THE SOCIAL AND ECCLESIASTICAL SIGNIFICANCE OF CHURCH SEATING ARRANGEMENTS AND PEW DISPUTES, 1500-1740.

A THESIS SUBMITTED FOR THE DEGREE OF D.PHIL.

BY

KEVIN B. DILLOW.

MERTON COLLEGE.

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Kevin B. Dillow, Merton College.

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ABSTRACT.

This thesis examines the seating arrangements of English parish churches between 1500 and 1740 in order to define their basis, the reflection of society through them and areas of tension made apparent in pew disputes.

It begins by charting the development of the ecclesiastical law in the early seventeenth century. Unusually this is seen to have been based upon cases prohibited to the common law on the basis of prescription. Chapter Three then examines the procedure of the ecclesiastical courts and shows that the scope of their interest was far wider than legal theory implies. The courts are shown to have been most concerned with the physical appearance of seats and their convenient placement. This was never organised into a coordinated campaign until the 1630's, but even the Laudians failed to end the ingrained abuses of the pew system because of the passive resistance of the parish authorities.

Pew disputes and the deciding of titles to seats was a significant part of the ecclesiastical courts' business. The motivation these cases differed under the office and instance procedure. The former type of case was concerned only with the punishment of disruption or disobedience; the latter with the actual question of title.

The assigning of seats is shown to have been undertaken mainly by the churchwardens, either through the formation of a composite picture of an individual or on the basis of a life-payment or rent. Both systems are examined and their workings and differences

analysed. Chapter Five examines the correlation between the church's seating arrangements and society as a whole and shows this to have been good but not perfect. In the final chapter, the reasoning behind pew disputes is analysed. This reveals pew disputes as essentially the preserve of the gentry of market towns and as a form of honour conflict.

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ABSTRACT.

This thesis examines the seating arrangements of the English parish church between 1500 and 1740, in order to determine whether they were an adequate reflection of the social hierarchy, and to explain the reasons which lay behind disputes over pews. It is based upon the records of the ecclesiastical courts in the dioceses of London, Gloucester, Winchester, Worcester and Oxford and the archdeaconries of Buckingham and Berkshire. This evidence is supplemented, at a parish level, by churchwardens' accounts and by detailed studies based upon seating plans for the parishes of North Nibley, Gloucestershire, and Puddletown, Dorset. At a national level, the records of Star Chamber were used to see if the statistics dereived for the area studied were typical of the whole country or merely the result of a regional pattern. The choice of dates was influenced by the need to cover a long period in order to discern changes over time and by the extant records. Although the bulk of the court evidence covers the period 1560 to 1740 for instance cases and 1560 to 1640 for office cases, churchwardens' accounts and other records cover the earlier years.

The dissertation begins by reviewing previous writing on the subject of pews. In so doing it focuses upon the mid-nineteenth-century as the time when authors first turned their attention to seats as an object worthy of comment. Much of the writing produced in this period is, however, shown to be flawed because of the adoption of a priori assumptions by the authors who tried to prove the pew system as new in spite

of all the evidence to the contrary. Interest in the subject lay dormant until the 1950's when modern historians realised the potential of pews as a means of social analysis in the light of their interest in honour, order and the role of the church in parochial communities. Despite the amount of previous research, this thesis argues that our knowledge of the system of pewing is poor. No quantifiable or detailed research has yet been undertaken and, as a result, the importance of the subject has only ever been outlined, and the conclusions reached have never been tested over a wide geographical area, or a long chronological scale. This thesis attempts to redress the balance.

Chapter Two traces the development of the ecclesiastical law in cases prohibited to the common law in the early seventeenth-century. The reason for such prohibitions is shown to have been differences in the ecclesiastical and common law courts' interpretation of prescription and the pseudo-property title claimed to a pew. The complexities of the law are detailed as is the legal basis for the claim of a title to a seat, and encroachments upon the ecclesiastical courts' jurisdiction by other courts.

Examination of legal theory shows that the ecclesiastical courts were deemed the courts of first instance for cases of dispute over pews. It fails, however, to show either the scope of the ecclesiastical courts' jurisdiction or their manner of proceeding in cases involving seats. In Chapter Three, therefore, the practise of the courts is examined. This reveals that, in office and visitation cases, greatest interest lay in the correction of the physical defects of seats and in ensuring their convenient placement in the church. Such concern was seldom expressed in an organised way. Chapter Six shows that the 1630's were the only time when an episcopal campaign against the abuses of the pew system was attempted. This was, however, relatively unsuccessful since it could not overcome the passive resistance and bemusement of the parish officers, upon whom it relied.

Pew disputes were also a significant area of ecclesiastical concern and Chapter Three shows that the motivation behind litigation over seats differed depending on whether the case was brought under the office or instance procedure. In the former type of case, the motive was the punishment of disruption or disobedience; in the latter, it was to decide the actual right to the seat. The courts manner of dealing with both types of case is considered in detail and the use of the grant of a faculty as a means of claiming title described.

Chapter Four describes the various different ways in which seats were allocated. Although the courts exercised a significant role in deciding disputes and granting titles by faculty, the day to day administration of the pew system lay in the hands of the churchwardens. They adopted two methods for carrying out their role. Under the first of these the churchwardens used their knowledge of a person's status, wealth and reputation to draw a composite picture of each individual and to place him or her accordingly. The second was based upon payment either of an annual or quarterly rent or of a life-interest. Despite the claims of other historians, the payment system is revealed not as expanding in the seventeenth-century, but as remaining stable and being almost entirely confined to market towns. Indeed, some evidence suggests the number of parishes with payments as contracting. Nor is the system seen to be new or vastly different to the system of mere allocation by the churchwardens. Indeed, the two systems are shown to have been fundamentally the same, with payments never determining position on their own but being a part of the drawing of a composite picture. The only difference appears to have been that payments systems ensured the retention of a larger number of seats in the hands of the churchwardens, because the establishment of a prescriptive and exclusive title was prevented by the need for regular confirmation of each seat by the churchwardens. Such prescriptive seats are shown to have been increasing in the seventeenth-century, and existed in parishes,

where most of the seats remained in the hands of the churchwardens.

The reflection of society in the seating arrangements of the church is examined in Chapter Five. The evidence for this is drawn both from cases of dispute and from detailed research into the seating plans of North Nibley, Gloucestershire, in 1629 and Puddletown, Dorset, in 1679. This reveals that a correlation between the position occupied by an individual in the church and in society did exist, but that it was by no means perfect. The connection between status, gender, wealth, age, dwelling place and pew position is described in detail, and the closeness of the comparison revealed. Certain anomalies are shown to have existed, however. Not only are individuals of widely different wealth and status seen to be sharing seats, but also the separation of the sexes and of youth from adults was not everywhere enforced. Indeed in regard to the position, it is apparent that the expected equality of position between man and wife is absent in most cases. Such anomalies are described and explained in terms of the church's seating arrangements and wider social perceptions.

In the final chapter, the reasoning behind pew disputes is analysed. This shows that the desire to defend pews was the consequence of their being considered both a status symbol and a piece of property. Although in some cases genuine confusion did exist, in the main the desire to defend honour was the reason for litigation, while an intrusion into a pew reflected either the claim to have equality of status with the occupant, or else an attempt to deny the occupant the status he claimed for himself. Such conflicts were most common among gentlemen and yeomen and were most prevalent in market towns and pastoral areas, where the desire for self-promotion was felt to be the greatest because of the greater confusion of ranks in such areas.

This thesis sees the church's seating arrangements, therefore, as a complex but highly suggestive indicator not only of the social hierarchy and tensions within it, but also as telling us something of the attitudes of the church courts and of the role of

the churchwardens. Pews are seen as a good, but imperfect reflection of society and social status, while the criteria upon which seats were assigned reveals many of the elements influencing the general definition of a person's standing within the community. Beyond this, seating also allows an insight into the role of the church courts and the churchwardens, and reveals how the role of each was declining and how this increasingly caused a conflict of interest between them. The role of the churchwardens is seen to be crucial both in the working of the system of pewing, and in the relationship between them and individuals or the church courts. The right to a seat and the right to allocate it were both keenly defended.

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Conventions and Abbreviations.

Dates throughout are given in the Old Style, but the year is taken as beginning on 1 January. In quotations from contemporary sources the spelling and punctuation have generally been modernised. For manuscript references from unfoliated volumes, detailed references are given by the type of case and the name of the litigant/s and the date of the court day. Published visitation articles are referred to by jurisdiction and date or, where appropriate, by their place in a collection. Place of publication is London, unless otherwise stated.

Berks.R.O.	Berkshire Record Office.
B.L.	British Library.
Bodl.	Bodleian Library, Oxford.
Bucks.R.O.	Buckinghamshire Record Office.
CSPD.	Calendar of State Papers Domestic.
D.R.O.	Dorset Record Office.
E.S.R.O.	East Sussex Record Office.
G.L.R.O.	Greater London Record Office.
G.R.O.	Gloucestershire Record Office.
H.R.O.	Hampshire Record Office.
O.R.O.	Oxfordshire Record Office.
P&P	*Past and Present.*
P.R.O.	Public Record Office, Chancery Lane.

T.R.H.S.	*Transactions of the Royal Historical Society.*
W.R.O.	Worcestershire Record Office.
W.S.R.O.	West Sussex Record Office.

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CHAPTER ONE: INTRODUCTION.

1.1. Historiography.

In 1701 Richard Gough, the minister of Myddle in Shropshire sat down to write the history of his parish. This was, perhaps, remarkable enough in itself. The true originality of the subject lay, however, in the structure around which the author wound his tales of family life, for Gough discussed each family in turn on the basis of the position they occupied in the seating arrangements of the church. His *Observations concerning the Seates in Myddle and the Familyes to which they belong* clearly revealed the hierarchy of the village's families. Myddle has, therefore, long seemed to the historian a model for the reflection of society in the seating arrangements of the church, since Gough's work reflects not only the workings of status but the human passions of jealousy and self-promotion. The church through its seating arrangements has, as a result, been seen as society writ small. Even Gough realised, however, the danger of such assumptions and asked that none should blame him "for not naming every person according to that which he conceives is his right and superiority in the seats in church because it is a thing impossible for any man to know."[1]

So explicit a statement of the difficulties involved in using even the most complete evidence of seating arrangements has failed to deter many historians. The motives behind their research have, however, been widely divergent. Nineteenth

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[1]. Richard Gough, *The History of Myddle*, (ed.) D.Hey, (Harmondsworth 1981), pp.78.

century historians wrote about church seating not so much because of a belief in its social significance, but because it was a problem of contemporary relevance. By the 1880's the system of pewing, which allowed the appropriation of seats to individuals, had become so engrained and abused that the church's seats had become the property of an elite. As a result the majority of the population had been excluded from the church, with the level of appropriated seating blamed by many for the large number of desertions to dissenting chapels. The Church Building Act of 1817 had alleviated the problem somewhat by imposing severe restrictions upon the number of pews which could be appropriated in churches built after 1818 but this represented only a very small minority of all churches in England, some of which had been built on the profits made by the letting or sale of pews.[2] The bishops to a man condemned the pew system while societies such as the National Association for Promoting Freedom of Worship and the Cambridge Camden Society were established to attack the system in journals such as *The Church of the People* and *The Ecclesiologist*.

Much of the nineteenth century interest in seating was, therefore, aimed at showing the development of the system of appropriation and attacking its foundations. Such studies see the pew system in terms of "its evils and their remedies" or of the "propriety of abolishing" appropriated pews, while J.M.Neale's *History of Pues* speaks of "twenty-four reasons" for their abolition.[3] Bias was explicit in such studies as

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[2]. H.W.Cripps, *A Practical Treatise on the Law Relating to the Church and Clergy* (1937), pp.219-23; C.W.Chalkin, "The Financing of Church Building in the Provincial Towns of Eighteenth Century England," in P.Clark (ed.), *The Transformation of English Provincial Towns, 1600-1800* (1984), pp.292-3.

[3]. Sidney Billing, *The Laws Relating to Pews in Churches, District Churches, Chapels and Proprietary Chapels: The Rights Incidental Thereto and the Remedy for Wrongs* (1845); Stephen H.Saxby, *The English Pew System: Its Evils and The Remedy for Wrongs* (1865); J.C.Fowler, *Church Pews: Their Origins and Legal Incidents with Some Observations on the Propriety of Abolishing Them* (1844); J.M.Neale, *The History of Pues* (Cambridge 1843), pp.6.

authors sought to show the pew system as part of "the wicked system of those who overthrew Charles I" and as of recent origin.[4] Many authors, therefore, began their studies with an account of the law of seats, but these are often confused and confusing, since they show the law as it stood in the nineteenth century and do not trace its development. These authors also often misread the evidence they used to make it fit their preconceptions. Hence Alfred Heales, perhaps the best known of these authors, denied the evidence of a synod of 1287, a legal case of 1496, and the findings of another historian because they conflicted with his claim that there were no appropriated pews prior to the Reformation.[5] The scholarship of these nineteenth century authors is, therefore, in great doubt, yet in the course of their work they compiled a large body of useful evidence which the modern historian can interpret from a less biased view-point.

Although most nineteenth-century authors can be criticised for *a priori* interpretation of their sources, an honourable exception is W.J.Hardy who, in 1852, used much of the existing evidence to prove the early existence of the pew system and its social basis.[6] His interpretation gained little support at the time and arguments as to the basis of the pew system ended with its abolition in the late nineteenth century. It was not until 1956 that the attention of historians once more focused on the subject of pews with Christopher Hill showing the potential interest of the subject for social and ecclesiastical historians. Beginning his examination of the issue with a study of the criteria upon which pews were allotted, he concluded that, although no universal system

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[4]. Neale, *History*, pp.6.

[5]. Alfred Heales, *The History and Law of Seats or Pews: 1. History* (1872), pp.12, 75.

[6]. W.J.Hardy, "Remarks on the History of Seat Reservation in Churches," *Archaeologia* 53 Pt.1 (1852) pp.95-106.

existed, the number of parishes in which pews were bought or rented significantly increased in the late sixteenth century and that every system of allocation had as its basis the desire to reflect the social hierarchy. The increase in the number of parishes renting seats at the expense of older systems was related by Hill to the financial difficulties of many parishes, yet it had the inevitable corollary of providing "a contract to the advantage of the self-assertive and moneyed class."[7] The threat of the *nouveau riche* and of the rising bourgeoisie was evident under other systems of assignment. The strong hierarchical principle underlying all systems was seen by Hill as increasingly threatened by the rising class of newly rich, who were prepared to buy themselves social prominence by possession of a seat in the church. Hence, traditional arrangements were threatened by the ability of this class to buy faculties and licences for seats which cut directly across the older systems.[8] For Hill the seats of the parish church were an important symbol of social status and a barometer of social trends and tensions.

Hill's conclusions should have made the issue of seating and pew disputes, if not at the centre of historical concern, then at least in the position of an important tangent to it. By placing church seating in the context of the social hierarchy, the enforcement of order and the changing nature of society, Hill related pews to the major concerns of social historians in the last thirty years. It is surprising, therefore, that Hill's ideas have remained substantially unchallenged since their publication and have gained the status of such historical orthodoxy that Keith Wrightson's general outline of English society in this period can refer to the way in which "rank and power

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[7]. Christopher Hill, *Economic Problems of the Church from Archbishop Whitgift to the Long Parliament* (1956), pp.176.

[8]. *Ibid.* pp.180.

were recognised....in the order in which seats were taken in the church."[9] Is such certainty warranted? Hill's own findings are based so totally upon the evidence of published sources that they would appear little more than hypotheses rather than fully researched historical conclusions, yet they have so informed the historian's view of church seating as to make subsequent studies mere modifications of his original observations. Hence David Underdown has traced how a changing and increasingly polarised society found expression in seating payments and schemes whereby seats were reallocated to the exclusion of the lower orders of society.[10] These ideas have also informed his treatment of pew disputes which he sees as essentially "the defensive actions of the poor and marginal" who were "especially vulnerable to symbolic reductions of their status."[11] This is not a view shared by other historians. Margaret Stieg sees disputes as the result of the entry of arrivistes and the newly rich into traditional societies, while Susan Amussen emphasises disputes among the gentry and the yeomanry. Amussen even claims disputes as more common in market towns and pastoral regions where the distance between these groups was closest and where the need for self-promotion was, therefore, greatest.[12]

Such have been the major contributions to the study of church seating in the period since the publication of Hill's work on the subject, yet they are not the only ones. R.A.Marchant in his study of the church courts in York saw the emergence of

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[9]. Keith Wrightson, *English Society 1580-1680* (1982), pp.17.

[10]. David Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England 1603-1660* (Oxford 1987), pp.29-32.

[11]. *Ibid.* pp.32.

[12]. Margaret Stieg, *Laud's Laboratory: The Diocese of Bath and Wells in the Early Seventeenth Century* (Lewisburg Pa, 1982), pp.238; Susan Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford 1988), pp.137-44.

pew disputes as a subject for the ecclesiastical courts in the late sixteenth century as representative of the inadequacy of the churchwardens' powers of allocation in the face of a quickly changing society. He then defined the manner in which the courts decided seat titles and described the efforts of Archbishop Neile at York in the 1630's to bring uniformity to seats and their allocation.[13] Neile's policy was reflected in Sussex and Cambridgeshire where Antony Fletcher and Margaret Spufford respectively saw the Laudian seating policy as attacking the gentry's pews as a status symbol and, hence, increasing the gentry's latent anticlericalism.[14] Mervyn James also saw the denial of vested interests in Cosin's policy in Durham, yet his study was concentrated primarily on seating as a display of status and as a secular function of church attendance.[15] Others have followed James's arguments, with Nick Alldridge recently showing seating as one part of the symbolism by which the church expressed the unity and diversity of society. In so doing Alldridge established the significance not only of status and wealth as criteria for placement in the church, but also less easily quantified ideas of reputation and honour. He also found, as has Jeremy Boulton for Southwark, a correlation between place of abode and seating position in the church with close geographical neighbours often finding themselves pew-fellows.[16]

Despite such interest in church seating, recent research has rather restated the

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[13]. R.A.Marchant, *The Church Under the Law: Justice, Administration and Discipline in the Diocese of York 1560-1640* (Cambridge 1964), pp.76-80.

[14]. A.Fletcher, *A County Community in Peace and War: Sussex 1600-1660* (1975), pp.83, 90; Margaret Spufford, *Contrasting Communities: English Villages in the Sixteenth and Seventeenth Centuries* (Cambridge 1974), pp.193.

[15]. Mervyn James, *Family, Lineage and Civil Society* (Oxford 1974), pp.122-4.

[16]. Nick Alldridge, "Loyalty and Identity in Chester Parishes, 1540-1640," in Susan Wright (ed.), *Parish, Church and People* (1988), pp.94-7; Jeremy Boulton, *Neighbourhood and Society: A London Suburb in the Seventeenth Century* (Cambridge 1987), pp.286-7.

potential importance of the subject than reached any firm conclusions. As a result historical opinion is confused and divided, as is evident in the disagreements over the status of pew disputants. Even the date when such disputes emerged in significant numbers is controversial, with various years between 1580 and 1630 suggested as decisive. The present state of research has resulted in confusion. This is, however, a product of the nature of the studies of pews which we have. All of the historians who have written on pews, share in common the fact that they have subjugated their treatment of the subject to their wider concerns. Hence Underdown, for example, uses pews as a reflection of the polarisation of popular culture and the breakdown of traditional society while Amussen relates seats to the subjection of women.[17] These limitations have meant that our knowledge of seating as an issue in itself is extremely limited. Although pew disputes and seating arrangements have been universally acknowledged as important, no one has enquired into the legal basis upon which a pew could be claimed nor analysed the criteria by which pews were held over a wide area or chronological scale.

The studies of seating which we have, therefore, are little more than snap-shots of a more complex issue and need to be placed in the context of more detailed research and quantifiable evidence. This is especially necessary because the studies we have already on seating are based on a limited range of sources from a limited area with Amussen, for example, confining her interpretation only to cases drawn from depositions in the diocese of Norwich.[18] Such studies have allowed no idea of change over time nor have they shown differences between contrasting communities. They have also given rise to questionable distinctions. This is most evident in the case of

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[17]. See above pp.13.

[18]. Amussen, *An Ordered Society*, pp.140-1.

Amussen who distinguishes between disputes in which a place in a seat was at stake and those in which the title to a whole pew was in question. It is only in the latter type of case that Amussen found regional variations, yet she fails to address the question of whether her distinction is legally valid and whether such cases were in fact conceived of as distinct. This evidently weakens Amussen's argument, yet it is understandable in the light of the limited significance of seating to her main argument. It does, however, show the dangers of too simple an interpretation of the evidence of seating and indicates the real need for a study of seating as a single issue to give the basis for more careful interpretation.

1.2. Context.

Although one of the major criticisms of modern studies of seating is that they have too often made it the subject of wider social theories rather than their main concern, it is important to place the issue in a proper historical context. Modern historians have recently placed great emphasis upon the central role of the church in early modern England in reflecting and defining the essential unity and order of society. The church had long been portrayed by historians as playing a significant role, not only in shaping the year by its calendar of feasts and saint's days, but also in defining an individual's life through the rites of passage of baptism, marriage and death. Recently, however, attention has been focused upon the church's role in promoting a common spirit through its position as the central meeting place of the parish and through such functions as housing the parochial armoury or fire-fighting equipment, as well as being a significant agency through which ideas of order and community were

disseminated.[19] Contemporary sources make this clear. The Book of Common Prayer in speaking of "all sorts and conditions of men" gathered together for communion provided a view of society at once united by its communal membership, and divided by social differences. Such concepts were far from new. The church's concern for unity had long been evident and had encompassed the notion of order in portraying society as one which was harmonious because of its acceptance of hierarchy and rank. The Pre-Reformation liturgy spoke in the offertory prayer of the "peace and unity" essential among the congregation as a prerequisite of the reconciliation of man with God, and had symbolically confirmed this in the communal, but hierarchically ordered, kissing of the pax.[20] Even in confession, which was conducted openly, the church emphasised reconciliation not merely with God but also with the congregation.[21]

Such concepts were restated at the Reformation. The fragmentation of religious unity changed the church from a position in which it promoted religion as an extension of social relations, to the role of promoting a religion through which membership of society was determined.[22] To be of the same society, one had necessarily to be of the same religion, and hence society and religion were coterminous.

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[19]. Keith Thomas, *Religion and the Decline of Magic* (1971), pp.151-4; Mervyn James, "Ritual, Drama and the Social Body in the Late Medieval English Town," *P&P* (1983), pp.10; Barry Reay, "Popular Religion," in Barry Reay (ed.), *Popular Culture in Seventeenth Century England* (1985), pp.93; D.M.Palliser, "The Parish in Perspective," in Wright, *Parish, Church and People*, pp.20-3.

[20]. John Bossy, "Blood and Baptism: Kinship, Community and Christianity in Western Europe from the Fourteenth to the Seventeenth Centuries," in Derek Baker (ed.), *Sanctity and Secularity: The Church and the World* (1983), pp.134-8; John Bossy, "Holiness and Society," *P&P* (1977), pp.132-3; John Bossy, "The Mass as a Social Institution," *P&P* (1983), pp.54-6.

[21]. John Bossy, "The Social History of Confession in the Age of the Reformation, *T.R.H.S.25* (1975), pp.24-5.

[22]. Bossy, "Holiness," pp.134.

It is no surprise, therefore, that the reformed church continued to lay great emphasis upon unity and order. The catechism taught a youth "to order myself lowly and reverently to my betters and masters," while sermons and homilies reminded older church-goers that "we cannot be jointed to Christ our head, except we be glued with concord and charity to one another."[23] This was no idle theorising. The severest form of excommunication threatened its recipient not only with banishment from the church but also with exclusion from the social and economic protection of society itself. A penitent had to confess his crimes to God and to ask "the people to forgive him for the offence committed against them" while the right of communicating was denied to those who were "out of charity and love with their neighbours."[24] In such a situation the minister's role was of critical importance and his duties were taken to include "reconciling neighbours that are at variance" and ensuring that those who pursued their cases to the courts did so "even as brethren, and not as enemies, neither, therefore, avoiding one another's company much less defaming one another."[25]

The church was not content merely to preach unity and order but had long encompassed such ideas in its symbolism and in its very fabric. Events organised around the church such as processions and perambulations saw the community gathered together and ordered hierarchically and were often concluded by a feast at the expense

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[23]. Ronald B.Bond, *Certain Sermons or Homilies (1547), And a Homily Against Disobedience and Wilful Rebellion (1570): A Critical Edition* (Toronto 1987), pp.192.

[24]. Martin Ingram, *Church Courts, Sex and Marriage in England 1570-1640* (Cambridge 1987), pp.294; D.A.Spaeth, "Common Prayer? Popular Observance of the Anglican Liturgy in Restoration Wiltshire," in Wright, *Parish, Church and People*, pp.131.

[25]. F.E.Hutchinson (ed.), *The Works of George Herbert* (Oxford 1941), pp.236, 260.

of the leading local gentry.[26] Even in death order and unity found emphasis. In Chester a special place was reserved in funeral processions for a designated number of poor parishioners, while in a number of parishes a system of differential rates were assessed for breaking the ground in different parts of the church for burial.[27] In Rye in Sussex the use of a coffin implied social position since this right was restricted to the "Mayor, Jurats or Common Councilmen and their wives....except such persons as the Mayor shall give licence for."[28]

Such concern for order was found in the fabric of the church. The communal nature of the church implied that its repair and redecoration were to be financed communally and this was done by levying rates upon every parishioner according to his or her status and wealth. Some were undoubtedly too lowly to be able to pay, yet they were not excluded as a result from the communal implications of such repairs. The church's need for repair created jobs for a wide range of occupations. Skilled craftsmen found ample work in such repairs while even the least skilled could be given tasks such as washing the church linen, strewing the pews with straw, catching vermin or whipping the dogs out of the church.[29] Through the church ideas of the unity and diversity of society were maintained and in many parishes the church became a symbol of the community's own identity.

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[26]. F.G.Emmison, "Tithes, Perambulations and Sabbath-Breach in Elizabethan Essex," in F.G.Emmison and Roy Stephens (eds.), *Tribute to an Antiquary, Essays Presented to Marc Fitch by some of his Friends* (1976), pp.183-6.

[27]. Alldridge, "Loyalty and Identity," pp.90.

[28]. Clare S.Gittings, "Funerals in England 1580-1640: The Evidence of Probate Accounts," Unpublished Oxford D.Phil. (1978), pp.160.

[29]. Alldridge, "Loyalty and Identity," pp.92.

The identification of the church with society and the concern for order which this fostered was of essential importance in an age which modern historians have characterised as seeing an increasing polarisation between the higher and lower ranks of society.[30] Such a polarisation was as much cultural as social and economic, and found vivid expression in visual forms. The highly inegalitarian nature of society and the low level of adult literacy had long made visual symbolism an important means of displaying an individual's status and authority, but this became ever more significant in an age when social distinctions were being more firmly and more finely drawn. Visual displays had many forms. Sixteenth- and seventeenth-century conduct books lay down for their readers schemes of manners and gentlemanliness through the observance of elaborate rituals of etiquette. Their authors established stringent guidelines indicating that an individual should not only control his bodily functions to minimise the risk of offence, but should also observe such niceties as bowing first in the presence of a superior or giving him the right hand side or the side nearest the fire.[31] Such formalities were especially expressed in the precedential seating at table with many writers warning of the need for particular sensitivity and vigilance if arguments and offence were to be avoided.[32] Place was a constant concern, with even seats at public entertainments ordered hierarchically. Such a distinction was only to be expected at the theatre, yet even bull-baiting and cock-fighting exhibited divisions with the more fashionable sitting nearest the pit and special days set aside exclusively for fights

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30. Keith Wrightson, "Aspects of Social Differentiation in Rural England, c.1580-1660," *Jnl. of Peasant Studies* 5 (1977-8), pp.33-47.

31. Anne C.Bryson, "Concepts of Civility in England c.1560-1685," Unpublished Oxford D.Phil (1984), pp.96-8, 101-3.

32. *Ibid.* pp.104-7.

between gentlemens' cocks.[33] Even public festivals exhibited hierarchical divisions since the participants were placed in strict social order and the gentry watched from their balconies while the poor stood on the crowded pavements.[34]

The importance of these visual displays were that they offered a relatively simple method of reflecting and confirming an individual's honour. In such a context, the observance of these customs was seen as a means of honouring an individual, while the failure to do so reflected a reproach or sign of dishonour. Honour or reproach depended, however, upon the relative status of the performers. An inferior's failure to fulfil his expected role could be seen merely as ignorance or as an impertinence, while a superior's non-observance of a ritual could reflect either his friendship with an inferior or his contempt. Visual forms required careful interpretation by contemporaries, especially in an age which increasingly defined a gentleman, not in terms of inherent virtues, but through his ability to live and act as a gentleman.[35] The symbolism of visual forms was recognised as a sign of honour by Hobbes. He wrote that honour could lie both in the recognition of agreed virtues and "in deeds such as depend on the custom of the place, or prescriptions of civil law as in saluting to be bareheaded, to put off the shoe, to bend the body." For Hobbes "if it be taken

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[33]. Barry Reay, "Introduction," to Reay, *Popular Culture*, pp.16.

[34]. Charles Phythian Adams, "Ceremony and the Citizen: The Communal Year at Coventry, 1500-1700," in P.Clarke and P.Slack (eds.), *Crisis and Order in English Towns* (1972), pp.60-3; Peter Burke, "Popular Culture in Seventeenth-Century London," in Reay, *Popular Culture*, pp.44-5.

[35]. Mervyn James, "English Politics and the Concept of Honour 1485-1642," *P&P* (1978), pp.1-7; J.P.Cooper, "Ideas of Gentility in Early Modern England," in G.E.Aylmer and J.S.Morrill (eds.), *Land, Men and Beliefs: Studies in Early Modern History for J.P.Cooper* (1983), pp.60-4.

for a sign of honour, it is a sign of honour."[36] Moralists might not have agreed since the ritual observance of such customs smacked more of duty than of a definite desire to recognise another's true worth, yet their views gained little support. The majority of contemporaries saw such forms as a necessary means of maintaining order and position and the most certain method of ensuring that each man received the honour he deserved.

The linking of visual forms with honour made them worthy of enforcement This is clear in the large number of defamation cases brought in this period. Although the majority of such cases were brought following suggestions of sexual impropriety, the loss of personal honour and reputation which such verbal attacks could cause is obvious.[37] Honour also needed to be asserted and the accepted importance of visual forms provided a significant forum for this. Anthony Fletcher shows this in his study of office-holding. Observing that social climbing was endemic in Elizabethan and early Stuart England he shows how the desire to gain greater personal honour at the expense of another could lead to conflict over where an individual sat on the Bench, or where one's name was placed on bills renewing the Commission of the Peace or in the sheriff's election return.[38]

The church's seating arrangements must, therefore, be placed in the context both of the church's reflection of society and in the significance of visual forms in general. This does, however, give rise to a strange irony. As the mirror of status,

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[36]. Thomas Hobbes, *De Cive: The English Version,* Howard Warrender (ed.) (1983), pp.189, 197.

[37]. J.A.Sharpe, *Defamation and Sexual Slander in Early Modern England: The Church Courts at York* (Borthwick Papers 58, 1980), *passim*.

[38]. Anthony Fletcher, "Honour, Reputation and Local Office-Holding in Elizabethan and Stuart England," in A.Fletcher and J.Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge 1985), pp.97-8.

position and honour, pews were a likely and frequent source of dispute. As part of the church, however, they were one of the means by which the unity and harmony of the community was established and enforced. The perception of this dichotomy is fundamental to this thesis.

1.3. Sources.

We have already seen how the subject of church seating has been approached by previous historians and how their works have left many inconsistencies and uncertainties for their successors. In order to resolve these, this dissertation considers seating as a single issue over an extensive period of time and wide geographical area in the hope that such a study will provide sufficient evidence, both to form the basis of a quantifiable analysis of disputes and to allow the better interpretation of individual cases and examples. The ecclesiastical courts are the obvious starting point for this type of analysis, yet the dispute based nature of this evidence, and the need for greater information on the parochial workings of the system of pewing, makes churchwardens' accounts a necessary and valuable corrective to the court material.

By focusing on the records of the church courts, the intention is not merely to study seats as a specific subject but to look at all cases in which seating is an issue. It is clear, however, that pew disputes will provide the main interest of the study both because of their reflection of issues of status and honour and because the evidence of cases of dispute is more numerous than that of any other single type of case. Given the social basis of the study of church seats it is necessary to draw evidence from as wide and varied a geographical area as possible. The area chosen is that covered by the dioceses of London (excluding the archdeaconry of Essex), Gloucester, Winchester,

Oxford and Worcester and the archdeaconries of Berkshire and Buckinghamshire. This provides a contiguous area, which includes a range of different communities and a variety of agricultural regions. Areas of mixed farming were predominant in Hampshire, Berkshire, Buckinghamshire and Oxfordshire with pasture regions in Worcestershire and Gloucestershire and in the south of Hampshire and the Chilterns and Cotswolds. The area also includes important cloth making and manufacturing regions and a range of urban environments from London to small market towns.[39] London was chosen especially because of the greater problems of defining status evident there and because contemporaries often felt the churchwardens of the City to have allotted seats independently of all other authority.[40]

The records of the ecclesiastical courts reveal a number of difficulties. For none of the areas studied do the records cover the entire period 1500 to 1750. Although for some courts fragmentary evidence does exist from before 1541, this date is the earliest in any of the jurisdictions from which near continuous records can be found. The absence of early records is most acute in the field of office cases. In Gloucester diocese evidence from office cases can be found as early as 1541 but in the other jurisdictions records begin at a far later date, with Oxford diocese and Buckinghamshire archdeaconry records not available until 1593 and 1602 respectively. The problem is compounded by the fact that, for all the jurisdictions, post-1660 office act books exist in only very limited quantities. Such gaps place considerable restrictions upon any attempt to trace changes in ecclesiastical policy over a long period. The

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[39]. Joan Thirsk (ed.), *The Agrarian History of England and Wales IV, 1500-1640* (Cambridge 1967), pp.49-51, 64-71, 98-109, 466-86.

[40]. Joseph Shaw, *Parish Law, or A Guide to Justices* (1733), pp.67: "And this must hold in London as well as everywhere else. For although in that City the churchwardens take it wholly upon them to dispose of seats, yet no usage can give them a title to do this, exclusive of the bishop."

records do, however, cover the period of the courts' greatest activity and can be supplemented by later visitation records. Further problems do exist with the records, since in Gloucester, London and Worcester the majority of surviving sixteenth century act books are poorly organised, and seldom give an adequate account of the place or type of case. This is a difficulty confined almost entirely to instance cases and is evident to a lesser extent in other jurisdictions. In every jurisdiction, however, instance act books exhibit gaps in the period studied; these range from a period of months to as much as five years. This poses a problem because some pew cases must have been lost and the statistics of the incidence of disputes must, therefore, be seen only as a minimum figure.

Churchwardens' accounts have also been consulted in every area studied, except in London, where vestry minutes have been used instead because evidence indicates greater vestry involvement in allotting pews there than elsewhere. All accounts and minutes with a start date prior to 1700 have been consulted. This helped to keep the survey within manageable proportions and allowed attention to be focused only on those parishes where change over time could be discerned. Information derived from these accounts was often of a very routine nature except in parishes with systems of payments. Such records give only a very patchy and limited view of the workings of the pew system at a parish level, and it was soon apparent, therefore, that more detailed studies were needed. Following the example of Gough, these studies have been based on seating plans for Puddletown in Dorset and North Nibley in Gloucestershire. Both of these parishes possess a good range of parochial, manorial and tenurial records and although Puddletown lies outside the main area of study, its proximity and potential made its study worthwhile, especially since no other parishes could be found with records in such quantities. The intention of these studies was to

analyse the church's seating arrangements with regard to such factors as status, wealth, age and personal relationships. This was not, however, possible in the depth anticipated both because the seating plans themselves were not always clear and because of the difficulties of relating other evidence to so specific a source. In spite of these limitations, the studies have proved successful, and the evidence derived from them has helped to shape much of the thinking behind the chapter on the reflection of society in the church.

In addition to conducting a study of seats on a microscopic scale, it is also necessary to look at the issue nationally to see if the regions studied are in any way unusual. This has been achieved by using a large number of published churchwardens' accounts and court acts from other regions along with previous attempts to bring together pew evidence for specific areas such as J.S.Purvis's work on Yorkshire.[41] The records of Star Chamber have also been used as have those of King's Bench and Common Pleas. Star Chamber cases have been discovered using available indexes which meant that the Elizabethan evidence derives only from cases in Wales. To have sampled the Elizabethan evidence was, however, deemed unnecessary both because of the number of the records and the impossibility of producing statistically sound evidence.

The final source used is Gough's *History of Myddle*. It might be expected that Gough's work would form a sound basis for the historian of church seating arrangements and pew disputes. However, the book is at once too broad and too narrow in its interests. Although the church's seating plan is the essential starting point of Gough's account and provides its underlying structure, the work is no more

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[41], J.S.Purvis, "A Note on Pews and Stalls," *Yorks.Archae. and Topographical Jnl.*37 (1948-51), pp.169-195.

than a parish history detailing the descent of the parish's families and the incidents in which they were involved. Gough's work provides, therefore, only a very vague outline of seating as an issue and is not amenable to the type of historical analysis, which this dissertation undertakes. Nor is it useful, in the main, as a study of the pew system's social basis since the references to the system's basis and workings are brief and scattered and can only be analysed in the light of more detailed evidence from other sources. Gough is, therefore, only occasionally used in this thesis, yet the debt owed to him for highlighting the potential of pews is unquestioned.

CHAPTER TWO: LEGAL THEORY AND PRACTISE.

In order to understand or interpret any aspect of the social and religious significance of church seating in the period under study, it is essential to have a sound grasp of the workings of the ecclesiastical law. This is not merely because the majority of evidence derives from cases of dispute and legal process, but also because any interpretation which is not founded upon a thorough knowledge of how possession of a seat could be established or conferred, must be considered as open to question. This is especially so because the law in this period was undergoing a significant evolution, which has never before been fully described or understood, despite the efforts of nineteenth-century authors whose works have been described above.[1] It is my aim in this chapter, therefore, to examine the thinking behind the ecclesiastical law and its development, and to discover whether and to what effect other courts encroached upon the jurisdiction of the ecclesiastical courts.

2.1: Legal Precedents and the Development of the Ecclesiastical Law.

Authors, who wrote on the practise of the ecclesiastical courts in the sixteenth- and seventeenth centuries, portray the courts' handling of seating cases as relatively straightforward and simple. Francis Clarke confines his discussion of the subject to listing seating disputes as the fifteenth type of plenary dispute in a total of fifteen, while Henry Consett refers to the matter in a brief paragraph:

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[1]. See above pp.10-11.

> In diverse parts of the Kingdom and especially Wales the seats of the church, or rather the right of sitting and hearing Divine Service in such a church, belongs to certain particular men who are landlords or owners of houses and dwellings within that parish, and have been so time out of mind so that none other may sit there; If therefore any man intrudes himself into any of the seats and disturbs the lord or owner thereof....in this case an action lies against the turbulent person....And if the plaintiff prove his possession or right of sitting....he may obtain sentence for the right....and his adversary is to be condemned in charges of suit.[2]

Such accounts, however, hide the complexities of the ecclesiastical law because they fail to address the basis of legal theory in cases prohibited to the common law. This obviously needs explanation, since it contradicts the expectation that pew cases would be heard by the spiritual jurisdiction alone. Prohibitions were relatively common in the early modern period, with King's Bench or Common Pleas often removing cases from other courts which had exceeded their jurisdiction or which had trespassed upon that of the common law. The legal theory of seating is, however, unique in being derived solely from precedents of this sort.[3] The development of the law will be explained in this chapter, but it appears that its common law basis was partly the result of the late development of the law itself. Almost all of the pew cases establishing legal precedent were heard in the early seventeenth-century, when the activity of the common law courts was at its height and their primacy in questions of jurisdiction had been established. This made the common law the obvious resort for the definition of legal titles especially where the bringing of a case rested upon the desire to prove property due to long usage, as in cases of pew disputes.

