead to 'keep them surely unto our use': DCD, Loc. XXV: 99.

69. DCD, 4.5.Ebor.19.

70. DCD, Loc.XXVIII: 11.

71. DCD, 2.2.4.Ebor.36.

The importance of cultivating this institutional memory cannot be overstated and the monks of Durham Priory were clearly diligent in this regard. On 3 July 1515, for example, Robert Strother, prior of Lytham, wrote a bill acknowledging that he ‘haith received thes muniments and evidens concernyng our place off lethom’, referencing the dispute with the Butlers and the boundaries as outlined in their document series 2.2.4 Ebor(acensia), which he had consulted.⁷² He was clearly trying to gather as much information as possible about the priory’s boundaries and rights, perhaps inspired by the Butlers’ earlier claims that their close was in fact part of Layton. Such moments, however, filtered into what we might consider popular memory, and several of Butler’s tenants remembered Strother’s actions in their depositions of the 1530s. The 24-year-old Richard Mason recalled how his father, Robert Mason, had told him that Prior Strother had lately come from London and that the journey had cost him more money than he cared to say, showing him a deed and saying that he had made a ‘good boke’ and had amended it. Strother had allegedly told Mason that it would do him no good at the time, but he hoped afterwards that it would do good to the house of Lytham in the future, with Robert Mason responding that ‘if ye haue done so ye haue done well’.⁷³ By comparison, 30-year-old James Symson remembered this instance in a less favourable light, deposing that the same Robert Mason, his father-in-law, had said to Prior Strother ‘howe cowed he w[ith] conscience amende the dede’, with Strother replying ‘that he might w[ith] his conscience do any thing that he cowed to the helpe of the howse of Seynt Cutbert, of Durham’. The implication is clear: several of Butler’s tenants were seeking to undermine the validity of the monks’ charters by suggesting they had been altered by Prior Strother, seeking to cast at least some doubt upon their version of the ancient boundaries and rights of the priory. We cannot say whether this was a deliberately malicious accusation or a genuine misunderstanding about the function of copying charters, which, as we have seen, was a practice the monks routinely carried out. However, it does reveal how the creation and continuation of an institutional memory—the transcription and consultation of charters and deeds in this case—could enter into the realm of popular memory, and that Butler’s tenants thought this could at least cast a shadow of doubt upon the monks’ evidence.

What separates this commons dispute from previous outbreaks of violence is that the two sides drew up competing maps to press their claims in legal proceedings that dated back to 1530, with notable differences in

72. DCD, 4.4.Ebor.10.

73. Although evidence about this case survives in multiple archival repositories, including in the Duchy of Lancaster collection of The National Archives and both the Ebor. and Locelli collections of Durham Priory, some of the depositions have been published in *Pleadings and Depositions*, ed. Fishwick, ii, pp. 9–19.

the position of the key boundary markers (see Figs 2 and 3).⁷⁴ Ultimately, it was the priory's map, outlining the boundaries from its foundation charters, that was accepted by the Duchy of Lancaster court, which ruled that 'by the sight of the platt certified' there was 'a gret vehement lykylyod that the sayed prior shuld have title to the freehold of the same wast from a crose in the hawes and cursed mere towards the towne of lethom'; the



Figure 3. The Butlers' map of the Hawes.

Source: Kew, The National Archives, MR 1/1

The map is aligned differently to the monks' map (Fig. 2), with north to the left of the map, the disputed Hawes on the west coast at the bottom, and Lytham and the Ribble estuary in the south to the right of the map. Green represents grasslands; dark green, the peat moss; golden yellow strips, arable fields. In the following key, names in *italics* are the most significant boundary areas of dispute, those in **bold** the major settlements.

Key: **1: Lytham Priory**, **2: Lytham**, 3: The Hey Houses, 4: *The Cursed Mere*, 5: *Several unlabelled crosses*, 6: *The cross in the Hawes set for the death of Wheler*, 7: Blak Lache, 8: The sea, 9: The Hawes, 10: The Milne pole, 11: The pole howsys alias the North Howes, 12: Water mill, 13: Stod Holme, **14: Great Marton**, **15: Layton**, 16: Windmill, 17: Layton Close, 18: The Mere, 19: The Sluice, 20: Stonysyk Pole, **21: Little Marton**, 22: *Myggelond*, 23: Bonpole, 24: The Ribble.