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[2] Thomas Bladen (ed.), *Praxis Francisci Clarke* (Dublin 1666) pp.186-7, Henry Consett, *The Practise of the Spiritual or Ecclesiastical Courts* (1685) pp.20.

[3]. This makes Henry Rolle's *Un Abridgement des Plusieurs Cases et Resolutions del Comon Ley* (1668), a far better guide to the state of the law than the statements of Consett and Clarke.

Although the derivation of the ecclesiastical law is unexpected, modern historians informed by the work of W.J.Jones, G.I.O.Duncan, Brian Levack and Charles Grey, should be unsurprised that the common law claimed some jurisdiction over the ecclesiastical courts' right to hear cases relating to seating. This is especially so when the claim rested upon the question of the trial of prescription.[4] Historians have established that prohibitions removing cases from the ecclesiastical to the common law's jurisdiction were allowable for a number of reasons: for example, if the spiritual court admitted a case which was officially outside its cognisance. The right to prohibit questions of prescription was, however, believed by contemporaries to be based upon the dichotomy between the dictates of the ecclesiastical and common law courts. For Edmund Gibson all cases in which the principal issue was spiritual, wherein the question of prescription arose could be:

> considered and proceeded on in the Spiritual Courts, when they are owned by both sides to be good and valid; yet if the validity of this comes in question there, they are immediately prohibited. And the reason given....is that the rules which the spiritual judge observes for the trial and determination of these are not only different, but contrary to the rules of the common law....That whereas the rule of the common law is time out of mind, the rule of their law is thirty years for the church and forty years against it.[5]

Gibson's ideas regarding prescription, at least as it pertained to seats, must be considered as open to question, however, since in 1630 in the case of *Eaton v. Ayliffe* a prohibition was granted after sentence had been passed in the Court of Arches on the grounds that "if a title be made there (i.e. in an ecclesiastical court) by

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4. W.J.Jones, *The Elizabethan Court of Chancery* (1967) pp.21, G.I.O.Duncan, *The Court of Delegates* (1971) pp.55, 63-4, Brian Levack, *The Civil Lawyers in England, 1605-1641* (1973) pp.72-81, Charles Grey, " Prohibitions and the Privilege against Self-Incrimination " in D.J.Guth and J.W.Mc.Kenna (eds.) *Tudor Rule and Revolution: Essays for G.R.Elton* (Cambridge 1982) pp.345-48.

5. Edmund Gibson, *Codex Juris Ecclesiastici Anglicani* (1713) pp.1072.

prescription it is merely *coram non judice*; and if they cannot meddle with the principle, it is not reason that they should tax costs."[6] This fits better with the modern view of the law: that is that since an ecclesiastical court could not override a prescriptive title, neither could it consider whether that title was valid.[7] It also fits better with the facts. The first case of a seating dispute which we know to have been referred to the common law courts, pre-dated changes in the law of prescription and allowed the judges of King's Bench to return the case to the spiritual court when they could find no other valid reason for its being prohibited.[8] In later years, although the majority of cases heard at the common law rested upon the exercise of the right of prohibition, and individuals appear willing on occasions to have submitted their prescriptive titles to the judgement of the ecclesiastical courts, at least eight cases exist in which the plaintiff brought his case directly to the common law. The only basis for such an action would seem to be the trial of the question of prescription, since mere possession and usage were triable only by the ecclesiastical courts.[9] This may well have been the case only prior to 1699, however, since the case of *Jacob v. Dallow* in that year and *The Bishop of Chester's Case* in 1701 appear to indicate that some prescriptive titles could be tried by the ecclesiastical courts.[10]

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[6]. Sir Thomas Hetley, *Reports and Cases Taken in the 4th, 5th, 6th and 7th Yeares of the Late King Charles* (1657) pp.94.

[7]. I would like to thank Charles Grey for his invaluable help on this subject.

[8]. *Les Reportes Des Cases En Les Ans du Roys Edward V, Richard III, Henry VII et Henry VIII* (1679) pp.12.

[9]. *The English Reports, 83,* pp.514, 517-8, 583-4, 985; *82,* pp.1157; *84,* pp.1118; *92,* pp.1115-6.

[10]. *The English Reports 91,* pp.467, *87,* pp.749-50.

Since the majority of cases involving seating matters fell under the cognisance of the ecclesiastical courts, it is essential to establish on what their claim to jurisdiction was founded. Although the genesis of their right remains obscure, the general theory of why the ecclesiastical courts could hear such cases appears generally agreed by seventeenth century commentators to have related to the Ordinary's right to allocate seats and order churches as he wished. Henry Rolle stated in 1668 that "le disposer des seats in navi Ecclesiae appertient del Comon droit al ordinary del dioces, issint que il poet placer et displacer quaecunque luy pleist," a right which Godolphin extended to include the disposal of pews in side aisles and chapels.[11]

Although it is possible to trace the Ordinary's disposing of seats back to 1287 and Bishop Quivil's Synod at Exeter, where it was ordered that none except nobles and patrons of churches should claim the right to any seat, the first case in which the Ordinary's right is explicitly established appears to be that of FitzWalter in King's Bench in 1496. FitzWalter failed in his claim of trespass against the churchwardens for breaking and carrying away his seat, on the grounds that the Ordinary was the authority by which seats were ordered. It was concluded that the common law could not intervene in this matter for it was rightfully the preserve of the Ordinary as the highest ecclesiastical power within every ecclesiastical jurisdiction. The case did, however, raise the fundamental question of whether a seat was to be taken as part of the freehold of the parson or as the chattel of an individual. It proved a divisive issue among the judges, who were aware that this was the first case of this type heard at the common law. Eliot believed that the seat should be considered as a chattel, but he found no support among the other judges, who felt that by being fixed to the soil

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[11]. Rolle, *Abridgement*, pp.298, John Godolphin, *Repertorium Canonicum or An Abridgement of the Ecclesiastical Law* (1680), pp.136-7.

of the church, the pew had become part of the parson's franktenement.[12] The resolution of this question is not entirely clear at this early date despite the referral of the case back to the ecclesiastical court. However, in 1612 the case of *Corven v. Pym* determined that the question of ownership of a seat in the body of the church:

> is to be decided by the Ordinary, because the freehold is in the parson, and the place is dedicated and consecrated to the service of God, and is common to all the inhabitants; and therefore it belongs to the bishop to order it in such a way as the service of God may be best celebrated and that there is no contention in the church.[13]

This statement appears the basis for all later ecclesiastical law.[14] The theory was that, since the soil and freehold of the church was in the parson, and the seats by being affixed to it were a part of the church fabric, they were hence part of the parson's freehold. The idea gains negative confirmation in Joseph Shaw, who wrote "though the seats in churches are generally reckoned as part of the fabric, it is upon supposition that they are fixed to the ground....for if they be not....but are loose and moveable, they are then to be reckoned....of the moveable goods and utensils of the church."[15] This is supported by William Hughes, who declared that if a seat were taken away, the action would lie with the churchwardens or owner of the seat not the

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[12]. D.Wilkins, *Concilia Magnae Brittanicae et Hiberniae Vol.2* (1737), pp.140, W.J.Hardy, " Remarks on the History of Seat Reservation in Churches," *Archaeologia* 53 Pt.1 (1892) pp.100-1, *Les Reportes des Cases*, pp.12.

[13]. *The English Reports 77*, pp.1380-1; The Ordinary's right was explicitly upheld by the judges of Star Chamber and the common lawyers in 1614 in the case of *Bussard v. Wyther and Stephens*, P.R.O. Stac 8 63/1.

[14]. John Ayliffe, *Parergon Juris Canonici* (1726), pp.484 " For though by the common law the church is ....the soil and freehold of the parson, yet the use of the body of the church is common to all parishioners; and though the seats are fixed to the freehold, yet the church itself is dedicated to God's service and the seats are built that the people may with more convenience attend Divine Service."

[15]. Joseph Shaw, *Parish Law: A Guide to Justices of the Peace, Ministers, Churchwardens, Overseers of the Poor, Constables, Surveyors of the Highways, Vestry Clerks and all others concerned in Parish Business* (1733), pp.67

parson because in such a case the seat was moveable and not fixed to the parson's freehold.[16]

Despite the general acceptance of the idea of seats as part of the parson's freehold, it was held in the case of *Gilson v. Wright* in 1604 that the churchwardens could remove a pew if it were illegally erected, but that they could not cut the timber since the property of the wood remained in the man who had actually built it.[17] This implied a direct refutation of the generally held belief that the seats were the part of the parson's freehold, since the property in the wood of the pew remained in the hands of the man who had erected it. This confusion appears unresolved until Ayliffe in 1720 stated that the case:

> like many others reported by Noy, is not law. For the freehold of the church being in the parson, when the person has fixed a seat to it, it thus becomes parcel of the freehold and consequently the right is in him so that the breaking of the timber could not be prejudicial to the other as having no right to the materials after they were fixed to the freehold.[18]

Although the legal precedents were confused, it would seem that seats were normally accepted as part of the parson's freehold, especially since there appear to be no cases in which this concept was raised or challenged. Such confusion as did exist, is perhaps traceable to the *Case of Dame Wiche* in 1470, when it was determined that if armour were hung in the church, it would not be considered as an addition to the church goods but would remain the property of whoever had hung it there.[19] This would not appear to have applied to seats where the title remained in the parson or through him

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[16]. William Hughes, *The Parson's Law* (1663), pp.169.

[17]. William Noy, *Reports and Cases Taken in the Time of Queen Elizabeth, King James and King Charles* (1656), pp.108.

[18]. Ayliffe, *Parergon* pp.486.

[19]. 9.Edward IV.14

the Ordinary unless a title were established by some other means. Only in the chancel, which was the parson's to repair, did his claim to freehold imply an exclusive right, yet even this could be allowed to another by tradition.[20] The nave or the body of the church was, however, believed to be distinct from the chancel for if the seats here were to be reckoned of the freehold of the parson, they were also for the greater convenience of the parishioners for whom the floor of the church was considered common. The parson's right to exclusive control of the seats of the church extended, therefore, only to seats in the chancel and in all other areas authority over the seats rested with the Ordinary, whose power was exercised by the churchwardens as officers under him. Except in the chancel, the parson's claim to freehold in the soil of the church and the seats attached to it was little more than a legal nicety to complicate the establishment of a title to a seat by an individual. Hence the Ordinary, as the highest authority in each diocese and being empowered to order every parish church as he saw fit, was given the sole right over the ordering of seats "because he that has the general cure of souls within the diocese is presumed to have a due regard to the qualities of the contending parties and by a decisive judgement to give precedence to him who ought to have it."[21]

The attachment of the seats of the church to the parson's freehold and their common nature had important legal consequences. It implied that the provision of seating and its repair was at the common charge of the parishioners: a factor laid down by William Lyndewoode who included *in sedilibus preparandis* among the congregation's responsibilities at the building of the church.[22] Indeed Godolphin,

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[20]. *The English Reports 77*, pp.1382-3.

[21]. *Ibid.* pp.481.

[22]. William Lyndewoode, *Provinciale Seu Constitutione Anglie* (Paris 1501), pp.218.

following the decision in the case of *Boothby v. Baily* in 1616, felt that the Ordinary also had the right to dispose of the costs of building and repairing seats.[23] In practise, however, it was impractical, if not impossible, for the Ordinary to exercise authority over every grant of a seat or its building and repair and in the vast majority of cases the provision, repair and allocation of seats fell to the churchwardens and the parson. "As they (the churchwardens) must repair the seats in the body of the church," wrote Thomas Wood, "so with the consent of the minister they may place the parishioners in their seats reserving still to the Ordinary....a power to correct the same."[24] The churchwardens as officers under the Ordinary and representatives of the parish balanced within themselves the two aspects of seating touched upon previously, for they derived their authority from the Ordinary and represented as officers elected by the parish the common nature of the seats. Some ecclesiastical commentators felt that the churchwardens could not act without the licence of the bishop and the consent of the majority of the parish. However, this was merely theoretical. Prideaux claimed that a faculty had to be gained for every new addition to the church, because neither the churchwardens nor the parson were legal judges of what was right for order and decency, yet he was prepared to grant that in most cases the Ordinary played only a confirmatory or corrective role. For Prideaux the bishop's faculty was technically necessary, but needed only to be invoked if there was fear of opposition to the planned changes. If opposition arose after a change, however, and no faculty had been gained, the action itself would be deemed illegal.[25] As with the provision of

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[23]. Godolphin, *Repertorium*, pp.136; *The English Reports, 80*, pp.218.

[24]. Thomas Wood, *An Institute of the Laws of England* (1724), pp.89.

[25]. Humphrey Prideaux, *Directions to Churchwardens for the Faithful Discharge of their Office, for the use of the Archdeaconry of Suffolk* (Norwich 1701), pp. 7,17.

seating so was it with its allotment. Technically all grants of seats needed the bishop's approval, yet in practise this proved unnecessary so long as there was no opposition.

The common nature of the seats of the church and their attachment to the parson's freehold had important consequences in terms of establishing an individual title to a seat. Eighteenth- and nineteenth-century legal opinion held that a prescriptive title to a pew was necessarily based upon the grant of a faculty or the presumption of such a grant.[26] This convention appears not to have been established in the seventeenth-century, yet it is understandable. Since pews were part of the parson's freehold, an individual claiming property in them could only do so in the form of claiming an easement. The title of the seat must originally have rested with another (i.e. the parson) and its passing to an individual must have resulted from a grant or licence. Hence the assumption of a faculty and a period in which the title was established. This had the result that common law courts would not admit actions of trespass in connection with pews, but merely actions upon the case both because the cause needed a more specific claim than mere trespass *vi et armis* and because the title to the seat could be seen as lying with another. This is evident in the case of *May v. Gilbert* in 1613.[27]

It was doubtless because pews were by their nature easements that they needed to be claimed as appurtenant to a house. " A pew or seat," wrote Richard Gough, " does not belong to a person or to land but to a house, therefore if a man remove from a house to dwell in another, he shall not retain the seat belonging to the first house....for if a man sold his house and its appurtenances the seat would pass by virtue of the word appurtenances" yet if he sold only the land and not the house, he would

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[26]. William Watson, *The Compleat Incumbent or Clergy-Man's Law* (1712) pp.715.

[27]. The English Reports, 80, pp.1025.

retain the seat.[28] This was good law. In every case prohibited or admitted to the common law courts, the claim to a pew was based *in ratione messuagi*, and commentators later in the seventeenth-century felt the correct form of faculty to have been one which granted a seat to a person so long as he/she remained the inhabitant of a certain house.[29] Moreover in 1678 in *Shambrooke v. Fettiplace* a prescriptive title to a seat was denied because it was claimed as appurtenant to an estate and not specifically to a house, while in 1619 the grant of a seat to a man and his heirs was deemed illegal.[30] The reasons for this seem clear enough. If a man and his heirs were granted the right to a seat without attaching that right to property it would be possible for them to retain the right while living outside the parish. The net result would be to leave seats vacant but unable to be filled. Even a grant to a house posed problems. It was perfectly possible for a man to hold houses in two parishes and to maintain a claim to a seat in both churches. If one of these houses had no tenant, the seat would be empty but could not be filled. The problem appears partly solved in 1668, in the case of *Barrow v. Keen*, wherein Barrow's right to a seat in one church on the basis of prescription was denied upon proof that he claimed an aisle in another church on the same basis.[31] It is unclear, however, whether the claim was denied because the seat and aisle were claimed in the right of the same house or whether the claim to two prescriptive titles was deemed irreconcilable. A greater potential problem lay in the division of houses. The building of a new house on part of the estate of

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[28]. Richard Gough, *The History of Myddle* (ed.)D.Hey, (Harmondsworth 1981), pp.72.

[29]. G.H.H.Oliphant, *The Law of Pews in Churches and Chapels* (1850) pp.22.

[30]. *The English Reports, 86*, pp.1074; Sir Thomas Popham, *Reports and Cases* (1656), pp.140.

[31]. *The English Reports, 82*, pp.1157.

an man holding a pew *in ratione messuagi* may have given rise to false hopes yet no legally enforceable title but if a house were sub-divided or held by joint tenants the problem of who owned the seat could be almost impossible to untangle. The only case of this sort was that of *Snelgrave v. Bromsgrove*, but it is unhelpful since their claim to a seat jointly by prescription was denied on the legal technicality that their petition named them as tenants in common not as joint tenants.[32]

The claim to a pew in the right of a house was undoubtedly the fundamental basis for prescription at the common law, yet whether it was a sufficient claim depended upon whether the action aimed to exclude the Ordinary or a mere wrong-doer. In the case of a wrong-doer wherein the claim of a prescriptive title was submitted to the common law, a claim of mere usage time out of mind appears to have been sufficient. The fullest statement of this comes from Shaw:

> In an action upon the case brought against a disturber you need not allege that you repair because the action is brought against a wrong-doer. And in these prescriptions there is not much exactness required, for if an action on the case is brought for disturbing the plaintiff....it is sufficient for him to allege that he is seised in fee of a messuage....(without saying it is an ancient messuage) and that he and all those whose estate he has in the said messuage had (without saying time out of mind) used to repair as often as there was occasion.[33]

Proof of repair was an important consideration in proving a claim to a seat. It showed a more active title than one based merely on the occupation of a pew for a given time. In this regard there did exist, however, a difference in the consideration attached to seats in the body of the church and seats in aisles. In *Downey v. Dee* in 1621 it appears that the court decided that repair was necessary even against a disturber if the seat were in an aisle since a particular right needed to be established

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[32]. *The English Reports, 81*, pp.1027.

[33]. Shaw, *Parish Law*, pp.69.

to an aisle to prove prescription. This was because an aisle, unlike the body of the church, was not common property but the possession of its founder. The most acceptable proof of occupation of an aisle was deemed by the court, therefore, to be that of repair.[34] This was overturned in 1662 in the case of *Buxton v. Bateman*, however, when it was held that the title to an aisle could be based on other considerations, for example because the claimant was heir of the original builder or founder of the aisle.[35] Clearly this was less easy to prove and repair must commonly have been pleaded to establish an exclusive right to an aisle. Indeed these ideas are implicit as early as 1612 in *Corven v. Pym* when the right to an aisle was questioned because the aisle had been repaired at the common charge, the claimant had shared it with another and the claimants ancestors had not built the aisle.[36]

Actions against the Ordinary took two forms: those in which the ecclesiastical courts had traversed a prescriptive title and the case was prohibited to the common law by way of appeal, and those where the action of the bishop through a faculty or some other means had directly denied a prescriptive title. Both were to be heard exclusively at the common law, since the ecclesiastical courts could not be expected to overturn their own decisions or those of their bishops. Both types of case raised what William Watson termed "the great question": "whether all seats are common to all parishioners, repaired by them and at the disposal of the Ordinary or whether some belong to private persons so that the Ordinary cannot displace them."[37] Since the ecclesiastical law established that all seats were common and under the Ordinary's

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[34]. *The English Reports, 79*, pp.517-8.

[35]. *Ibid. 83*, pp.1000.

[36]. *Ibid. 78*, pp.121-2.

[37]. Watson, *Compleat Incumbent*, pp.713.

authority, it was necessary for an individual to prove some special claim in order to gain an exclusive title. Claiming a seat to a house was the initial and fundamental basis of this yet the law demanded proof of more positive action to divest the Ordinary of his right. This condition was held to be proof of repair. Since the seats were common and the costs of their repair communal, to claim to have repaired a specific pew at one's own costs was a far more positive proof of possession than merely to have claimed occupation for a stated period. Yet the question of whether a prescription could be established was at first confused. In 1612 in *Corven v. Pym*, Corven's right to a seat in an aisle of the church was upheld and a prescriptive title confirmed against the Ordinary, on the plea of holding the aisle in the right of a house and upon proof of repair time out of mind. The court stated, however, that although the claim were valid for an aisle it would not be upheld if the seat were in the body of the church.[38] The decision did not stand for long. In the following Easter term Star Chamber decreed that:

> if a man have a house in a parish and time out of mind he and all those whose estate he has, have used to have a certain pew in the church , that if the Ordinary will displace him he shall have a prohibition; for if he has it by prescription, he has as good a right in the seat as in his house.[39]

This judgement was confirmed by the King's Bench in 1616 when it determined in the case of *Boothby v. Bailey* that a prohibition would not be granted because Boothby had shown insufficient grounds for his claim. The claim would have been allowed if the holders of Boothby's estate could have been shown to have repaired the pew.[40] This was confirmed in a number of later cases, while in 1624 the court of King's

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[38]. *The English Reports, 77*, pp.1380.

[39]. *Ibid.* pp.1383.

[40]. *Ibid. 80*, pp.218.

Bench decided that not only could a man prescribe for a whole seat but even for priority in it.[41]

It would appear, therefore, sufficiently clear that an individual could establish a right to a particular seat in such a way that the Ordinary would be divested of all authority over it. This raised the further question of whether whole churches could be taken out of the Ordinary's power. If all the seats of a church were appropriated to individuals this would no doubt be the case. This was an unlikely scenario: yet in the case of manorial chapels, and some chapels given to laymen at the dissolution of the monasteries, the total exclusion of the Ordinary was a reality. "L'ordinary," wrote Rolle, "ad riens a faire over les seats en les chapels anner al measons de lay homes come des nobles" while his authority over ex-monastic chapels was only enforceable if the chapel had been constantly used as a parish church and its lay impropriator had not continually exercised the right of placing the congregation.[42] The reasons for this seem clear. As with aisles, the claim to a manorial chapel could be based upon the founding or building of it, leaving the freehold in the layman, while the majority of such churches were also extra-parochial. This was the case with ex-monastic chapels. If the Ordinary's power were never admitted the freehold must have remained in the lay owner who could only be divested of his authority if he called upon the Ordinary to intervene. It must be assumed, however, that neither of these two areas posed a great threat to episcopal control.

A far more significant question in terms of its impact is whether the churchwardens could establish a prescriptive title to order the seats of their church

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[41]. *Ibid.*82, pp.987-8, *Reports of the Reverend and Learned Judge Sir Humphrey Winch* (1657), pp.19.

[42]. Rolle, *Un Abridgement*, pp.288, Gibson, *Codex*, pp.221

independent of the Ordinary. The opinions of legal commentators were often contradictory. Thomas Wood believed that the churchwardens could establish such a right, but this was denied by Prideaux, because the churchwardens were officers under the Ordinary and theoretically all of their actions were undertaken by his authority.[43] Most confused, however, is Joseph Shaw. In the space of two pages he moves from claiming that "although the churchwardens take it wholly upon them to dispose of seats yet no usage can give them a title to do this exclusive of the bishop," to state that:

> if there be a custom in a parish that the churchwardens are to repair the old seats and erect new ones and to appoint who shall sit in them, and they do erect a new seat in the body of the church and appoint a certain person to sit there, and after the Ordinary decrees that another shall have the seat, in this case a prohibition lies against him for the custom has fixed the power of disposing of seats to the churchwardens.[44]

The source of such confusion is traceable. The right of the churchwardens to gain a prohibition in a case where they claimed a prescriptive title to allot seats was seemingly established in 1613 in *Brabin v. Tradun*. However, the right was a false one. The prohibition, which was granted in this case, resulted not from the claim of a prescriptive title, but from the illegal action of the bishop who had sought to grant the seat to a man and his heirs and threatened subsequent disturbers with excommunication.[45] The common law courts were, therefore, merely intervening to correct a wrong, although by so doing they appeared to have established an opportunity for the churchwardens to deprive the Ordinary of his authority. The precedent thus mistakenly established, although little used, was not challenged until 1679 in the cases of *Shambrooke v. Fettiplace* and *Greaterchy v. Beardsley*, when only

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[43]. Thomas Wood, *An Institute*, pp.89, Prideaux, *Instructions*, pp.17.

[44]. Shaw, *Parish Law*, pp.67-8.

[45]. Popham, *Reports*, pp.140.

one of the judges felt the earlier precedent relevant to the case.[46] The reasons for the overturning of the churchwardens' claim to prescription against the Ordinary, rested upon the need to prove an active principle to gain such a title. Since a custom whereby the churchwardens allotted seats and the Ordinary did not intervene merely proved the bishop's approval of the things done in his name, his failure to act was not a denial of authority nor could it undermine his legal rights. Moreover, the claim by the churchwardens that by repairing the seats time out of mind they had denied the Ordinary's authority was ruled impermissible since it was not a peculiar custom but their bounden duty. In 1704 this decision was strengthened by Presgrave's case against the churchwardens of Shrewsbury, where the legal status of the churchwardens undermined their case. Under the common law the churchwardens were considered not only as officers under the Ordinary but also as a corporation capable of goods but not of inheritance. Hence it was impossible for them to establish a prescriptive title.[47] The ecclesiastical law, therefore, despite its apparent confusion, clearly established by 1680 that the churchwardens could never deny the Ordinary's power of allotting seats in their churches.

Such was the nature of the ecclesiastical law. Its origin in precedents derived from cases prohibited to the common law courts undoubtedly caused some confusion, which took much of the seventeenth century to resolve, yet the fundamental basis of the law appears clear. The ecclesiastical courts were designated the courts of first instance for pew cases, unless an individual claimed his seat prescriptively, when the case could be heard at the common law. To prove a prescription, however, an individual needed to claim the seat as appurtenant to a house and to prove constant

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[46]. *The English Reports, 86*, pp.1074, *83*, pp.537.

[47]. *Ibid.* pp.154.

repair. This was not an invariable rule, as it could differ for seats in different parts of the church and was dependent on whether the action was brought against the Ordinary or an individual. It was, however, the fundamental basis of any action.

2.2: Encroachments upon the Jurisdiction of the Ecclesiastical Courts.

The confused nature of the ecclesiastical law and its basis in common law precedents, left much scope for encroachment by other courts upon the jurisdiction of the ecclesiastical courts. Despite the law's basis in common law precedents, however, the interference of the common law courts was not as great as may be imagined. Before 1740 legal precedents were drawn from only twenty-seven cases prohibited to the common law, while within the area of my study only four examples of prohibitions exist for the entire period. The first of these was in 1630 and was sought by the churchwardens of Bletchingdon, Oxfordshire, after the consistory court had ordered them to reposition the altar and all the seats of the church to accommodate Sir John Lenthall and Thomas Coghill. Records do not show whether this was successful or whether the case was returned to the ecclesiastical court, but it is unlikely that the churchwardens' claim to order the seats independently of their Ordinary would be upheld.[48] In 1665 Richard Cocks of Dumbleton, Gloucestershire, succeeded in gaining a prohibition to overturn the sentence of excommunication passed against him in a dispute over a pew. Fourteen years later Richard Lydall of Northmoor, Oxfordshire, was less fortunate and his request for a prohibition on the basis of claiming a

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[48]. O.R.O. Oxf.Dioc.Papers c.2, fo.71v-72; Bodl. Top Oxon c.56, fo.37. On 3 January 1631 the churchwardens informed the court we "have appealed to the Archbishop of Canterbury and have also a prohibition from the judges of the King's Bench concerning the said particulars."

prescriptive title to a seat for which a faculty had been awarded to another, failed with the case being returned to the ecclesiastical court in May 1680.[49] The final case in which a prohibition was actually sought comes from Tetbury, Gloucestershire, in 1696 but the outcome of this case and the cause of the prohibition are unclear.[50] The number of prohibitions was, therefore, insignificant in this period. This no doubt reflects the stringent requirements necessary to ensure the success of one's case, as is evident in 1720 when the proctors of Mr.Pack of Bury refused to seek a prohibition because:

> the common law has nothing to do with this question because Mr.Pack cannot make out a prescriptive right with repairing the seat and....has no right to this seat by the ecclesiastical law for the faculty that was granted is determined by the house being pulled down and no use before it was pulled down.[51]

In refusing to seek a prohibition the lawyers were clearly correct and revealed the difficulties of such a step. The stringency of the law's requirements clearly limited the common law's interference with the ecclesiastical courts on the issue of seating, yet this would appear to have been aided by the law of prescription. Since the ecclesiastical courts demanded a shorter period than their common law counterparts, it is not surprising that relatively few cases were prohibited to the common law. Litigants undoubtedly preferred the ecclesiastical court's thirty years to the common law's time out of mind as a basis for the proof of their title.

Other courts also claimed some jurisdiction over seating matters in this period. By far the most significant of these was the court of Star Chamber, where at least

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[49]. G.R.O. GDR. B/4/1/864; O.R.O. Oxf.Dioc.Papers c.2135, fo.29v, 79v; Archd.Papers Oxon, fo.123-126.

[50]. G.R.O. GDR 261, *Talboys v. Deacon*, 18 Feb.1695/6.

[51]. Bodl. Tanner 104, fo.302v.

forty-three seating cases were heard between the reign of Henry VII and Charles I.[52] In all of these cases Star Chamber was used not as the court of first instance, but as a means of ensuring the continuation of litigation begun elsewhere. This is not a phenomenon peculiar to pew cases but a commonplace of all Star Chamber litigation. Indeed the majority of pew disputes were brought as part of a wider set of indictments and under the plea of "riot" which historians have seen as not a genuine grievance but as a plea of jurisdiction.[53] These factors were recognised by pew disputants themselves. William Hall believed the charge of disturbing Thomas Ellis in a pew in the church of Kennington, Kent, was brought only "by way of indictment to some other offence" while George Ivy in 1611 ordered his servants to leave the church of West Kington, Wiltshire, "for avoiding of a riot....for I know Mr.Russell will make a Star Chamber matter of it."[54] The Star Chamber was, therefore, little more than a court of appeal or a means of breaking the resolve of one's rival pew disputant.

The council in the Marches of Wales, although in many ways similar to the court of Star Chamber, had slightly wider powers and jurisdiction which allowed pew cases to be brought before it directly. Such powers were derived explicitly from the monarch's position as supreme ordinary of the church and could allow the hearing of primarily ecclesiastical matters before the Council.[55] Although it has been possible to

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[52]. This is a minimum figure, since for the reign of Elizabeth only Welsh cases are calendared.

[53]. Thomas Barnes, "Star Chamber Litigants and their Counsel" in J.Baker (ed.), *Legal Records and the Historian* (1978), pp.13-5, T.G.Barnes, "Star Chamber and the Sophistication of the Criminal Law", *Criminal Law Review* 24 (1977), pp.316-9.

[54]. P.R.O. Stac.8 129/18, 253/12.

[55]. Penry Williams, "Star Chamber and the Council in the Marches of Wales, 1558-1603", *Bulletin of the Board of Celtic Studies* 16 (1956), pp.287-97, Huntington Library EL 7508, 7483. I owe these references to Penry Williams and thank him for his advice on the workings of the Council.

find references to only four cases in the records of the Council itself, this reflects more on the fragmentary nature of the records than on the Council's actual significance.[56] The evidence of cases before Star Chamber reveals that in three instances cases had already been heard by the Council, while in two other instances litigants claimed that the Council was the correct place to air their grievances.[57] The significance of the Council's claim to jurisdiction over pew cases is most evident in 1637 when Archbishop Laud found himself forced to write to the Lord President of the Council, Sir John Bridgeman, to reprimand him for interfering with the bishop of Bangor's regulating of disorderly seats. Laud felt such an action "the ready way to deter churchwardens from doing their duty and making any presentment in the courts ecclesiastical."[58] Laud's concern no doubt reflected his more general efforts and those of his contemporaries to weaken the Council's authority over many aspects of the ecclesiastical jurisdiction in this period, of which pew cases were a small but significant and often overlooked part.[59]

Lower courts also heard seating cases. In many of these instances it is clear that the courts were being used as a means of official arbitration, with, for example, Sir William Brereton settling a dispute in the manor court of Astbury, Chester, in 1513 and with the manor court of Myddle deciding a dispute in the mid-seventeenth

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[56]. Emyr Gwynne Jones, "A Llandegai Pew Dispute", *Trans.Caernarvonshire Histcl.Soc.*9 (1948), pp.109-18; "The Owston Hall Manuscripts", *Archaeologia Cambrensis* 9 (1878), pp.143-4; *Letters and Papers Foreign and Domestic, Henry VIII, Vol.2: 1534*, no.835; BM.Hart 4220 fo.44.

[57]. P.R.O. Stac. C1/13; E16/14; M14/24; Stac.8 159/28; 225/15.

[58]. William Laud, *The Works* Vol.6 Pt.2, pp.490-1.

[59]. Penry Williams, "The Attack on the Council in the Marches, 1603-42", *Trans.of the Honourable Society of the Cymmroderion* 1 (1961), pp.16-17.

century.[60] Cases were also heard at the assizes and quarter sessions. In 1605 and 1618 it is clear that the court of Common Pleas referred two cases to the assizes for a jury decision on the title to a pew, but these cases are exceptional.[61] Although cases were heard at the assizes and quarter sessions in the Civil War, there are only four cases in these courts outside this period. The first of these comes from Somerset where in 1608 Emmanuel Maply referred Alexander Hart's contentious opposition to an order regarding his seat to the assizes. The case, however, appears more concerned with Hart's failure to obey an order that he keep the peace rather than with the title to the pew.[62] The second case comes from Sussex, where in 1640 the Bench sent an order to the churchwardens of Heathfield ordering them to remove a pew which was over-high and encroached upon the alleys of the church.[63] No other case of this type has been found elsewhere, and although in two other cases pew disputants were taken to the quarter sessions or assizes, the case against them appears to have been of assault not of the title to the pew.[64] This is seemingly confirmed in that both cases were later heard by the ecclesiastical courts where the title to the pew was decided.

The confusions and complications of the ecclesiastical law were, therefore, not as great a source of encroachments upon the jurisdiction of the ecclesiastical courts as

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[60]. Colin Richmond, "Religion and the Fifteenth Century Gentleman" in R.B. Dobson (ed.), *The Church, Politics and Patronage in the Fifteenth Century* (New York 1984), pp.199; Gough, *Myddle* pp.94.

[61]. P.R.O. Stac.8 129/17; 162/11.

[62]. E.H.Bates, Quarter Sessions Records of the County of Somerset, Vol.1: James I, 1607-1625, *Somerset Record Society* 23 (1907), pp.31.

[63]. Anthony Fletcher, *A County Community in Peace and War: Sussex, 1600-1660* (1975), pp.76.

[64]. Robert Willis Blencowe, "Extracts from the Parish Registers and other Parochial Documents of East Sussex", *Sussex Archae.Collections* 4 (1851), pp.282-3; O.R.O. Oxf.Dioc.Papers c.30, fo.138v-146v.

might be imagined. The stringency of the requirements to prove a prescriptive title at the common law were sufficient to keep all but the most extreme cases under the jurisdiction of the ecclesiastical courts, while other courts in this period either heard very few pew cases or heard them only as part of wider disputes or by way of appeal from the ecclesiastical courts. Only the Council in the Marches of Wales seems to have claimed a right to hear pew disputes as the court of first instance, yet evidence is too sparse to allow an analysis of the effects of this. In the vast majority of cases, therefore, it was the ecclesiastical courts which heard pew cases while other courts acted merely as courts of appeal or referral.

CHAPTER THREE: THE SCOPE AND PRACTICE OF THE ECCLESIASTICAL COURTS.

The discussion in the previous chapter of the legal basis upon which the title to a pew could be established has both explained the manner in which the legal theory developed in the period of my study and shown the ecclesiastical courts to have been the courts of first instance for cases of this kind. Since legal theory was, however, derived from cases prohibited to the common law and not from those heard in the ecclesiastical courts, it provides an uncertain guide to the practise of the spiritual jurisdiction. It is made especially obvious both in the small number of precedents on which legal theory is based and in the singularity of concern of these cases, all of which result from the claim of occupation and repair of a seat time out of mind. This gives the impression that the courts were interested in this period merely with seats as appurtenant to a particular house as a result of long usage. It is misleading: evidence from legal precedents shows that lower courts were entertaining and supporting claims to pews based upon considerations other than prescription and that they were also concerned with pews beyond the limited area of disputes.

The scope of the courts' concerns is implicit in the ecclesiastical law. Legal precedents do, if examined closely, reveal the potential breadth of the jurisdiction of the ecclesiastical courts. In the matter of titles to pews, although cases of precedent rely wholly on the plea of prescription, titles to seats claimed by other means are denied only in as much as they are not as legally binding as the claim of prescription. The law did not deny that claims based upon a recent grant of a faculty or recent

placement by the churchwardens could be made and upheld, merely that they could not be upheld against the claims of prescription or at the common law. In other areas the law gives equally vague hints. By establishing the seats of the church as communal and under the control of the Ordinary, the law allowed the ecclesiastical courts and the bishops a potentially vast jurisdiction over seating matters by placing control over the provision, appearance and disposal of pews in the hands of the Ordinary of each diocese. Such power was limited only by the requirement that the Ordinary order all things in the church in a manner most befitting "order" and "decency", yet this was never defined but was left to the discretion of each bishop or person in ecclesiastical authority. In this chapter, therefore, I will examine what was felt to constitute "order" and "decency", and how these two concepts were enforced by the courts.

The extent of the courts' concerns can be most easily seen in the articles enquired into by the bishops and archdeacons at their visitations. One hundred and fifty published sets of articles have been examined for the period of my study to assess general levels of concern regarding seats. Of these forty-one contain no specific mention of seating as an issue, but confine themselves to the general admonition that the whole church be well kept and repaired.[1] Eighty-five sets of articles specifically refer to the need to ensure that the seats of the church are "well repaired", "well fastened" or "well maintained". Of these, thirty-five make repair their sole concern[2] while the remaining fifty include it as part of a set of wider concerns.[3] In fifty-one sets of articles churchwardens were asked whether there had there been "any strife or

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[1]. For example: *Gloucester, 1629, 1640*; *Winchester, 1574*; *London, 1577, 1588, 1664*; *Oxford, 1628, 1629, 1632, 1635, 1638* and *1675*.

[2]. For example: *Worcester, 1607*; *London, 1612, 1615, 1628, 1634*; *Gloucester, 1607, 1634*.

[3]. For example: *Oxford, 1662, 1666, 1672*; *Winchester, 1625, 1662, 1664, 1690*.

contention among any of your parish for their pews or seats",[4] while in fifty-one instances they were asked whether there were "any erecting of pews or innovating of seats by a private man of his own authority" such that the Ordinary's authority had been denied.[5] Repair, disputes and the illegal erection of seats were undoubtedly the main objects of ecclesiastical concern throughout this period, yet other issues were also addressed. These enquiries were far less frequent and the majority of them related to the physical appearance of the seats and their placement. Hence questions were asked as to whether all seats were of a uniform height,[6] whether seats were so placed that all who sat in them could face eastward,[7] and whether seats were placed in the chancel,[8] or above the communion table[9] or in the alleys of the church.[10] Social issues were also evident with questions asked regarding the separation of the sexes[11] and the exclusion of servants and youths from the seats of householders.[12]

Such considerations are reflected in the visitation act books and churchwardens' presentments extant for the area of my study. From Table 3.1 it is evident that the ecclesiastical authorities' greatest activity was ensuring that the seats of the church were

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4. For example: *Winchester, 1619, 1636, 1639*; *Lincoln, 1662, 1664, 1666, 1671, 1686, 1693.*

5. For example: *Berkshire, 1635, 1663*; *Winchester, 1625, 1662, 1664, 1690.*

6. *Norwich, 1636, 1638.*

7. *Ely, 1662*; *Peterborough, 1639.*

8. *London, 1640*; *Middlesex, 1662*; *Berkshire, 1663.*

9. *Ely, 1662*; *Suffolk, 1640.*

10. *Suffolk, 1640*; *Lincoln, 1638.*

11. *Norwich, 1638*; *Ely, 1662.*

12. *Lincoln, 1635.*

physically well-maintained. In every jurisdiction, cases in which the churchwardens or individuals were presented for failing to repair the seats of the church constituted the largest single group of cases. However, these represented only a part of the courts' concern for physical appearance and it is evident that the courts were eager to deal with more than just the maintenance of seats in a acceptable state. Hence in seventy-seven cases individuals were presented for building seats which were deemed to be of an unreasonable height; in ten cases they were charged with physically damaging seats and in twenty-four cases it was ordered that seats which were inconveniently placed in the chancel or alleyways should be removed. A further thirty-six cases in which the churchwardens were ordered to provide prayer mats for the seats reveal that the comfort of the congregation was not forgotten: a factor seen in the five cases in which the churchwardens were presented for failing to provide enough seats. Such figures make clear that the courts' overriding concern was to ensure the physical well being of the seats, yet disputes and the confirmation of titles to seats were also of significance, as were attempts to uphold the authority of the courts by punishing those who illegally erected seats or who refused to pay their seating rates. Such concerns were only of minor interest to those visiting the churches under their jurisdiction either during normal visitations or during general inspections of the church. This can be seen in the inspection of churches in Buckinghamshire in 1637 and the inspections carried out in Worcestershire from 1674 to 1687.[13] From Table 3.2 it is evident that, with the exception of one case of dispute, two of confirming seats, three of illegal erection and five miscellaneous cases ranging from the separation of the sexes to the provision of a map of the seats, all other cases were concerned with physical matters. The figures

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[13]. Figures derived from Bucks.R.O. D/A/V/15, fo.1-27; Paul Morgan (ed.), *Inspections of Churches and Parsonage Houses in the Diocese of Worcester in 1674, 1676, 1684 and 1687.* Worcs.Histcl.Soc.12 (1986), *passim.*

	DISPUTE	REPAIR (1)	REPAIR (2)	HARMING	OVER HIGH	REMOVAL	BASSES	ERECTION	NON-PAY	CONFIRM	OTHER
Berkshire	4	26		1	1			4	2	1	1
Buckingham	12	38		3	1			5			
Essex		44			2	14	27				3
Gloucester	36	78	17	4	73	2		22		3	1
London		17				7	9	1			1
Worcester	11	15		2		1		1			1
Total	63	218	17	10	77	24	36	33	2	4	7

Table 3.1. Visitation Cases by Type.

	DISPUTE	REPAIR (1)	REPAIR (2)	HARMING	OVER HIGH	REMOVAL	BASSES	ERECTION	NON-PAY	CONFIRM	OTHER
Buckingham, 1637	1	83			97	24		3		2	22
Worcester, 1674-92		26			6	9					6
Total	1	109			103	33		3		2	28

Table 3.2. Cases in Church Inspections by Type.

speak for themselves. Of 279 seating cases brought during the inspections, 268 related to physical appearance. These cases, although dominated by repair and uniformity, exhibit a considerable breadth of interest especially in Buckinghamshire where eleven cases called for the turning of benches into desks and three for the turning of seats to face east.

The concerns evident in visitation presentments and church inspections are equally to be found in cases brought *ex officio*. Table 3.3 makes it immediately apparent, however, that the overwhelming interest in repair and the physical appearance of seats found in visitation returns, is not parallelled in office cases. In these cases, disputes and the confirming of titles to seats gain far greater significance, as does the upholding of the courts' authority in, for example, cases of illegal erection. In every jurisdiction, except the archdeaconry of Berkshire where records are patchy, disputes outnumber cases of repair under the office procedure: the exact reverse was the case in visitation presentments. The reasons for this appear obvious. Visitation detections, which resulted from an ecclesiastical official's visiting the church, would of necessity reveal the physical defects of the seats more surely than systems of presentation by the churchwardens, many of whom were responsible for the defects in the first place. Office cases, however, since they followed a more certain method of proceeding, and resulted in a more final judgement, were more suited to cases of dispute in which a firm decision was needed. Visitation cases also appear an efficient means of resolving physical problems, with very few cases reappearing at subsequent visitations or under different processes. Indeed in the vast majority of cases the court's order at a visitation that repair or amendment be carried out and its completion certified by a certain date appears to have been obeyed: only three parishes in Berkshire were presented at subsequent visitations for repeated failure to undertake

	DISPUTE	REPAIR (1)	REPAIR (2)	HARMING	OVER HIGH	REMOVAL	BASSES	ERECTION	NON-PAY	CONFIRM	OTHER
Berkshire	31	11	3	3	1			2	1		2
Buckingham	6	26	1								
Gloucester	34	25	8	9				10			13
London	28	3		2	1			18		7	3
Oxford	37	9	1	11		1		7	1	6	7
Winchester	22	5	14	3				1	9		
Worcester	3	1		3				7			1
Total	161	80	27	31	2	1		45	11	13	26

Table 3.3. Office Cases by Type.

repairs. In one of these cases (that of Sutton Courtenay) the delay in completing the repair of the seats was explained by the great costs already borne by the parish in rebuilding their church after it had been blown up in the Civil War.[14]

The increased concentration of office cases on issues of dispute and the maintenance of the courts' authority, although explicable, does little to challenge the significance of the physical appearance of seats to the jurisdiction of the courts as a whole. Repair was the overwhelming concern of the courts and was in the main a problem for resolution by the churchwardens. In office cases, however, a far greater percentage of all cases of repair were brought against individuals than was the case in visitations: individuals were presented in 25% of all office cases, but in only 7% of all visitation cases. Indeed in the diocese of Winchester cases against individuals outnumbered cases against the churchwardens under the office jurisdiction. Such a situation may well reflect the differences between the two procedures, since the churchwardens were mainly instrumental in promoting office cases independent of the courts or their visitors. It may also reflect a greater willingness for the churchwardens to undertake repairs than individuals; yet this would appear unlikely given that the courts considered proof of repair fundamental to a claim to a prescriptive title. This must have increased the desire of an individual to keep his seat in repair, and it is likely that the low rate of presentment of individuals represented nothing more than the desire to keep one's property in good order.[15] This is evident in Houghton-le-Spring, Durham, where, in 1658, the vestry ordered that all those whose pews were still unrepaired by mid summer would have them assigned to someone willing to undertake

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[14]. Berks.R.O. D/A/2 c.124, fo.132, 134, 136; c.136, fo.237, 239; c.141, fo.349, 350.

[15]. For the significance of repair see above pp.39-40.

the repairs.[16]

Cases in which physical defects, or the authority of the court, were at stake were summary in nature. Individuals were cited before the courts and their defence heard. If this was accepted, the case would be dismissed with costs, if not, the defendant would be ordered to resolve the problem and certify of having done so.[17] Such proceedings provided a direct means of dealing with physical problems and the enforcement of the courts' authority. In Buckinghamshire, for instance, the churchwardens of twenty-two parishes were cited before the courts in 1609 and 1610 because of their failure to repair the seats of the church sufficiently. They each found themselves fined 2s as a result and were ordered to undertake the repairs and certify the court of having done so.[18] In 1589 eight individuals from St.Peter Colebrooke, Winchester, were ordered by the court to pay their annual seat rent to the churchwardens of the parish, while twenty-six years later eleven individuals in Gloucestershire were required to build seats for themselves on pain of further punishment.[19] Such cases normally resulted in the resolution of the physical problem, or obedience to the court's order, but failure to certify within a set time could lead to further court appearances, an increased fine and in extreme cases excommunication,

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[16]. Mr.Barmby, *Churchwardens' Accounts of Pittington and Other Parishes in the Diocese of Durham from 1580 to 1700* Surtees Soc.84 (1888), pp.313-4.

[17]. For a fuller discussion of the proceedings of the ecclesiastical courts see Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge 1987), pp.43-7.

[18]. Bucks.R.O. D/A/C/3, fo.188v, 189v, 190v, 191, 191v, 206, 206v, 207, 207v, 208, 213, 234v.

[19]. H.R.O. Consistory Court Book 60, *Office v. Philip Blanford*, 15 July 1589; G.R.O. GDR.124, *Office v. Peter Britten*, 29 Nov.1615

a punishment suffered by Richard Wathen of Cowley, Gloucestershire, in 1613.[20]

Cases showing the ecclesiastical courts' procedure of citation, hearing, order to resolve and certifying of resolution within a specified time could be multiplied, yet the basic outline is clear. On issues of illegal erection and physical damage, however, it is important to establish both the variety of cases and the courts' use of exemplary punishment. The bringing of cases in which the seats were claimed as erected without the Ordinary's authority most commonly resulted from the belief that such seats were inconvenient or a potential source of conflict. Since the ecclesiastical courts' control over, or knowledge of, individual parish churches was not sufficient to allow them the certain knowledge that a seat were new, such cases invariably arose as a result of presentment by the churchwardens or an individual. This meant that many seats erected without the consent of the courts escaped presentation, because they were deemed by the parishioners neither inconvenient nor a source of conflict. This is merely what one would expect given the difficulties of controlling the seats in the churches of a whole diocese. It was even accepted by ecclesiastical lawyers who made the courts' approval of any change a formal requirement, but who recognised that it was practically necessary only in cases where opposition was expected.[21] This is clear in 1737 when the churchwardens of Chipping Campden, Gloucestershire, renounced their action against Richard Smith for erecting a seat on the grounds that upon "mature consideration they did apprehend that no damage or inconvenience is occasioned thereby."[22] "Inconvenience" was a subjective idea as is proved by the

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[20]. G.R.O. GDR.117, fo.121.

[21]. See above pp.35-36.

[22]. F.S.Hockaday, "The Consistory Court of the Diocese of Gloucester" *Trans.Bristol & Glos.Archae.Soc.*46 (1924), pp.227-8.

churchwardens of Stratfield Mortimer, Berkshire, who complained in 1631 of the erection of a seat by the previous year's churchwardens. Moreover, in Maisemore, Gloucestershire, a seat presented as illegal in 1609 had been accepted without question in the four years since its erection.[23]

Both problems of illegally erected seats (the question of inconvenience and the flouting of the courts' authority) are reflected in the punishment of offenders. In the most extreme cases individuals could be excommunicated, as was the case in the Worcestershire parishes of Cleeve Prior and Dudley, where Anne Bushell in 1680 and William Reade in 1681 found themselves suffering this punishment.[24] Such extreme punishment was seldom employed and more often individuals merely found that their seats were pulled down and the materials put to public use, as happened in Watlington, Oxfordshire, in 1712.[25] Most common, however, was an admonition from the court requiring an individual to pull down the seat or gain a faculty for its appropriation. This type of order could be made more severe by the addition of payments to the poor, such as those inflicted upon William Milton of Charlton Kings, Gloucestershire, and his wife in 1580, or by an additional order to replace or rebuild old seats which had been removed as in Branceford, Worcestershire, in 1683.[26] Perhaps the most unusual punishment, however, was that meted out to James Knight, William Baker and Thomas Holloway of Kingstead in Hampshire. For these three men the illegal erection of a seat for their wives resulted in their having to pay "in

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[23]. Berks.R.O. D/A/2 c.72, fo.117; G.R.O. GDR.108, fo.54.

[24]. W.R.O. 2722, 794-011, 2(ii), fo.150, 192v.

[25]. O.R.O. Archd.Papers Oxon.c.25, fo.166.

[26]. G.R.O. GDR.44, *Office v. William Milton*, 7 June 1580; W.R.O. 2302, 795-02 no.7743.

acknowledgement of the right of the church of Winchester, 4d a piece yearly during their lives for the said seat every Easter day to the poor."[27] It was hardly likely that they would forget in whom the authority to grant the right to build seats lay!

Proceedings against individuals for physically damaging seats covered a wide variety of cases, ranging from those in which seats were pulled up or removed, to those in which seats were merely nailed up or partitions were pulled down.[28] The removal or pulling down of a seat represents by far the greatest percentage of all cases of physical damage with all ten visitation cases and twenty-three of the thirty-one office cases being of this sort. In many instances the physical damaging of a seat appears little more than an inflated form of pew dispute. In Witney, Oxfordshire, in 1664, the pulling down of George Shorter's seat by the churchwardens of the parish resulted from the claim by the inhabitants of the hamlet of Curbridge that the seat was rightly their's. The court, however, contented itself with ordering that the churchwardens rebuild the seat and that "if any would contest against it, that he propose his exception in form of law in the Consistory court at Oxford."[29] Similar cases exist elsewhere. In Halesowen, Worcestershire, in 1663, an office case brought against Gilbert Morley for pulling down a seat lead directly to an instance case against him for the title to the seat brought by Giles Lowbridge: in 1576 Alice Haynes of Mangerfield, Gloucestershire, had been cited to the court "to propose in writing her interest" in a seat which she had pulled down.[30] Often the court ordered seats which had been damaged to be

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[27]. H.R.O. Consistory Court Book 88, *Office v. James Knight*, 27 Jan. 1618/9.

[28]. G.R.O. GDR.35, fo.109; 117, fo.58v; Berks.R.O. D/A/2 c.73, fo.28v; O.R.O. Archd.Papers Oxon.c.26, fo.24v.

[29]. O.R.O. Oxf.Dioc.Papers c.4, fo.228; Archd.Papers Oxon.c.14, fo.258v.

[30]. W.R.O. 2513, 794-011 no.18(i), fo.187; no.18(ii), fo.159; G.R.O. GDR.35, fo.109.

repaired and rebuilt so that they could be occupied by the offended party "during dependence of the suit," or "until sufficient cause can be shown against it," to allow a more direct investigation of the question of title.[31] In virtually every case the courts treated the question of the physical damage to the seat and the title separately, sentencing individuals to rebuild the seats they had damaged before citing those with a just title to the seat to appear and prove their claim.

Cases in which individuals were presented for damaging seats lead us almost directly to those of dispute. They were very similar. As in cases of physical damage, the courts made little effort to decide the question of the title to a seat if the issue was presented through the office or visitation process. Instead individuals who had been disturbed in their seats were typically allowed to continue *in situ* pending the bringing of an instance case by the disturber to decide the title. Hence the churchwardens of Marten Hussentree, Worcestershire, were ordered to allow Samuel Farm to continue in his seat "until any have cause to complain and do undertake suit against him," while in Robert Marshall of St.Peters, Oxford, who had kept Richard Carter out of his seat, was ordered to let Carter sit there "unless he can disprove him from sitting in the said seat with him."[32] A similar case is to be found in Witney, Oxfordshire, in 1634, when the churchwardens were constrained to allow Margaret Bradshaw "to continue in her place until good cause can be shown to the contrary."[33]

The regularity of such decisions is evident in the six cases referred from the office to the instance procedure in this period and the three visitation cases so

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[31]. Guildhall Library MSS. 9065F Vol.13, fo.703; G.R.O. GDR. 174, *Office v. William Rogers*, 19 March 1635/6.

[32]. W.R.O. 2884, 802 Box 1(i), fo.183; O.R.O. Oxf.Dioc.Papers d.4, fo.116.

[33]. O.R.O. Archd.Papers Oxon. c.12, fo.191v.

referred. The intention to allow the trial of title is made obvious in a number of these referrals. In 1607 Thomas Wolredge and Thomas Grove of East Meon, Hampshire, who had intruded into the seat of John Tribe, appeared at court to claim "that they have a right in the said seat" and found the case immediately referred to the instance process. So did William Hunt of Bentworth on the Isle of Wight, in 1619, when his detaining of the seat of Robert Hunt was considered "like to grow to controversy" and thus the province of the instance process.[34] The other four cases referred from the office to the instance jurisdiction were similarly based. These were equally divided between those in which both parties in a dispute had been originally cited to answer jointly the charge of disruption and those in which the courts' refused directly to confront the question of title when it arose. Hence, office cases against Anne Whitterd and Elizabeth Harper of Uley, Gloucestershire, were referred to instance in March 1627 as were cases against Nathaniel Teake and his wife of Hursley, Gloucestershire, after they had disturbed William Moody.[35] Visitation cases referred to the instance process had a similar rationale: John Farr's exclusion of John Fisher and William Hack from their seats lead on 18 July 1664 to the note that "A suit of instance is begun between them about the right of the seat."[36] The need to undertake further litigation to ensure the trial of the actual title to a seat is seen in four further cases where instance cases followed directly from office cases. The first of these is from Speen in Berkshire, in 1585, where Edward Perkinson's presentment for disturbing the congregation about a seat in April led directly to a case promoted by him against

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[34]. H.R.O. Consistory Court Book 75, fo.26v; 92, *Office v. William Hunt*, 11 Nov.1619.

[35]. G.R.O. GDR.163, *Office v. Alice Whitterd*, 7 March 1626/7, *Office v. Nathaniel Teake*, 21 Feb.1626/7.

[36]. Bucks.R.O. D/A/V/7, fo.22; 8, fo.34v.

William Bastall and Thomas Mason in June.[37] In 1610, Edward Bishop's order to do penance for "refusing to sit in the seat usually belonging to his house" so clearly failed to decide Bishop's claim to a seat that within four months he had brought an instance case against Anne Hall.[38] The case of Catherine Green of Witchenford, Worcestershire, is similar: Catherine was ordered not to disturb Sarah Andrews in March 1663 and an instance case was begun by Andrews in the following month. In 1639 Thomas and Elizabeth Keeble and William and Jane Bristowe were likewise parties to both type of case.[39]

It would appear that office cases were not directly concerned with the question of who held the actual title to a seat. The courts' aim in these cases was not so much to decide the right title to the seat as to punish offenders for disturbing the congregation and divine service or for disobeying the churchwardens. The emphasis in office cases on the punishment of disruption is clear in the headings under which such cases were brought. Richard Prescott of Hook Norton, Oxfordshire, found himself before the consistory court in 1596 "for hobbling the minister in his service" by fighting over a pew, while in 1585 William Turner and Robert Rowberd of Great Chesham, Buckinghamshire, were presented at the archdeacon's visitation for "fighting in the church....there being a question between them about the title to a seat."[40] An especially significant case is that against Joanne Ewen of Marston, Oxfordshire, whose presentment for thrusting Mr.Maund's maid out of a seat was termed merely as a

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[37]. Berks.R.O. D/A/2 c.20, fo.211; c.21, fo.82.

[38]. G.R.O. GDR.111, *Office v. Edward Bishop*, 12 Dec. 1610; GDR.113, *Edward Bishop v. Anne Hall*, 15 March 1610/11.

[39]. W.R.O. 2513, 794-011 no.18(i), fo.181; no.19(i), fo.69; G.R.O. GDR.140, *Office v. Thomas Keeble*; GDR.200, *William Bristowe v. Thomas Keeble*, 11 July 1639.

[40]. O.R.O. Oxf.Dioc.Papers c.5, fo.120, 126; Bucks.R.O. D/A/V.1, fo.56.

presentment "for fighting in the church."[41] This was also the case in Witney, Oxfordshire, in 1634 when Thomas Cleaver was presented for "a disturbance in the church, sitting in other men's seats."[42] Cases in which presentments emphasised not the title to a seat, but the actual disturbance occasioned by the intrusion, could be multiplied. It was no doubt because the courts were interested merely in the punishment of disputants as disturbers of divine service, that on twelve occasions under the office process and nine under the process of visitation, both the disturber and the disturbed were cited before the court, representing twenty-five separate office cases and twenty-two visitation cases. Indeed in Uley, Gloucestershire, in 1627, this question of disruption was made explicit when Alice Whitterd was presented "for challenging a seat in the church" and Elizabeth Harper was presented "for finding and taking an offence against the said Alice."[43]

Although the punishment of disruption was an important consideration in the bringing of office cases, it was parallelled by cases in which the upholding of the churchwardens' authority provided the basis of the action. This is again evident in the headings under which such cases were brought. In 1578 Wilfrid Baston, Richard Allen and Thomas Bushnett of Warblington, Hampshire, were presented by the churchwardens because each "recusat sedere in Ecclesia in loco sibi limitato," while in 1671 Edward Kent of St.Giles, Reading, was presented "in non acceptand sedilem se assignat in ecclesia."[44] This practise was followed in many other cases, with, for example, Thomas Puckmore presented in 1597 "that he doth refuse to sit in the seat

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41. O.R.O. Archd.Papers Oxon.c.5, fo.120, 126.

42. O.R.O. Archd.Papers Oxon.c.12, fo.298v.

43. G.R.O. GDR.163, *Office v. Alice Whitterd*, 21 Feb.1626/7.

44. H.R.O. Consistory Court Book 47, fo.16; Berks.R.O. D/A/2 c.82, fo.290.

that the churchwardens have appointed him in the church of Newbury" or John Tatem, a fishmonger of Chelmsford, Essex, "refusing to be ordered to sit in the seat appointed to him by the churchwardens."[45] Such refusals to accept the churchwardens' authority in the allocation of seat could occasionally reach severe proportions. In 1584 John Stylewell defied the churchwardens of his parish saying "he would sit where he listed in spite of the churchwardens' teeth and when he has placed himself he bids the churchwarden go stake his ears."[46] Such defiance could not go unpunished: nor did it in two cases from Gloucestershire. In the first of these John Dobbins of Newent, found himself in court in 1601 for intruding into a seat "without the consent of the vicar and churchwardens....notwithstanding he hath been prohibited by both minister and churchwardens."[47] In the second, Richard Towney of Arlington was presented in 1636 for "being troublesome in the church sitting in a seat where he has no right....although he has often been admonished by the churchwardens....yet he continues in his obstinacy."[48] So direct and continual a challenge to the churchwardens' authority clearly merited a vigorous response.

The interest of those promoting office cases in the punishment of disruption and the enforcement of authority is reflected in the sentences passed by the court. Although Consett felt the correct form of censure in the case of a pew dispute was the levying of the costs of the case on the loser, the emphasis on physical disruption and disobedience in office and visitation cases made other sentences possible. By

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[45]. Berks.R.O. D/A/2 c.39, fo.145v; G.L.R.O. DL/C/325, fo.61.

[46]. G.L.R.O. DL/C/302, fo.312.

[47]. G.R.O. GDR.90, Office v. John Dobbins, 21 Oct.1601.

[48]. A.L.Browne, "The Peculiar Jurisdiction of Bibury," *Trans. Bristol and Glos.Archae.Soc.*58-9 (1936-7), pp.190.

failing to obey the orders of the churchwardens and the courts, offenders risked open to penance and even excommunication, while those charged with disrupting divine service could find themselves victims of the "Act against quarrelling and fighting in the church and churchyard" passed in 1552. Under the terms of this act those found quarrelling in the church could be suspended from entering the church for a period at the discretion of the bishop, while those who were found fighting could be excommunicated. Indeed if pew disputants resorted to armed conflict, they could have found themselves at the assizes facing the prospect of having their ears cut off and their cheek burned with an "F".[49] The greater emphasis in office and visitation cases upon the punishment of disruption and disobedience is reflected in the far higher percentage of disputes resulting in penance, suspension and excommunication under these processes than under the instance jurisdiction. (See Table 3.4 3.5 and 3.6). Although in instance cases punishments were imposed on individuals which indicated a concern to prevent disruption, these were few, and a decision as to the ownership of the seat was invariably made. Hence in 1591 Henry Blythe of Stratton Audley, Oxfordshire, was ordered not merely to desist from further disturbance, but was also appointed another seat by the churchwardens to make his reintrusion less likely. John Dalby was sentenced in 1589 "to provide a sermon against fighting and brawling in the church and to give 2s 4d to the poor of the parish."[50] In the main the differences between sentences was clear with 16.5% of all office cases and only 5% of instance cases ending in excommunication. This no doubt reflects the greater concern of office cases for the punishment of disruption, as, for example, in the case of Elizabeth Clifton of Longcott, Berkshire, who was excommunicated in an office pew dispute "for laying

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[49] 5.Edward VI, cap.3

[50]. O.R.O. Archd.Papers Oxon. c.9, fo.246; Oxf.Dioc.Papers d.3, fo.13v.

	EXCOMM.	PENANCE	SUSPEND	COSTS	DISMISSED	REFERRED	OTHER
Berkshire	1	3	1	7	5		
Buckingham				3	1		
Gloucester	5	7		7	5	4	
London	2	2		5	1		
Oxford	3	1		8	1		
Winchester	3	2		5	3	2	1
Worcester					2		
Total	14	15	1	35	18	6	1

Table 3.4. Sentencing in Office Cases of Dispute.

	EXCOMM.	PENANCE	SUSPEND	COSTS	DISMISSED	REFERRED	OTHER
Berkshire							
Buckingham	1	7			2	1	
Gloucester	5			3	10	2	
Worcester	1				6		
Total	7	7		3	18	3	

Table 3.5. Sentencing in Visitation Cases of Dispute.

	EXCOMM.	PENANCE	SUSPEND	COSTS	DISMISSED	AGREED	APPEAL	PROHIBITION
Berkshire				3	3	1	2	
Buckingham	1			11	4	8	7	
Gloucester	2		1	15	12	14	7	1
London				12			2	
Oxford	2	1	1	9		7		1
Winchester	4		1	7		10	3	
Worcester	1			13		27	5	
Total	10	1	3	70	19	67	26	2

Table 3.6. Sentencing in Instance Cases of Dispute.

violent hands upon Anne Lydon."[51] The difference in the frequency of excommunication is even greater when it is realised that half of the instance cases resulting in this punishment had excommunication imposed either for non-appearance or as a result of failure to pay the costs of the case. A similar situation is evident in the case of penance, which makes up only 0.5% of instance sentences but 17.3% of office sentences. The differences in the intent of office and instance disputes is also apparent in the number of agreements out of court. These are far more frequent under the instance jurisdiction where concern for title made a solution to the case possible by mutual accord. The office jurisdiction's emphasis upon disruption and disobedience, however, made agreement less likely since the courts' aim was to punish and not to decide title. This is also evident in the comparative length of office cases and instance cases. Office cases, for which the length of case can be established, were in the main concluded more quickly than instance cases of a similar nature, with 78% of office cases reaching sentence in under a month, as compared to only 20% of instance cases. Indeed 18% of instance cases took over a year to decide. These differences in the length of cases and the sentences imposed reflect the differences between cases brought under the instance and office procedures. The fact that office cases, however, dealt mainly with challenges to the courts' and churchwardens' authority, while instance cases decided the actual question of title, is perhaps more a reflection of the disciplinary role of office acts in general rather than a peculiarity specific to pew cases.

The decision as to who held the right title to a pew was a matter almost entirely confined to cases brought under the instance process. This can be seen in a case from Star Chamber, where John Stevens claimed that he had intended to

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[51]. Berks.R.O. D/A/2 c.67, fo.57v.

commence an office case against William Bussard for the physical abuse he had suffered when Bussard intruded into his seat in the church of Colchester, Essex, but had begun an instance case instead when Bussard claimed a title to the seat.[52] Ownership of a seat was also decided in forty-three promoted office cases (See Table 3.7), yet such cases followed the same procedure as instance cases with the advantage that they removed from the promoter the fear of being charged costs if his case were unsuccessful. Faculties were also used as a means of establishing title either by seeking such a licence to allow the building or appropriation of a seat or by petitioning at a

	DISPUTE	FACULTIES			REVOKE	RATE	OTHER
		CONCEDE	CONFIRM	OTHER			
Berkshire	22	3	1	1			1
Buckingham	41	13	6	9			
Gloucester	90	33	31	9			
London	38	47	20	142	3	8	7
Oxford	37			88	1		1
Winchester	64	31	12		1		1
Worcester	83	23	9	6			
Total	375	150	79	255	5	8	10

Table 3.7. Instance Cases by Type.

later date to have the right to a pew confirmed if it had been challenged. Of the 229 faculties whose nature of is known, 150 were sought to concede the right to a seat, and 79 were sought to confirm a title to a seat which had been challenged in some way. Such a division is by no means conclusive, however, since in many cases those

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[52]. P.R.O. Stac.8, 63/1

seeking faculties to concede the right to a seat found their requests opposed by others claiming a prior interest in the seat.

Faculties in the ecclesiastical courts at York provided an uncertain means of confirming ownership of a pew, since they were only a form of licence which could be withdrawn or altered at any time or even challenged if the information under which it were issued proved inaccurate.[53] They did, however, have certain advantages. In the main, faculty cases were far shorter than instance cases. Although after 1660 ten faculty cases were appealed to the Court of Arches, with one case then proceeding to the Court of Delegates, the majority of faculty cases (73%) were decided in under one month, with only 4% taking over a year to decide.[54] Differences in the length of cases were reflected in the relative costs. Evidence for faculties in the Oxford diocese reveals that the cost of a faculty could be as little as 10s in 1669 rising to £1 2s in 1686. These figures are based on relatively few cases, yet the cost of instance cases would appear to have often been far greater.[55] In 1689 Richard Lydall of Northmoor, Oxfordshire, found himself paying costs of £9 13s 4d for a case which had been in the consistory court and the Court of Arches for two years and one month, while in 1674 Richard Merrett and Stephen Dudbridge paid £5 each after eight months of unsuccessful litigation against Robert Bridges.[56] Such costs could be augmented by

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[53]. R.J.Marchant, *The Church under the Law: Justice, Administration and Discipline in the diocese of York, 1560-1640* (Cambridge 1964), pp.76.

[54]. Jane Houston (ed.), *Cases in the Court of Arches, 1660-1913*, British Record Society 85 (1972), nos. 790, 2388, 3620, 4054, 5183, 5434, 5449, 6690, 7942, 10331. G.L.R.O. DL/C/139, fo.69; Lambeth Palace Library A23, fo.74v, B13, fo.103; P.R.O. Del.2, 52 PT.II; *CSPD, William III 1700-1702*, pp.395-6.

[55]. O.R.O. Archd.Papers Oxon. e.1, fo.53, 62; C.12, fo.4, 5.

[56]. O.R.O. Oxf.Dioc.Papers c.2135, fo.90; G.R.O. GDR.226, *Robert Bridges v. Stephen Dudbridge*, 28 Sept.1675.

parochial authorities, with John and Nicholas Velly having to pay £9 to the churchwardens of Hartland in Devon in 1614 "for the expenses sustained by the parish in the suit against them touching the seat."[57]

Faculty cases could also be considerably more expensive than the figures for the Oxford diocese suggest: for example, a faculty in Enfield, Middlesex, in 1709, cost £8 6s 1d. Yet given the generally shorter length of faculty cases such high costs were far less common than in instance cases.[58] It was not only their shorter nature and relative cheapness which made faculties attractive. Although faculties were not inviolable, they were very rarely challenged and were a sound legal basis for the establishment of a prescriptive title.[59] Cases in which an individual challenged the title to a seat after another had gained a licence for it invariably ended with the upholding of the right of the faculty holder.[60] Richard Lydall's claim that he held a seat prescriptively was denied upon proof that Samuel Warcupp had gained a faculty for the seat in spite of Lydall's claim that "he valued it not a farthing to hear the faculty read or the faculty itself." Henry Benedict Hall's similar claim against the faculty granted to Richard Child for a seat in the church of Chalgrove, Oxfordshire, suffered the same fate.[61] In only a very few cases were faculties revoked. In 1615 Richard Freeman gained revocation because Richard Freshwater had been granted a seat in Chelmsford, Essex during Freeman's absence from the parish. Under such circumstances Freeman's

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[57]. Ivan L.Gregory, *Hartland Church Accounts, 1597-1706* (Frome 1950), pp.72.

[58]. Bodl. Tanner 104, fo.310.

[59]. See above pp.37-38.

[60]. G.L.R.O. Dl/C/14, fo.275; 28, fo.73; 34, fo.221; H.R.O. Consistory Court Book 164, 26 Aug.1748; O.R.O. Archd.Papers Oxon. c.25, fo.166.

[61]. O.R.O. Archd.Papers Oxon. c.120, fo.123-126; Oxf.Dioc.Papers c.29, fo.99-103.

prior claims to the seat were upheld and Freshwater was condemned for his underhand methods.[62] This was, however, unusual and few other examples exist from other parishes although in 1674 a direct appeal by a number of gentlemen of Kidderminster, Worcestershire, to the Chancellor of the diocese resulted in the revoking of a faculty granted to Mr.Bolton on the grounds that it was wrong that "a plain husbandman" should sit "next or above the chief of the parish."[63]

The fact that very few faculties were ever successfully challenged or revoked in this period is a reflection both of the courts' reluctance to overturn their own decisions and the success of the procedure by which faculties were granted in overcoming potential opposition. Those claiming a right to a seat were cited to make their pleas and to submit their claims to the decision of the court at every stage in the process of granting a faculty. Such cases invariably began with an individual introducing into a court a bill including a definition of the seat for which the faculty was sought and details of the petitioner's wealth, status and reputation. Mr.Barber of Adderbury, Oxfordshire, requested, in 1663, a faculty on the basis of his "public relation besides his private quality and reputation," and Mr.Dean of Watlington in the same county, in 1681, sought the foremost seat in the church because he had paid for the redecoration of the church.[64] Faculty petitions were then converted into proclamations and were returned by the court to the parish church to be read. This procedure is clear in the advice given by Bishop Cartwright of Chester to Sir John Hanmore of Liverpool "to take out a citation....against all opposers" and in the mandates sent by the Worcester Consistory Court to the churchwardens of

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62. G.L.R.O. DL/C/16, fo.343v.

63. W.R.O. 2302, 795-02, no.5085-7.

64. O.R.O. Oxf.Dioc.Papers c.454, fo.3; c.456, fo.87.

Kidderminster, in 1672, and of Dodderhill, in 1674, ordering them to read such proclamations and to certify the court of having so done.[65] Such proclamations would cite all opposition to appear at the court on a given day "with the intimation that if they appeared not at the time & place aforesaid and showed good and sufficient cause to the contrary, our said Chancellor on his suggestion intended to proceed to the granting of the said faculty."[66] The proclamation was then returned to the court with a certificate of its having been read. If opposition then appeared time would be allowed for proof of title and the case would follow the procedure of an instance case of dispute. If it did not, the proctor of the petitioner would ask for all later opponents to be declared contumacious and for the faculty to be granted. This was normally done immediately, but on some occasions the court could delay the grant for a set number of court days to see if opposition later emerged.

The ecclesiastical law established that the correct form of faculty was one which granted a seat to an individual as long as he/she remained the inhabitant of a certain house in a parish.[67] All other grants were deemed unacceptable, with William Watson even doubting the sense of all faculties, since logic demanded that if the Ordinary could grant one seat in the church by this method, he could grant them all, thus denying many their basic right to a seat.[68] Watson did, however, agree with many of his contemporaries that, if faculties were to exist, they should merely allow the grant of a seat in the right of a house. This does not appear always to have been the case

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[65]. Joseph Hunter, *The Diary of Dr.Thomas Cartwright, Bishop of Chester*, Camden Society Old Series 22 (1843), pp.29; W.R.O. 2302, 795-02, nos.4826, 5530-1.

[66]. Guildhall Library MSS.9532 Vol.1, fo.6v.

[67]. See above pp.38.

[68]. William Watson, *The Clergy-Man's Law or Compleat Incumbent* (1712), pp.715.

in practise. Of the twenty-four faculties granted in the Gloucester diocese in the years 1709 to 1716, six were given as long as the petitioner inhabited a certain house while four were limited only by the need to live in the parish and the remaining fourteen made no limits at all. The situation was the same in the London diocese between 1685 and 1730. In this period only nineteen out of seventy-six faculties granted seats to individuals as long as they remained in a particular house, with thirty-nine granting seats as long as an individual stayed in the parish and eighteen offering no limitation.[69] An example of the legal imprecision of such faculties is that granted to Hugh Smithson of All Saints, Tottenham, in 1696, which granted a seat to his family "as long as they inhabited in that mansion house or any other mansion house in the said parish."[70] This was also the case in 1678, when Bishop Cartwright granted a seat in the church of St.Nicholas, Liverpool to David Poole "and his heirs."[71] Such grants reflect a level of negligence in the courts, which could have been avoided. In 1693, for example, the Bishop of London had granted a seat by a faculty, while reserving to himself and his successors "all manner of right, title or interest in and to the same, which has at any time belonged or appertained to these our predecessors Bishops of London." Some one hundred and fourteen years earlier a faculty for a seat in Chesterton, Cambridgeshire, had been granted to an individual in the right of his farm "provided that if at any time any of the farmers of the said Thomas Lorkine should appear unworthy of that preeminence in the church, this our licence shall not be valid as far

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[69]. Figures derived from G.R.O. GDR.271 and Guildhall Library MSS.9532 Vol.1-4.

[70]. G.L.R.O. DL/C/38, fo.157.

[71]. Hunter, *Diary*, pp.24.

as respects them."[72] Such laxity perhaps represented a greater concern to profit from faculty litigation than to limit the effects of such grants upon parochial arrangements. It is probably also the reason why 110 out of 205 faculties, for which we have certain knowledge, were opposed.

Where faculties were opposed the courts proceeded in the manner of an instance case of dispute. Although such cases were brought under a variety of different headings, the manner of proceeding was invariably the same.[73] The courts' first concern in such cases was to end the disruption of church service which such disputes inevitably entailed. This was achieved by sending the defendant not only a citation to appear at court but also a court order inhibiting him from sitting in the seat during the hearing of the case. In 1620 such an inhibition was sent to the churchwardens and parishioners of Chigwell, Essex, to prevent them disturbing David Dunbar in his seat while the case was heard, and, in 1663, a similar order was sent to John Basse of Kington, Worcestershire.[74] The records of such inhibitions are few and the best evidence for them comes when they are transgressed. Such was the case in 1666 when Anne Trevor of Blockley, Worcestershire, found herself cited not merely for disputing about a seat but also for pulling down a seat when inhibited from interfering by the court.[75] Richard Wall of Clent in the same county faced a similar citation in 1631 and was forced to admit that:

> he did sit in the seat in question after a note was delivered unto him by the apparitor....not....in contempt of the judge of the court or his

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[72]. Guildhall Library MSS.9532 Vol.1, fo.95; J.M.Neale, *The History of Pues* (Cambridge 1843), pp.25.

[73]. Common headings were *in ca.sedili*, *in ca. perturbacionis in sedilem*, *negotiam iuris sedilis* and *negotiam recusperam possessionis de sedilem*.

[74]. Bodl. Rawlinson D.818, f.51; W.R.O. 2513, 794-011 no.18(i), fo.215.

[75]. W.R.O. 2513, 794-011, 18(i), fo.215.

> jurisdiction but being illiterate....he thought he had only been cited to appear at the court and not inhibited to sit in the seat.[76]

After the appearance of both parties at court, the proctors for either side devised libels and allegations and attempted to prove them by the calling of witnesses. In this respect the courts' procedure was similar to that in many other types of instance case and needs little definition or description.[77] What is far more significant is the nature of the pleas contained in individual libels and allegations. These were remarkably similar throughout all of the jurisdictions studied. A precedent *in ca. subtractis sedis in ecclesia* drawn up for use in the Archdeaconry of Buckingham shows that the first thing to be established was that the litigant dwelt in the parish in which the seat in question was situated. Next the length of the litigant's habitation in the parish was investigated together with the claim that in all that time he had used the seat in question *assensu omnes et singulos*. Finally the litigants were required to show how long the inhabitants of their house had used the seat.[78] A further libel used in Buckinghamshire added other issues, such as the repairing of the seat, the manner in which the seat were initially allocated, and its exact position.[79] These pleas are also contained in precedents for the dioceses of Oxford and Worcester.[80] A further very important factor which needed to be established was the relative status and wealth of the opposing parties. Although this seldom features as a part of precedents, actual cases are filled with references to these issues. In 1675 the Chancellor of the

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[76]. W.R.O. 2513, 794-011, 14, fo.591.

[77]. For fuller details see Ingram, *Church Courts*, pp.48-50.

[78]. Bucks.R.O. D/A/X/4, fo.159v-160.

[79]. Bucks.R.O. D/A/X/4, fo.187-187v.

[80]. W.R.O. 2479, 794-093, fo.4, 10, 39v; O.R.O. Archd.Papers Oxon. e.3, fo. 72, 192.

Worcester diocese would not determine the question of the title to a seat in Fladbury until commissioners had examined whether "Mr.Emms lives in the parish; has he any land or a house in the said parish, if so to what value," and in many other cases it is evident that the court required knowledge of wealth and status to see if an individual were worthy of the seat he claimed.[81]

This is most noticeable in a case from St.Ebbes, Oxford, in 1618, where Francis Taylor and John Maris had promoted themselves to sit in a higher seat in the church than that they had usually occupied. Witnesses on both sides appeared at court to describe the status and wealth of these defendants, with one witness claiming that Taylor was a cobbler and "but a poor man and so poor that one of his children goes a begging," while another denied this claiming Taylor's son begged because he was blind and that Taylor himself paid the poor rate.[82] Such debates are not unusual, and in many libels and allegations individuals refer to their own wealth both directly and by stating how much they pay in church rates. Hence William Wyatt's allegation in 1690 referred to his paying £7 a year to the church of Horspath, Oxfordshire, where he claimed a seat while the vicar of Great Burstead, Essex, in 1613, was called as a witness to prove the relative of Edmund Bragg and William Elliott.[83] Similar cases emerge from the court of the Archdeacon of Berkshire with the churchwardens informing the court in 1673 of the amount paid in church rates by William Wallis of Shellingford and with David Heath pushing William Hopkins from his seat in Lambourne demanding "you pay nothing to the church, why claimest thou to sit

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81. W.R.O. 2302, 795-02 no.5744.