74. In an excellent piece of detective work, Bill Shannon has shown that Figure 2 is the monks' map—long thought lost—in their dispute with the Butlers. Shannon tracked down a later certified copy in the Lancashire Record Office (DDCL, Acc. 1108) and thus was able to provide the labels, which have worn away on the original. For a full discussion of how the two competing maps came to be drawn up, the chronology of these legal proceedings, and their significance in the court's decision making, see Shannon, 'Adversarial Map-Making'.

Butlers were to restore the prior's cattle on the Hawes and allow him to put back a cross there. It was decreed that the prior 'by divers ancient deeds, whereof copies remain in the duchy chamber, proved that the bounds set out on his plan were those dividing his ground or lordship of Lytham ... from a ditch at the west side of *Kilgrimols* churchyard, now said to be covered over with sand, upon which a cross is erected, westward to the sea, and from the same ditch and cross backward to the east, following next to the *Cursed Mere* over the great moss', following the boundaries set out in the priory's foundation charter.⁷⁵ By comparison, it was held that Margaret and Thomas 'showed nothing by way of deeds, evidences or provable witness in proof of the plan made by them, contrary to the prior's plan'. It was, therefore, ordered that the prior and his tenants 'shall peacefully occupy the waste ground according to the aforesaid boundaries, without let or disturbance', and that the Butlers and their tenants shall not 'meddle within the said boundaries until such time as Margaret or Thomas shall show sufficient proof of their plan and prove their title to common with their cattle within the said boundaries'. It is unclear why the competing sides drew up their own maps, since the court had instructed a commission to go to the disputed commons, examine the evidence for the limits of the wastes and 'make a plan of the ground and waste and set out the bounds thereon', but, perhaps upon learning of this, the two sides came armed with their own instead.⁷⁶ What is clear is that the level of investment that the Butlers made in the case and their map further corroborates the above impression that they had an active interest in these riots. Although we cannot know the extent to which this should be seen as a guiding hand, it demonstrates how their tenants' concerns about access to the commons closely aligned with their lord's long-standing boundary dispute with the monks.

It is hard not to be impressed by the Prior's map, which is perhaps the greatest statement of institutional memory of all, outlining in a clear arc the major boundary features of the foundation charter from *Kilgrimol* and the two crosses on the Hawes through the *Cursed Mere*, *Midgeland*, the *Ballam* and down towards the *Swinebridge* and back to the Ribble. It provides a very compelling interpretation of the landscape and one which is still readily comprehensible when read alongside the supporting documentation of the priory's charters. By comparison, Shannon described the Butler map as 'even more a work of propaganda than that of the Prior, deliberately designed to give a misleading impression, not least by implying the priory was far wealthier than it actually was'.⁷⁷ Undoubtedly, the Butler map was designed to impress, being far more colourful and larger—at 90 cm × 100 cm compared with the monks' map at 74 cm × 64 cm—and focuses far more upon

75. *Pleadings and Depositions*, ed. Fishwick, ii, pp. 9–19.

76. DCD, Register V, fo. 246r–v.

77. Shannon, 'Adversarial Map-Making', p. 340.

the buildings and the Butlers' own landholdings than the landscape or its boundaries. It noticeably misses out some of the key features, such as *Kilgrimols*—perhaps in an attempt to downplay its significance, or to confirm the assertion that it had fallen into the sea after suffering from coastal erosion—which seems to have gone against them in the court. A cross does appear on the Hawes in the Butler version, but this maintains their contention that it was 'the cross in the hawes sett for the death of Wheler', while several more crosses appear much closer to Lytham—virtually on the village's edge—presumably implying that if these *were* boundary crosses then the monks had no claims to the Hawes. As when considering the deposition evidence, it would be easy to be cynical and to see this as nothing more than a deliberate distortion of the boundaries to favour the Butlers—as the court did in describing it as 'mere contrariant and repugnant to the seyde platt of the seyde prior'—yet we have to consider the possibility that these were genuinely different interpretations of the landscape. After all, the Butler map includes some key features—such as the *Cursed Mere* and *Midgeland* in the moss—suggesting that it was embedded in an understanding of the locality, while it contains further features of the landscape not mentioned in any of the monks' evidence, such as the *Blak Lache* supposedly on the Hawes itself.