82. O.R.O. Archd.Papers Oxon. c.118, fo.148, 151v.

83. O.R.O. Archd.Papers Oxon. c.32, fo.132v; G.L.R.O. DL/C/200, fo.553.

here?"[84]

The questions of wealth, status and title to a pew asked by the court went some way to easing the problems inherent in the adjudication of pew disputes. The decision as to the ownership of a pew was, nevertheless, a complex one. This is perhaps the reason why so many disputes were decided out of court in this period and why so many were willing to resort to mutual agreement rather than to pursue the case to a finish through the courts. This is shown in a case in 1687, where a commission appointed by the court to decide the title to a pew in the church of Old Swinford, Worcestershire, "found the determination of the matter....so intricate that we have rather thought fit to endeavour an accommodation between the said parties by mutual consent."[85] In Barkham, Berkshire, in 1669 the determination of ownership was so difficult that the court chose to grant the seat to both litigants rather than to reach a final decision.[86] Difficulties in deciding titles cannot, however, account for the 33% of all cases agreed out of court and in many such instances it must have been the threat of expensive further litigation that caused an accommodation.[87] This does not mean that agreement was always quickly sought, with one case in Gloucestershire agreed only after nineteen months and an unsuccessful appeal to the Court of Arches, and with other cases agreed after sixteen and twenty months respectively.[88] Nor were

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[84]. Berks.R.O. D/A/2 c.83, fo.168; c.69, fo.45v.

[85]. W.R.O. 2302, 795-02 no.8913.

[86]. G.L.R.O. DL/C/31, fo.33v-34.

[87]. This has been found to be true of defamation cases in the diocese of Salisbury, Ingram, *Church Courts*, pp.317-8.

[88]. G.R.O. GDR. 92, *Joan Gumm v. Grace Horne*, 20 Sept.1603; 99, 9 April 1605; 218, *Stephen Selwyn v. William Sandford*, 23 June 1628 and 26 oct.1669; H.R.O. Consistory Court Book 11, *Winifrid Pointer v. Elinor Shrimpton*, 12 March 1630/1; 114, 6 Oct.1632.

agreements out of court always the result of the efforts of individual litigants. In a number of cases the courts themselves actually referred the issue to arbitration. This could result from an appeal by the parish officers, as in Fareham, Hampshire, in 1617, but more commonly it was a tactic of the court.[89] In two cases from the Gloucester diocese the question of title was referred back to arbitration at the next visitation by the court, while in July 1600 the consistory court ordered an instance dispute to "be ordered by four of the neighbours, two of each side."[90] Such settlements can also be found from other areas with three local clergymen deciding a dispute in Halse, Northamptonshire, in the 1630's and with two local JPs arbitrating a dispute in Yorkshire in 1581.[91] The courts could also resort to other methods TO allow the easier resolution of questions of titles. On some occasions, the courts appointed commissioners to hear evidence at the parish level and reach a decision as to the title to a seat as at Hambledon, Buckinghamshire, in 1687 while in many cases the judge himself viewed the seat in controversy. Such personal visits appear quite common with the Bishop of Peterborough commenting in 1683 that he only discovered that all was not well in his diocese when he had "occasion....to confirm in some churches and view seats that were in controversy in other churches." In 1617, 1627 and 1738 the Chancellor of the Oxford diocese visited churches for the same reason.[92] If the judge was unable to visit the seat personally, he could require that litigants draw up maps

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[89]. H.R.O. Consistory Court Book 96, fo.17.

[90]. G.R.O. GDR. 70, *John Atwell v. John Osbaston*, 10 Jan.1593/4; 77, *John Weale v. Arnold Horne*, 16 dec.1595; 84, *Edward Staple v. John Beale*, 10 July 1600.

[91]. Margaret Stieg, *Laud's Laboratory: The Diocese of Bath and Wells in the Early Seventeenth Century* (Lewisburg Pa. 1974), pp.238; J.S.Purvis, "A Note on Pews and Stalls," *Yorks.Archae. and Topographical Jnl.*37 (1948-51), pp.171.

[92]. Bodl.Rawlinson D.1163, fo.6v; O.R.O. Archd.Papers Oxon. c.118, fo.170; Oxf.Dioc.Papers c.17, fo.16v; c.2137, fo.41v.

of the church and its seats as in Chigwell, Essex, in 1619, and Clayworth, Nottinghamshire, in 1676.[93]

Such was the nature of the ecclesiastical courts' jurisdiction over seats and their manner of proceeding. It is clear from this that the variety of cases tackled by the courts was far greater than the legal theory implied and that all aspects of seating from its building to its placement and repair were dealt with by the ecclesiastical courts. There were differences between office and visitation cases, however, and instance cases both because the latter were less concerned with the actual physical appearance of seats than were office cases and because such litigation was better designed to decide the disputed question of title to a seat than were the disciplinary proceedings of the office jurisdiction. Titles to seats were, therefore, to be determined only by the bringing of an instance case or by the seeking of a faculty, which offered a potentially speedier resolution of the question, although a potentially less certain one. In both of these cases the courts took account of both the legal requirement that a claim of long usage be based on a house and more practical considerations regarding an individual's status and worth. Such considerations have been seen to have made the decision of the title a complex and often confusing one which could result in cases being agreed out of court or the courts' adopting of a variety of legal expedients.

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[93]. Bucks.R.O. D/A/C/15, fo.44v; G.L.R.O. DL/C/19, fo.72v; Harry Gill and Everard L.Guildford, *The Rector's Book of Clayworth, Notts.* (Nottingham 1910), pp.26-7.

CHAPTER FOUR: PAROCHIAL REALITIES: THE METHODS AND CRITERIA OF ALLOTMENT.

1. The Role of the Churchwardens.

Although the ecclesiastical courts played a central role in deciding disputes over the titles to seats, and were instrumental in allocating seats through the grant of faculties, day to day decisions regarding the allocation of seats were usually taken by the churchwardens. It is only by examining the issue of allocation at a parochial level, therefore, that we can hope to gain a knowledge of the methods and criteria which were adopted. The subject has not previously been studied in any real depth nor any convincing conclusions reached. Christopher Hill saw only a confusion of different systems. "In some churches," he wrote, "pews were allotted for life only, in others the right was annexed to the payment of rates, to the right to be buried in church (a social distinction), to the holding of property in the parish or to an ecclesiastical office such as churchwarden."[1] Since this was written little attempt has been made to analyse the frequency of these systems, their separateness or their persistence. David Underdown has traced a change in the West Country from a customary system of allocation to houses to a system whereby pews were reserved in return for the payment of a rent or life interest, yet his conclusions have not been supported with evidence

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[1]. Christopher Hill, *Economic Problems of the Church from Archbishop Whitgift to the Long Parliament* (1956), pp.176.

from other regions and must remain open to question.[2] Even the work of Nick Alldridge on Chester, which shows the significance of more personal factors such as age, rank and dwelling place, must be used carefully in that it is based on very few parishes and reflects his interpretation of a seating plan rather than the criteria by which the plan was established.[3] The issue is in need of a closer analysis based upon evidence from a wider area than has heretofore been attempted.

The ecclesiastical law undoubtedly placed the right of allotting seats in the hands of the Ordinary of each diocese, but accepted that in practise this right was best exercised through the churchwardens. This has already been established from the writings of commentators on the ecclesiastical law and through cases in which the courts decided whether churchwardens could claim a prescriptive right to order the seats of their church independent of the Ordinary. In such cases the denial of the churchwardens' right was not because they could not order the seats of the church, but merely because they could not do so independent of the Ordinary from whom their authority was derived.[4] The willingness of the ecclesiastical courts to allow the churchwardens to order seats was very explicit in practise. In many instances the courts intervened to uphold the churchwardens' decisions and to punish those who had refused to obey them. In such cases the churchwardens' decision was invariably upheld, with only five examples in the area of study in which the court found fault with the churchwardens' placement and two in which the courts allotted seats to

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[2]. David Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford 1987), pp.30.

[3]. Nick Alldridge, "Loyalty and Identity in Chester Parishes, 1540-1640" in Susan Wright (ed.), *Parish, Church and People* (1988), pp.96-7.

[4]. See above pp.42-44.

individuals denied them by the parish officers.[5]

The courts did not confine themselves merely to confirming the decisions of churchwardens, but often used them in a more active way to resolve specific questions of placement. In 1591, for instance, the churchwardens of Stratton Audeley, Oxfordshire, were ordered to appoint Henry Blythe a convenient seat in the church to prevent him intruding again into the seat of Mrs.Brookes.[6] In many cases the court appointed the churchwardens as commissioners to reorder the seats of the church as in Corsley, Wiltshire, in 1635.[7] Such commissions invariably resulted from petitions sent by the churchwardens and in every case except that of Great Farringdon, where the churchwardens petitioned for a commission of outsiders "for fear that they....should procure some ill will," it was the churchwardens whom the court nominated as commissioners.[8] Under these commissions the churchwardens and those who they associated with them were given the authority to order the seats of their church as they saw fit, reserving to the Ordinary the right to confirm their decisions and to punish those who refused to accept them. This can be seen in Great Chesham, Buckinghamshire, in 1606 when the High Commission was invoked by the churchwardens to punish those who refused to accept the places allotted them.[9] The

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[5]. G.L.R.O. DL/C/33, fo.263; 302, fo.42; Berks.R.O. D/A/2 c.67, fo.53v; c.20, fo.211; O.R.O. Archd.Papers Oxon. c.12, fo.304; c.13, fo.126v.

[6]. O.R.O. Archd.Papers Oxon. c.9, fo.246.

[7]. M.F.Davies, *Life in an English Village: An Economic and Social Study of the Parish of Corsley, Wilts.* (1909), pp.295.

[8]. Berks.R.O. D/A/2 c.192, fo.60. For other commissions see: O.R.O. Archd.Papers Oxon. c.26, fo.188; J.W.Garrett-Pegge, "Richard Bowle's Book," *Recs. of Bucks*.9 (1909), pp.333; W.J.Pressey, "Some Seating Experiences in Essex Churches," *Essex Review* 35 (1926), pp.4; F.G.Emmison, *Elizabethan Life: Morals and the Church Courts* (Chelmsford 1973), pp.131.

[9]. Garrett-Pegge, "Richard Bowle's Book."

need for the courts' confirmation of the decisions made is clearly apparent in Richard Gough's regret that the Civil War intervened to prevent the Archdeacon's visit to Myddle "to confirm what was done" regarding the reordering of the seats of the church.[10] On only one occassion did the courts' higher authority result in the overturning of the decisions of a commission. It is a case which smacks of self-interest, with the judge of the consistory court in London intervening in 1602 to revoke a commission previously agreed by the Archdeacon of Essex because of the opposition of the Bishop who had said, "I will in no sort have any of my tenants and ancient landholders removed out of their seats."[11] This case was a rare exception to the general rule that the court upheld the churchwardens' decisions.

The central importance of the churchwardens in deciding questions of allocation was accepted not merely by the courts but also by individual parishioners. Jane Doe of Lockings informed the Archdeacon of Berkshire that "she had been placed by the churchwardens" in the seat in controversy and that "there is no custom in the church but that the churchwardens may place."[12] This was also made clear in Edward Price's evidence to the Star Chamber in 1612, when he informed the court that he had been placed in his seat in Church Stoke, Montgomeryshire, by the authority of the churchwardens and "with the general good liking....of all the freeholders and best sort of inhabitants" together with the consent of the Chancellor of the diocese.[13] Such cases could be multiplied, yet there are more direct instances where the churchwardens'

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[10]. Richard Gough, *The History of Myddle* (ed.) D.Hey, (Harmondsworth 1981), pp.79.

[11]. G.L.R.O. DL/C/14, fo.275.

[12]. Berks.R.O. D/A/2 c.35, fo.88v.

[13]. P.R.O. Stac.8, 244/28.

authority is visible. In 1692, for instance, a dispute developed in London between the churchwardens of St.Anne Blackfriars and those of St.Andrew Wardrobe as to the correct ratio of pews which each should be able to allocate their parishioners after the uniting of their two parishes by Act of Parliament. The churchwardens of St.Anne's felt that they should have two thirds of the seats, because their parish had paid two thirds for the pewing of the new church. They successfully defended this arrangement against their fellow churchwardens, who pleaded for half of the pews on the basis of holding half the population of the new parish.[14] The case eloquently testifies to the churchwardens' role, as does a case from St.Lawrence Jewry, in 1657, where the vestry found fault with the placing of the parishioners by the churchwardens of 1656. The "great debate" to which this gave rise resulted in the vestry's reaffirmation of the seats as they stood in 1655 and the formation of a committee to decide placement with the churchwardens.[15] Perhaps the clearest testimony of the churchwardens' power in the allocation of seats, however, is the number of cases which they appear to have resolved themselves without reference to the courts. The evidence is patchy, but sufficient to indicate the common occurrence of such arbitration. In a number of London parishes the vestry imposed fines upon those "that upon the Sabbath day or other holy days goes not to his pew or seat to him appointed by the churchwardens." This was the case in All Hallows the Great, St.Lawrence Jewry, St.Martin Ludgate, St.Michael upon Cornhill and St.Olave Jewry.[16] Such schemes speak less of arbitration and more of ease of punishment, yet they show a genuine concern to solve conflicts of ownership

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[14]. G.L.R.O. DL/C/37, fo.103, 174v.

[15]. Guildhall Library MSS.2590 Vol.1, fo.488.

[16]. Guildhall Library MSS.819 Vol.1, 26 Dec.1574; 2590 Vol.1. fo.9; 1311 Vol.1 Pt.1, fo.99; 4072 Vol.1, fo.1; 4415 Vol.1, fo.3.

at a parish level. This was so in other cases. In 1604 a case before the Gloucester consistory court between Thomas Brush and Giles Bishop revealed that previous attempts had been made by the churchwardens to resolve the title to the pew before resort was made to the court, as was the case in Stonehouse, Gloucestershire, in 1669 and Longcott, Berkshire, in 1625.[17] Evidence of such arbitration by the churchwardens can be found as early as 1490, when the churchwardens of Kirkburton, Lancashire, intervened to settle a dispute in their parish.[18]

These cases reveal that the churchwardens' right to allocate the seats of the church was accepted by both the courts and their parishioners. In some cases, however, the churchwardens were associated with others in deciding placement. Commissions to reorder the seats of a church were often sent to the churchwardens and leading local gentlemen. In Great Chesham, Buckinghamshire, in 1606 the churchwardens were joined with Sir Edmund Ashfield, Richard Bowle and the minister in deciding placement, while in 1595 a commission to the churchwardens of Heliors Bumpstead, Essex, associated them with five others.[19] Such associations were also common in more everyday questions of placement. This is especially the case in large parishes and those within towns, where the sheer size of the population and the diversity of the social mix made the ordering of individuals in their seats both more difficult and potentially more controversial. In some parishes it was the vestry which was instrumental in determining seat order. It has already been seen that in some London parishes the vestry played a significant role in reinforcing the decisions of the

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[17]. G.R.O. GDR.95, 26 March 1604; 211, 20 Jan.1668/9; Berks.R.O. D/A/2 c.67, fo.53v.

[18]. *Jnl. of the Archaeological Assoc.* 30 (1874), pp.222.

[19]. Garrett-Pegge, "Richard Bowle's Book," pp.333; Emmison, *Elizabethan Life*, pp.131.

churchwardens, yet in others the vestry reserved the whole right of ordering to themselves.[20] This was so in St.Martin's Ongar in 1627 where the vestry ordered that "no churchwarden shall seat in the church any of the inhabitants of the parish or their wives without the consent of the vestry or some of the ancientest thereof."[21] Similar orders were also passed in St.Andrew Holborn in 1626, All Hallows the Great in 1579 and St.Stephen Walbrooke in 1609.[22] In other parishes different systems were adopted. St.Olave Jewry decided in 1578 that the assessors of the fifteenth should determine placement while the vestry of St.Stephen Coleman Street in 1657 appointed a special committee to decide such issues, as did the vestry of St.Lawrence Jewry in the same year.[23] A similar solution was adopted in St.John's, Chester.[24] In St.Saviour's, Southwark, this was also the case as can be seen from a letter sent to the Chancellor of the diocese of Winchester in 1639, which spoke of a system under which "the churchwardens....with six or eight other ancients whom they should think good to associate with them should seat the parishioners there and such as have been or should otherwise be seated by any of the churchwardens there, is not allowed as legally placed."[25] A number of parishes show evidence that seating decisions were taken by the mayor and corporation or by the lord of the manor. In Longborough, Dorset, and Woodstock, Oxfordshire, allocation was decided by the lord of the manor while in

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[20]. See above pp.88.

[21]. Guildhall Library MSS.959 Vol.1, fo.165.

[22]. Guildhall Library MSS.4251 Vol.1, fo.12; 819 Vol.1, fo.13; 594 Vol.1, 20 March 1608/9.

[23]. Guildhall Library MSS.4415 Vol.1, fo.7; 4458 Vol.1, fo.222; 2590 Vol.1, fo.488.

[24]. Alldridge, "Loyalty and Identity," pp.95.

[25]. G.L.R.O. P92/SAV/520.

Doncaster, Totnes, Devon and St.Peter's in Boston, Lincolnshire, the mayor and corporation were instrumental in such decisions.[26]

If the churchwardens' role in allotting seats was limited by their association with others in the performance of their task, a more severe limitation was placed upon them because they could not interfere with the seats of certain areas of the church. It has already been seen that the legal theory differentiated between seats in the body of the church and those in aisles and the chancel.[27] This is reflected in parochial arrangements. Legal theorists such as Joseph Shaw believed that not even the Ordinary of the diocese could claim the right to order the seats in the chancel. The chancel, he argued, was the freehold of the parson, repaired by him and so exclusive of the Ordinary.[28] Shaw's theory made the parson's claim to the chancel legally similar to an individual's claim to a prescriptively held seat. This theory would appear mistaken, since Edmund Gibson believed that the parson's claim to freehold in the chancel no more excluded the Ordinary's authority than did the claim that the seats of the church in general were the parson's freehold.[29] In practise, however, the parson's firmer claim to the chancel placed the disposing of seats there in his hands not those of the churchwardens. Thomas Baggs of Burford made this clear in 1665 when he deposed to the Chancellor of the Oxford diocese that the churchwardens had

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[26]. Underdown, *Revel, Riot and Rebellion*, pp.31; O.R.O. Oxf.Dioc.Papers c.456, fo.197v; Sidney O.Addy, *Church and Manor: A Study in English Economic History* (1913), pp.416; E.Windeatt, "Notes on an old Lawsuit Relative to the Rights to Seats in Totnes Church," *Repts. and Trans. of the Devonshire Assoc.*19 (1887), pp.538-46; Peter and Jennifer Clark, *The Boston Assembly Minutes, 1545-1575*, Lincoln R.S.77 (1987), pp.26,37.

[27]. See above pp.39-40.

[28]. Joseph Shaw, *Parish Law or A Guide to Justices* (1733), pp.70.

[29]. Edmund Gibson, *Codex Iuris Ecclesiastici Anglicani* (1713), pp.224.

the right to allot all the seats in the church "excepting only of places in the chancel," while in 1605 the churchwardens of St.Botolph's Aldgate, London, were reprimanded by the judge of the court for claiming the right to order a seat which "is in the chancel....whereby the churchwardens have no way to do with the placing or displacing of any within the chancel."[30] This right lay not with the churchwardens of the parish but with the rector and the lay impropriator of the rectory, who was in this case the King. A similar exclusiveness is apparent in relation to aisles, although here the ecclesiastical law's demand that an individual prove exclusive use, constant repair and/or his family's founding of the aisle, made claims to ownership difficult to prove.[31] Indeed of three cases from the Oxford diocese where individuals claimed an exclusive right to an aisle, none resulted in the court's upholding of the claim.[32] It was doubtless possible to prove an exclusive title to an aisle and aisles appropriated to specific families certainly did exist, yet it was extremely hard to make such claims acceptable to a court.

Despite such limitations upon the churchwardens' power of allocation, it is clear that they exercised considerable authority over the seats of the church. This authority was in some cases made visibly apparent. The churchwardens of Burford, Oxfordshire, testified how they had brought John Jordan "into possession of his seat on a Sunday in the face of the congregation according to the usual custom of the place."[33] A similar solution to the problem of ensuring that individuals took up their rightful seats

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30. O.R.O. Archd.Papers Oxon. c.119, fo.22; Guildhall Library MSS.9236, fo.2.

31. See above pp.40.

32. O.R.O. Oxf.Dioc.Papers c.26, fo.16-22v; c.29, fo.99-133v; Archd.Papers Oxon. c.120, fo.123v-126.

33. O.R.O. Oxf.Dioc.Papers c.26, fo.25.

existed in All Hallows Lombard Street in London, where the churchwardens sent every person "a note acquainting them with the pews they were appointed to sit in."[34] More often, however, the churchwardens made clear their power only through its exercise. This was evident in Weston-on-the-Green, Oxfordshire, in 1592 with a deponent testifying of the churchwardens' "placing and displacing" of people in "new seats....not....as they....had ever sat in before."[35] In Nettlebed, Oxfordshire, in 1663 the churchwardens' powers were evidenced in their removal of Robert Gomme from his seat to another because his landholding in the parish had fallen from one hundred acres to just twelve.[36] The extent of such powers can be best seen, however, in a dispute in 1617 in St.Ebbes, Oxford. The dispute arose from the churchwardens' removing John Neele from his seat to provide accommodation for the wife of one of the city's bailiffs. Although Neele objected to this and returned to his original seat, many depositions testified to the churchwardens' right to undertake such changes. The churchwardens were shown in this evidence to have always had the power to remove people and to place them where they pleased, and even to change men's seats into seats for women if it were required. These powers were undisputed even by John Bright who, like Neele, had been removed from his seat, and many believed that the only restraint upon the churchwardens was the need to act "according as conveniency and good order required" and "with the liking of all parties and without the displacing of any against their wills."[37] In this case such unanimity had broken down but the churchwardens' rights still went unquestioned.

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[34]. Guildhall Library MSS.4049 Vol.1, fo.27v.

[35]. O.R.O. Oxf.Dioc.Papers d.16, fo.304.

[36]. O.R.O. Archd.Papers Oxon. c.160, fo.218.

[37]. O.R.O. Archd.Papers Oxon. c.118, fo.149, 99.

4.2.Systems of Allocation: (i) "The Customary" System.

The extent of the churchwardens' powers of allocation have been seen in the previous section. As yet, however, no attempt has been made to discuss the criteria upon which decisions as to placement were made. There was no single method with some parishes adopting systems by which seats were allotted in return for the purchase of a life-interest or the payment of an annual or quarterly rent, while others adopted a system whereby seats were allotted merely by the decision of the churchwardens. The latter system of allocation was undoubtedly the most common. Of the 107 parishes for which churchwardens' accounts have been studied in the area of my study and the forty-six for which vestry minutes were consulted, only thirty-seven adopted a system of payments while 116 allotted seats on the basis of a system of mere allocation.

Given the dominance of the system of mere allocation it is important to define the basis upon which seats were assigned under it. Historians have tended to see this as the "customary" system being based upon the allocation of seats "not to individuals or families but to tenements: to farms and houses."[38] This belief is open to question and would appear to reflect a failure to distinguish between seats claimed prescriptively by individuals in the right of their houses, and so beyond the churchwardens' control, and those seats which remained free and common for the churchwardens to allocate. Such confusion is undoubtedly the result of the available evidence. Seating plans often list seats in terms of the houses to which they belong, whether such seats were prescriptive or allocated by the churchwardens, while instance

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[38]. Underdown, *Revel, Riot and Rebellion*, pp.30.

cases are often based upon the plea of holding a seat in the right of a certain house. Prescriptively held seats were not, however, the norm and it is clear that seats claimed on this basis existed in churches where the usual form of allocation rested either upon payment of a rent or life-interest or upon mere allocation by the churchwardens.[39] This is evident in many instance cases where an individual claiming a seat to a house was opposed by another basing his claim upon the personal allocation of the seat by the churchwardens, and in office cases where the cause of complaint was often that an individual had failed to obey the placement arranged for him by the churchwardens.[40] Indeed thirty-nine parishes in the area of my study have both office cases, in which the seat was clearly assigned by the churchwardens, and instance cases where prescriptive titles were at stake. This situation is most clearly seen in Chipping Wycombe, Buckinghamshire, where it was evident that the churchwardens were to repair and allot all the seats of the church "except several titular seats....that are appropriate and do belong to titular houses which are....repaired by the owners and occupiers of the said houses."[41] This was also the case in Essenden, Hertfordshire, where Samuel Mainwaring was cited to show why a seat he claimed "should not be deemed a public and common seat belonging to the parish....and as such....subject to the direction of the churchwardens."[42] Similarly, in St.Giles Cripplegate, in 1721 the churchwardens attempted to prove a seat as erected at the parish charge and that "therefore no inheritance of that pew can or ought to be claimed."[43] In such parishes

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[39]. See below pp.120-121.

[40]. See above pp.63-65.

[41]. Bucks.R.O. D/A/2 c.24, fo.27.

[42]. Bodl. Rawlinson B.381, fo.275.

[43]. Bodl. Tanner 98, fo.53.

it is clear that an individual claiming a seat allotted him by the churchwardens did so not in the right of a specific house but rather as his by mere right. The system of mere appointment by the churchwardens would appear, therefore, to have been far more personal than previous historians have suggested. This is no great surprise. The ecclesiastical courts were concerned with the status and wealth of litigants, as much as with any claim to a seat in the right of a house, while the majority of faculty cases resulted in the grant of a seat to an individual on a personal basis rather than because he held a certain piece of property.[44]

Although seats were granted personally and not in the right of houses, being a householder was undoubtedly the fundamental basis of being granted a pew. In 1637 the Archdeacon of Buckingham condemned Mr.Davis and Mr.Eagleton for using seats in the churches of parishes where they had no house, as did the Archdeacon of the neighbouring county of Berkshire in the case of William Hopkins of Lambourne.[45] Moreover in St.Andrew Undershaft in London, the court condemned the building of fifteen pews for maids because it was "an occasion that many householders had been turned out of their seats."[46] The connection between being a householder and having the right to a seat is especially clear in Woodmancote, Hampshire, in 1717, when Augustus Kinchin appealed for a reordering of the seats of the church because "several persons who do sit in some of the said seats either they have no lands within the said tithing....or else they have no house there or do not pay towards the repair of the church."[47] It is obvious, therefore, that, while seats were not granted to an individual

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[44]. See above pp.76-77.

[45]. Bucks.R.O. D/A/V/15, fo.1, 10v; Berks.R.O. D/A/2 c.69, fo.45v.

[46]. G.L.R.O. DL/C/315, fo.23v.

[47]. H.R.O. C/7/A/3, 12.

in the right of a specific house, they were nonetheless granted to individuals as householders in the parish. On this basis householding represents merely a plea of membership of the parish and a proof of having achieved a social standing sufficient to make one a contributor to parochial funds and a citizen in one's own right.

Although being a householder was essential to being allocated a seat, it tells us little of how the churchwardens reached decisions as to who should sit where. Considerations of status were of prime significance. Commissions sent by the courts to reallocate the seats of a church invariably referred to the need to place the parishioners "according to their qualities and due respects" or "according to their degree, ability and calling" or *iuxta eorum respective dignitatem, status et condicionem.*[48] Such concern for status was reflected in the day to day decisions of the churchwardens. It can be seen in the frequent cases in which they presented those who had refused to accept a seat "according to their worth and calling," or in which an individual was charged with "exulting himself above his neighbours and betters."[49] It is also seen in St.Mary Woolchurch Haw, London, in 1457, where the churchwardens were ordered to "place rich and poor in the said church in the pews that belongeth" and in Kirby Kendall, Yorkshire, in 1571, where the gentleman of the parish were placed in the choir "and the husbandmen removed and set lower."[50] So close was the correlation between status and position felt to be that when Emma Wickes of St.Ebbes, Oxford, modestly refused to move to a higher seat because it was "too high for one of her

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[48]. O.R.O. Archd.Papers Oxon. c.26, fo.188v; Emmison, *Elizabethan Life*, pp.131; Garrett-Pegge, "Richard Bowle's Book," pp.335.

[49]. O.R.O. Oxf.Dioc.Papers c.16, fo.3v; G.R.O. GDR.111, *Office v. Edward Bishop*, 12 Dec.1610.

[50]. J.M.Neale, *The History of Pues* (Cambridge 1843), pp.100; J.S.Purvis, "A Note on Pews and Stalls," *Yorks.Archae. and Topographical Jnl.*37 (1948-51), pp.168.

degree," her request was granted. Similar modesty was shown by Thomas Puckmore of Newbury, Berkshire, in 1597, but it was far from the norm.[51]

Considerations of status were not the only ones upon which the churchwardens based their allotment of seats. The amount paid by each individual in rates to the church was also significant. The churchwardens of Eccles, Lancashire, were ordered in 1595 to place their parishioners not merely "according to their degree and calling" but also with "a special regard to their charges and payments which they have severally paid towards the repair of the church." That this was achieved is shown in the following year's placement of the wives of the parishioners in seats defined according to the amount paid by their husbands.[52] An order similar to that sent to the churchwardens of Eccles was sent to the churchwardens of Overton in Hampshire in 1732, by which they were advised to seat their parishioners "according to their respective degrees and qualities and according to the rates and taxes which everyone pays or ought to pay towards the repair of the church."[53] The connection between church rate and seating position is evident even in Richard Gough's Myddle. Here Thomas Heighway's claim to a place in a seat in the north aisle was denied on the grounds that he had another seat elsewhere "and it is not likely that he being a cottager and paying but a 6d leawan should have one whole pew and a kneeling in another pew." Such considerations were also behind Gough's denial to another group of cottagers of the right to a seat because "none of them pays any church leawan, but

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[51]. O.R.O. Archd. Papers Oxon. c.118, fo.166; Berks.R.O. D/A/2 c.39, fo.145v.

[52]. J.Harland, "Lancashire Church Seats in Olden Times" *The Church of the People* 6 (1862-3), pp.328, 8 (1864-5), pp.5-7.

[53]. H.R.O. 81 M72 PW3.

Clark, which is but 2d."[54]

Gough was not alone in considering church rates important. In 1736 the Winchester Consistory Court decided that "such....as paid most to the parish rates....should have the uppermost place" in the church of Hinton Admiral, while the churchwardens of Lambeth were empowered to reallocate the seats of any who were in arrears of their rates.[55] It was the same in Great Burstead, Essex, in 1613 where Edmund Bragg found his pew pulled down by the churchwardens after a "falling out....about a rate," in which the churchwardens had stated of Bragg that "the gates of his house are not greasy with giving alms to the poor."[56] There can be little doubt that Underdown's conclusion "no church rate, no seat" was indeed correct. Nor can it be doubted that some reversed this formula to justify non-payment of rates on the grounds of having no seat.[57] John Turner used this excuse in 1637 to explain his not contributing to the repair of the church of Thatcham, Berkshire, as did William Abrooke of Lewknor, Oxfordshire, who refused to pay his assessment in 1630 "because the churchwardens have left out many men who are householders and have seats in the church."[58] So firmly held was the belief that a seat depended on the payment of church rates, that the inhabitants of Crawly refused to pay their rates to the churchwardens of Witney, Oxfordshire, after George Shorter was placed in the seat claimed by them for their wives. Many of the parishioners of Gray's Thurrock, Essex,

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[54]. Gough, *Myddle*, pp.107,183.

[55] H.R.O. 47 M48/8a-d; Charles Drew, *Lambeth Churchwardens' Accounts, 1504-1615 and Vestry Book, 1610*, Surrey R.S.18 (1943), pp.251.

[56]. G.L.R.O. DL/C/220, fo.554, 554v.

[57]. Underdown, *Revel, Riot and Rebellion*, pp.31.

[58]. Berks.R.O. D/A/2 c.78, fo.374; O.R.O. Oxf.Dioc.Papers c.2, fo.110.

did the same after the placement of Thomas Parnell in a seat.[59] Given the significance of church rates as a basis for being allocated a seat it is not surprising that Nicholas Leake of Stoke Climsland, Cornwall, informed the churchwardens that "if he were rated to their church, he ought to have a seat in it."[60]

Status and rating assessment were clearly significant factors in deciding placement, yet they were not the only criteria adopted by the churchwardens who would also take into account the reputation of an individual in the parish. Occasionally this could take the form of refusing seats to known troublemakers. This was evident in Hursley, Hampshire, when the churchwardens pulled down the seat of Joan Wilmott because "they had been admonished at his Lordship's visitation to reserve all disorders in the parish" and because "Joan Wilmott the younger is a troublesome woman....(they)....thought it good....to remove her out of the seat."[61] This was also evident in Fernham, Berkshire, in 1600, when a leading local gentleman, Arthur Lewis, found his seat pulled down by the churchwardens who called him "drunken tosspot" and accused him of selling his land to buy ale.[62] Such cases are by no means typical and in the main the adjudication of reputation merely meant taking into account unquantifiable factors indicating status. Hence, Alderman Lewes of All Hallows Lombard Street, was allotted a seat by the vestry "in gratitude for the marble stone of the new font," while in 1710 the churchwardens of Bury spoke of the eminent

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[59]. O.R.O. Archd.Papers Oxon. c.119, fo.49; W.H.Hale, *A Series of Precedents and Proceedings in Criminal Cases* (1973), pp.247.

[60]. P.R.O. Stac.8, 204/22.

[61]. H.R.O. Consistory Court Book 24. fo.833.

[62]. Berks.R.O. D/A/2 c.43, fo.122v, 127v.

members of their parish who "deserve every respect including a seat in the church."[63] Consideration of reputation was most in evidence in the placing of ex-office-holders who deserved a place not only as individuals but in regard of the office they had held. It was for this reason that William Meredith of St.Dunstan in the West, petitioned the vestry of the parish to be excused the office of constable, but to be placed in the church as if he had actually served in that capacity.[64] This was also why in Portsmouth, Hampshire, in 1712 a dispute arose as to the placement of Henry Seager in the church revolved around whether or not he had ever been mayor of the town.[65] The significance of reputation is self-evident in these cases.

The churchwardens can, therefore, be seen as basing their decisions as to the placement of individuals not on any one factor, such as the house a person occupied but on a variety of factors which allowed them to form a composite picture of each individual and thus to define his correct place in the church's hierarchy of seats. There appears little change in the system throughout this period except in the number of seats available to be allocated which was being reduced by the growth of prescriptive titles. This clearly posed increasing problems as the system was dependent on the availability of vacant seats. The system's workings should, however, come as no surprise. Gough implied the basics of them when he stated that he was uncertain of the correct placing of each person in the church of Myddle "but if any be minded to give a guess in this matter, let him first take notice of every man's church leawan, and then look over what I have written concerning the descent and pedigree of all, or most part of the families in this side of the parish, and then he may give some probable

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[63]. Guildhall Library MSS.4049 Vol.1, fo.27v; Bodl. Tanner 104, fo.302v.

[64]. Guildhall Library MSS.3016 Vol.1, fo.119.

[65]. H.R.O. C/8/A/1b.ii, 148-151.

conjecture in this matter."[66] The churchwardens were well situated to do this and to determine the comparative wealth, status and reputation of the parishioners and to place them accordingly. As representatives of the parish and parishioners, the churchwardens would have been well aware of the perceived hierarchy of the congregation especially since the small scale of many of these parish communities allowed parishioners to judge each other not as members of a particular social group but as individuals. This undoubtedly gave a very detailed picture of how each person stood in relation to the rest of the parish which was reflected in the position allocated each individual in the church.[67]

4.2.Systems of Allocation: (ii) Payments.

Those historians who have previously discussed systems of allocating pews have been apt to see systems of payments as significant for two distinct reasons. The first of these concerns their alleged financial significance for the parishes where they existed. The second rests upon the perception that more parishes were adopting payments in the seventeenth-century than had been apparent previously. This was a change which they have related to the increasingly polarised nature of society and the increased desire to more closely define status than had been the case previously.[68] Little research has been done, however, on which to base such an argument and the

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[66]. Gough, *Myddle*, pp.78.

[67]. Keith Wrightson, "The Social Order of Early Modern England: Three Approaches," in. Lloyd Bonfield, Richard Smith and Keith Wrightson (ed.), *The World We Have Gained* (1986), pp.180-4; A.P.Cohen, "Belonging: The Experience of Culture," in A.P.Cohen (ed.), *Belonging: Identity and Social Organisation in British Rural Communities* (1982), pp.10-11.

[68]. Hill, *Economic Problems*, pp.176; Underdown, *Revel, Riot and Rebellion*, pp.30.

question of seating payments is in need of far closer analysis. The first distinction which needs to be made is between parishes in which seats were reserved in return for the purchase of a life interest and those where seats were reserved for a quarterly or annual rent. Of the thirty-seven parishes in the area of my study adopting systems of payments, eight granted seats in return for a quarterly rent,[69] three in return for an annual rent[70] and twenty-six in return for the purchase of a life interest.[71] In a further eleven parishes evidence derived from ecclesiastical court records indicates the existence of pew payments. St.Peter Colebrooke, Winchester, alone of these had a system of annual rents, while Northwood on the Isle of Wight had a system of quarterly payments.[72] The remaining nine parishes adopted systems of life payments except Kingston-upon-Thames, Surrey, where the vestry was empowered to choose the system it preferred.[73] Further evidence from published sources outside the area of my study shows that in Ashford, Kent, a system of annual rents was in force, while systems of

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[69]. Lambeth and these London parishes: St.Christopher le Stocks, St.Dunstan in the East, St.Lawrence Pountney, St.Margaret New Fish Street, St.Martin in the Fields, St.Michael upon Cornhill and St.Peter Cornhill.

[70]. St.Martin Ludgate, London and St.Lawrence and St.Mary. Reading.

[71]. Berkshire: Hampstead Norris, New Windsor and St.Giles, Reading; Gloucestershire: Cirencester, Dursley, Minchinhampton, North Nibley and St.Aldates, St.Mary de Crypt and St.Michael, Gloucester; Hampshire: St. Lawrence, Alton, Andover, Elingham, Maple Durwell, Odiham and Overton; London: St.Andrew Holborn; Oxfordshire: Burford and St.Martin, St.Mary the Virgin, St.Peter in the East and St.Peter le Bailey, Oxford and Worcestershire: St.Michael in Bedwardine, Worcester.

[72]. H.R.O. Consistory Court Book 60, *Office v. Philip Blandford*, 15 July 1589; B/1/a/27, fo.9.

[73]. H.R.O. A1/34, fo.93; Berkshire: St.Helen, Abingdon, Farringdon, Shenfield; Essex: All Saints, Colchester; Hampshire: Boxford, Chale, St.Helens; Warwickshire: St.Mary, Warwick.

life payments were evident in twenty-four other parishes.[74]

Such figures give an idea of the number of parishes adopting systems of payments, yet do not show where and when such systems were introduced. The evidence indicates that the vast majority of parishes with such systems were to be found in market towns. Of the thirty-seven parishes with payments evident in churchwardens' accounts for the area of my study, only three parishes (Elingham, North Nibley and Maple Durwell) were not market towns. The number is higher for those parishes with payment systems evident in court records. Three of these eleven parishes (Chale, St.Helens and Northwood) were on the Isle of Wight, while two others (Boxford and Shenfield) were not market towns. Of the twenty-five parishes outside the area of my study, only four (East Coker, Leigh, Seaton and Spaxton) were not market towns. These figures indicate that 83% of all parishes known to have payment systems are to be found in market towns. However, this should not be taken as proof that all parishes in market towns had payments. Even in Oxford where four parishes had payment systems, a similar number of parishes can be shown to have had customary systems of allocation, while in Winchester only one of the four parishes with accounts had payments.[75]

In many of these parishes the system of paying for seats appears of ancient establishment. St.Edmund, Salisbury, included money raised from *assertaciones sedilium* among its list of receipts from 1477, while All Saints, Walsall, had records of such

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[74]. T.F.Thisselton-Dyer, *Church Lore Gleanings* (1891), pp.185; Ashburton, St.Michael, Bath, St.Martin

[75]. Oxford: All Saints, St.Aldates, St.Clements, St.Ebbes; Winchester: St.John, St.Peter Cheshill, St.Swithun.

payments from 1496.[76] Such early dates are difficult to find elsewhere, yet this reflects the later date of commencement of accounts in other parishes. Both St.Giles and St.Lawrence, Reading, where churchwardens' accounts begin in 1518 and 1502 respectively, exhibit payments from the first year of their surviving records as does Ludlow (1541), St.Aldates, Gloucester (1578), and St.Mary de Crypt, Gloucester (1576). In many other cases churchwardens' accounts reveal payments within a few years of the commencement of records. In Oxford, for example, the records of St.Mary the Virgin begin in 1560 and payments in 1577, while in St.Peter in the East the dates are 1440 and 1488.[77] The majority of other parishes also reveal the existence of payments from the beginning of their first records, yet in a number of cases such payments occur only very irregularly. The accounts of Minchinhampton, Gloucestershire, for example, record only one payment for a seat (by Jeremy Buck in 1633) in their entire course while in Elingham, Hampshire, payments were made only by Anne Reade and John Carver in 1635 and 1636.[78] Hampstead Norris, Berkshire, is similar with eight payments for seats in 1636 and none thereafter, while in New Windsor in the same county all payments were made between 1617 and 1631 by six individuals with John Day accounting for all payments made after 1622.[79] The irregularity of such payments hardly testifies to an actual system of payments in these parishes and they might better

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[76]. H.J.Swayne, *Churchwardens' Accounts of S.Edmund and S.Thomas, Sarum 1443-1702* (1896), pp.21; G.P.Mander, "Churchwardens' Accounts: All Saints Church, Walsall 1462-1531," in *Collections for a History of Staffordshire, William Salt Archae.Soc.* (1928), pp. 232-3.

[77]. Berks.R.O. D/P/96/5/1, 1518; 97/5/2, 1502; T.Wright, *Churchwardens' Accounts of Ludlow,* Camden Soc.Old Series 102 (1869), pp.9; G.R.O. P/154/6/CW.2/2; 154/11/CW.2/1, 1576; O.R.O. Oxford St.Mary the Virgin c.2, 1577; St.Peter in the East a.1, 1488.

[78]. G.R.O. P217 CW.2/1, 1633; H.R.O. 113 M.82 PW.1, fo.35, 36.

[79]. Berks.R.O. D/P/62/5/1, 1636; D/P/149/5/1, 1617-31.

be seen as fines imposed upon individuals for appropriating to themselves areas of the church previously allotted by the churchwardens. Hence, Jeremy Buck's payment in Minchinhampton was "for the room" on which the seat built by him stood and Anne Reade and John Carver paid "a fine" to the churchwardens of Elingham for "the ground which the seat stands on."[80]

Payment systems have been seen by some historians as expanding in number in this period. Underdown has shown that in Spaxton and East Coker in Somerset the sale of life-interests in pews began in the late sixteenth century.[81] These examples would appear, however, to gain little support from evidence drawn from my research. Although St.Lawrence and St.Mary, Reading replaced systems of life payments with annual rents in the late sixteenth century it is clear that only those parishes where systems of payments were irregular introduced such payments in this period.[82] Moreover, much evidence points in the opposite direction. In Oxford the parish of St.Martin, where payments had been irregular since 1582, ended payments altogether in 1624, while in St.Michael the system was ended in 1633 after only four individual payments had been made. Even in St.Peter le Bailey where payments had been collected for seats from 1578, the system had never been regular and was terminated in 1643.[83] This was also the case in Reading where payments in St.Giles were made from 1518 until 1540. Here, however, seat money was included in the list of receipts

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[80]. G.R.O. P.217 CW.2/1, 1633; H.R.O. 113 M.82 PW.1, fo.35.

[81]. Underdown, *Revel, Riot and Rebellion*, pp.30.

[82]. Berks.R.O. D/P/97/5/2, 1516, 1573; 98/5/1, 1581.

[83]. O.R.O. D.D.Par. Oxford St.Martin a.1; St.Michael a.2, 1581; a.3, 1633; St.Peter le Bailey b.2, 1578, 1593; b.3, 1639, 1641.

until 1630 although no money was ever collected.[84] Even in London the system was breaking down. The churchwardens of Kensington in 1724 presented their predecessors for the previous three years to the court because they had failed to respect a vestry decision "to stop the practise of buying, selling and assigning seats under grant of purchase."[85] Indeed in one case the ecclesiastical court itself intervened to end the sale of pews, with the Bishop of Winchester in 1732 informing the parishioners of Overton, Hampshire, "that taking fines or money for placing persons in pews or seats by the churchwardens is, as we conceive, illegal."[86] This case was unique, however, and more frequently the courts upheld and enforced the churchwardens' right to take money for seats, yet it does show that payment systems were being threatened from many sides.

The reasons behind the introduction of payments for seats are of prime importance to an understanding of payments as a system of allocation. Since much of the evidence is vague, however, it is necessary to test it against a number of theories. Were payments, for instance, a means by which wealth and status could be more easily established than by the workings of the customary system? It is an important question which can only be answered by examining both the level of payments and their gradation to see whether such systems provided a certain method of excluding some individuals from some seats on the mere basis of how much they could afford. There can be little doubt that in London parishes adopting a system of quarterly rents the payment system did work to the exclusion of certain sections of the population. In these parishes the average minimum payment for a pew was 1s 3d a

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[84]. Berks.R.O. D/P/96/5/1.

[85]. G.L.R.O. DL/C/47, fo.64.

[86]. H.R.O. 81 M.72 PW.3.

year and the average maximum 5s 11d. These figures, however, mask a wide degree of variation. In St.Christopher le Stocks and St.Margaret New Fish Street the annual minimum payment was 8d but the maximum was 9s 4d in the former parish and 2s 8d in the latter. In other parishes similar differences are apparent. St.Dunstan in the East and St.Michael upon Cornhill shared a minimum payment of 1s 4d, but had maximum payments of 4s and 3s 4d respectively. St.Martin Ludgate had both the highest minimum payment of 2s and the highest maximum of 10s. Between the maximum and minimum figures, payments increased in steps of 1d a quarter or 4d a year in St.Christopher le Stocks and St.Michael upon Cornhill and by 2d a quarter or 8d a year in all other parishes. Such levels of payment appear to reflect a highly stratified system, yet they do not take into account the number of seats available at each price. In St.Christopher le Stocks very few seats were available at each price with five places at 1s 4d and two at every other price. This was, however, unusual. St.Michael upon Cornhill offered nine seats with four places in each at 1s 4d, fifteen at 1s 8d, five at 2s, three at 2s 8d and five at 3s 4d. St.Margaret New Fish Street was even less divisive with only four categories of payment. Six seats in the chapel were assessed at 2s 8d and all others there at 2s while in the body of the church the first four seats were at 1s 4d and all others at 8d.[87] The large number of seats available at each price does not immediately suggest a simple system whereby status and wealth were neatly reflected by the amount one could afford and it is clear that the churchwardens' role in deciding the order of seating was still significant. The system does, however, reflect the social differences of the parishes themselves. The

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[87]. Figures derived from: Edwin Freshfield, *Minutes of the Vestry Meeting and Other Records of the Parish of St.Christopher le Stocks in the City of London* (1886), pp.71-2; Guildhall Library MSS.4887, fo.180, 245; 1175 Vol.1, 1582; 1311 Vol.1 Pt.1, fo.85v; 4072 Vol.1, fo.102v.

highly structured system of St.Christopher le Stocks is a clear reflection of the small size of the parish and the high percentage of substantial householders living there. Equally St.Margaret New Fish Street's less structured system and lower level of payments reflect the 84% of householders who were not substantial. The near equivalence of the populations and social structures of St.Dunstan in the East and St.Michael upon Cornhill are likewise shown by the closeness of their systems of payments.[88]

A similar situation existed in parishes adopting systems of annual or of life payments. In St.Giles, Reading, where seats were bought for life, every payment made was of 4d.[89] However, this was unusual. In St.Lawrence, Reading the amount paid for life-interests in women's seats ranged from 2d to 12d until 1516 when the vestry altered the system so that "all women that shall take any seat in the said church to pay for the same seat 6d except in the middle range and the north range beneath the font, the which shall pay but 4d."[90] This order remained until 1573 when a system of annual rents fixed all women's seats at 4d or 6d a year, while in 1607 the church was further divided up with rents for men and women ranging from 1d to 4d in penny rises and with other seats priced at 6d, 8d and 12d.[91] This was also the case in St.Mary, Reading from 1581 when it was decided that "every man sitting in the uppermost seat shall pay yearly 6d....and in the second and third seat 4d and the rest at the end of the said range but 3d a man yearly," while on the south side of the church the first

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[88]. A.L.Beier (ed.), *London 1500-1700: The Making of the Metropolis* (1986), pp.167-71.

[89]. Berks.R.O. DP/96/5/1, 1518-40.

[90]. Berks.R.O. DP/97/5/2, 1516.

[91]. Berks.R.O. DP/97/5/2, 1573; 97/5/3, fo.178-185.

range of seats was assessed at 2d and the second range at 1d.[92] Such gradations of payments would appear ill designed to ensure the direct reflection of status and wealth since in St.Lawrence twenty-three seats were assessed at 1d, four at 2d, twenty at 3d, six at 4d, two at 8d and one at 12d. This meant that those paying 1d had 161 potential places in which they could be placed since each seat contained between three and seven places. Parishes adopting systems of life-payments equally show the inadequacy of their systems in directly reflecting status and wealth. Although no evidence exists as to the number of seats available at each price, the levels of payment are informative. Although extreme amounts were paid for seats, with one pew assessed at £1 5s in Andover, Hampshire, in 1683 and "the great seat" at £1 3s in Overton in the same county, life-payments tended to be far lower.[93] In Hampshire, St.Lawrence, Alton had payments of 4d, 1s and 2s while in Andover they generally rose in 6d increments from 1s to 5s and in Overton they were all of 1s or 2s.[94] Such parishes are typical of the whole with St.Mary the Virgin, Oxford, having a minimum payment of 2d and a maximum of 5s, while St.Michael in Bedwardine, Worcester, and Burford, Oxfordshire, had a minimum payment of 4d and a maximum of 2s and 5s respectively.[95] Odiham, Hampshire, and Ludlow, Shropshire, confirm this pattern with minimum payments of 6d and maximum payments of 6s with small steps of 2d or 6d between these extremes.[96] These figures indicate that payments were not a certain guide to

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[92]. Berks.R.O. DP/98/5/1, 1581.

[93]. H.R.O.60 M.67 PW.1, fo.68-69; 81 M.72 PW.2, 1713.

[94]. H.R.O. 29 M.84 PW.1; 60 M.67 PW.1; 81 M.72 PW.2.

[95]. O.R.O. D.D.Par. Oxford, St.Mary the Virgin c.2-5; Burford c.36; John Amphett, *Churchwardens' Accounts of St.Michael in Bedwardine, Worcester from 1539 to 1603*, Worcs.Histcl.Soc.12 (1896).

[96]. H.R.O. 47 M.81A PW,1; Wright, *Churchwardens' Accounts*.

placement and point to a high level of involvement by the churchwardens in allotting places. This is clearest in Cirencester, Gloucestershire, where evidence indicates that pew fellows had seldom paid equally for their seat.[97]

The absence of any great stratification in many parishes adopting systems of payments must inevitably have made the role of the churchwardens in allocating seats a significant one. The level of their involvement is evident even in parishes with quarterly rents, with a series of seating plans for St.Margaret New Fish Street dated 1593, 1597 and 1599 revealing the movement of individuals within the church. The nineteen individuals resident in the parish throughout the entire six years sat on average three seats higher in 1599 than they had in 1593. Five individuals remained in the same seat, but others had moved as many as ten places higher. The figures for those appearing in only two consecutive plans show that on average they sat 2.5 seats higher in the second plan than in the first in which they appeared, with one man even falling one place.[98] Such changes might be expected in a system where placement was reviewed every three months, yet it is visible in systems of life-payment also. This is because such payments were not for life but merely for the length of time during which an individual inhabited the parish. Hence in St.Edmund, Salisbury, the vestry decided that "if anyone claiming a seat shall live out of the parish and forbear payment of their church duties for one year's space then the vestry shall have the disposing" of his seat. In Houghton-le-Spring, Durham it was claimed that "if any man go forth of the said parish but half a year to dwell the churchwardens may let his stall to any man

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[97]. G.R.O. P86 CW.4/1.

[98]. Guildhall Library MSS.1175 Vol.1, 1593, 1597,1599.

that will take it."[99] Tewkesbury, Gloucestershire, adopted a similar system. In 1595 it was ordered that "no taker of any seat or room in the church shall have property to challenge the same after one year ended from the time of his or her departure out of the town." This was clearly enforced, since in 1623 the vestry condemned the churchwardens for "letting seats for any life or lives certain, or whilst they remain unmarried or for any other certain time to be expressed." The only correct form of such a grant was one which made it void "by the dwelling of any person forth of the borough by the space of one whole year and a day."[100] Such orders allowed the return of seats to the churchwardens' control and indicated their ability to change existing seating arrangements. This is shown by the existence of supplementary payments by individuals for exchanging their seat for another nominated by the churchwardens. Such payments were quite frequent. Between 1641 and 1645 six exchanges were made in Burford while in St.Edmund, Salisbury forty were made between 1622 and 1638.[101] Such evidence would seem to indicate that, in the majority of parishes adopting payment systems, the actual amount paid was not a certain means of being allotted a specific seat but was merely another part of the composite picture formed of each individual by the churchwardens.

If payments were not a direct means of reflecting status and wealth, were they instead an important source of income to the parishes where they existed? Payments in parishes adopting systems of quarterly rents would appear to have had the greatest

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[99]. Swayne, *Churchwardens' Accounts*, pp.230; *Depositions and Other Ecclesiastical Proceedings from the Courts of Durham from 1311 to the Reign of Queen Elizabeth*, Surtees Soc.21 (1845), pp.106.

[100]. Dyer, *Church Lore*, pp.187; G.R.O. P.329 CW.2/1, 30 Sept.1629.

[101]. O.R.O. D.D.Par. Burford c.36, 1641-5; Swayne, *Churchwardens' Accounts*, pp.167-207.

financial potential. Our evidence of the income of such parishes is limited, however, to a single parish: St.Martin-in-the-Fields. Here income from seats rose from 27s 3d in 1535 to 68s in 1563 but still remained a minor source of income to the parish as a whole, with, for example, 120s raised for clerk's and sexton's wages.[102] Evidence is better for parishes with annual rents. Income from seats in St.Mary, Reading rose from 9s 8d in 1583 to £2 in 1610 and £5 10s in 1626 where it remained until the end of the century.[103] A similar development occurred in St.Lawrence, with pews regularly bringing in between £3 and £5 during this period. This was, however, only a minor source of income when compared to the total income of £33.[104]

Parishes adopting life-payments also found the income from pew payments a relatively minor source of income. This is not unexpected since the income from such payments could never have been regular as it depended on the number of seats free and the number of parishioners who wanted to buy them. In St.Mary de Crypt, Gloucester, however, pew payments were a significant source of income with pews accounting for £63 12s 8d of the £344 4s 8d raised between 1576 and 1646.[105] This was unusual. Receipts from seats in the parish of St.Michael, Gloucester, were £27 13s 6d between 1603 and 1631, yet total receipts were £351 19s 8d.[106] Such low figures are seen elsewhere. In Burford, Oxfordshire, between 1625 and 1639 total income of £478 13s 6d included only £14 1s 9d from pews while the figures from

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[102]. John V.Kitto, *St.Martin-in-the-Fields: The Accounts of the Churchwardens 1525-1603* (1901), pp.38, 208.

[103]. Berks.R.O. DP/98/5/1.

[104]. Berks.R.O. DP/97/5/1-3.

[105]. G.R.O. P.154/11/CW.2/1.

[106]. G.R.O. P.154/14/CW.2/1.

Ludlow, Shropshire, were £191 1s 4d and £16 17s 10d between 1540 and 1568.[107] The comparison is even more unbalanced in Odiham, Hampshire, where pews brought in £14 17s 10d from 1656 to 1700 of the total of £783 13s 0d and in St.Michael in Bedwardine, Worcester, where the figures are £251 5s 4d and £6 13s 10d respectively.[108] This was even the case in St.Edmund, Salisbury, despite Hill's assertion of the trebling of pew income between 1589 and 1642.[109] Hill's figures hide the fact that pew income was never as regular a source of income as he suggests, for, although the underlying trend was for an increase in income from this source, it was achieved in a series of peaks and troughs. Hence, Hill's peak income of £13 9s 0d was followed immediately by a figure of only £6 2s 4d. A far longer view of pew income from 1477 to 1662 indicates that the total raised from pews was £211 18s 6d as compared to total income of £3859 18s 16d. For the period as a whole pews provided, therefore, only a minor source of finance, yet for individual years they could be of far greater significance with one-third of the income for 1652 accounted for by pews.[110]

Despite the relatively minor importance of pews as a source of income, the financial motive appears to lie behind the introduction of such systems in a number of parishes. This is evident in Kensington, where the churchwardens used the money raised by pews "to help repair" the church, and in St.Peter Cornhill, where, in 1604, the vestry rebated "the third penny of the pewage" which had been "set at too high a rate by reason of charges at that time to be imposed upon the church."[111] The need

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[107]. O.R.O. D.D.Par. Burford c.36; Wright, *Churchwardens' Accounts*, pp.9-133.

[108]. H.R.O. 47 M.81A PW.1; Amphett, *Churchwardens' Accounts*, pp.14-155.

[109]. Hill, *Economic Problems*, pp.176.

[110]. Swayne, *Churchwardens' Accounts*, pp.21-233.

[111]. G.L.R.O. DL/C/47, fo.64; Guildhall Library MSS.4165 Vol.1, fo.119.

for extra money was made explicit in Reading. The introduction of a rent system in St.Lawrence in 1573 had as its cause the loss "of collections or gatherings heretofore customarily used for and towards the maintenance of the church....together with the chantry lands which are lost and clean taken away from the church to the great impoverishment thereof."[112] A similar reason was given in St.Mary in 1581, when rents replaced life-payments because of the churchwardens' need for "augmenting and increasing of the church stock in aiding and helping to repair and maintain the church" on the grounds that "the rents are very small."[113]

In many parishes the reason underlying the introduction of payments was the desire of the churchwardens to maintain control of the seats of the church in the light of growing numbers of prescriptively held seats. This is evident in those parishes which exhibit only very irregular payments, where such charges appear merely a type of fine imposed for removing a seat from the churchwardens' control and ensuring its return. Hence in North Nibley sixteen payments were made for seats between 1619 and 1633 with the majority being for seats recently erected in the church by individuals.[114] The need to keep newly erected seats in the hands of the churchwardens is made clear in Holy Trinity, Chester, where the erection of a seat by Richard Clyve in 1568 followed a payment to the churchwardens and was dependent upon the seat's return to the churchwardens' control on Clyve's death.[115] This undoubtedly explains the concern in

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[112]. Berks.R.O. DP/97/5/2, 1573.

[113]. Berks.R.O. DP/98/5/1, 1581.

[114]. G.R.O. P.230/CW.2/1, 1627-31; Gloucester Library 16526, fo.106v; 16527, fo.1, 3.

[115]. J.R.Beresford, "The Churchwardens' Accounts of Holy Trinity, Chester, 1532-63," *Jnl. Chester and North Wales Architect. and Archae. & Histcl.Soc.*38 (1951), pp.95-172.

many parishes to ensure that seats allotted in return for life-payments were returned to the churchwardens on the occupant's departure from the parish. It also accounts for the authority which the churchwardens maintained over placing and displacing the parishioners. In Burford, for example, the churchwardens were said to "have and exercise the full power and authority of disposing, ordaining, limiting, placing and assigning all and singular seats....which were or should be void."[116] This was also true of St.Martin Ludgate and St.Lawrence Pountney in London, where the churchwardens were to seat the parishioners "according to their discretions."[117]

These examples indicate the power of the churchwardens to maintain control over the allocation of seats in parishes with payments and that this was the intent is seen in the manner such systems operated. Indeed, the churchwardens of Lambeth felt that the introduction of payments was undertaken in order that "the placing and displacing of the parishioners shall be always at the order and discretion of the churchwardens."[118] The system of payments did not work on the basis that an individual paid an amount and was given a seat accordingly but on the basis that all the seats of the church were fixed at a certain price and that the churchwardens placed a person in a seat felt suitable and then charged him accordingly. The system was based, therefore, not on how much a man could afford but on the churchwardens' decision of where he should sit. This is most evident in St.Christopher le Stocks where the seats of the church were assessed in 1524 and the vestry ordered that "the churchwardens should appoint to sit in every pew....of the said church such persons as

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[116]. O.R.O. Archd.Papers Oxon. c.119, fo.22.

[117]. Guildhall Library MSS.3908 Vol.1, fo.61; 1311 Vol.1 Pt.1, fo.103v.

[118]. Charles Drew, *Lambeth Churchwardens' Accounts 1504-1645. Vol.2*, Surrey Rec.Soc.20 (1950), pp.195.

by their discretions should be thought most convenient....And if any person....will not sit or pay according as he is now appointed" he was to be reported to the vestry and then the courts.[119] Such a system made placement entirely dependent upon the churchwardens and ensured that seats needed their confirmation every three months or every year or upon any person's death or departure from the parish. The churchwardens' right of allocation was thereby more securely upheld.

4.3. Exclusive Systems: Faculties and Prescriptive Titles.

Although systems of allocation by the churchwardens were the norm, they were coming under increasing threat from the number of seats in each parish which were held exclusively of the churchwardens on the basis of a prescriptive title or one gained by the grant of a faculty. Faculties were clearly a great threat to parochial seating arrangements both because they were seen as a sound legal basis for a prescriptive title and because they immediately took a seat away from the churchwardens' control. This threat is visible in the increasing number of faculties issued in this period with 352 recorded in court act books and a further 132 in the London Vicar-General's registers. These represent only a part of the total number of faculties since in the Oxford diocese nine volumes of faculty documents exist recording the grant of thirty faculties for seats in the church of Banbury alone from 1700 to 1735 which are not mentioned in act books.[120] Even the act book evidence shows faculties as an increasing threat, however, with 20% of all faculties granted from 1600 to 1640, 36%

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[119]. Freshfield, *Minutes*, pp.71-2.

[120]. O.R.O. Archd.Papers Oxon. c.157, fo.333-393.

between 1660 and 1700 and 44% thereafter. These figures are weighted in favour of the early period by the London evidence, since in all other jurisdictions faculties cannot be found in any quantity before 1660. (See Table 7.3).

The threat which faculties were seen as representing is evident in the opposition they aroused. Of the 110 faculties opposed in the area studied, 49 were opposed by the churchwardens of the parishes where they were sought. In St.Aldates, Oxford, in 1698 and Woodstock, Oxfordshire, in 1738 this opposition was even funded out of parochial coffers.[121] The reasons given for such opposition clearly reflect the desire of the churchwardens to maintain control over the seats of their church and thus to maintain their ability to change the seating arrangements to accommodate others or to reflect social changes. Hence, the churchwardens of Enfield, Middlesex, in 1621 petitioned the court not to grant a faculty because "their parish is very populous and that many persons of eminent quality did and do inhabit and dwell in their said parish, and that in case every or any person of eminence should have a seat assigned unto him or their houses wholly, they would not neither will there be sufficient room for them that are householders in the said church."[122] In Hackney in 1699 the churchwardens justified their opposition to a faculty on similar grounds; so did the churchwardens of Bow in 1703.[123] The desire to retain control over the seats of the church was even more apparent in Saffron Waldon, Essex, where the churchwardens opposed a faculty requested by an individual for a seat previously granted him by the

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[121]. O.R.O. D.D.Par. Oxford St.Aldates d.3, fo.60; Wooodstock c.12, fo.189.

[122]. G.L.R.O. DL/C/20, fo.240.

[123]. G.L.R.O. DL/C/246, fo.374; Bodl. Rawlinson B.377, fo.146.

churchwardens.[124] It is also apparent on occasions when the churchwardens demanded recompense from the person who was granted a faculty. Hence, in Burford, Oxfordshire, such payments were demanded in 1671 and 1679, while in Twickenham several people had faculties but the deponent who revealed this was uncertain of "what they gave to the said parish in compensation therefore."[125] The churchwardens' fears were justified with faculties granted for Salford, Oxfordshire, and Banbury in the same county leading to the displacement of twenty families and the appropriation of all the free seats under the gallery respectively.[126]

Titles to seats could be established in ways other than by the grant of a faculty. One way was by continual use and repair of a seat, as demanded by legal theory.[127] Another was by building a seat, since this appears to have been accepted as proof that it was not part of the common stock. Indeed in thirty-six of the 129 cases with depositions, the proof of having built a seat was the fundamental basis for a claim of title. In St.Giles Cripplegate, Lady Townsend claimed a seat on the basis that her husband had built it while the churchwardens denied this since it was built at the parish charge "and, therefore, no inheritance of that pew can or ought to be claimed." In Elingham, Hampshire, the churchwardens listed four seats as belonging to Charles Crooke Lisle because he had built them.[128] This was also the case in Brighton where a seat built by John Tuppin was felt by the court to have become appurtenant to his house and in Botley, Hampshire, where Charles Froude erected a seat which was

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[124]. G.L.R.O. DL/C/19, fo.146.

[125]. O.R.O. D.D.Par. Burford c.36; G.L.R.O. DL/C/243, fo.198.

[126]. O.R.O. Oxf.Dioc.Papers c.456, fo.29; Archd.Papers Oxon. c.157, fo.333v-393.

[127]. See above pp.38-40.

[128]. Bodl. Tanner 98, fo.50; H.R.O. 113 M.82 PW.6.

confirmed to him and his family or the inhabitants of his house by the vestry.[129]

Such exclusive seats existed in many parishes, although obviously their numbers varied. Our evidence of the incidence of exclusive seats is derived largely from seating plans. They are a very difficult source, for not only is the basis by which seats were allotted not made explicit, but it can never be known whether the plans show all the seats of the church or just those allotted by one particular method. Because of these problems the number of such plans which can be used with certainty is quite limited. Although in most parishes prescriptively held seats and those allotted by the churchwardens existed side by side, Bow in London appears to have had no prescriptive seats at all.[130] Rather more common are parishes where all seats were prescriptively held. Such parishes can be found from quite an early date, with North Benfleet in Essex in 1585 having all seats allotted to houses as did Sedlescombe, Sussex in 1637, Puddletown, Dorset, in 1679, Winterslow, Wiltshire, in 1634 and Botley, Hampshire, in 1605.[131] Such early examples of churches with all seats held prescriptively are not easily explained, but may represent the building of seats by individuals or the early development of such titles through continual use. However, they could also have resulted from general parish agreements to hold seats in this manner as happened much later in Hampstead Marshall, Berkshire, when the parish decided to end the system of communal repair and provision of seats in favour of a

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[129]. Walter C.Renshaw, "Pews in Brighton and East Grinstead Church," *Sussex Archae.Collections* 54 (1911), pp.271-2; H.W.Saunders, "The Changing Topography of a Parish Church," *History Teachers' Miscellany* 1 (1922), pp.78.

[130]. Bodl. Rawlinson B.377, fo.146.

[131]. Bodl. Top Essex c.3, fo.1-3; Percy S.Goodman, "An Allotment of Sittings in Sedlescombe Church" *Sussex Archae.Soc.*57 (1909), pp.96-100; D.R.O. PE/PUD/CW.8 no.3; Rev.W.Symonds, "Winterslow Church Reckonings 1542-1601" *Wilts.Archae.& Natural History Mag.*36 (1909-10), pp.44-7; Saunders, "Changing Topography," pp.58-60.

system whereby each person built at their own cost.[132] Such individual provision of seats may have been especially common at the Reformation, when the removal of altars and screens must have left large areas of the church free for building. The majority of parishes contained not one type of seat but both. The seating plan of North Nibley, Gloucestershire, reveals that there was confusion in the parish over a seat claimed by John Hicks in the right of his house and it was decided that if he could not satisfactorily prove his right the seat would revert to the churchwardens for allocation. Despite this it is evident that the majority of seats here were held prescriptively with the actual plan referring to "which house each seat room...belongs by ancient usage and custom." However, a number remained "to be ordered by the parish."[133] Other places exhibit a similar duality of systems with twelve men's seats and fifteen women's seats listed to specific houses in the church of Frant, Sussex, and with eight others at the disposal of the churchwardens.[134] Such was the case in Middle Claydon, Buckinghamshire, where only four seats were held prescriptively and Tarrant Crawford, Somerset, where only eight were not.[135]

The danger of such prescriptive titles to seats is apparent in evidence which indicates their total exclusivity from all other control. The best evidence is that derived from the papers of the Davies family of North Wales which show that from 1548 until 1676 pews in the churches of Mould and Holt were regularly bought, sold,

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[132]. Berks.R.O. D/A/2 c.118, fo.161.

[133]. Joyce Popplewell, "A Seating Plan for North Nibley Church in 1629" *Trans.Bristol & Glos.Archae.Soc.*103 (1985), pp.179-84.

[134]. E.S.R.O. PAR.344/1/1/1.

[135]. Bucks.R.O. PR.52/7/2; "Tarrant Crawford Churchwardens' Account Book, 1637" *Somerset & Dorset Notes & Queries* 17 (1921-3), pp.162-3.

exchanged and willed by the family.[136] Such activity was not confined to this family or just two churches. In Llangerniew the practise of buying and selling seats was detailed by a deponent before the ecclesiastical court of St.Asaph:

> Some men within the said parish....do sell....over their houses and lands in the parish to one man and their seats and burying places in the same parish church to another man; And also some men have and do sell all their houses and lands in the parish to other men and do keep and hold their seats and burying places....in their own hands and possession.[137]

Such examples are especially common in Wales where the right of burial and the right to a seat were united, yet they can be found elsewhere. In Fordingbridge, Hampshire, in 1728, for example, Francis Blashford referred to the custom "for the parishioners there to buy, sell and exchange their seats or places" independent of the churchwardens and for the seats so bought to descend to a man's heir or creditors.[138]

The sale of seats was quite common. In 1584 John Morris of Oswestry, Shropshire, claimed a seat on the basis of its having purchased by his mother, while Thomas Orme of Childwall, Lancashire, cited his buying of a seat from Richard Orme as the root of his title.[139] The claim of purchase was made clear by Robert Poole of Bisley, Gloucestershire, in 1707 when he proved a title "by good and sufficient conveyance in the law in the year 1698."[140] This was also the case in Burford, Oxfordshire, where John Pryor in 1682 proved his purchase from Walwyn Hopkins "by

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136. "The Owston Hall Manuscripts" *Archaeologia Cambrensis* 9 (1878), pp.70-3, 141-8.

137. W.S.R.O. EP/II/29/1, fo.324.

138. H.R.O. C/10/A/440.

139. P.R.O. Stac. 5/M/14/21; John Okill, "Pew Holders in Childwall Church, 1609" *Trans.Historic Soc. of Lancs.& Cheshire* 7 (1893), pp.327.

140. G.R.O. GDR. B4/1/254.

a writing under the hand of the said Walwyn."[141] The willing of seats was also common, with Florinda Francis basing her claim in Cowes, Isle of Wight, on the evidence of her father's will and with seats in Morepath, Devon, in 1747 and Great Farringdon, Berkshire, in 1752 similarly claimed.[142] In some cases individuals even let their seats to others, with Simon Turner of Cam, Gloucestershire, claiming in 1622 to have continually let his pew and with John Otter of Turley in the same county in 1639 proving that Margaret Neale had paid him 1s a year for forty years to use his seat.[143] So exclusive were such seats felt to be that when the churchwardens of Weston-on-the-Green, Oxfordshire, challenged James Harris's right to a seat, he told them "that he could give it to whom he pleased."[144]

Such, therefore, were the methods by which seats were allocated. From this it is evident that in the majority of parishes it was the churchwardens who maintained the right to assign the majority of the seats of the church. Their powers were limited in some cases by sharing the right of allocation with others, yet a far greater problem was that of seats held prescriptively or by faculty since such seats were beyond their control. The number of such seats was increasing in the course of this period as more titles became established by building or long usage and as the courts issued more faculties. Such an increase put an ever greater burden upon the shoulders of the churchwardens who found themselves faced with the task of placing an increasing population in a diminishing number of places. Their task was made more difficult by

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[141]. O.R.O. Oxf.Dioc.Papers c.104, fo.34.

[142]. H.R.O. C/10/A/314; Madeline Hope Dodds, "Wills and Inventories" *History Teachers' Miscellany* 3 (1925), pp.144.

[143]. G.R.O. GDR. 144, fo.327v; 112, *Clarke v. Cooper*, 14 Feb.1639.

[144]. O.R.O. Oxf.Dioc.Papers c.30, fo.14v.

the need to reflect status in the seating position of each person: a task which they managed with some success by the use of their own judgement in building a composite picture of each individual. The way in which they accomplished this was the same under both payment systems and customary systems. Both of these systems were of long standing in the parishes where they existed and both were reliant upon the churchwardens for the deciding of placement. The only difference between the systems was that payments allowed seats to be placed more firmly under the churchwardens' control and prevented the development of prescriptive titles by necessitating the regular confirmation of position by the parish officers.

CHAPTER FIVE: PAROCHIAL REALITIES: THE REFLECTION OF SOCIETY?

In the previous chapter the role of the churchwardens in allocating the seats of their church was shown to have aimed at relating position in society to position in church. It was never an easy task. No single or simple criterion existed upon which to base this judgement, but instead the churchwardens were forced to construct a composite picture of each individual based upon a wide variety of often contradictory factors. Such judgements were inevitably subjective and would often require recourse to higher authority to ensure their acceptance and to prevent disagreement becoming violent. This was not the end of the churchwardens' difficulties. The placement of each individual in a seat equivalent to his status and self-perception was always limited by the number of available places and the difficulties inherent in a major reordering of the seats of the church. Evidence would appear to indicate that this was an increasing problem in this period as the number of pews directly controlled by the churchwardens diminished and as a rival hierarchy of prescriptive seats emerged.

Such complexities and contradictions are clearly of significance in any attempt to prove the accuracy of the reflection of society in the seats of the church. However, they have seldom been recognised by other historians who have too readily stated that "the church mirrored the social structure of the community" or seen "the intimate links between social status, wealth and local office-holding....in the order of seating in the parish church."[1] Only Jeremy Boulton and Nick Alldridge have gone beyond such

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[1]. Susan Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford 1988), pp.138; Jeremy Boulton, *Neighbourhood and Society: A London Suburb in the Seventeenth Century* (Cambridge 1987), pp.146.

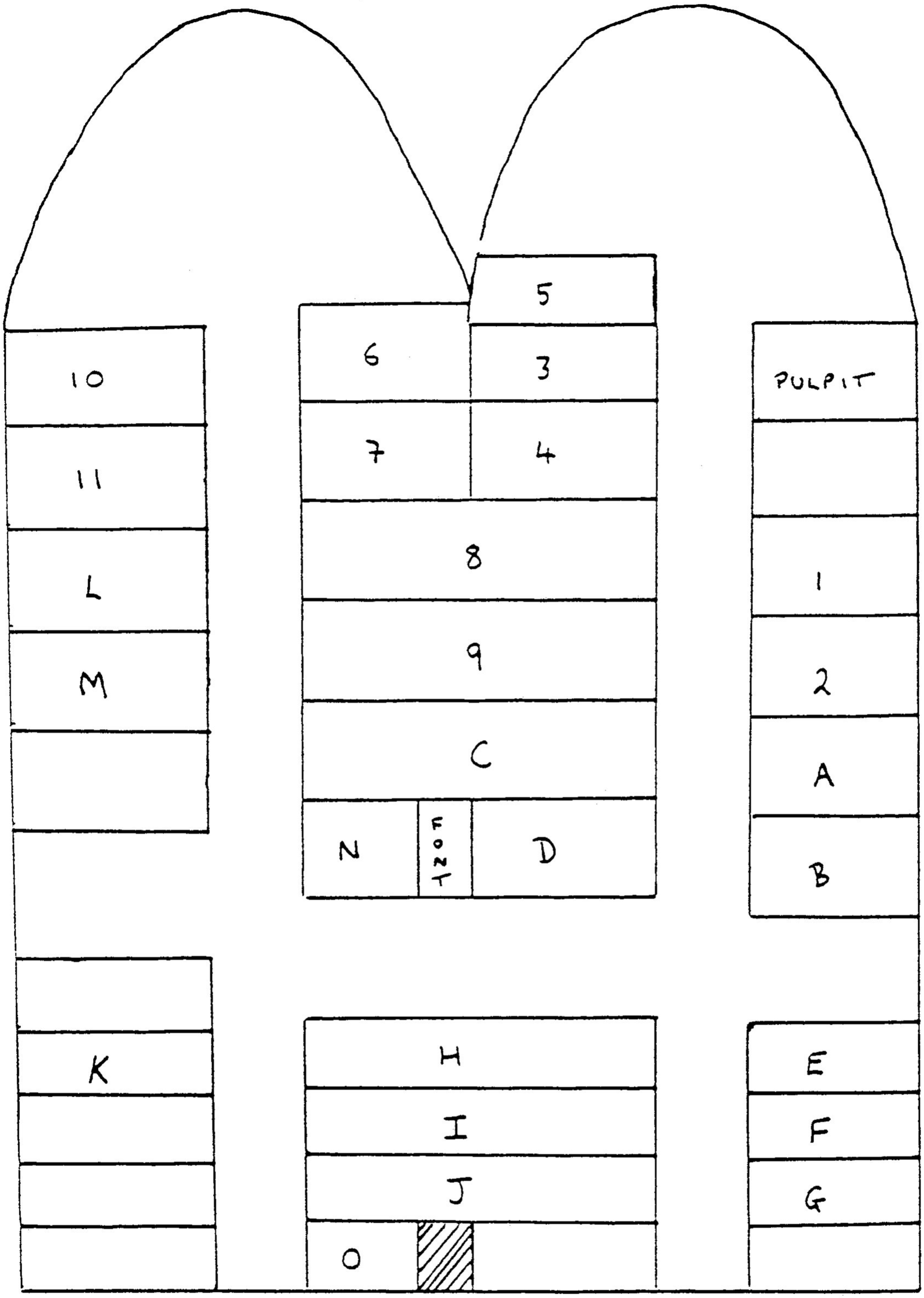
statements to show the significance of age, wealth, dwelling place and free-status upon position in the church, yet their works are confined only to Southwark and Chester and have shown, rather than fulfilled the potential of the subject.[2] It is my aim in this chapter, therefore, to examine immediately apparent social divisions such as the position of women in the church, as well as defining less obvious elements such as age and status.