Indeed, the crosses which border on Lytham Priory and the Hey Houses on the Butler map (no. 5 in Fig. 3), and which look decidedly incongruous if they were intended to be boundary crosses, interestingly match up with what are described as two 'merestones' on the Prior's map (nos 17 and 18 in Fig. 2)—whose purpose is not elaborated upon anywhere in their evidence—and so we should be cautious of dismissing the Butler map out of hand.⁷⁸ There are certainly distortions at work—by both parties—with the monks eager to demonstrate the extent of arable farming taking place at Lytham in a range of enclosed fields, while the Butler map similarly shows the fields of Layton and Marton, but neglects to show anything similar at Lytham. Both maps noticeably include their own mills—the Butlers, their windmill at Layton and watermill at Marton; and the monks, their mill at Lytham—but exclude each other's, presumably to reinforce the importance of their own arable enterprises, and thus the long-standing usage of the commons for their pasture. Indeed, the monks seem at pains to emphasise that the land on the other side of Lytham was marsh and thus unfit for pasture, while the Butler map even details the direction of ploughed lands in the arable fields. Perhaps most significant, however, is the placement of the North Hawes. The monks situate this as above their boundary crosses but *below* the mere pull or brook running from Marton to the sea. The Butler map, by comparison, places the North Hawes on their

78. Shannon has suggested that these might have demarcated the near edge of the Hawes pastureland from the priory's fields.

side of the brook—with houses built on it, no less—and the Hawes as being between this and the commemorative cross. It is entirely possible that we are seeing here a deliberate attempt by the Butlers to capitalise on the riots of their tenants to make a land-grab for the Hawes, but it could equally represent conflicting interpretations of the landscape that dated back generations to those confused references to common pasture in the thirteenth century. After all, we see much of this landscape through the monks' eyes, but what evidence and traditions did the Butlers and their tenants have for their map? What was the significance of the multitude of crosses placed so close to Lytham on their own map? Did they challenge the purpose of the monks' merestones on their map? What was the feature known as the *Blak Lache*—perhaps suggestive of a bog burst or something similar—and did they have evidence to suggest the North Hawes was above the mill brook? Perhaps more than anything, these competing maps demonstrate the impressive nature of the monks' institutional memory that could be brought to bear on such cases: not only did they include the boundary markers and features but labelled, in almost excessive detail, individual tenements and fields, such as the 'new hege', which appears to be a recent enclosure from the moss. They could, in turn, support every major feature of their map with a clear reference to a charter, rental or court record which mentioned its presence. In this, the Durham monks were unrivalled; it is no coincidence that some of the earliest local plans and maps were produced in Durham to resolve similar land disputes in the mid-fifteenth century.⁷⁹

IV

Lytham's position as a dependent cell of the much larger motherhouse of Durham Priory thus came with considerable advantages in creating a sustained memory and consistent approach to such disputation. For example, the court case of the early 1530s involved three separate priors: Prior Strother, who acquired written documentation of the priory's foundation charter and various other pieces of evidence that clearly indicated the boundaries after a previous dispute with the Butlers; Prior Moore who initially brought the case against the Butlers' tenants; and Prior Blakeston, who saw the complaint to its end in the Duchy Chamber.⁸⁰ Despite the frequent unplanned changes of leadership, institutional continuity enabled the monks to build up evidence and successfully pursue the legal case against the Butlers. Yet it was not without its drawbacks, and internal divisions often hindered the monks' ability

79. R.A. Skelton and P.D.A. Harvey, eds, *Local Maps and Plans from Medieval England* (Oxford, 1986), nos 14, 15, 17 and 20. For another example of this institutional memory, see Brown and Cox, 'Institutional Memory and Legal Conflict'.