Much of the evidence for such a study will be drawn from seating plans. They do not provide an easy source of information, however, since the method of allocation is not always clear and the actual order of seats is seldom as simple as historians have thought. This is evident in the parish of Frant, Sussex, in 1603, when the churchwardens drew up a plan of the seats denoting men's seats by numbers and women's by letters and in St.Peter Cornhill in London, in 1662, where I have used a similar method of distinction (See Plans 5.1 and 5.2). In St.Christopher le Stocks, London, the seating order was even more complex. Men's seats in Trinity Chapel were ranked higher than those in the chapel of St.Anne with Trinity Chapel having the first, third, fifth and seventh ranked seats and the chapel of St.Anne the second, fourth, sixth and eighth ranked. This was true of the women's seats with the north side of the church preferred over the south side.[3] The church of St.Margaret New Fish Street in 1582 showed a similar pattern. The eight men's seats on the north side of the chapel were ranked 1, 3, 5, 8, 9, 10 and 13 and the six on the south 2, 4, 6, 7, 11, 12 while in the church itself the north seats were ranked 15, 17, 18 and 19 and

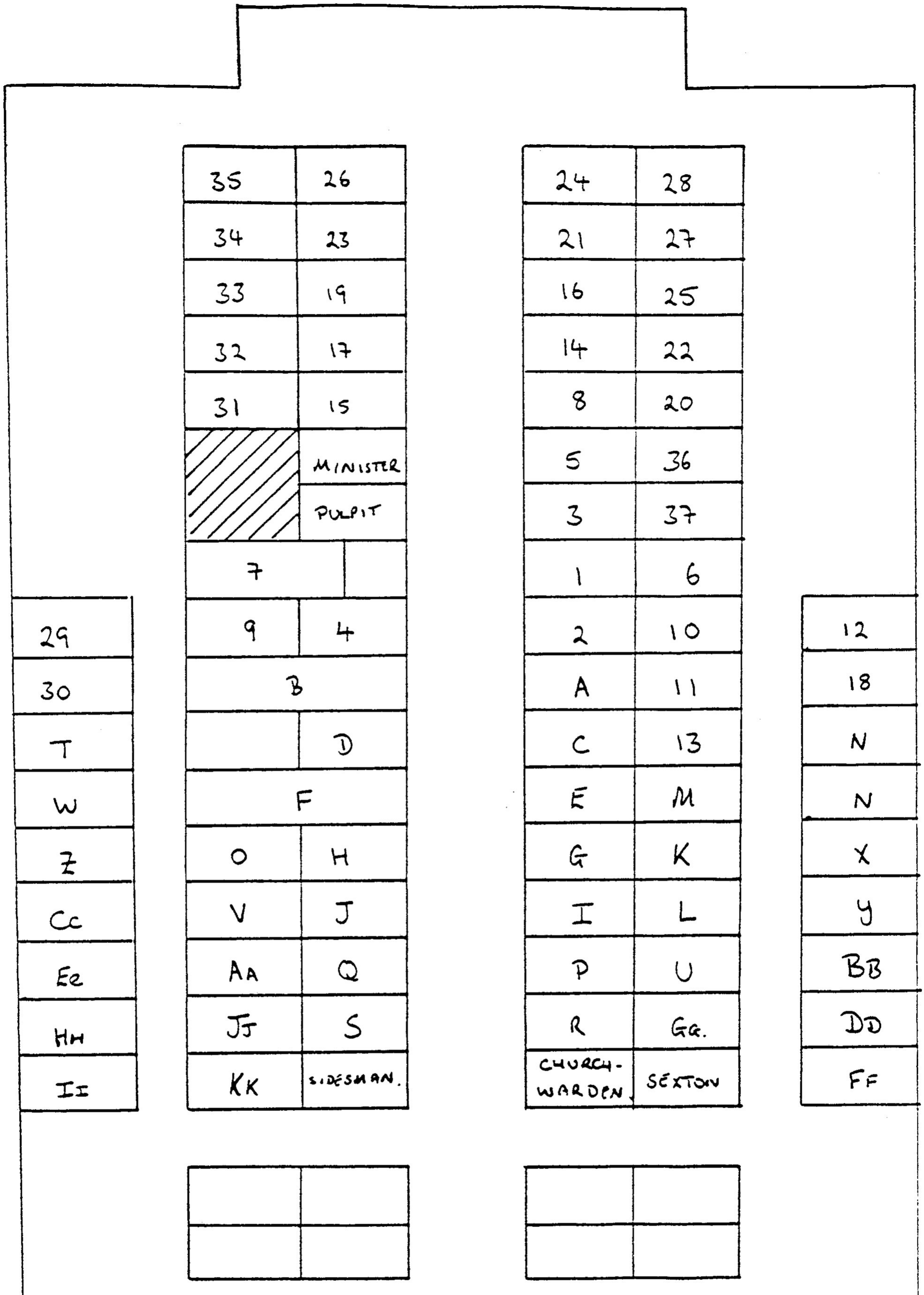
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[2]. *Ibid.* pp.287; Nick Alldridge, "Loyalty and Identity in Chester Parishes, 1540-1640," in Susan Wright (ed.), *Parish, Church and People* (1988), pp.94-6.

[3]. Edwin Freshfield, *Minutes of the Vestry Meeting and other Records of the Parish of St.Christopher le Stocks in London* (1886), pp.72.



Plan 5.1. Seating Plan of Frant, Sussex in 1603.



Plan 5.2. Seating Plan of St.Peter Cornhill, London in 1662.

the south seats 14, 16, 20 and 21. This was reflected in the women's seats.[4]

5.1. Social Divisions: (A). Women.

One of the most immediate ways in which the church reflected society lay in the subjection of women to men in its seating arrangements. The division of the sexes was everywhere apparent in the thinking of the church. The Prayer Book of 1549 ordered that "so many as shall be partakers of the holy communion shall tarry still in the choir, or in some convenient place near the choir, the men on one side, the women on the other," while John Bossy has shown how the pax was confirmed in some places by an actual kiss, and that to prevent lasciviousness the sexes were kept separate.[5] Such a separation was evident in the church's seating arrangements from an early date. William Durandus referred to it in his *Rationale Divinorum Officorum* suggesting that the men should stand before the women to give them an example of strength and devotion.[6] Durandus traced his belief back to Bede and recent unpublished research by Margaret Aston suggests the early division of sexes with the men at the front of the church and the women behind. The manner of this separation is difficult to prove, yet it undoubtedly existed in some form. *The Apostolic Constitution* advised "let the doorkeeper stand at the gates of the men, and the deaconess at the gate of the women," while St.Ambrose was once assaulted by a group of Aryan women "who tried to haul him by his garment to the women's part that they

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4. Guildhall Library MSS.1175 Vol.1, 1582.

5. S.A.Peyton, *Churchwardens' Presentments from the Oxfordshire Peculiars of Thame, Dorchester and Banbury*, Oxford Rec.Soc.10 (1928), pp.xxxiii n.1; John Bossy, "The Mass as a Social Institution 1200-1700," *P&P* 100 (1983), pp.55-6.

6. William Durandus, *Rationale Divinorum Officorum*, (1612), pp.9.

might beat him."[7] Such examples are suggestive of sexual divisions from an early date, yet it is not until 1422 and a list of the "women's forms" in Ashton-under-Lyne that we have conclusive proof of the sexual division in an English church.[8]

Despite Durandus's belief that the separation of the sexes existed so that men could compensate for women's spiritual weakness, it is apparent that the major reason for such a division was the fear of indecency. Visitation articles such as Wren's in Ely in 1662 asked "whether men and women do sit promiscuously together," or separately as was the ancient custom.[9] This gains support in other examples. Clement Corbett, the Vicar-General of Norwich reprimanded the churchwardens of West Walton in 1630 for allowing men and women to sit "promiscuously together, whereby there is no decency or order observed" while in 1620 the vestry of St.Alphage London Wall presented Mr.Loveday and his wife for sitting together because "they held it most inconvenient and most unseemly."[10] This was also the opinion of the Bishop of Rochester in 1625, when he ordered the churchwardens of St.Nicholas, Rochester, to place men and women separately in the seats of the church because "he did not think that men and women should be placed in the same seat."[11] Such arguments clearly lay behind the bringing of eight office cases in which individuals of one sex were presented

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7. J.A.Sparvel-Bayly, "Pews of the Past," *Walford's Antiq.Mag. and Bibliographical Review* 12 (1887), pp.159.

8. Winifrid M.Bowman, *England in Ashton-under-Lyne* (Altrincham 1960), pp.167-8.

9. *Ely*, 1662.

10. Amussen, *An Ordered Society*, pp.137; Guildhall Library MSS.1431 Vol.2, fo.77.

11. *Archaeologia* 12 (1796), pp.103.

for placing themselves "rudely and offensively" into the seat of the opposite sex.[12] They are also apparent in a case from St.Ebbes, Oxford, in 1617, which John Neele brought against the churchwardens. Neele's bringing of the case was the result of his being removed from his seat by the churchwardens, Brooks and Dawson, and their placement of Mrs.William Chillingworth in his place. The case tells us less of the correctness of the churchwardens' action, however, than of the separation of the sexes since Neele returned to the pew to sit among the women. This caused considerable consternation. Henry Dawrant, a cordwainer, was quick to tell the court that "he has heretofore lived in many several counties and towns....and he never knew but that the custom in all the said churches was always for men to sit there in seats by themselves apart from the women, and the women likewise by themselves." Dawrant went further to explain how "he does much dislike" men and women sitting together, "for it is not decent and seemly in my opinion."[13] Many agreed with Dawrant. John Bright's shocked response to the situation is still palpable as he condemned Neele's sitting with Mrs.Chillingworth as "unfit and indecent, she being the wife of another man," while James Yates felt that "the most part of the better sort of the parishioners there are of the same opinion."[14] Such outrage was no doubt increased by the fact that there were thirty women's seats in the church and only twenty-one men's seats "whereof two have each of them a woman sitting in them" and by the churchwarden, Mr.Dawson's placing of his own wife in the seat with Mrs.Chillingworth.[15]

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[12]. Berks.R.O. D/A/C/4, fo.167; G.R.O. GDR. 55, *Office v. Jane Biddle*, 23 July 1581; 111 *Office v. Edward Bishop*, 12 Dec.1610; G.L.R.O. DL/C/303, fo.219; 619, fo.198v; H.R.O. Consistory Court Book 2, fo.93.

[13]. O.R.O. Archd.Papers Oxon. c.118, fo.90, 90v.

[14]. O.R.O. Archd.Papers Oxon. c.118, fo.100, 95.

[15]. O.R.O. Archd.Papers Oxon. c.118, fo.206v-207.

The separation of the sexes was everywhere enforced. The churchwardens of Great Haddenham in the diocese of London appealed in 1601 for a commission to reallocate the seats of their church because men and women "sat promiscuously together, " while in Hambledon in Buckinghamshire in 1687 the seats were "so ordered....that all men that sit in them cannot see the women in their seats."[16] Indeed in St.Oswald, Durham, in 1608 the vestry ordered that "no young man or old shall in time of divine service sit upon the sides or edges of women's stalls on pain of 2d."[17] Such separation may even have expressed itself in the physical appearance of men's and women's pews: the churchwardens of St.Margaret Lothbury, London, in 1627 ordered the making of six doors for the men's pews while in 1601 the vestry approved of the building of seats for women to replace those "where the men formerly sat."[18] This was apparent in St.Aldates, Oxford, in 1611 where a carpenter was paid "for making one new seat for the women" and for "new flooring six seats for women."[19] The neighbouring parish of St.Ebbes was similar with Thomas Collins explaining how the churchwardens had altered John Neele's seat "and made it fit for women to sit in."[20]

How was this division made manifest? Durandus clearly believed that women should stand behind men in the church or on the opposite side of the church from

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[16]. G.L.R.O. DL/C/338, fo.5v; Bucks.R.O. D/A/2 c.24, fo.65v.

[17]. Mr.Barmby, *Churchwardens' Accounts of Pittington and Other Parishes in the Diocese of Durham,* Surtees Soc.84 (1888), pp.214.

[18]. Guildhall Library MSS.4352 Vol.1, fo.128; Edwin Freshfield, *The Vestry Book of St.Margaret Lothbury in the City of London 1571-1627* (1877), pp.164.

[19]. O.R.O. D.D.Par. Oxford St.Aldates b.17, 1611.

[20]. O.R.O. Archd.Papers Oxon. c.118, fo.147v.

them.[21] In some parishes this very clear division continued into the seventeenth-century. This was the case in Elingham, Hampshire in both 1635 and 1712 where men's seats were placed before women's seats on both sides of the church.[22] Middle Claydon in Buckinghamshire, had a similar arrangement, as did Tarrant Crawford in Somerset, Sandhurst in Gloucestershire, Frant in Sussex and St.Peter Cornhill in London (See Plans 5.1 and 5.2).[23] However, such simple divisions were not always the case. In Great Chesham, Buckinghamshire, the basic front-back division of the sexes was undermined by the placement of women in seats among the men's.[24] Such placements were, perhaps, a reflection of the importance of these women with one a lady and another her daughter, Sedlescombe in Sussex in 1632 and Botley in Hampshire in 1605 and 1680 there emerges no definite division of the sexes. (See Plans 5.3, 5.4 and 5.5).[25]

The evidence of seating plans and other sources shows the division of the sexes in the church to have followed no universal or inviolate pattern but to have reflected each parish's solution to the problems of separation and the requirements of status. Evidence also points to the breaking down of separation in many parishes. In Acton,

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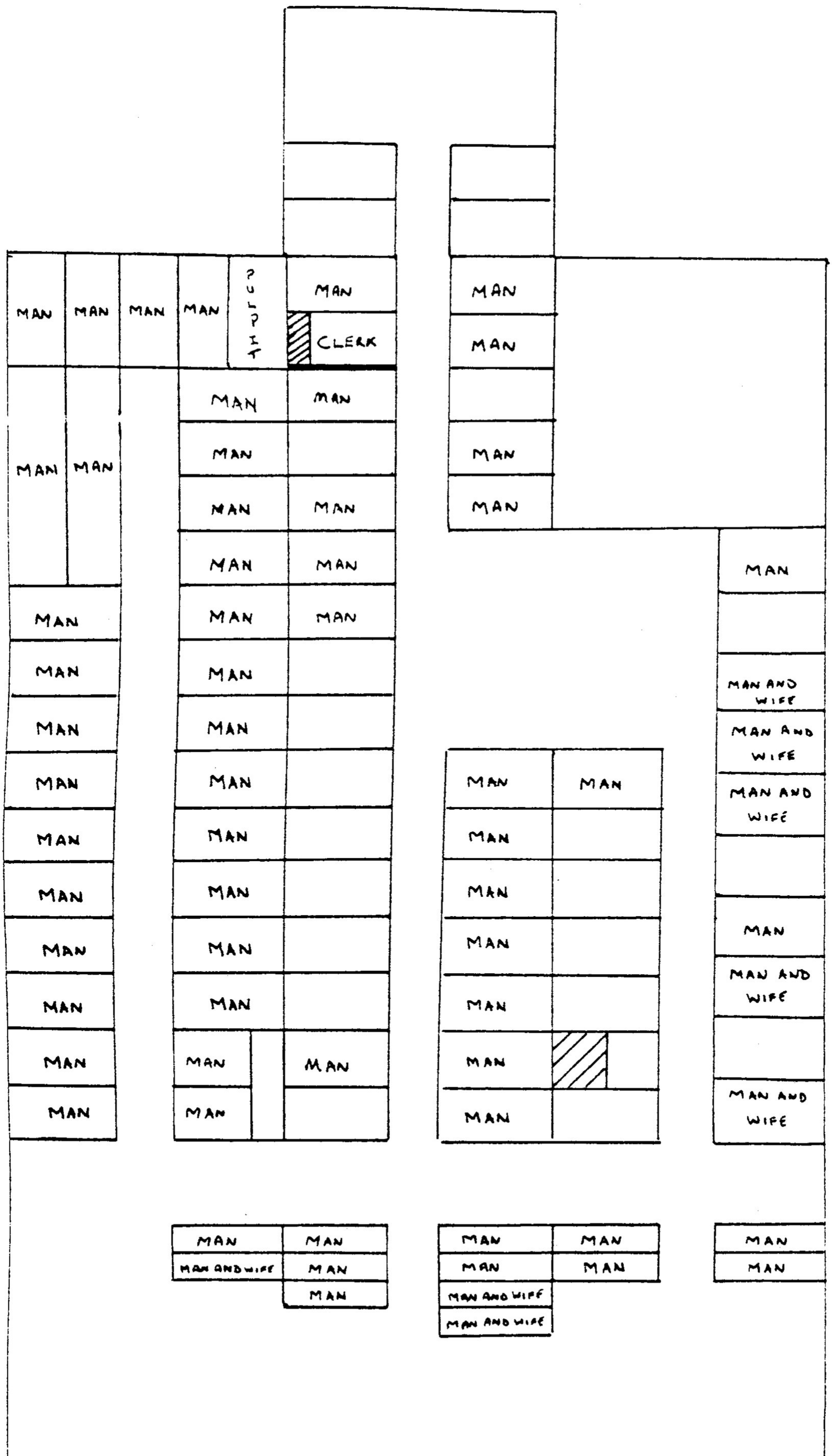
[21]. See above pp.129.

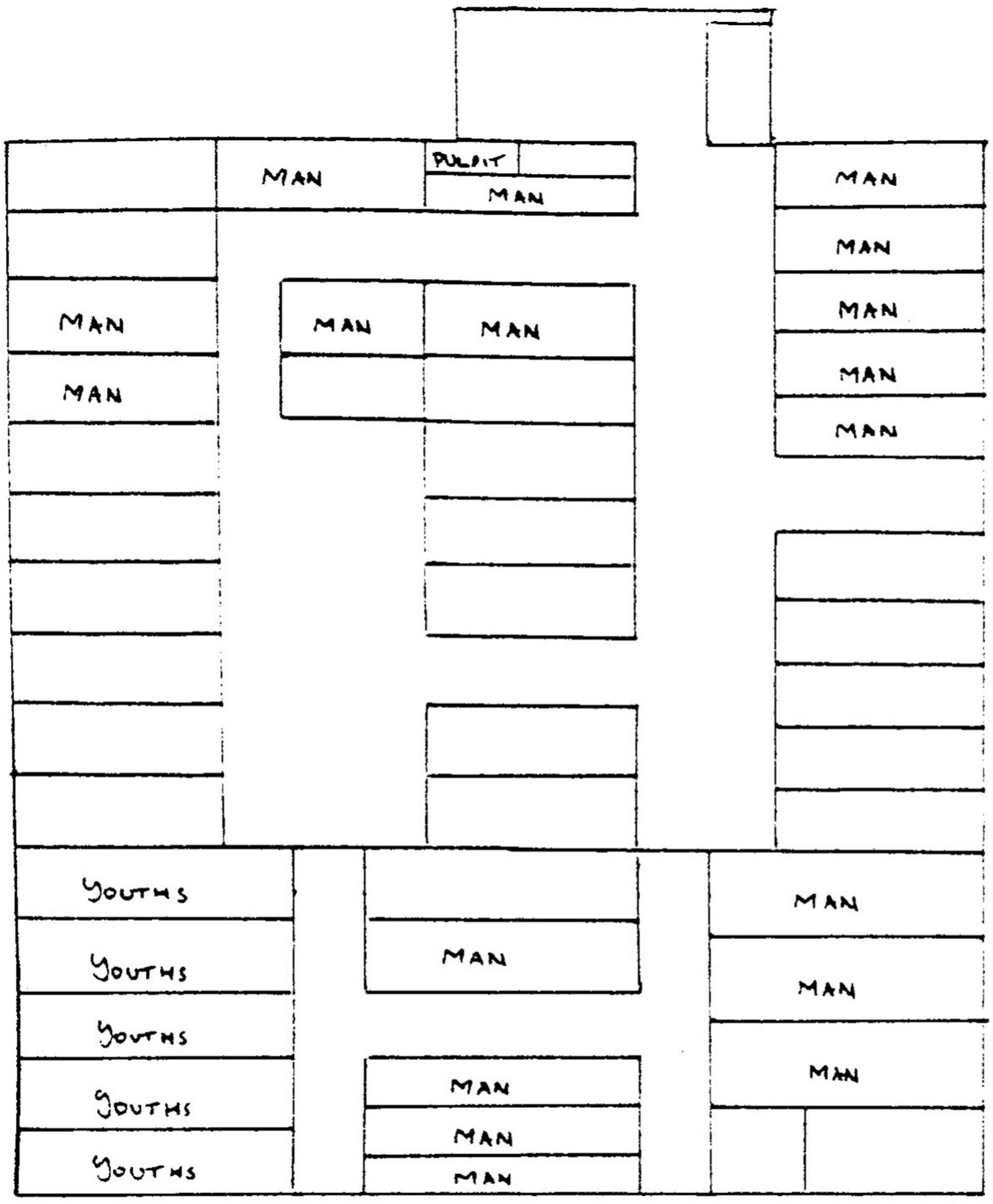
[22]. H.R.O. 113 M.82 PW.6.

[23]. Bucks.R.O. PR/52/7/2; *Somerset and Dorset Notes and Queries* 17 (1921-3), pp.162-3; G.R.O. GDR. B/4/1/2618.

[24]. J.W.Garrett-Pegge, "Richard Bowle's Book" *Recs. of Bucks.*9 (1909-10), pp.402, 405.

[25]. C.H.Mayo, "Seats in Gillingham Church" *Notes and Queries for Somerset and Dorset* 10 (1914-5); "Acton Church Seating Arrangements" *Historic Soc. of Lancs. and Cheshire* 64 (1913), pp.288-91; Percy S.Goodman, "An Allotment of Sittings in Sedlescombe Church" *Sussex Archae. Soc.* 52 (1909), pp.96-100; H.W.Saunders, "The Changing Topography of a Parish Church" *History Teachers' Miscellany* 1 (1922), pp.58-9, 75-7.


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for instance, seven seats were occupied by husbands and wives in 1635, while sixteen other men's seats directly adjoined those of their wives. In Botley in 1680 a man and his wife also sat together. These examples do not stand in isolation. Nick Alldridge found a tendency in Chester for newly-married couples to sit together if they could not afford to purchase separate seats, and in 1709 the church of All Saints, Oxford, was reseated with twenty-six single sex pews and thirteen family pews.[26] In Great Chesham, Buckinghamshire, in 1609 seven men sat with their wives while even in St.Ebbes, Oxford, in 1617 the separation of the sexes was incomplete. Here, in spite of the outrage caused by Neele's sitting with Mrs.Chillingworth, deponents found little or no fault with Mr.Dewy and Mr.Farr sharing seats with their wives.[27] The breakdown of sexual separation appears mainly, but not entirely, a product of the seventeenth century. As early as 1536 deponents in Star Chamber stated that a seat claimed by Bridgette Stokes in Bilton in Yorkshire had been used by the male heads of the house where she lived "for them, their wives and families."[28] Similar early cases of men and their wives sharing seats can be found in Horton, Staffordshire, in 1546 and Droitwich in Worcestershire, in 1578.[29] Such early intermingling of the sexes was unusual, however, with only nine faculty requests for family pews being put into court before 1640. After the Restoration the number of such requests became much greater, although in Worcester and Winchester the first family pews for which faculties were granted were in 1691 and 1709. The evidence of such requests is too slight to be

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[26]. Alldridge, "Loyalty and Identity," pp.96; O.R.O. D.D.Par. Oxford All Saints c.3, fo.80.

[27]. Garrett-Pegge, "Richard Bowle's Book," pp.400-5; O.R.O.Archd.Papers Oxon. c.118, fo.91.

[28]. P.R.O. Stac.2 28/154.

[29]. P.R.O. Stac.3 4/62; 5 P.35/33; 7 14/13.

quantifiable, yet a general impression is that such pews were growing in number in the late seventeenth century but had always existed in small numbers before that.

So far the position of women has been examined in terms of their separation from men. It is equally necessary, however, to examine their position in relation one to another. The seat occupied by a woman was determined by the same status considerations which defined a man's place in the church, yet there was one major difference. Society decided that a woman had no status in her own right, but only by virtue of her relationship to a man. Hence, a woman had no position of her own apart from that derived by her being someone's wife, daughter or widow.[30] This was reflected in the church's seating arrangements. In Eccles, Lancashire, in 1595 women were placed according to their husband's rating assessment to the church, while in St.Peter West Cheap, London, the vestry ordered the churchwardens to place the women of the parish "according to their husband's antiquity and bearing of office."[31] That this was widely accepted can be seen in pew disputes. Margaret Skener of Broadwell, Norfolk, argued her right to a seat in 1608 "in regard her husband did contribute to the poor and all other charges" and in 1632 the churchwardens of Watlington, Oxfordshire, ordered the husband of Margaret Bartlett "that he must remove her out of the seat," presenting him again in 1634 for failing to pay the costs of his wife's seat.[32] The dependence of a woman's position in the church upon that of her husband is evident in the twenty-seven cases in which a husband and wife jointly

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[30]. Keith Thomas, "The Double Standard" *Jnl. of History of Ideas* 20 (1959), pp.195-216; Gervase Markham, *The English Housewife,* Michael R.Best (ed.) (Belfast 1986).

[31]. J.Harland, "Lancashire Church Seats in Olden Times" *The Church of the People* 8 (1864-5), pp.5-7; Guildhall Library MSS.642 Vol.1, 31 Dec.1648.

[32]. Amussen, *An Ordered Society*, pp.140; O.R.O. Archd.Papers Oxon. c.158, fo.170v, 198.

undertook litigation for the wife's seat and in the thirty cases in which a plaintiff cited both a husband and wife to answer for the title of a seat claimed by the wife.

The conclusion that a woman's position in the church, as in society, derived from that of her husband, is inescapable. How clearly, however, did a wife's position reflect her husband's? Some idea of the closeness of this correlation can be gained from seating plans, although this can never be complete because the imbalance of the sexes in a church and the presence of single or widowed people can cloud the overall picture. In certain cases the correlation is clear. Plan 5.3 has shown that at Acton, for instance, husbands and wives sat in adjoining pews. In many cases, however, it is far more variable. In Sedlescombe, although three women sat directly behind their husbands and the leading two gentlewomen sat in the foremost seats with their husbands, the relationship of spouses thereafter was far from complete.[33] This was also apparent in Elingham in Hampshire. Here in 1635, the general tendency was for wives of men occupying high seats to occupy high seats themselves, but there was no certain comparison between a husband's position and that of his wife. For example, although the first woman's seat on the south side of the church contained two women whose husbands occupied the first men's pew, two other women in the seat had husbands who sat in the second and fifth seat.[34]

The figures can to some extent be quantified. In Middle Claydon, Buckinghamshire, in 1674 twenty-nine men and their wives occupied seats in the church. Of these eight sat in directly corresponding seats while fourteen women sat higher than their husbands and seven lower. On average wives sitting lower than their husbands sat one place beneath them in the seating order, while those sitting higher

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[33]. Goodman, "An Allotment," pp.96-100.

[34]. H.R.O. 113 M.82 PW.6.

did so by 1.6 places.[35] Similar figures can be derived for the three London parishes of St.Peter Cornhill, St.Peter West Cheap and St.Margaret New Fish Street and for the Somerset parish of Tarrant Crawford. (See Table 5.1).[36] From these figures it is clear that only a minority of husbands and wives shared equality of position in the church, with wives usually sitting between one and six places higher than their husbands. These figures do, however, mask large individual differences: for example,

	MAN AND WIFE	EQUAL	WIFE HIGHER	WIFE LOWER	AVERAGE HIGHER	AVERAGE LOWER
St.Peter, Cornhill	28	8	14	7	1·6	1
St.Peter, West Cheap	88	6	68	4	5·34	1
St.Margaret, New Fish Street, 1582	38	4	31	3	3·9	1
St.Margaret, New Fish Street, 1583	30	4	22	4	3·4	1·75
St.Margaret, New Fish Street, 1592	38	5	31	2	5·48	1
Tarrant Crawford, 1637	24	2	17	5	2·41	1·2

Table 5.1. Positions of Wives Relative to their Husbands.

three women in St.Peter West Cheap sat between thirteen and sixteen places higher than their husbands. Examples of such differences could be multiplied especially for the London parishes, although here they could be explained by the greater difficulties of deciding placement generally. In some parishes, however, the approximation of married couple's seats was definitely improving, with plans for St.Margaret New Fish

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[35]. Bucks.R.O. PR 52/5/1.

[36]. Guildhall Library MSS.4165 Vol.1; 641 Vol.1, 31 Dec.1648; 1175 Vol.1; "Tarrant Crawford Churchwardens' Account Book 1637" *Somerset and Dorset Notes and Queries* 17 (1921-3), pp.162-3.

Street in 1629, 1649, 1654 and 1658 showing an almost complete correlation of such seats.[37]

Discrepancies in the position of men and their wives are unexpected in an age which based a wife's position in society directly upon that of her husband. This could, however, well reflect the difficulties faced by the churchwardens in placing the population in general in the light of conflicting claims to status and to being allocated a seat. Hence in some parishes seats had to be provided for the daughters of leading gentlemen while in the majority, widows were allowed to continue in their seats as if their status was still derived from their late husband. This is clear both in the high places occupied by some widows in the church and in the provisions made for widows under systems of pew payments. Hence, in Elingham in 1635 Widow Bright occupied the foremost woman's seat, as did Widow Bates in Middle Claydon in 1674.[38] The provision for widows in parishes adopting payment systems is evident in St.Edmund, Salisbury, where seats were allotted for the lives of the purchaser and "of his wife," while in Tewkesbury, Gloucestershire, provision was made that a seat for a husband or wife would remain in their hands until their own death.[39] In the case of prescriptively held seats it is clear that the widow, as householder, retained control of both the man's and woman's seats appurtenant to the house. At Ashampstead in Berkshire in 1670 Widow Pocock held one of the men's seats, as did Widows Carver, Staynes, Kingston and Bright in Elingham.[40] This was upheld by the courts with Mary

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37. Guildhall Library MSS.1175 Vol.1.

38. H.R.O. 113 M.82 PW.6; Bucks.R.O. PR/52/5/1.

39. H.J.Swayne, *Churchwardens' Accounts of S.Edmund and S.Thomas, Sarum, 1443-1702,* Wilts.Rec.Soc.1 (1896), pp.230; T.F.Thisselton-Dyer, *Church Lore Gleanings* (1891), pp.187.

40. Berks.R.O. D/P/8/5/1; H.R.O. 113 M.82 PW.6

Draper of Froyle in Hampshire in 1716 bringing a case for the title to a man's seat once occupied by her husband and now claimed by her for her son who was still a minor.[41] A further case of this type came from Moseley in Worcestershire in 1625, where it was revealed that Widow Rotten had refused to sell the seat built by her husband but had retained it in her own right saying "my son is not like to trouble him with sitting there, but I will keep it for a son-in-law when he comes."[42] The retention of seats by widows was undoubtedly a factor confusing the church's seating arrangements but so was the fact that some women claimed seats in the right of others, not necessarily their spouse. Anne Cripps of Blackthorne, Oxfordshire, claimed a seat in 1584 in which she sat with Margaret Smith in the right of her father-in-law: the same was true of Francis Downe of Longworth, Berkshire in 1636.[43] Further confusions were possible, with Emma Cumbre and Elizabeth Robinson of St.Ebbes, Oxford, claiming their seat in the right of Alderman Levinz, with whom they appear to have had no kinship and with a number of women deriving their right to seats from their fathers as did the daughters of Mr.Denham of Loughton, Essex in 1618.[44]

The preceding account has made clear that the position of women in the church was never as simple as many historians have suggested. Not only was there no clear-cut division between the areas occupied by either sex in the church but also evidence shows the early and increasingly frequent existence of sexual intermingling within individual seats. Nor is it possible to categorically state that a woman's position

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41. H.R.O. Consistory Court Book 158, *Draper v. Baldwin*, 16 Nov.1716.

42. W.R.O. 2102 794-052 no.7, fo.146.

43. E.R.C.Brinkworth, *The Archdeacon's Court: Liber Actorum 1584*, Oxford Rec.Soc.23 (1942), pp.177; Berks.R.O. D/A/2 c.77, fo.376v.

44. Bodl. Top Oxon. c.56, fo.261; G.L.R.O. DL/C/18, fo.233.

reflected that of her husband since evidence indicates that widows retained their seats after their husband's death, that women claimed seats in the right of men who were not their husbands and that only a minority of husbands and wives enjoyed parity of position in the church. Many of these discrepancies can be explained by the difficulties faced by the churchwardens in defining status in the church, yet they may also indicate that the position of women was felt to reflect factors other than the status of her husband.

5.1. Social Divisions: (B). Children and Servants.

Another area in which social divisions might be thought to have been immediately apparent lay in the separation of adults from children and servants. Little work has been attempted on this, however, despite its implications for wider social and religious concerns. Although we know that the Canons of 1604 established sixteen as the age of compulsory communion and thirteen as the age of compulsory church attendance, we know relatively little about the presence of children under these ages in the church, in spite of occasional references to crying infants and squabbling children in contemporary records.[45] No doubt children were present in some numbers in the church, but little has been done to analyse whether they sat alone, with their parents or with the servants of the family. These are important considerations since a child's position could reflect affective family relationships and attitudes to children, while the position of servants could also indicate their standing within the family. It is my aim in this section, therefore, to analyse the position of children and servants in the church

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[45]. Keith Thomas, "Age and Authority in Early Modern England" *Proc. British Academy* 62 (1976), pp.224; John Addy, *Sin and Society in the Seventeenth Century* (1989), pp.118-9.

both one to another and in their relation to adults, in order to see if we can learn something of relationships within the household and family.

Clearly children and servants could enjoy no status of their own in the church's seating arrangements, since in order to claim a seat one had to be a householder and ratepayer to the parish. This was evident in a number of appeals for seating commissions in which fault was found with the placing of young people and servants in seats above householders. At Great Bentley in Essex, for instance, the churchwardens appealed for a commission in 1604 because the "youth do prevent the married people of their seats," while in Great Haddenham in the same county the churchwardens informed the court that "boys and young men keep the ancient sort of parishioners out of their seats."[46] Similar arguments were used in seeking commissions for Earl's Colne in Essex, in 1617 and St.Andrew Undershaft, London in 1625. In the former case the churchwardens alleged the unfitness of "aged women and householders to be placed lower than maids or young women" while in the latter fifteen maids' pews were cited as the cause of forty freemen and householders being deprived of seats.[47] Such feelings were reflected in cases of dispute with Joan Ewen of Marston, Oxfordshire, finding fault with Mr.Maund's maid sitting in a seat with her and with the maid of Jacob Bishop of Shillingford, Oxfordshire, in 1632 presented "for sitting in the same seat with her Mistress taking up the room of a married wife who should sit there."[48]

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[46]. W.J.Pressey, "Some Seating Experiences in Essex Churches" *Essex Review* 35 (1926), pp.4; G.L.R.O. DL/C/338, fo.5v.

[47]. G.L.R.O. DL/C/341, fo.39v-40; 315, fo.230v,

[48]. O.R.O. Archd.Papers Oxon. c.5, fo.120v; c.158, fo.162v.

Opposition to the intrusion of children and servants into the seats of the church was undoubtedly increased because many parishes set aside seats or areas of the church for them. These could be in various parts of the church. At North Benfleet, Essex, servants and maids occupied set positions in the church's seating arrangements, with men sitting in the first four seats on the south side of the church and their servants in the three seats behind them in order according to their master's position, and with men servants sitting in the third and fourth seats on the north side behind two women's seats. Maids were similarly placed, occupying the rear two seats on either side of the church.[49] In St.Edmund, Salisbury, in 1637 the vestry allotted "portable seats for the youth" of the parish in an aisle of the church as did the churchwardens of Chalgrove, Oxfordshire.[50] Moveable benches were also evident in Broadwell, Gloucestershire, in 1712 and in the Lady Chapel of the church of Normanton, Yorkshire, in 1585.[51] In the Hampshire parishes of Froyle and Hinton Admiral young men and servants sat on benches in the chancel.[52] In 1682 the churchwardens of St.Aldates, Oxford set up a bench in the belfry of their church for the children, while in a number of other parishes galleries were erected for servants and children.[53]

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[49]. Bodl. Top Essex c.13, fo.6-6v.

[50]. Swayne, *Churchwardens' Accounts*, pp.207; O.R.O. Oxf.Dioc.Papers c.29, fo.99rev; c.454, fo.117.

[51]. G.R.O. GDR. B/4/1/319; J.S.Purvis, "A Note on Pews and Stalls" *Yorks.Archae. and Topographical Jnl.*37 (1948-51), pp.168.

[52]. H.R.O. C/10/A/256; 47 M.48/8a-d.

[53]. O.R.O. D.D.Par. Oxford St.Aldates b.19, fo.68; Archd.Papers Oxon c.158 fo.381; Oxf.Dioc.Papers c.456, fo.141.

In the main, evidence regarding children and servants points to their separation from adults in the church. In Great Burnham in Essex in 1616 the daughter of Mrs.Hayward was presented for sitting with her mother to the offence of the majority of the congregation and in spite of the minister's advice that she should sit elsewhere.[54] At Eccles, Lancashire, in 1595 this separation was made very clear with the vestry ordering the churchwardens "to take order that neither servant boys, young women or children shall not presume into the upper places of the church but if they do they shall be removed," while it was "further thought meet....that neither men servants nor maid servants, young men nor maids shall presume to sit in any of the aforesaid settles" in which married people were placed.[55] Perhaps the best example of this, however, comes from the vestry minutes of St.Martin Ludgate in London. Here in 1615 it was ordered

> that no man's daughter unmarried of the parish (except a child under six years of age) shall sit in a seat with her mother in the church or in other seats appointed for women, but shall be placed in the new pews of the gallery lately built....Likewise the young men which want pews to be placed....in the other new pews in the gallery on the south side....also....that no apprentice boy nor maid servant shall sit in those pews of the gallery.[56]

Such evidence as we have of the separation of children and servants is fragmentary and gives a severely limited view of the allocation of such seats in the majority of parishes. Puddletown in Dorset, however, exhibits far more complete evidence for 1637 and from this it is possible to gain a clearer view of where children and servants sat, although the lack of an actual plan of the church leaves us totally

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[54]. Pressy, "Some Seating Experiences," pp.10.

[55]. J.Harland, "Lancashire Church Seats in Olden Times" *The Church of the People* 6 (1862-3), pp.327-9; 8 (1864-5), pp.7.

[56]. Guildhall Library MSS.1311 Vol.1 Pt.1, fo.103v.

reliant upon literary evidence. This is quite useful, but fails to make manifest the exact position of children and servants, relative to adults. "For the men's sons of the best rank and estate and also serving men that attend their masters and also the parson's and vicar's men" the commissioners decided to allocate "the settle without the frame of the communion place." "Men's daughters of the best rank and estate and also the maids that are to attend their ladies and mistresses" were placed "in that part of the fore alley that is at the back of their mothers and mistresses," while "all other maids, tenants' daughters and maid servants" were "to be all along by their mothers', mistresses' or dames'seat ends in all the north alley and in all the lower alleys....against their own mother's or dame's seats and the rest in that part of the gallery therefore fitted and prepared for them." School boys and other very young children were placed in the fore-alley before the minister's pew and in the broad alley between the men's seats. There was clearly a ranking system even among the young. This is evident in the commissioners' admonition that "maids and girls be not permitted to intrude themselves into rooms assigned to women, nor the undertenants' or cottagers' daughters to intrude into places assigned for the ladies' and gentlewomen's waiting maids and the daughters of men that are of far better rank."[57] Such evidence indicates a hierarchy of children and servants in the church parallel to, and based upon, that of adults.

Although evidence cited so far has invariably pointed to the separation of adults from children and servants, evidence can also be found of young people sharing seats with their parents or masters or of occupying blocks of seats with them. This shows a potent familial awareness and concern, as does the purchase or provision of seats by adults for their children or servants. Both of these elements deserve

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[57]. D.R.O. PE/PUD/CW.8/1-2.

emphasis. In 1628 John Taylor, a shoemaker of Burford in Oxfordshire paid 4d for a seat for himself and his son while in 1601 Dr.Aylesworth spent 1s on a seat in St.Mary the Virgin, Oxford, for his maids. This was also evident in St.Peter in the East where in 1684 separate categories were denoted as receipts "for placing of people in the church" and for "placing daughters and maids."[58] The purchase of seats for children and servants was a fact of life in St.Margaret New Fish Street, London, with a seating plan in 1593 including seats for nine sets of daughters and five sets of maids, while in 1621 the plan included two seats "for daughters."[59] Such payments were also evident in Holy Trinity, Chester, Hartland, Devon, and most regularly in St.Edmund, Salisbury.[60]

In parishes which did not adopt systems of payments the desire to ensure that one's child or servant enjoyed a fitting place is also clear. At Great Chesham in Buckinghamshire, the seating plan of 1606 allotted twelve men seats in the gallery for their sons while three seats in the body of the church were provided for servingmen.[61] Pudddletown in 1679 had seats in the gallery for the servants of the owners of three leading farms, while in Llandegai, Caernarvonshire, Sir Rees Griffith had a seat for himself on one side of the chancel and for his servants on the other side.[62] In many

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[58]. O.R.O. D.D.Par. Burford c.36, 1628; Oxford St.Mary the Virgin c.2, 1601-2; St.Peter in the East d.1, 1684-5.

[59]. Guildhall Library MSS.1175 Vol.1, 193, 1621.

[60]. J.R.Beresford, "The Churchwardens' Accounts of Holy Trinity, Chester, 1532-1563," *Jnl. Chester and North Wales Architect. and Archae.& Histcl.Soc.*38 (1951), pp.92-175; Ivan L.Gregory, *Hartland Church Accounts, 1597-1706* (Frome 1950), pp.106, 142; Swayne, *Churchwardens' Accounts*, pp.179, 199, 204, 207.

[61]. J.W.Garrett-Pegge, "Richard Bowle's Book" *Recs. of Bucks.*9 (1909), pp.406, 413-4.

[62]. D.R.O. PE/PUD/CW.8/3; Emyr Gwynne Jones, "A Llandegai Pew Dispute" *Trans. Caernarvonshire Histcl.Soc.* 9 (1948), pp.110.

cases parents or masters sat near or with their children or servants. In Alvescot, Oxfordshire, in 1630 a dispute indicated that Lady Ashcombe had erected a seat for her servants and herself in an aisle claimed by Martin Turfrey in which there had been no other seats except Turfrey's "save only a bench which Martin Turfrey's father caused to be set up adjoining to and before his own seat for children and servants or both."[63] This was also the case in Woodchester, Gloucestershire, where Mr.Bridges in 1674 claimed a seat near his own for his children and servants and at Lavendon in Buckinghamshire in 1637, where a dispute arose between the servants of two local gentlemen concerning their right to a seat.[64] At Hambledon in Buckinghamshire it is apparent from witnesses to a dispute that "Mr.Sheepwater's servant maids sat upon a basse" at the pew door of his seat.[65]

In some instances parents even sat with their children or servants. We have already seen that family pews were increasing in number in the course of this period, yet greater attention needs to be paid to this phenomenon.[66] The position of children and servants in Great Chesham, Buckinghamshire, has already been described. It is clear, however, that John Randall and Mr.Arnold both shared seats with their sons in 1606.[67] In Sedlescombe, Sussex, Lady Sackvill, Mrs.Bishop, Mrs.Farenden and Mrs.Evernden all shared seats with their children while in 1422 twelve of the seventeen seats in Ashton-under-Lyne were already allotted to women and their

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[63]. O.R.O. Oxf.Dioc.Papers c.26, fo.58.

[64]. G.R.O. GDR.221, Bridges v. Dudbridge, 6 Feb. 1674; Bucks.R.O. D/A/V/4, fo.34.

[65]. Bucks.R.O. D/A/2 c.24, fo.66v.

[66]. See above pp.136-137.

[67]. Garrett-Pegge, "Richard Bowle's Book," pp.406.

servants.[68] William Nicholas of Henley, Oxfordshire, in 1637 petitioned the archdeacon of the county because a seat "that has formerly been allotted....to him, his wife and his children" had been intruded into by "the wife of one Henry Goodwyn who brings with her....2 or 3 of her children."[69] Such seats also existed in Orsett, Essex, in 1674, with Jeremiah Bustard petitioning for his family pew against Robert Reynolds and in St.Lawrence Pountney, London in 1616 where Anne Reynolds shared a seat with her daughter, while in Brockworth, Gloucestershire, the family and servants of Thomas Thayer shared one seat.[70] So strong was the desire for a family pew in some instances that individuals would pay to have their children share a seat with them. This was the case in Hinton Admiral, Hampshire, in 1712 where Richard Turner testified to paying 1s a year to William Lacy so that his son could share a seat with him while in 1627 William Hopkins of Lambourne, Berkshire, found himself in trouble with his pew fellows for placing his son in his seat.[71]

Our evidence for the position of children and servants in the church is equivocal. Despite the widespread belief that adults should enjoy seats separate from children and servants, there are clear indications that such age based separation was often not strictly enforced. Hence, although in some parishes children and servants occupied specific areas of the church or sat in alleys at the door of their parent's pew. In many parishes they occupied seats either with their parents or masters or directly adjoining their seats. This bespeaks a patriarchal attitude in that the child's position

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[68]. Goodman, "An Allotment of Sittings," pp.96-100; Bowman, *England in Ashton-under-Lyne*, pp.167-8.

[69]. O.R.O. Archd.Papers Oxon. c.13, fo.126v.

[70]. G.L.R.O. DL/C/237, fo.76; 313, fo.548v; G.R.O. GDR.95, *Webly v. Thayer*, 26 March 1604.

[71]. H.R.O. 47 M.48/8a-d; Berks.R.O. D/A/2 c.69, fo.45v.

or that of a servant depended upon their relationship to an adult, yet it also shows the workings of a more affective relationship since adults often tried to remain near their children or servants.

5.1. Social Divisions: (C). Office-Holding and Corporate Seats.

For the early modern Englishman the possession of a local or parochial office was a potent means of gaining and expressing status and wealth. Even the offices of churchwarden and constable emerge from new research as the preserve of the petty gentry and the yeomanry of the village and as a significant step on the ladder of higher office-holding.[72] Indeed office-holding followed a well organised and hierarchical pattern with evidence from sixteenth-century Coventry pointing to a chronological scheme of holding office.[73] Such a system gave added significance to the holding of an office and encouraged individuals to attach great importance to the honour and position which office-holding brought. Hence, conflicts often arose as to the precedence of office-holders both amongst themselves and between them and those who held no position.[74] The honour and status thus implied is reflected in the seats allotted such individuals in the church.

In the vast majority of churches parochial office-holders were provided with specific seats appurtenant to their office. In St.Stephen Walbrooke, London, in 1648,

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[72]. Joan Kent, "The English Village Constable, 1580-1642" *Jnl. of British Studies* 20 (1981), pp.26-49.

[73]. Charles Phythian-Adams, "Ceremony and the Citizen: The Communal Year at Coventry, 1450-1550" in P.Clark and P.Slack (ed.), *Crisis and Order in English Towns, 1500-1700* (1972), pp.60-1.

[74]. See above pp.22.

for example, the churchwardens occupied the first seats in the body of the church, while in St.Peter Cornhill seats were provided in 1662 for the churchwardens, the sidesmen, the sexton and the clerk and his wife.[75] Churchwardens' seats were also in evidence in St.John and St.Peter, Chester, and in St.Margaret Lothbury, London, where in 1630 the vestry ordered the removal of the churchwardens' pew from the lower end of the church to the middle aisle near the poor box.[76] A similar situation is evident in Cirencester, Gloucestershire, in 1718, when the vestry stated "the customary liberty of the churchwardens for the time being of removing themselves (and themselves only and not any of their families) without paying anything for such removal."[77] Further evidence of the provision of specific seats for the churchwardens comes from London where the churchwardens of the united parishes of St.George Botolph Lane and St.Botolph Billingsgate became involved in a dispute over whether they should sit in pews together or separately.[78] Seats for sidesmen were provided in St.Mary, Chester, and in St.Ebbes, Oxford, where, in 1617, deponents alleged that the sidesmen had taken advantage of the dispute of Neele and the churchwardens to place themselves higher in the church than had been the custom.[79] In other parishes seats were also provided for the vestry. Jeremy Boulton found such seats in St.Saviour, Southwark, while in St.Botolph Billingsgate the vestry occupied the pews of the upper chancel.[80]

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[75]. Guildhall Library MSS.594 Vol.2, pp.4; See Plan 5.2.

[76]. Alldridge, "Loyalty and Identity," pp.94; Guildhall Library MSS.4352 Vol.1, fo.135.

[77]. G.R.O. GDR.271, pp.214.

[78]. Bodl. Rawlinson B.377, fo.359-371.

[79]. Alldridge, "Loyalty and Identity," pp.96; O.R.O Archd. Papers Oxon c.118, fo.101.

[80]. Boulton, *Neighbourhood and Society*, pp.146; Alice E.McCampbell, "The London Parish and the London Precinct, 1640-60" *Guildhall Studies in London Hist* 2 (1976),

The provision of seats for parochial office-holders fulfilled two purposes. First it helped stress the significance and separateness of office-holding by providing a readily defined position for office-holders: more importantly such seats were aimed at ensuring the control of the laity. This is apparent in Chester. Here Alldridge found that the churchwardens' pew in the church of St.John was placed opposite the entrance to the church to allow the churchwardens to check on who came and went during the service, while in St.Peter the erection of galleries meant that by 1681 the churchwardens were complaining that they could not observe "above half of the capacity of the church and galleries."[81] Such was the intention elsewhere. At St.Nicholas, Stroud, in 1574 the minister's pew and that of the clerk were turned to face the congregation while in Dinton, Buckinghamshire, in 1709 it was decided that "for the preventing of disorders in the chancel in divine service, the churchwardens or either of them do sit in the chancel."[82]

Those holding non-parochial offices were also allocated seats , although in such cases the aspects of honour and status are far more apparent than those of supervision and control. In Salisbury it is evident that seats existed in each parish church for the city's corporation and their families. In 1624 the vestry of St.Edmund ordered the enlargement of a seat on the north side of the church "for the sons and daughters of the Aldermen, 24 and 48: and for children of other of the better sort of the parish." Such provision was also extended to the aldermen themselves with the vestry referring to the ancient custom whereby "both the seats at the end of the two foremost pews

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pp.10.

[81]. Alldridge, "Loyalty and Identity," pp.94.

[82]. Henry R.Plomer, *The Churchwardens' Accounts of St.Nicholas, Stroud 1555-1662*, Kent Archae.Soc.5 (1927), pp.30; Bucks.R.O. PR/62/5/1, 26 April 1709.

in the church, where the mayor and aldermen sit, are properly to be preserved and kept for the 24 only and none other....it being the ancient use of this city that not only the aldermen and ancientest of the 24....are to sit and be placed in the parishes wherein they dwell." The vestry went on to order that any parishioner elected an alderman was to be placed in the aldermen's pews "according to their place" and that his wife would likewise be placed in the pews of the aldermen's wives. This was a practise clearly parallelled in the church of St.Thomas with the first seats near the pulpit reserved in 1632 "for the senior alderman to sit in the year after his magistracy."[83] Seats for corporations existed in a number of other towns. In 1749 the mayor, aldermen and burgesses of Portsmouth, Hampshire, brought a case against John Goven for intruding into the corporation's seat, as did the corporation of Oxford in 1700 when Samuel Hunt intruded into their seat.[84] In London also the Common Council enjoyed privileged seating with the London Consistory Court in 1610 finding it the ancient custom of St.Dunstan in the West for Common Councilmen "to be placed in the church in the foremost pews appointed for citizens."[85] In 1687 the vestry of St.Nicholas, Liverpool ordered the building of a gallery in the church for the corporation, while in Boston, Lincolnshire, aldermen were placed in the Lady Chapel and the Common Council in St.Peter's Chapel.[86]

Other forms of corporations could also claim the right to exclusive seats. In St.Edmund, Salisbury, for example, the Wardens and Corporation of the Company of

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[83]. Swayne, *Churchwardens' Accounts*, pp.179, 316.

[84]. H.R.O. Consistory Court Book 164, *Mayor v.Goven*, 16 June 1749; O.R.O. Archd.Papers Oxon. c.24, fo.109.

[85]. G.L.R.O. DL/C/308, fo.253.

[86]. Henry Peet, *Liverpool Vestry Book 1681-1834* (1912), pp.8; Peter and Jennifer Clark, *The Boston Assembly Minutes, 1545-1575,* Lincoln Rec.Soc.77 (1987), pp.26.

Weavers were allocated a seat by the churchwardens in 1637.[87] In St.Mary, Warwick, the brethren of the Earl of Leicester's hospital claimed the right to specific seats while in Gosport, Hampshire, in 1735 a pew existed for retired naval officers.[88] The poor of almshouses were also allotted specific seats. In St.Edmund, Salisbury in 1629 the poor of the new almshouse were allotted a seat marked on the back "FOR THE POOR" and in Chipping Campden, Gloucestershire, in 1699 almsmen sat in forms on the north aisle of the church.[89] The need to give up one's seat when in receipt of alms was made clear to Widow Childs of St.Katherine Cree, London, in 1640, with the vestry asking her whether "she would rather rely on the courtesy of the parish or....be a pensioner on these terms as other pensioners do, to relinquish her place in her pew and to wear her parish badge of tin on her breast."[90]

The position of almsmen leads directly to the more general question of where the poor sat. This cannot be easily answered for, although records speak of the building of special seats for the poor in St.Mary at Hill and St.Martin-in-the-Fields, London, we cannot be sure of their placement.[91] Only in Puddletown can we be sure of the placement of the poor since in 1637 they were ordered to stand in the belfry as, it was claimed, was the custom universally expressed elsewhere yet Sir Christopher Wren would have disagreed seeing the poor as commonly placed in the alleys of the

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87. Swayne, *Churchwardens' Accounts*, pp.205.

88. W.R.O. 2102 794-052 no.10 (i), fo.105-116v; H.R.O. C/1/2/A no.9.

89. Swayne, *Churchwardens' Accounts*, pp.190; G.R.O. GDR. B/4/1/586.

90. Guildhall Library MSS.1196 Vol.1, 2 August 1640.

91. Henry Littlehales, *The Medieval Records of a London City Church (St.Mary at Hill) 1420-1559* (1905), pp.215; John V.Kitto, *St.Martin-in-the-Fields: The Accounts of the Churchwardens 1525-1603* (1901), pp.145.

church.[92]

Such corporate seats clearly helped to distinguish an individual as a member of a specific group and hence separate from the rest of society, whether as a result of holding office, membership of a company or even the misfortune of poverty. The evidence is slight, yet the manner in which the church mirrored society can be seen.

5.2. Social Factors: The Influence of Status, Wealth, Age and Dwelling Place upon Position in the Church.

In the previous section the reflection of society in the seating arrangements of the church was analysed by concentrating upon the position occupied, distinguished by sex, age or corporate membership. This gave some idea of the correlation between social position and position in the church, but failed to address the influence of less tangible factors. This needs analysis since both modern historians and contemporaries involved in allocating pews both stress the significance of status, wealth, age and dwelling place upon the seating arrangements of the church. Such factors need, therefore, to be studied with reference to the seat which an individual was allotted.

The essential starting point for such an analysis lies in the reflection of status in the church's seating arrangements. This is not only because rank and degree were considered the basis for the allocation of a seat, but also because an individual's standing derived from a variety of elements which were likewise reflected in the church. Status, therefore, provides an overview of a person and how he was conceived by others and by himself. It is intimately related to the composite picture drawn by

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92. D.R.O. PE/PUD/CW.8/1-2; Lucy Phillimore, *Sir Christopher Wren: His Family and his Times* (1881), pp.311.

the churchwardens to decide placement. In many cases the connection between status and position in the church was explicit. In Normanton, Yorkshire, the Ecclesiastical Commission in 1571 ordered "that the gentlemen and gentlewomen being now by this order removed from the Lady choir shall be conveniently placed near the choir and the husbandmen removed and set lower."[93] This was evident in Puddletown in 1637. Here the seating commissioners ordered that the two chief lords of the parish, the Earl of Suffolk and Henry Hastings, should be placed in the foremost seats behind the front alley of the church with their wives above the alley against the screen of the chancel. "For the rest of the gentlemen, farmers, holders of tenements, householders and ancient cottagers" the commission decided that they were "to be seated in their several ranks in those seats in the little north east aisle and in the two main squadrons in the middle body of the church at the back of their lord's seats." The wives of these men were seated "in their several ranks....before the fore alley against the screen of the other aisle, and also in all the range of the seats against the north wall....and in those two squadrons or packs of seats that are below the lower main alley."[94] A similar situation is evident in Elingham, Hampshire, in 1712, where the Lord of the Manor occupied the seat directly below the pulpit with men termed "Esquire" occupying the two seats directly behind him and the seat opposite his.[95] At Tarrant Crawford, Somerset, in 1637, the gentlemen of the three leading farms in the parish occupied the two highest seats on both sides of the church while in Sedlescombe, Sussex, in 1632, Sir Thomas Sackville, his family and his servants occupied the foremost seats on the north and south sides of the church and adjoining the pulpit with three

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[93]. Purvis, "A Note," pp.168.

[94]. D.R.O. PE/PUD/CW.8/1-2.

[95]. H.R.O. 113 M.82 PW.6.

men termed "Mister" being placed in the seats below the pulpit and the two foremost seats in the middle of the church.[96]

These examples clearly establish the hierarchical thinking which lay behind the allocation of seats in the church, yet they are concerned only with the position occupied by the highest classes in each parish. The hierarchy of seats extended beyond this, however, with not just seats but places within seats able to be claimed by specific individuals. This is very clear both in the thinking of the ecclesiastical law and in cases from Oxfordshire.[97] In Souldern in 1605 a dispute arose between five parishioners not over the ownership of a specific seat but over the order of precedence within the seat itself, with Richard Hobcrofte claiming that if "he had any right to sit in any place of the seat....his place was to sit in the first place."[98] Even in parishes with systems of payments such disputes can be shown to have occurred with John Jordan and Henry Godfrey claiming precedence in a seat in Burford.[99] Such evidence indicates the extension of the hierarchical principle not just to individual seats but to individual places within a seat and shows the need to treat the reflection of status in the position occupied by each individual in the church.

Despite the problems encountered in attempting a parish study based on a seating plan, it was possible in the case of Puddletown in 1679 and North Nibley in 1629 to reconstruct the status of many of the occupants of seats.[100] These findings

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[96]. "Tarrant Crawford," pp.162-3; Goodman, "An Allotment," pp.96-100.

[97]. See above pp.41-42.

[98]. O.R.O. Oxf.Dioc.Papers c.24, fo.365.

[99]. O.R.O. Archd.Papers Oxon. c.119, fo.22-25.

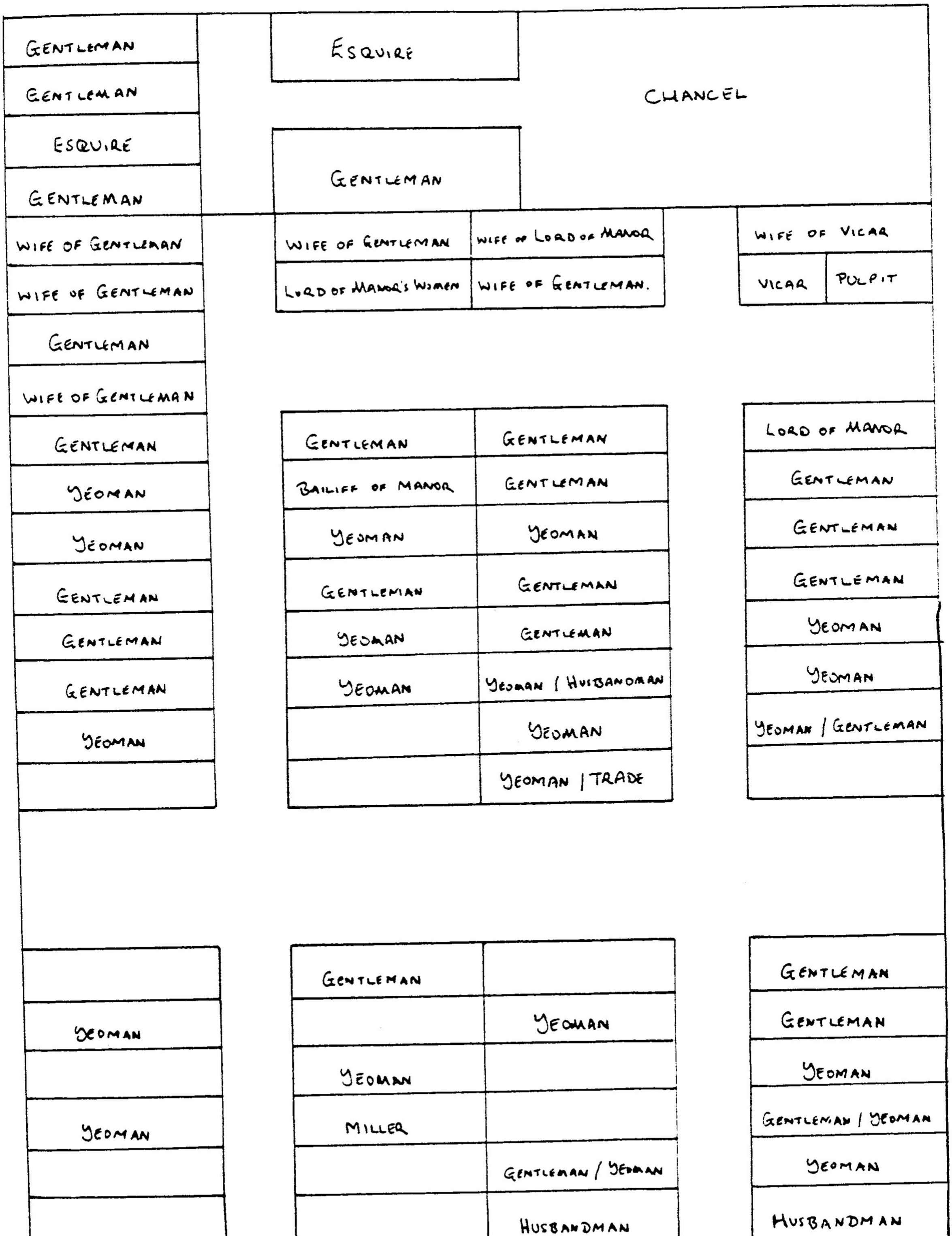
[100]. Specific problems were encountered in this context. Both seating plans were based on prescriptively held seats and, therefore, listed not the actual occupants of houses but their owners. This is evident in the large number of seats listed as belonging to any one person and the number of instances in which an individual was

have been listed according to seating position and are shown in Plans 5.6 and 5.7 From these it is evident that in Puddletown the distribution of seats followed a strictly hierarchical order with those seats for which the status of more occupant is known, revealing the presence of individuals of equal rank within them. Hence, both John Alway and Andrew Loder were termed "gentleman" and sat in the fifth seat on the south side of the church, while Christopher Tyler and Charles Grosse who sat in the seat below them were termed "yeomen." This is also true of the second seat in the south range of seats in the centre of the church, where three of the four occupants were gentlemen, and in the second seat on the south side of the church in which all five occupants were similarly designated. In the fifth seat on the south side of the church all four of those occupants whose status we know were yeomen. Discrepancies in the hierarchy do exist, however, since three seats were occupied by people of higher status than in the seats directly before them. This may, however, reflect the beginning of women's seats at these points or else the inadequacy of the evidence upon which our knowledge of status is based. Although our sources do give an idea of many pew-holders' rank, they seldom show an individual's standing in the actual year of the seating plan. The status of pew-fellows is, therefore, somewhat unreliable, since it is based on an what an individual was termed some years before or after 1679.

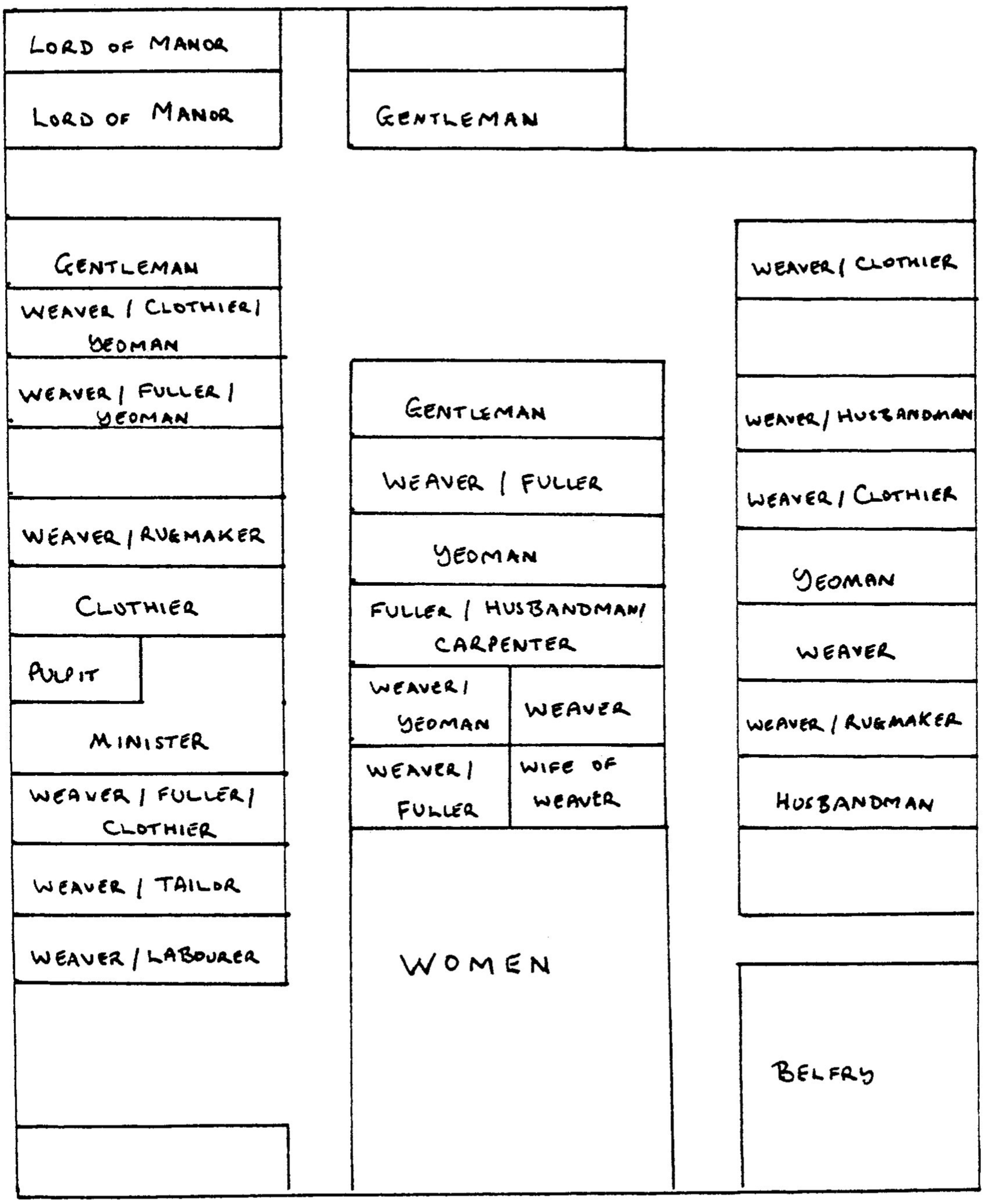
North Nibley poses greater problems of interpretation than Puddletown, yet this is in the main the result of the greater diversity of occupations here and the fact that the source for the seating arrangements is not an actual plan but a written list of seats and their occupants. The plan of the church derived from the evidence is, therefore,

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listed as holding seats in the right of different houses. Neither plan specifically differentiated between men's and women's seats and although for North Nibley this was because such seats were not listed, one cannot be so sure for Puddletown. Evidence based on D.R.O. PE/PUD/CW.8 no.3 and Joyce Popplewell, "A Seating Plan for North Nibley Church in 1629, *Trans. Bristol and Glos.Archae.Soc.*103 (1985).



Plan 5.6. Seating Plan of Puddletown, Dorset in 1679.



Plan 5.7. Seating Plan of North Nibley, Gloucestershire in 1629.

little more than an approximation to the truth. Despite such drawbacks a strong perception of hierarchy is still visible, with gentlemen placed near the chancel and with others of high rank sitting near the pulpit as, for example, Thomas Trotman, a clothier who died possessed of £320 in goods who sat in the sixth seat on the north side of the church. Those of lower status invariably sat lower in the church, with John Taylor, a labourer, in the tenth seat on the south side of the church and with a rugmaker who left £32 in his will in the seventh seat on the south of the middle range and with a carpenter in the seat behind him.[101] In between these extremes, however, the hierarchy is somewhat confused by the prevalence of individuals defined by their occupation and nothing else. Hence, we cannot be sure whether the presence of three yeomen, one weaver and one clothier in the second seat on the north side of the church indicates equality of status or the breaking down of the hierarchy. In this context the presence of Richard Hadley in the church is helpful. Hadley sat in the fourth seat on the north side of the middle range of seats and was termed "husbandman" in 1608, yet by 1629 he held two seats and two houses. This is perhaps a reflection of an increase in his status in the twenty-one years between these dates.[102] Such detailed examples are seldom reconstructible and differences in status are often so great that they seem beyond adequate explanation. William Martin who died leaving £100 and some lands in 1642 shared the fourth seat on the north of the middle range with William Beale who died in 1644 with only £17.[103] It is possible that Beale had split his possessions before his death, yet this cannot be proved. Such

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[101]. G.R.O. Wills 1644, no.9; 1649, no.90

[102]. John Smyth, *The Names and Surnames of All the Able and Sufficient Men in Body Fit for His Majesty's Service in the Wars within the County of Gloucestershire* (1902), pp.73.

[103]. G.R.O. Wills 1642, no.15; 1644, no.114.

examples, however, do little to subvert the general impression of the reflection of the hierarchy in the church's seating plan.

Another element of importance in deciding status and, therefore position in the church, was wealth. In St.Saviour, Southwark, Mrs.Ware was kept from a seat by the churchwardens since it was traditionally reserved "for such whose husbands pay far greater duties than her's." This was found to hold good of the rest of the church with the front pews of Mayhew's gallery occupied only by subsidy payers.[104] In North Nibley and Puddletown, wealth as seen in the amount assessed for church rates, was clearly significant in deciding placement. For North Nibley, seating position was related to the amount each individual was assessed for a rate to repair the church in 1629, the year of the seating plan, and to the poor rate of 1631. (See Tables 5.2 and 5.3.) For Puddletown a rate for the repair of the church for 1671 and a poor rate for 1683 were used because no rates existed for years closer to the actual date of the plan. (See Tables 5.4 and 5.5.) It is clear from all four tables that the average payment by each occupant of a pew was instrumental in deciding their placement, although those sitting in seats designated "C" in North Nibley show less correlation than elsewhere. Such averages, however, hide a number of anomalies by failing to reveal the payments made by each individual occupant of a seat. In some cases there was a clear correlation. Henry Sherring and George Sherring of Puddletown shared seat A.7 and paid 2s 9d and 2s 8d in 1683 to the poor rate and 1s6d and 1s 4d to the 1671 rate. In seat C.2 Christopher Tyler paid 1s 6d in 1671 and John Style and John Alway paid 2s and 2s 6d respectively while in 1683 the figures were 6s, 5s and 5s. Such examples can be multiplied for North Nibley. The occupants of seat A.10 paid either 4d or 6d each in 1629 as did the occupants of seat C.1 while those in seat C.7

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[104]. Boulton, *Neighbourhood and Society*, pp.287; G.L.R.O. P92/SAV/520.

	A	B	C
1			2d
2	9d		2d
3	1s 0d		7d
4	4d	1s 4d	5d
5	8d	7d	3d
6	5d	4d	11d
7		8d	2d
8	6d	10d	1d
9	3d		2d
10	2d		
11			

Table 5.2. Average Contribution to 1629 Church Rate According to Seating Position in North Nibley.

	A	B	C
1			2d
2	9d		2d
3	1s 0d		7d
4	4d	1s 4d	5d
5	8d	7d	3d
6	5d	4d	11d
7		8d	2d
8	6d	10d	1d
9	3d		2d
10	2d		
11			

Table 5.3. Average Contribution to 1631 Poor Rate According to Seating Position in North Nibley.

	A	B	C	D
1	6s 4d			£2 4s 0d
2	5s 3d		2s 0d	5s 2d
3		9d	1s 1d	1s 11d
4		8d	10d	3s 4d
5		5d		9d
6	1s 9d	5d	6d	6d
7	1s 5d			
8				9d
9	5d			
10	1s 2d			
11	1s 3d			
12	8d			
1			1s 2d	3s 9d
2	5d	5d	1s 3d	1s 4d
3				9d
4	1s 3d		5d	
5				6d
6			5d	3d

Table 5.4. Average Contribution to 1671 Church Rate According to Seating Position in Puddletown.

	A	B	C	D
1	£1 8s 4d		£3 6s 4d	£6 3s 0d
2	6s 4d	3s 2d	5s 1d	8s 7d
3		1s 0d	3s 1d	5s 3d
4		8d	1s 9d	3s 10d
5	7s 0d	7d	1s 0d	1s 4d
6			1s 6d	2s 6d
7	2s 8d			
8	1s 5d			
9				
10	2s 9d			
11	10d			
12				
1			4s 7d	8s 2d
2		1s 1d	1s 7d	2s 4d
3			9d	1s 5d
4		3d		2s 9d
5			3s 0d	1s 6d
6				

Table 5.5. Average Contribution to 1683 Poor Rate According to Seating Position in Puddletown.

all paid 4d. Against such cases can, however, be set an equal number of instances where the amount assessed was far from equal. This is especially noticeable in Puddletown, where individuals occupying the same seat were assessed in 1671 for church repairs at 2s and 3d respectively and in 1683 at 6d and 2s 4d. This could reflect the fact that such assessments were made eight years before the seating plan and four years after it and are as a consequence an unreliable guide to wealth in 1679.

In North Nibley the seating plan is more nearly contemporary to the rates assessed on the parish and as a result, there are far fewer seats shared by men paying vastly different sums. Even here, however, differences in assessment of as much as 2s 5d do exist. The correlation of wealth and position apparent in these parishes is also to be found in Great Chesham in Buckinghamshire in 1607. Although it is not possible to produce convincing figures for this parish, it is nonetheless clear that the foremost seats of the church were used by those assessed relatively highly while the lower seats were used by those assessed at a low rate. Hence Sir Thomas Ashfield who paid £9 4s 0d to the repair of the church occupied the highest seat in the church while those paying £2 6s 0d and £1 14s 6d sat in the seats below him while people in the gallery paid only 3s 4d and 7s 8d. The figures are especially significant in that 355 seats were built in the church with 170 men listed as contributing to the costs of erection and 177 listed as not being contributors. Of the 170 contributors, 153 were given seats while only 25 of the 177 non-contributors were so honoured. The connection between payment of church rates and the allocation of a seat is obvious.[105]

Age was another consideration in deciding precedence. It was reflected in the seating plan of St.Michael, Chester, where Nick Alldridge found that freemen occupying the third row of seats in the church had an average age of 49 while those

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[105]. Garrett-Pegge, "Richard Bowle's Book."

in the fifth, sixth and seventh rows were progressively younger. The age gradient was not regular, of course, "but the impression is that older inhabitants could rely on a certain tribute being paid to their seniority."[106] Such an analysis is not possible in the two parishes for which case studies were undertaken due to the inadequacy of the parish registers, yet it is evident that men of a similar age in some instances occupied the same seat. In North Nibley, Daniel Harrison aged 37 sat with John Sherman and Robert Dawe who were both aged 35 while other seats were shared by men aged 46 and 50, and 38 and 42. This is indicative of the significance of age especially since higher seats were occupied by older men than those below them, yet the evidence is insufficient to reach any firm conclusions. Pew disputes do, however, testify to the significance of age. In 1618 Sir Robert Swift of Doncaster denied Thomas Mountney's claim to a seat in the parish church because he was "of the meanest rank of gentleman" and "not above twenty-four years old."[107] Age was a significant element in other cases. In 1622 the Archdeacon of Oxfordshire decided a dispute in Towersey between John Lowe and Matthew Mead by determining that Mead "being the ancienter person shall sit next to the wall." Fifteen years earlier William Bennett of Stowell, Gloucestershire, informed the court that "in regard he was a young man he did sometimes give place to Bartholomew Gibbs to sit above him in the said seat."[108] This case is parallelled in 1663 when Sarah Andrews of Mitchenford, Worcestershire, allowed Margaret Green to sit above her not out of right "but in regard of their

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[106]. Alldridge, "Loyalty and Identity," pp.96-7.

[107]. P.R.O. Stac.8 24/4.

[108]. O.R.O. Oxf.Dioc.Papers c.17, fo.234; G.R.O. GDR.100, *Gibbs v.Bennett*, 17 Oct.1607.

difference in age."[109] Such examples clearly show that deference was paid to age in the seating arrangements of the church.

If wealth, status and age had a significant effect upon where one sat, did the area in which one lived also play a part? Jeremy Boulton and Nick Alldridge found it a factor in Southwark and Chester. In St.Saviour, Southwark, Boulton found that the occupants of the first two pews in Mayhew's gallery came from the Boarshead Alley-Swan Alley district of the parish and from the east side of the High Street. The remaining three seats were occupied by those living in small areas in the New Rents.[110] This was also the case in other parts of the church, for in 1639 Mrs.Ware's removal from a pew was based upon the fact that the seat was used by women of the Boroughside "and never any of the Bankside....the pews appointed for that liberty being for the most part on the north side of the body of the church."[111] This was reflected by Alldridge who found the inhabitants of Bridge Street favoured over those of Pepper Lane in the church of St.Michael, Chester.[112] Dwelling place was clearly important in a number of cases from Oxfordshire. The inhabitants of the hamlets of Crawly in Witney, Nethropp in Banbury and Wheatley in Cuddesdon all claimed seats in the right of their hamlets, as did the inhabitants of the chapelry of Hadnall in the church

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[109]. W.R.O. 2102 794-052 no.10 (i), fo.159.

[110]. Boulton, *Neighbourhood and Society*, pp.287.

[111]. G.L.R.O. P.92/SAV/520.

[112]. Alldridge, "Loyalty and Identity," pp.95.

of Myddle.[113] Tenants can also often be found sitting with or near their landlords.[114] Dwelling place appears, however, only of limited significance in the case studies undertaken. Although three out of seven occupants of a seat in North Nibley lived in Fordend and five out of eight in another seat lived in Swyney, in general there was little correlation between those sharing a seat and their dwelling place. This is also true of Great Chesham, although here five seats were occupied exclusively by men listed as from "the town." Few other seats show this consensus, however, and it would seem that it was perhaps only in urban parishes that dwelling place was important. This is no doubt the result of the segregation of social groups in such parishes.

This chapter has, therefore, shown that the seating plan of the parish was a good but imperfect reflection of society itself. The position of women in the church has been seen neither to have been utterly dependent upon their husbands nor indeed to have been consistently separate from them. Such was also the case with children and servants as affective ideas caused parents to take their offspring into their seats with them. Only in office-holding were seats totally reflective of the status and honour involved, yet even here the need to maintain a watchful eye on the congregation was also made clear. Despite such problems, however, factors underlying the allotment of seats reflect the significance of status, wealth and age in deciding seating position. The evidence indicates that, within reason, these elements were successfully given physical reality in the seats of the church.

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[113]. O.R.O. Archd.Papers Oxon. c.119, fo.2-3; c.28, fo.116; Bodl. Top Oxon. c.56, fo.28; Richard Gough, *The History of Myddley,* D.Hey (ed.) (Harmondsworth 1981), pp.35-6.

[114]. Jones, "Llandegai Pew Dispute," pp.110-1; Bodl. Rawlinson B.381, fo.32; Tanner 98, fo.50.

CHAPTER SIX: WAS THERE AN ECCLESIASTICAL POLICY TOWARDS SEATS.

As yet little attention has been devoted in this thesis to the attitude of the ecclesiastical courts to seating as an issue. Although in Chapter Three the scope of the courts' jurisdiction and their method of proceeding were examined, the chapter provided an overview of administration and practise, not an investigation of policy and the reasoning behind it. It is, therefore, my intention to focus more directly in this chapter upon the aims of the bishops throughout this period and to determine their success in enforcing those aims. It is hoped that by so doing, it will be possible to discover when an interest in seating arose and whether such an interest ever developed into a comprehensive campaign.

The earliest references displaying ecclesiastical interest in the subject of seating are concerned almost entirely with disputes. Hence in 1287 Bishop Quivil's Synod at Exeter determined that *quia audivimus quod propter sedilia in ecclesia rixantur multoties parochiani....statuimus ut quod nullus de caetero quasi propriam sedile valeat vindicare, nobilibus personis et ecclesiarum patronis duntaxat exceptis."*[1] This synod, however, provides our only reference to ecclesiastical thought on seating prior to the sixteenth century. Yet, it is clear that seats did exist in many churches from an early date and that disputes over them arose in the fourteenth century.[2] Despite this, it is

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[1]. D.Wilkins, *Concilia Magnae Brittaniae et Hiberniae* (1787), pp.140.