80. Shannon, 'Adversarial Map-Making', p. 339.

to deal with their lay neighbours. Although the prior of Lytham was in nominal charge of the cell, he was still subordinate to the motherhouse and so he was required to attend the general chapter in Durham, bringing with him an inventory of the goods of the priory and a balance sheet for the year. This could produce criticisms of the management of Lytham, as when Prior Roger was charged by the Durham monks with oppressing the tenants and selling the stock to maintain an excessive household for himself. Most importantly, the prior could be recalled at any moment, which had a significant impact upon his ability to maintain a coherent policy—for example, with regard to defending the local pasture rights. In 1286, for instance, Hugh of Darlington, prior of Durham, wrote to Gilbert of Clifton, sheriff of Lancashire, asking him to protect the cell of Lytham during a vacancy and to aid in its quarrels with the lords of Weeton and Westby.⁸¹ Although Lytham was not susceptible to the problems encountered by an under-age lord and the potential depredations of wardship, it was feared that a vacancy, however short, might provide sufficient encouragement for a quarrelsome neighbour to make inroads into the priory's rights. Again, in the early fourteenth century, Roger, prior of Lytham, wrote to Geoffrey Burdon, prior of Durham, noting that he could not act without the prior's authority in a case between himself and Thomas of Beetham surrounding the demesne of *Eastholmker* (mentioned in the foundation charter of Lytham, no. 33 in Fig. 2), which had arisen between the departure of the past prior and his arrival. He assured the motherhouse that this authority was needed in order to avoid permanent loss on behalf of the cell of Lytham in the intervening period.⁸²

Given the difficulties the monks experienced with their neighbours, and the frequent requests of priors to be returned to Durham, it is perhaps most surprising that some priors rebelled against the motherhouse, wishing to remain at Lytham for life. For example, Robert of Kelloe, who became prior in 1351, produced a papal bull some ten years later exempting him from being removed from office during his life without good cause.⁸³ In the end, the monks of Durham Priory were successful in compelling him to renounce it and he was reconciled with the motherhouse. Far more serious was Prior William Partrike's attempt at the same move. Having already been accused of misdoings, including the sin of *proprietas* (in effect, using the priory's funds for personal profit), Partrike petitioned the papal curia in 1443 for a bull permitting him to remain at Lytham until his death. Pope Eugene IV granted the bull because of Lytham's great distance from Durham and the susceptibility of the priors of Durham to removing Lytham priors from office to the cost of the spiritualities and temporalities of Lytham. Later that

81. DCD, Loc.III: 40.

82. DCD, 2.2.4.Ebor.41*.

83. W. Farrer and J. Brownbill, *A History of the County of Lancaster*, II (London, 1908), pp. 107–11.

year he acquired a royal pardon for receiving this bull, which he took as condoning his actions. Thus armed, Partrike was in a position to refuse any of the motherhouse's requests that he saw as malignant. Durham Priory, itself financially struggling in the 1440s, imposed a £5 contribution upon Lytham to help towards the spiralling debts of the motherhouse.⁸⁴ Partrike, of course, was in no mood to be accommodating and, in a radical interpretation of his papal bull, he sent word to the motherhouse that Lytham was now exempt from its authority. There followed an acrimonious conflict between the Durham monks and Partrike, who was accused of not attending the general chapter, of not paying the requested contributions to the motherhouse for several years, and of having set armed men—including one Oliver Butler—upon the bearer of Durham Priory's letters, who threatened to make the messenger eat the letters and the box they came in.⁸⁵ Partrike was able to withstand the repeated complaints of the motherhouse, but by the end of 1445 he had been excommunicated and the dispute was settled by arbitrators early the following year. Partrike was to give up Lytham and his bull of perpetuity and would be re-admitted to Durham 'in gentill and easy wyse'.⁸⁶ After his return to the fold, Partrike continued to petition the papal curia in secret and, when confronted by the prior, eventually left the convent entirely, for he disappears from the records in 1450.

The major difference between Prior William Partrike and many of his predecessors was his relationship with the local gentry. Compared with the traditionally acrimonious relationship between the priors of Lytham and their neighbours, Partrike clearly had local support, with Dobson guessing that he may have been a Lancastrian himself given his mention of 'cosyns' in the area.⁸⁷ Certainly, Robert Westmorland, Durham Priory's chancellor, had written to Partrike in 1444 warning him that his local supporters would not be sufficient: 'I trust well ye have great support of your neighbours and friends in the country but take no boldness thereby'.⁸⁸ These local friends included Sir Thomas Stanley, controller of the royal household and receiver-general of the Duchy of Lancaster, Thomas Harynton, many times MP for Lancashire, and Christopher Bayne. Partrike promised Stanley the stewardship of the cell and ordered his chaplain to 'labour to my Master Stanley and ye best ways that ye can to make him wrath with the house of Durham'.⁸⁹ Similarly, Bayne was so trusted by Partrike that he deposited some of Lytham's charters with him, which caused considerable headaches for

84. For the financial difficulties of Durham Priory during this period, see A.T. Brown, *Rural Society and Economic Change in County Durham: Recession and Recovery, c.1400–1640* (Woodbridge, 2015), and A.T. Brown, 'Surviving the Mid-Fifteenth-Century Recession: Durham Cathedral Priory, 1400–1520', *Northern History*, xlvii (2010), pp. 209–31.

85. DCD, Loc.IX: 20.

86. DCD, Loc.IX: 5.

87. Dobson, *Durham Priory*, p. 329.

88. *Ibid.*, p. 334.

89. *Ibid.*, p. 335.

later monks as Bayne initially refused to hand them back, insisting instead that he had been offered 100 marks and a large pension by other interested parties.⁹⁰ In the end, the monks had to offer him a livery and 6s 8d per annum for life along with the favour of the priory for himself and a living for one of his servants in order to reacquire the charters.⁹¹ Partrike knew that perhaps one of the most damaging moves he could make was to smuggle such vital documents out of the priory. Despite questions over the prosperity of Lytham Priory, the inventory taken upon Partrike's surrender in 1446 reveals a comfortable standard of living and it is easy to see why he wished to remain there (and why he had been charged with the sin of personal property), especially since he was so able to ingratiate himself with the local gentry. The inventory included luxuries, including the 'blue bed of State with a great tree of tapestry work, also a green bed with yellow swans and vines ... an old white bed with green trees and birds ... a brown coverlet with white roebucks, also a blue bed with white stars ... a burnet bed with white knots and yellow butterflies ... a red coverlet with swans'—the list of these vibrant coverlets and blankets goes on and on.⁹² It is perhaps a little ironic that, when Partrike finally fled Durham Priory in 1450, he left behind nothing but a straw-covered bed, seemingly fulfilling his promise to 'sell my bedding and get some money' before his final escape.⁹³

In perhaps the most bizarre twist of this whole saga, some of the worst critiques of Lytham Priory were from those who had been its stewards.⁹⁴ Sir Thomas Stanley, a staunch supporter of Partrike, had previously been steward of the cell, writing to the monks of Durham that Partrike had 'shewed me kyndnesse sith tyme he com to lethom'.⁹⁵ Similarly, Sir John Butler was actually one-time steward of the cell at Lytham. In the depositions of participants in the riots of the 1530s, one Laurence Baly, aged 33, reported that his father had been told by his grandfather that the prior of Lytham had built a house called Holme House upon a parcel of the Hawes while Sir John Butler was under-age (no. 21 in Fig. 2, though interestingly this is not near the Hawes). In recompense, Baly thought the prior had offered Butler £20 and 'had promised to the said Sir John to be the steward of Lytham'.⁹⁶ This latter at least was

90. DCD, 2.2.4.Ebor.65*.

91. Ibid. In subsequent years, Lytham Priory was paying 'William Ambrose, Ralph Brown and Christopher Bayne by concession of the prior of Durham, for muniments of the cell of Lytham in the time of William Partrik, to each 6s 8d'.

92. DCD, Lytham accounts status, 1446.

93. For more on the Partrike fiasco, see DCD, Misc.Ch. 7308/1–17.

94. Interestingly, Thomas de Bethom, gent., in 1435 (DCD, Register III, fo. 189v), Thomas, Lord Stanley, and Margaret Beaufort, Lady Stanley, in 1473 (Register IV, fos 211v–212r), and Thomas Butler, knight, in 1508 (Register V, fo. 98v), were all given letters of confraternity from Durham Cathedral because of, in the case of the last, the devotion of mind and affection of a sincere heart which he had towards their monastery of Durham, and especially towards their cell of Lytham, as they accepted on reliable information, giving him in return the reward of goodwill.

95. Dobson, *Durham Priory*, p. 335.

96. *Pleadings and Depositions*, ed. Fishwick, ii, p. 17.

presumably carried out, as Sir John Butler is recorded as steward of the cell and was sent a letter in 1460 by the Prior of Durham complaining that ‘ther hath been now late straunge rewle in our celle at Lethom such as I never hard of in no place belonging to us’ and asking Butler to see that his will was not obstructed.⁹⁷ Perhaps most tellingly, another letter was sent to an unknown addressee informing them of his letter to Sir John Butler and asking him—the anonymous recipient—to send word if the said John should hinder the carrying out of his orders.⁹⁸

We begin to see, then, how these additional layers of institutional structure affected Lytham Priory. At times, it was beneficial, with the motherhouse able to act almost like an aristocratic patron, helping in court cases and with the additional threat of excommunication to boot. Personnel and documentation could also provide continuity, especially in the priory’s constant legal conflicts. Yet the relationship between dependent cell and motherhouse could prove problematic, especially the ability of the Durham monks to recall the priors of Lytham at will. Often this was not a problem, because many of the priors were tired of the constant conflict and litigation with their Lancastrian neighbours, but it clearly proved a sore point for a number of priors who acquired papal bulls to exempt themselves from this complete subordination.

V

The purpose of this article has neither been to deny the existence or importance of early modern enclosure riots nor to suggest that their scope, geographies and purposes remained unchanged from their medieval counterparts. Rather, it has sought to show how our interpretative framework shapes how we understand such riots. In his study of ‘village revolts’, Manning sees the conflict between the monks of Lytham Priory and the Butlers as an intercommoning dispute, which gave rise to three large enclosure riots. It thus becomes an archetypal example of the growing frequency of such protests in the 1530s as demographic pressures put increasing burdens upon a land that had spent the previous two centuries responding to population stagnation. In this interpretation, such riots form a beginning, giving a glimpse into a society facing inflation, demographic growth and a redistribution of landed resources—and importantly access to those resources—which would shape the early modern economy. Early Tudor enclosure riots, therefore, usher in the future problems of the sixteenth and seventeenth centuries, and in turn have become associated with, and understood alongside, food riots and particular outbreaks of larger revolt, such as the Midland Revolt of 1609.⁹⁹ In enclosing part of the Hawes commons

97. DCD, Register IV, fo. 137v.

98. *Ibid.*, fo. 138r.

99. For such late sixteenth- and seventeenth-century cases, see S. Hindle, ‘Persuasion and Protest in the Caddington Common Enclosure Dispute, 1635–1639’, *Past and Present*, no. 158

and building upon some of the waste lying between the manors of Lytham and Layton in the early sixteenth century, the monks of Lytham Priory could thus be seen as firing an opening salvo in the struggle for the commons that would occupy early modern England.

Yet, we could as easily interpret the intercommoning dispute of the 1530s as one of the final acts of the monks of Lytham, whose cell was to be suppressed just a few years later. In this context, we see not Tudor demographics lurking behind the riots, but instead centuries of conflict going back to the very foundation of the priory.¹⁰⁰ The vast landscape of shifting sand dunes, great moss and rough pasture proved singularly difficult either to encapsulate in a set of written boundary descriptors or to demarcate in the landscape, despite repeated attempts at doing so. As early as the thirteenth century, external adjudication was required in efforts to clarify and confirm the boundaries between Layton and Lytham and their associated access rights to the waste ground lying between, while there were repeated accusations of breaking these bounds. Such legal disputation provides a key context for the specificities of our 1530s riots, most noticeably in understanding the various claims and counterclaims in the surviving depositions, but they also gave rise to large-scale rioting throughout the centuries. Time and again, the monks' neighbours raised arms against the priory: in the 1320s, the Cliftons were said to have invaded the priory with two hundred armed tenants, destroying ditches and grasslands and impounding cattle, while in the 1420s the Butlers and their tenants were accused of assaulting the prior's servant, depasturing the Hawes, destroying crops, and taking hay. As Dobson summarised, 'St Cuthbert crosses, used for demarcating the boundaries of the priory's estates, were frequently torn down by the Butlers throughout this period'.¹⁰¹ From this perspective, our intercommoning dispute of the 1530s becomes the latest in a long history of conflict between the monks of Lytham Priory and their neighbours, often over the very same issues surrounding ownership of, and access to, the Hawes between Layton and Lytham, or the surrounding commons and wastes.

Of course, the riots are an example of both these phenomena; the two interpretations are not, after all, mutually exclusive. The 1530s conflict was simultaneously an intercommoning dispute, likely heightened by Tudor population growth, *and* the culmination of a centuries-old boundary conflict before the suppression of the Lytham

(1998), pp. 37–78; S. Hipkin, "'Sitting on his Penny Rent': Conflict and Right of Common in Faversham Blean, 1595–1610", *Rural History*, xi (2000), pp. 1–35.

100. For a previous reading of the medieval into the seventeenth century in an attempt to disrupt conventional historical periodisation, see B. McDonagh, 'Disobedient Objects: Material Readings of Enclosure Protest in Sixteenth-Century England', *Journal of Medieval History*, xlv (2019), pp. 254–75. See also McDonagh, 'Landscape, Territory and Common Rights', in which she shows the continuing difficulties caused by medieval tenurial arrangements into the early modern period.

101. Dobson, *Durham Priory*, p. 328, n. 5.

cell. Yet the former narrative is the one most often told about such enclosure riots, for reasons relating far more to the division of the historical profession into medieval and early modern specialisms than to the events themselves. Although this division is rightly acknowledged and often questioned, there remains a 'historical fault line of seismic proportions [which] lies at the end of the fifteenth century'.¹⁰² As Richard Britnell concluded, 'the period 1471–1529 is often seen as an epilogue to the Middle Ages, or a prologue to the early modern period, for reasons that have more to do with the way in which historians specialise than with any intrinsic characteristics of these particular years'.¹⁰³ Recapturing the medieval origins of enclosure riots can shed light upon their shape, nature and scope. Although enclosure riots may have been provoked by changing land use in the face of demographic growth, we should be cautious of overstating their novelty, especially in areas of challenging and disputed common rights, which may have incited rioting and other forms of conflict for centuries. What *is* increasingly novel about this period is our growing access to the purported voices of everyday people—albeit heavily mediated by the courts—in which we can perhaps begin to hear more of the rhetoric of complaint, the fine-grained local peculiarities of conflicts, and the undertones of deference and defiance. The emergence of central institutions, such as the Court of Star Chamber, undoubtedly affected this language of complaint, through shaping both what constituted a 'riot' and how defendants presented themselves in their depositions.¹⁰⁴ It also shaped the nature of protest itself as people considered the potential repercussions of their actions—legal process, after all, shaped illegal protest. Yet, how often were similar thoughts and feelings expressed or experienced by their medieval ancestors, but which are hidden behind a terse fine in a manorial court for acts of mass trespass, ditch destruction or hedge pulling? Change was afoot, but how far have we tended to over-emphasise its extent because some of the rhetoric and nature of local protest is more readily recoverable from the sixteenth century onwards?

Breaking down these chronological boundaries is all the more important given the significance with which historians have imbued such riots for our understanding of social relations. A persistent feature of the historical literature from Tawney, Hilton and Thompson through to Dyer, Sharp and Wood has been that 'unequal societies routinely produce social conflicts over resources, power and space' and that 'conflict between landlords and peasants, however muted or however intense, over the appropriation of the surplus product of the

102. M. Yates, *Town and Countryside in Western Berkshire, c.1327–c.1600: Social and Economic Change* (Woodbridge, 2007), p. 1.

103. R.H. Britnell, *The Closing of the Middle Ages? England, 1471–1529* (Cambridge, 1997), p. 1.

104. T. Johnson, 'The Preconstruction of Witness Testimony: Law and Social Discourse in England before the Reformation', *Law and History Review*, xxxii (2014), pp. 127–47.

peasant holding, was a prime mover in the evolution of medieval society'.¹⁰⁵ No doubt this has been such a persistent view because there is a strong element of truth in this interpretation. Yet an ever-increasing body of literature has demonstrated that such conflict was a long way from following dichotomous class lines, be they between lords and peasants or 'the rich' and 'the poor'.¹⁰⁶ As a seemingly traditional example of class conflict, enclosure riots are particularly revealing in this regard because, rather than necessarily following class divisions, they in fact often pitted tenants *and* their lords against neighbouring lords and tenants over jurisdictional boundaries and territorial rights.¹⁰⁷ As Matthew Clark has argued, such disputes could bring 'to the fore the politics of place, rather than of social status', and numerous cases have demonstrated how these conflicts created alliances between social groups that were 'shifting, unstable, and based on temporary alignments of interest'.¹⁰⁸ Yet in emphasising the temporary nature of such collaboration, we overlook the potential recurring and repeating history of these alliances, with neighbouring lords and tenants in conflict over similar issues, sometimes over generations. Whether the Butlers' tenants were directly maintained by them or not, it is clear that the Butlers and their tenants shared similar grievances against their monastic neighbours that transgressed class boundaries, and that these groups were capable of collaborating over these issues across successive generations. The claims of the Butlers' tenants that they had 'used tyme owte of mynd to have comyn of pasture' in the Hawes and that they were acting 'accordyng to theyre auncient costome and usages' aligned closely with the Butlers' own long-standing claims. After all, just as the access rights of tenants could bring them into conflict with their own lords, they could as often align with the jurisdictional interests of those same lords *against* other interests.

105. The first quotation is from A. Wood, "Poore Men Woll Speke One Daye": Plebeian Languages of Deference and Defiance in England, c.1520–1640, in T. Harris, ed., *The Politics of the Excluded, c.1500–1850* (Basingstoke, 2001), pp. 67–98, at 71, and the second from R.H. Hilton, *Class Conflict and the Crisis of Feudalism: Essays in Medieval Social History* (London, 1985), introductory preface. See also B. Sharp, *In Contempt of all Authority: Rural Artisans and Riot in the West of England, 1586–1660* (Berkeley, CA, 1980); C. Dyer, 'The Social and Economic Background to the Rural Revolt of 1381', in R.H. Hilton and T.H. Aston, eds, *The English Rising of 1381* (Cambridge, 1984), pp. 9–42; Tawney, *Agrarian Problem*; Thompson, *Customs in Common*.

106. McDonagh, 'Negotiating Enclosure'; Falvey, 'Politics of Enclosure'; Healey, 'Political Culture'.

107. When analysing the legal evidence of the Court of Duchy Chamber surrounding the enclosure of lowland wastes in early modern Lancashire, Shannon found that 'the single biggest objection was not loss of common, as might have been expected. Instead, the "typical" case involved a claim by one lord that another lord had infringed his territorial rights by crossing boundaries': B. Shannon, 'Approval and Improvement in the Lowland Wastes of Early Modern Lancashire', in R.W. Hoyle, ed., *Custom, Improvement and the Landscape in Early Modern Britain* (London, 2016), pp. 175–202, at 193.

108. M. Clark, 'The Commons, and the Politics of Common Right in Enfield, c.1558–c.1603', *Historical Journal*, liv (2011), pp. 609–29, at 627 and 629; see also M. Clark, 'Resistance, Collaboration and the Early Modern "Public Transcript"', *Cultural and Social History*, viii (2011), pp. 297–313.

Finally, this case shows the role of popular and institutional memory in shaping these conflicts: landowners and tenants alike were clearly familiar with previous iterations of disputation. Although early modern studies have shown the mutability of claims to custom and ancient practice, examples like this demonstrate that memory was predicated upon an understanding of medieval generational conflicts, something which is often lacking in our interpretations of such conflicts because of our own chronological specialisms. The Butlers and their tenants seem to have shared similar memories and interpretations of the landscape: they were aware that the crux of the issue surrounded the centuries-old boundary crosses, seeking to invalidate them by suggesting that one had been eroded by the sea and providing an alternative narrative for the construction of the other as a commemorative cross. They similarly sought to undermine the priory's evidence by making oblique references to potential fraud, showing how such charters and deeds were powerful enough to enter into the popular imagination. For their part, the monks were assiduous in the collection and presentation of their written evidence, and their map is an exemplar of how such overwhelming institutional memory could be actively deployed. However, even this was not without strife and shows how monastic communities could struggle, especially when one of their number sought to align with the local gentry, even to the point of giving away the priory's own charters. Above all, it is hoped this example shows how challenging our long-standing interpretative framework can recast how we understand an event or, in this case, a series of inter-related events across one of the most enduring temporal divisions in English historiographical writing.

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