[2]. Seats exist from 1415 in Bridgwater and 1436 in Oxford, while disputes can be found in 1413 and 1470. Thomas Bruce Dilks, *Bridgwater Borough Archives 1400-1445*, Somerset R.S.58 (1945), pp.50; O.R.O. D.D.Par.Oxford St.Michael a.1; F.Pyndar Lowe, "On Open Seats," *Assoc.Architectural Soc. Reports and Papers* 2 (1852-3), pp.125; Colin Richmond, "Religion and the Fifteenth Century Gentleman," in R.B.Dobson (ed.), *The Church, Politics and Patronage in the Fifteenth Century* (New York 1984), pp.199.

not until 1502 and an archidiaconal visitation of Canterbury that further insight can be gained into ecclesiastical thinking. In this year the Archdeacon condemned two parishioners of Hawkhurst and Alexander Meriam of Boughton Munchelsey for disturbing others in their seats.[3] Such cases must have been relatively common, for a visitation of Lancashire in 1540 referred to the disturbance of divine service "by contentions (often times) about seats."[4] Thirty-five years later Archbishop Grindal found that at Barnby Dun, Yorkshire, "there is great dissension amongst the parishioners about their stalls."[5] Such concern for disputes is reflected in the area of my study where the only cases found prior to 1560 were cases of dispute, while pre-1600 only ten cases other than those of dispute can be found. Other evidence does indicate that the ecclesiastical authorities' were also concerned for repair. William Lyndewoode had referred to the role of the parishioners in providing and repairing the seats of the church and there is no doubt that this was enforced with William Mason of Bearsted, Kent presented for failing to repair his seat and with cases brought by the Bishop of Lincoln in 1518 against the churchwardens of twenty-six parishes for similar faults.[6] Such evidence is sparse but would appear to indicate not a preconceived policy but rather a reaction to parochial events.

Visitation articles provide the most obvious means of determining the intentions

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[3]. C. Eveleigh Woodruff, "An Archidiaconal Visitation of 1502," *Archaeologia Cantiana* 47 (1935), pp.27, 31.

[4]. F.R.Raines, "A Description of the State, Civil and Ecclesiastical of the County of Lancaster about the year, 1540," *Chetham Misc.5* (1875), pp.4, 11.

[5]. W.J.Sheils, *Archbishop Grindal's Visitation, 1575: Comperta et Detecta Book*, Borthwick Texts and Calendars 4 (1972), pp.37.

[6]. William Lyndewoode, *Provinciale seu Constitutione Anglie* (Paris 1501), pp.138; Woodruff, "Archidiaconal Visitation," pp.29; A.Hamilton-Thompson, *Visitations in the Diocese of Lincoln, 1517-1531*, Lincoln R.S.33 (1940), pp.2, 11, 55, 68, 80, 89, 91, 98, 100, 115, 118, 119, 120, 122, 123, 124, 125, 127, 131, 132, 133, 135, 139.

of the bishops as regards seats. The first set of articles to make manifest an interest in seating were those of Bishop Bonner for the London diocese in 1554. In these he enquired whether the seats of the church "were honestly prepared and kept after the old custom and usage" and whether there had been any contention among the parishioners "for sitting in pews." In 1555, however, Bonner reduced his enquiries to asking whether the parishioners were well behaved in the church "as well for sitting in pews as in processing, kissing of the pax and in all other causes."[7] No evidence exists for the London diocese in these years against which to judge the success of these enquiries and it is not until 1580 that seating again emerges as a concern in any visitation articles. In that year the Archbishop of Canterbury asked the churchwardens of his diocese "whether there has been any pews builded of late....without the express leave and consent of the Ordinary of the diocese" and whether there had been any contention over the right of sitting in any seat. Both of these enquiries were repeated in 1587 by the Archdeacon of Canterbury and constitute the first recorded expression of ecclesiastical concern for the control over the building and disposing of seats.[8]

Prior to 1600 visitation articles do not exist in sufficient quantity to allow a full survey of episcopal interest in the matter of seating. This can be seen from Table 6.1 which indicates the total number of articles extant for each decade. Our evidence is, therefore, confined almost entirely to the seventeenth century and it is immediately apparent that both in the range of enquiries and their frequency, the 1630's and 1660's were of prime significance. Of these the earlier decade is clearly of greatest significance not merely because historical interest has long focused on Laudianism in

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[7]. W.H.Frere and W.M.Kennedy, *Visitation Articles and Injunctions of the Period of the Reformation 2, 1536-1558*, Alcuin Club Collections 15 (1910), pp.346, 352, 367.

[8]. *Canterbury Diocese* 1580; *Canterbury Archdeaconry*, 1587

	1520	1530	1540	1550	1560	1570	1580	1590	1600	1610	1620	1630	1640	1660	1670	1680	1690	1700	1710	1720
Nothing				1	3	5	2		3	3	5	5	3	5	4		1	1		
Repair				2				1	4	6	12	20		25	8	3	2		1	
Dispute				2			2		1	2	3	6		21	9	3	2			
Erection							2		1	1	4	4	1	22	9	3	2		1	
Over High												8		1					1	
Chancel												4	2	3						
Sexes												3		1						
Alleys												4	1	1						
Other												9		1						
NUMBER OF ARTICLES	0	0	0	3	3	5	4	1	10	9	21	31	5	33	16	3	3	1	1	0

Table 6.1. Occurence of Enquiries in Visitation Articles by Decade.

all its forms, but also because closer examination reveals the 1630's to have been the more innovative decade of the two, with the years prior to the 1630's showing neither the breadth or frequency of concerns shown in that decade. The enquiries of the 1660's, however, follow in the main a standard formula with seventeen of the twenty-eight sets of articles in which mention was made of seating following the form of enquiry used by Lancelot Andrewes in Winchester in 1625 in which repair, dispute and illegal erection were linked in one article.[9] The fact that twelve of the seventeen sets of articles with such a formula were issued in 1662 is suggestive of a central effort to reassert control over the seats of the church after the interruption of the Civil War, yet there is little evidence of success in the cases heard at visitations or under the office process.(See Tables 6.2 and 6.3). Only in Ely in 1662, where Wren set out a list of enquiries ranging from the height of pews to their removal from chancels, was there a concerted campaign to control seating. Even this was less successful than in the 1630's and was but a reflection of Wren's efforts in the earlier period.[10]

Other decades revealed concern for specific issues but these never formed part of a broad, preconceived policy. Although the 1670's and 1680's reveal an increase in the total number of cases heard at visitations, the rise is not as clear as in the 1630's and can be easily explained by the existence of records for London and Essex only in those two decades. This has the effect of increasing the number of cases of repair, but less expected in this later period are the number of cases in which it was ordered that prayer mats be provided or inconvenient seats be removed. Such cases do not

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[9]. *Bath and Wells*, 1662; *Bedford*, 1667; *Chichester*, 1662; *Durham*, 1662; *Exeter*, 1662; *Hereford*, 1662; *Lincoln*, 1662, 1664, 1666; *London*, 1662; *Oxford*, 1662, 1666; *St.Albans*, 1662; *St.Davids*, 1662; *Winchester*, 1662, 1664.

[10]. W.M.Palmer, *Episcopal Visitation Returns for Cambridgeshire: Matthew Wren, Bishop of Ely, 1638-1665* (Cambridge 1930), *passim.*

	1520	1530	1540	1550	1560	1570	1580	1590	1600	1610	1620	1630	1640	1660	1670	1680	1690	1700	1710	1720
Repair					1		1	3	21	26	26	20		2			6	1		
Dispute	3	1		1	1	7	24	14	29	22	25	27		4	1					
Erection							1	1	19	5	5	5		1	2	5		1		
Over High										1		1								
Chancel																				
Sexes																				
Alleys												1								
Other			1			1	14	2	4	22	7	14		7	3			2	2	1
Total	3	1	1	1	2	8	40	20	73	76	63	68		14	6	5	6	4	2	1

Table 6.2. Office Cases by Decade and Type.

	1520	1530	1540	1550	1560	1570	1580	1590	1600	1610	1620	1630	1640	1660	1670	1680	1690	1700	1710	1720	1730
Repair					2			1	3	8	5	28	3	8	46	79	12	4	3	23	9
Dispute							4	2	8	13	2	22		3	2	5		1			
Erection											1	15		8	2			4	1	1	1
Over High												74				2					1
Chancel												2			5						
Sexes																					
Alleys															2						
Other							1	2		2	1	5	1	1	14	47		1			
Total					2		5	5	11	23	9	146	4	20	71	133	12	10	4	24	11

Table 6.3. Visitation Cases by Decade and Type.

find their way into office proceedings, however, and cannot be said to have been part of a campaign. Indeed this can also be said of the rise in cases of illegal erection in London in the 1600's, since the cases were heard in 1602 and 1605 in spite of the change of bishop between those dates.

It is only in the 1630's, therefore, that a full campaign to amend seating can be seen. Laud himself was clearly interested in the issue. Although the articles for the metropolitical visitation of Norwich and Winchester in 1635 express concern merely with the repair of the seats of the church, in 1633 in their visitation of Leicestershire Laud and his vicar-general, Brent, had punished Sir Henry Sherly of Bredon for building "a close high seat very unfittingly" and the churchwardens of St.Martin, Leicester in whose church "the middle alley is pestered with many seats."[11] The concern for seats of a uniform height was also evident in the metropolitical visitation articles issued for Lincoln in 1638 while as Bishop of London in 1632 Laud had pursued the churchwardens of St.Austin and of St.Leonard Foster Lane to the High Commission to order the removal of seats above their communion tables.[12] A further innovation traceable to Laud concerned the cathedrals, where fixed seats in the choirs were replaced by moveable seats on Laud's orders in Durham and York in 1633, Gloucester in 1635 and Worcester in 1639.[13] Such concerns were not confined to Laud and can be found in Richard Neile's visitation of York in 1633, in which he

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[11]. A.Percival-Moore, "The Metropolitical Visitation of Archbishop Laud" *Assoc. of Architects Repts.*29 (1907-8), pp.506, 517, 518.

[12]. Guildhall Library MSS.9531 Vol.15, fo.26v; S.R.Gardiner, *Reports of Cases in the Courts of Star Chamber and High Commission, Camden Soc. New Series 39* (1886), pp.282, 297, 302, 306, 312.

[13]. G.Ornsby, *The Correspondence of John Cosin D.D, Lord Bishop of Durham, Surtees Society* 52 (1889), pp.216; *CSPD 1633-1634*, pp.72; Wilkins, *Concilia*, pp.519, *CSPD 1639-1640*, pp.79-80, 106-7, 129-30, 189-90.

enquired whether all the seats of the church were of a uniform height and whether all who sat in the seats could face eastward. This perhaps reflects the effects of the Laudian campaign, since in 1628 Neile's enquiries for Winchester had been concerned only with the repair of the seats.[14] Neile's enquiries of 1633 were repeated by Bishop Bridgeman of Chester in 1635, while concern for the uniformity of seats featured in a further five sets of articles.[15] Seats in alleyways were condemned in four sets of articles, as were seats in chancels, and in five sets of articles concern was expressed for illegally erected seats.[16] The most wide-ranging sets of articles were those issued by Wren for Norwich in 1636 and for Ely in 1638. In addition to the enquiries already covered, they showed an interest in the erection of galleries, "privy closets or close pews", the separation of the sexes and the provision of prayer mats.[17] Many of these enquiries feature elsewhere yet never, except in the case of Bishop John Towers of Peterborough, in 1639, in so definite a campaign.

Such enquiries reflect the vast expansion of interest in seating as an issue in the 1630's, with Laud and Neile initiating the campaign which was given its fullest expression by Wren. They do not, however, reveal the reasoning behind the campaign. This appears to have been based upon two considerations. Partly it resulted from an

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[14]. R.A.Marchant, *The Church Under the Law: Justice, Administration and Discipline in the Diocese of York 1560-1640* (Cambridge 1969), pp.77; *Winchester*, 1628.

[15]. John Addy, *Sin and Society in the Seventeenth Century* (1982), pp.50; *Norwich*, 1636 (Wren), 1638 (Montague); *Ely*, 1638 (Wren); *Winchester*, 1638 (Curle); *Peterborough*, 1639 (Towers).

[16]. Alleys: *Lincoln*, 1638 (Williams); *Winchester*, 1638 (Curle); *Peterborough*, 1639 (Towers); *Suffolk*, 1640; Chancels: *Ely*, 1638 (Wren); *Winchester*, 1638; *Peterborough*, 1639; *Suffolk*, 1640; Illegal Erection: *Berkshire*, 1633; *Winchester*, 1638; *Lincoln*, 1638; *Peterborough*, 1639; *Suffolk*, 1640.

[17]. W.M.Palmer and H.W.Saunders, *Documents Relating to Cambridgeshire Villagers* (Cambridge 1925-6), pp.45.

actual dislike of seats and the abuses they caused, with Laud in 1633 informing the Star Chamber "that God Almighty would be better worshipped and the occasion of jangling taken away" if there were no seats in the church.[18] Such disruption or the potential for it had, in Laudian eyes, increased in previous years because of the building of seats unfitting for the house of God. The Dean of Worcester indicated to Laud in 1639 that the corporation of the town were dissatisfied with the seats allowed them in the cathedral because they had wanted their "gay and lofty" seats as a display of their authority and power.[19] Much of the Laudian campaign was, therefore, aimed to reduce obvious displays of status and to impose a degree of order and uniformity in the church, to increase the beauty of holiness and direct attention directly to the rituals of observance.

These ideas clearly lay behind the concern for uniformity. In 1638 the Bishop of Chichester, Brian Duppa, enquired in his primary visitation of the diocese about over-high seats "as may hinder their neighbours in hearing divine service."[20] This enquiry was a reflection of that of Wren in Norwich in 1636 in which high seats were condemned because they hindered the prospect of the chancel and hid the behaviour of those who sat within.[21] This was a view shared by Laud who termed the building of high pews in Cambridge "unfitting", "disorderly" and "a profanation of the church" which would be referred to the High Commission if necessary.[22] Bishop Corbett, however, gave perhaps the clearest view of the Laudian reasons for opposing high

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[18]. Gardiner, *Reports*, pp.143.

[19]. *CSPD 1639-1640*, pp.189-90.

[20]. Wilkins, *Concilia*, pp.527.

[21]. Bodl. Tanner 68, fo.34v, 36.

[22]. W.Scott and J.Bliss (ed.), *The Works of William Laud* (1858), pp.366.

pews in 1634:

> Pews are become tabernacles with rings and curtains to them, there wants nothing but beds to hear the word of God on; we have casements, locks and curtains and for these we love the church. I will not guess what is done within them, who sits or stands at the communion, but this I dare pronounce it is to hide some vice or to proclaim one, to hide disorder or to proclaim pride.[23]

Corbett's notion that high pews encouraged misbehaviour and discouraged proper religious observance was one shared by Wren. In 1637 he ordered the Chancellor of the Order of the Garter to reopen the choir stalls of Windsor Chapel to women of quality "for fear that it may make them fall back into that Puritan humour, wherein they were want to despise the prayers of the church and get into a pew being in the body of the church and talk out the time till Divine Service were ended."[24] A more practical view of the problem was that of Ephraim Udall, rector of St.Austin's, London who published a treatise in 1641 called *Communion Comelinesse* in which he condemned the novel practise of building "pews so much higher and closer than heretofore." Udall found fault with this practise principally because room in London churches was so limited and the chancels so encumbered with pews that individuals were forced to receive communion in their seats. This caused great problems for the minister and undermined the meaning of the sacrament by preventing its communal receipt. High pews magnified this problem in that the ministers were forced "to go up and down the church, reaching and stretching, rending and tearing themselves in long pews, to hold forth the elements over four or five persons." Udall's solution was to free the chancels by erecting moveable seats there and to reduce the

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[23]. H.W.Sparrow-Simpson, *Documents Illustrating the History of St.Paul's,* Camden Soc. New Series 26 (1880), pp.138.

[24]. Bodl. Ashmole 1132, fo.53.

height of pews elsewhere in the church.[25] It was a practical solution to a real problem since there is evidence of a seat at Mersham, Sussex, over five feet high and pews in Buckinghamshire in 1637 regularly over this height.[26]

The encouragement of the beauty of holiness and greater piety were evident in other areas of the Laudian campaign. In the case of seats in the chancels of churches this was joined with a clear religious motivation. This is apparent in test cases brought in the High Commission against the churchwardens of St.Austin's and St.Leonard's Foster Lane in London, in 1632. In both of these parishes the order to remove such seats was not specifically aimed against the parish elite since, as in many other places the chancel was used by a wider cross section of the congregation. The referral of the case to the High Commission did, however, show Laud's concern that his orders be obeyed. The churchwardens of both parishes had refused Laud's order of 17 January 1632 to remove the seats above their communion table and had cited the ancient establishment of such seats and their necessity in the face of an over-large congregation. These arguments were refuted by the High Commission, which ordered the seats to be pulled down on the grounds that it was not right "that they should sit above God Almighty in his own house," even if this meant depriving some parishioners of their seats.[27] This was also the reason given by Heylyn in 1634 for Laud's condemning of this practise since "it was not fit the people should sit above God's table or be above the priest when he consecrates." Wren also shared this view, defending his removal of seats from chancels because they distracted attention away

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[25]. Ephraim Udall, *Communion Comelinesse* (1641), pp.4,8.

[26]. J.A.Sparvel Bayly, "Pews of the Past" in W.Andrews, *Curious Church Gleanings* (1896), pp.150; Bucks.R.O. D/A/V/15, fo.9, 11v, 13, 20.

[27]. Gardiner, *Reports*, pp.282, 297, 302, 306, 312; Guildhall Library MSS.9531 Vol.15, fo.26.

from the priest and the sacrament itself.[28] Such concerns were evident in other areas of the Laudian reform. Seats in the alleys of churches were condemned because they "cumbered" the church and "do make the passage so narrow as scarce one man can pass," while the turning of seats to face east was defended by Wren on the basis of its practicality for proper religious observance. Wren told his accusers in 1641 that his scheme aimed not to introduce "blind superstition" but to overcome "disorder" and "profanation." Disorder existed, he claimed, because "everyone has taken upon them to make seats in the church after their own fancy for fashion and height observing neither decency nor uniformity," while profanation was caused in that "he had found seats so ordered as that they could not conveniently kneel down in the time of prayer to worship the Lord." For Wren it was right that all should be able to kneel down and if that were the case, they should all kneel to face east since this would make the ritual better observed and would reduce the distractions of other human faces.[29]

Although concerns for greater decency and uniformity lay at the base of the Laudian reforms, the reassertion of episcopal control was a significant motivating factor. It is seldom clearly expressed in the evidence, yet every aspect of the campaign points to its importance. The reassertion of central authority over the building of pews had long been a common part of ecclesiastical policy, but the 1630's sees this turned into a more forthright attempt to impose a centrally decided standard upon each parish. The separation of the sexes, the turning of all seats eastward and the concern to control where seats were placed and their height had typically been left to the churchwardens: now they found their authority denied in the face of attempts at

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[28]. T.F.Palmer, "Documents of the Laudian Period," *Somerset R.S.*43 (1928), pp.190; Christopher Wren, *Parentalia, or Memoirs of the Family of the Wrens*, (1750), pp.12-13.

[29]. Percival-Moore, "Metropolitical Visitation," pp.506; Wren, *op.cit.* pp.12-3.

the centre to reassert the power of the Ordinary over them. This was made clear in a number of instances. The test case brought against Haber in the York diocese was promoted by the bishop himself and reasserted episcopal authority in that the seat had been built after Neile's first visitation had made clear his dislike of over-high pews. The case rested upon two allegations: (1) the canons of 1604 which specified that the church should be kept in decent order and (2) the Ordinary's right to confirm or agree all new building of pews in his diocese.[30] Such thinking informed other cases. Laud's persecution of the churchwardens of St.Austin's and St.Leonard's rested not just upon ideas of decency, but upon the fact that the churchwardens had "scorned and slighted" the bishop. George Abbott, the Archbishop of Canterbury, informed the churchwardens that they were subject to the Ordinary and should obey him. Indeed, against the churchwardens' claim of the ancientness of the provision of seats in the chancel, Laud showed the court that the bishop had power enough to do what he intended.[31] Laud's aim to regain control over seats was also apparent in 1637, when he wrote to the President of the Council in the Marches in Wales asking him to stop interfering with the regulation of a seat in the diocese of Bangor.[32] Even the claim to a seat by an individual was seen as a problem by the bishops with Thomas Young in 1633 condemned by Neile in Star Chamber for taking upon himself the role of the Ordinary because he had assigned to another a seat which he claimed prescriptively.[33]

The reassertion of central authority over that of individuals and the churchwardens undoubtedly caused considerable resentment and undermined the

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30. Marchant, *Church Under the Law*, pp.77-8.

31. Gardiner, *Reports*, pp.297, 306.

32. See above pp.48.

33. *Ibid.* pp.140, 143.

effectiveness of the Laudian campaign. The Laudians were faced with an insoluble dilemma. In order to ensure the success of any ecclesiastical campaign they had to rely upon the presentments of the churchwardens, yet it was the churchwardens whose authority the campaign sought to undermine. Furthermore, the churchwardens' authority over all aspects of seating had been so well and so long established that any attack on it could and would lead to prohibitions and the determination of the Laudian campaign by the uncertain tool of the common law. Both aspects of the dilemma are visible. In Sussex, Fletcher found many cases in which the churchwardens responded to enquiries about the height of their seats by informing the court that "our pews are decently built....as we conceive but not uniform" or that pews erected in the chancel were "no inconvenience."[34] The danger of prohibitions was equally evident with the Chancellor of the diocese of Canterbury viewing the seats in St.Austin's and deciding that they should be pulled down, but refusing to make an order accordingly "for fear of a prohibition." This was also the case in the diocese of Winchester where a faculty was not upheld against the claims of the churchwardens to order the seat in question "for fear of continual disturbance."[35] The Laudians could, therefore, find themselves falling foul of the law in their efforts to reassert control.

The problems this dilemma caused are reflected in the limited success achieved in the 1630's. Although with the exception of Juxon in London the area of my study contains no Laudian appointee, it is clear from visitation articles that Curle in Winchester and Williams in Lincoln were sufficiently supportive of the Laudian seating policy. The success of the campaign appears poor from the evidence of office and

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[34]. Fletcher, A *County Community in Peace and War: Sussex 1600-1660* (1975), pp.83.

[35]. Gardiner, *Reports*, pp.312, 243-4.

visitation cases, with only cases of uniformity showing any real increase as compared to previous decades and then only in the field of visitation presentments. Even the increase in uniformity, however, was not universal but the result of a remarkable effort by Godfrey Goodman of Gloucester, which gave rise to seventy-three cases from the deaneries of Gloucester and Forest in September 1639. Although the reasons behind this campaign are not entirely clear, it confirms recent work by Julian Davies which has shown that the most rigorous enforcement of the Laudian altar policy in the southern province was that of Goodman who alone used excommunication as a means of enforcement.[36]

Elsewhere the evidence of the campaign's success is equivocal. In Nottinghamshire the act books of the archdeacon reveal only two Laudian cases in 1638, when Alexander Sampson of South Leverton and Mr.Stone of Sutton cum Lound were both ordered to reduce the height of their seats.[37] Mervyn James in his study of Durham found Cosin to have displayed caution in his reforming of seats at a parochial level, with only the chancels at Ryton and Sedgefield altered under his episcopate.[38] In the York diocese a similar situation is evident and Marchant found little indication of the success of Neile's reforms beyond an order to the churchwardens of Arnoll to place the seats in their church "chancelwise" and a test case against one Haber in 1635 for refusing to reduce the height of his seat.[39] From such slender evidence it would be unfair to conclude that Neile's campaign was

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[36]. Julian Davies, "The Growth and Implementation of "Laudianism" with Special Reference to the Southern Province", Unpublished Oxford D.Phil.(1986), pp.245.

[37]. R.F.B.Hodgkinson, "Extracts from the Act Books of the Archdeacons of Nottingham" *Trans. Thoroton Soc.*31 (1927), pp.136.

[38]. Mervyn James, *Family, Lineage and Civil Society* (Oxford 1974), pp.124.

[39]. Marchant, *Church under the Law*, pp.77, 201.

unsuccessful. The limited nature of the sources is a restriction upon the assessment of the campaign's effectiveness in the diocese of Chichester. Although Antony Fletcher found that the reduction in height of Thomas Taylor's pew was ordered by the Sussex Bench, he provides only three cases of the "interference with private pew building" which he claims "brought out the gentry's latent anticlericalism."[40]

The existence of records for 141 Cambridgeshire parishes visited by Wren in 1638 allows a general judgement of the success or failure of the campaign in this county.[41] The evidence indicates a fair degree of success. In twenty-two parishes the repair of seats was ordered and in six others illegally erected seats were removed. Five further cases ranging from disputes to the painting of seats were also found, but have little to do with Laudian interests. In forty parishes, however, Laudian ideals were fulfilled with individuals being ordered to reduce the height of their seats. The requirement that all should face east was evident in seven parishes and the separation of the sexes in six. Concern that seats should not block alleys was reflected in five parishes and for seats in chancels and for galleries in one parish each. Such statistics indicate that Wren's campaign achieved a fair degree of success, but that its enforcement was by no means universal within the diocese. However, this may again be the result of the available evidence, since the articles of impeachment against Wren in 1641 contained a direct attack on his policy of turning all seats to face eastward.[42] Such anger appears unwarranted in the light of the limited success of Wren's campaign, as does that evident in the petition of the county of Nottinghamshire in 1641 which condemned the archdeacon's "fining parishes excessively (without limit) for

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[40]. Fletcher, *A County Community*, pp.76, 83, 90.

[41]. Palmer and Saunders, *Documents*; Palmer, *Episcopal Visitation Return*;

[42]. Wren, *Parentalia*, pp.12-13.

not altering seats."[43] Such anger may, however, reflect not the campaign's extent or success, but its unpopularity and its imposition upon an unreceptive and hostile laity.

The Laudians' need to rely upon the churchwardens for the enforcement of their campaign was the main reason for their failure. A system of presentments by the churchwardens was ill-designed to provide spectacular results and while there is an undoubted rise in the number of cases brought in this period, it is not a reflection of the numbers of disorderly seats but merely the tip of an iceberg. Cases must only have been brought by the churchwardens as a result of unusual unanimity of parochial opinion regarding the inconvenience or indecency of a seat. Hence, Haber's case was successful because it concerned a particularly elaborate and unpopular pew. In the main, however, the bishops had to resort to the use of the High Commission in order to ensure the success of their policy.. It is unsurprising, therefore, to find that the Laudians only real success in seating reform came not from presentments at visitations or from office cases, but through the extraordinary means of an ecclesiastical inspection of all the churches in Buckinghamshire in 1637. Such an inspection neatly circumvented the problems of reliance upon the churchwardens and directly imposed the authority of the Ordinary in each parish. The results, compared to more traditional methods of proceeding, were an obvious improvement. Of 125 parishes inspected only seven were given a clean bill of health as regards their seating. Eighty-three were ordered to repair their seats and ninety-seven to reduce the height of certain seats, with many parishes being admonished to make uniform a large number of their seats. Twelve parishes were ordered to remove seats from the chancel and in the same number of parishes seats in alleys were condemned. Twenty-eight parishes

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[43]. *A Petition Presented to the Parliament from the Countie of Nottingham complaining of Grievances under the Ecclesiastical Government* (1641), article 7.

were ordered to make further changes ranging from the pulling down of illegally erected seats to the dividing of seats and the turning of benches into desks.[44] The success of this inspection stands in marked contrast to anything achieved elsewhere in the 1630's or later and must reflect the imposition of the Ordinary's authority directly on the parishes inspected.[45]

The Laudian period was clearly an important one in regards to seats since it provides the only occasion on which the episcopate appear to have initiated an agreed campaign of reform. Even after the Restoration, when seating enquiries in visitation articles appear in large numbers, a closer inspection reveals the formulaic nature of many of these and their reliance upon Wren's efforts in Ely in 1662 to give them a broad basis of concern. Ecclesiastical interest did not end in 1640 but after the Restoration it appears confined to matters of dispute, repair and illegal erection and to have been but poorly enforced. Office and visitation cases give little indication of the post-1660 trends due to the poverty of the evidence, yet instance cases show a perceptible increase in cases of dispute and faculty litigation. As a result such cases are over twice as frequent in the forty years after 1660 as they are in the forty years before 1640. Such a rise at a time when the general business of the ecclesiastical courts was falling is significant especially since the dioceses of London and Oxford reveal an almost total concern with seating cases after 1730 and 1740 respectively. Indeed, in 1758 the registrar of the Oxford diocese records that "very few court cases have been held" and that those that had been heard were dominated by the seeking

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[44]. Bucks.R.O. D/A/V/15, fo.1-28v.

[45]. A church inspection of Buckinghamshire in 1674 gave rise to only 15 cases, while between 1674 and 1687 only 47 cases so arose in Worcestershire. Bucks.R.O. D/A/V/15, fo.34-43; Paul Morgan, *Inspections of Churches in the Diocese of Worcester in 1674, 1676, 1684 and 1687*, Worcs.Histcl.Soc.12 (1986).

of faculties for seats.[46] This is not to imply that the courts actively solicited for seating cases, merely that their administrative role in such matters helped extend their practical life. The reasons for this are clear. An individual's desire to maintain his position in the church was a constant preoccupation in this period: the church courts were happy to oblige because of the costs they would receive for hearing the case. Little or no evidence exists to indicate an increase in the cost of faculties or litigation in this period, yet in view of the increasing numbers of such cases this would have been unnecessary and perhaps counter-productive. There is some evidence of the fall in the number of instance cases lasting over a year and the rise of those lasting between six months and a year which given the general fall in the courts' total business may indicate greater delays in concluding such cases. This is not to imply that the courts had no interest in seats because concern was shown to resolve seating conflicts to prevent absence from the church. It had been seen by Wren in 1637 that lack of a seat could lead to absenteeism, and this was still believed in 1693 when the Chancellor of Oxford ordered the reseating of Banbury church for fear of encouraging dissenters.[47]

The church courts by the end of this period were, therefore, merely administrators of the seating system rather than reformers. The evidence would indicate, however, that apart from the 1630's the courts generally adopted only an administrative role. This meant that by 1630 many of the problems of the seating arrangements of churches were so engrained that the Laudian campaign of reform met with extensive passive resistance both from parishioners and churchwardens who saw little wrong with the way their seats were, and who did not understand the need for

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[46]. O.R.O. Oxf.Dioc.Papers c.2139, fo.64.

[47]. Bodl. Ashmole 1132, fo.53; O.R.O. Archd.Papers Oxon. c.157, fo.332.

change or the intention of the Laudian campaign. There were genuine problems in individual parish churches with seats. Many churches, however, failed to meet the requirements of the Laudians that their seats be reduced in height, be conveniently placed or be removed from areas where they disrupted the service. It was because of such resistance and misunderstanding that the Laudians only chance of success was the use of extraordinary powers and persuasion. Such tactics took time which the unpopularity of the Laudians' other reforms did not allow and eventually their efforts were of little success. Their aims were, however, genuine and mixed the reassertion of central authority with a concern to impose a centrally agreed uniformity which would beautify the church and allow the better serving of God. It was a campaign never to be repeated even in the aftermath of the Civil War and increasingly seats became more a source of finance to the courts than a genuine object of concern.

CHAPTER SEVEN: THE NATURE AND INCIDENCE OF PEW DISPUTES.

In 1633 Richard Neile, faced with the adjudication of a particularly violent pew dispute in Star Chamber, informed the court "that whilst he was Bishop of Winchester no causes pertaining to the ecclesiastical jurisdiction under him were more frequent than broils about seats, and because they were an occasion of much discord it were good to restrain them."[1] The Archbishop was undoubtedly exaggerating since the evidence of his episcopate in Winchester brings forth no great multitude of pew cases, yet he clearly shows the feelings and the disorder to which such disputes could give rise. Many modern historians have followed Neile's example and although few now see pew disputes as endemic, many still regard them as the product of a particular age when the reflection of a person's status in visual forms was regarded as worth defending. In this context pew disputes have come to be seen as a means of defending position, status and honour with the only conflict among historians seemingly over which group was most eager to engage in such a defence. Margaret Stieg felt it to have been the arriviste and the nouveau riche, eager to force their way into the established social order of each parish.[2] David Underdown, however, pinpointed the poor and marginal, especially women, as the most vulnerable to such symbolic reductions in their status, while Susan Amussen emphasised disputes in communities with broad elites and a stable social structure, where personal ambition needed an

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[1] S.R.Gardiner, *Reports of Cases in the Courts of Star Chamber and High Commission*, Camden Soc.New Series 39 (1886), pp.140.

[2]. Margaret Stieg, *Laud's Laboratory: The Diocese of Bath and Wells in the Early Seventeenth Century* (Lewisburg Pa, 1974), pp.238.

outlet.[3]

Such differences of opinion need resolution. This is not merely because historians have identified widely divergent groups as of the greatest significance in conflicts over seats, but also because a knowledge of the status of litigants is basic to an understanding of the reasons behind disputes themselves. The determination of these differences is especially important in the light of the limited scope of existing studies which have been drawn from too few cases to allow quantification of the evidence, and which have derived from restricted geographical areas. This raises fundamental doubts over the accuracy of the conclusions reached in such studies and raises the question of whether the discrepancies between them reflect regional differences or the focus of the historian. The nature of most previous studies may have also resulted in inaccuracy, since the evidence of seating is not easy to interpret on such limited evidence. This dissertation has shown the variations in methods of assigning seats both from parish to parish and within parishes, as well as revealing the conflicting hierarchies this could create. Given these complexities, the holding of a seat could imply everything from an individual's status, to his holding of a piece of property or even the workings of deference and friendship. There was little certainty, with even the courts prosecuting disputants for various reasons: for their disruption of service, their denial of the churchwardens' authority or their denial of another's title. The only certainty was that the claim to a seat was considered important enough to risk legal action. It is the intention of this chapter, therefore, to try to resolve differences among the perceptions of historians by placing pew disputes in their own context and in the context of the difficulties inherent in the systems of seating

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[3]. David Underdown, *Revel, Riot and Rebellion* (Oxford 1987), pp.32; Susan Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford 1988), pp.141-2.

allocation. In this chapter, therefore, when and where pew disputes occurred will be examined along with the status of those involved in such conflicts. By so doing and by analysing the evidence contained in the disputes themselves it is hoped to gain a certain knowledge of the motivation which lay behind such cases.

Disputes appear never to have been as endemic as Archbishop Neile implied. We have already seen that in the period of my study only 161 disputes were heard under the office process, while 63 were heard at visitations and 374 under the instance process with two other cases reported in church inspections.[4] This gives a total of 601 disputes from the area of my study. This is a relatively small percentage of the total cases heard by the ecclesiastical courts. Ralph Houlbrooke found 390 matrimonial cases in the office act books of Norwich alone from 1519 to 1569 with 262 cases of defamation and 712 testamentary cases.[5] A similar situation is evident in Salisbury, where Martin Ingram found no cases of pew dispute out of 686 cases presented in an episcopal visitation of 1585, while from 1615 until 1629 the courts of the diocese heard 1140 sexual cases, a larger figure than that of pew disputes from five dioceses and two archdeaconries.[6] This is not to deny the significance of pew disputes but merely to make clear their relative infrequency. Our figures, however, reflect not the total number of such disputes but rather the most bitter and irreconcilable of them. This is both the result of the gaps in the sources used and of the low level arbitration which undoubtedly occurred, but is only rarely recorded.

In attempting to determine the underlying causes of disputes, it is necessary to

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[4]. See above Tables 3.1-3.3 and 3.6.

[5]. Ralph Houlbrooke, *Church Courts and the People During the English Reformation* (Oxford 1979), pp.273-4.

[6]. Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge 1987), pp.63, 258.

trace the chronology of the cases in order to place them in the context of other crimes and legal proceedings. Historical opinion has pinpointed the late sixteenth and early seventeenth century as a period which witnessed an increase both in litigation by

	1520	1530	1540	1550	1560	1570	1580	1590	1600	1610	1620	1630	1640	1660	1670	1680	1690	1700	1710	1720	1730	1740	1750
Berkshire						1	9	5	4	2	4	6		1	2								
Buckingham							3		3		1	10		1				1					
Gloucester						1	6	5	13	12	12	15	1	1	1	3							
London							3		12	9	3	1											
Oxford							6	6	2		3	16		2									
Winchester	3	1		1	1	5	1		3	3	4												
Worcester										9		1		2		2							
Total	3	1		1	1	7	28	16	37	35	27	49	1	7	3	5		1					

Table 7.1. Office and Visitation Disputes by Decade.

individuals and in litigation of a more disciplinary nature.[7] Pew disputes fit into this pattern to some extent. The evidence derived from office and visitation cases in Table 7.1 shows a considerable rise in the number of these cases in the 1580's and a continued high incidence of such cases until the Civil War. This is no doubt to be expected, given the disciplinary and corrective nature of such proceedings and the concerns in the Act of 1552 and the Canons of 1604 with the punishment of violent misbehaviour in the church. Within individual jurisdictions the overall pattern is less clear-cut, with the London diocese seeing a rise in cases from 1610 to 1630 and with the Oxford diocese showing a rise in cases only in the 1630's. Indeed if the figures

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7. J.A.Sharpe, *Crime in Seventeenth Century England: A County Study* (1983), pp.182-210.

for visitations and office cases were divided for the Gloucester diocese it would be apparent that visitation cases fall in number from 1610 to 1630 while office cases rose.

	1520	1530	1540	1550	1560	1570	1580	1590	1600	1610	1620	1630	1640	1660	1670	1680	1690	1700	1710	1720	1730	1740	1750
Berkshire							4	2	1	1	3			2	6			3					
Buckingham									2	3		5		2	3	9	5	6	1	2	3		
Gloucester				1	2	5		4	7	3	10	5		9	5	2	7	12	17				
London	1									6	7	2	1	2	8	6	2	1	1	1			
Oxford							6	2	3	1	2	3		5	3	5	4	2			1		
Winchester						1	1		1	3	5	10		4	4	5	4	5	9	5	1	2	4
Worcester						1	2	2	3	4	9	10	1	15	10	13	2	7	2	2			
Total	1			1	2	7	13	10	17	21	36	35	2	39	39	40	24	36	30	10	5	2	4

Table 7.2. Instance Disputes by Decade.

Such figures are perhaps the result of the deficiencies of the sources and although the mass of evidence when taken as a whole goes some way to overcoming such problems, the figures derived are not conducive to deeper analysis.

Instance cases provide a far better source of information both because of the greater consistency of evidence from jurisdiction to jurisdiction and because that evidence covers a far longer period. Figures derived from instance cases are shown in Table 7.2 and indicate an overall increase in the number of disputes heard in the 1580's and a steady rise thereafter until the Civil War. The Restoration then saw an immediate reemergence of such cases at a level somewhat higher than that prior to the Civil War. This level of litigation continued into the late 1670's after which the number of cases gradually declined. Such a pattern is discernible not only in figures derived from all jurisdictions as a whole but also from each jurisdiction independently

	1520	1530	1540	1550	1560	1570	1580	1590	1600	1610	1620	1630	1640	1660	1670	1680	1690	1700	1710	1720	1730	1740	1750
Berkshire												1		1		1	1	1					
Buckingham												3	1			2			6	11	5		
Gloucester											2				1	2	7	8	51	2			
London									8	22	23	32	2	3	13	25	19	20	11	25	6		
Oxford												2		2	2		9	10	4	25	25	9	
Winchester															1	1	1	4	10	15	3	4	4
Worcester														3	4	18	9	3		1			
Total									8	22	25	38	3	9	21	49	46	46	82	79	39	13	4

Table 7.3. Faculty Petitions by Decade.

although the pattern is prone to some fluctuation. Gloucester diocese shows a steep rise in the number of cases in the 1710's and 1720's while Winchester diocese and the archdeaconry of Buckingham show little consistency in the number of cases brought after 1660. Overall figures clearly indicate the period 1660 to 1700 as significant in the chronology of pew disputes. Between these years 38% of all disputes were heard compared to 29% of all cases from 1600 to 1640 and 24% after 1700. This is perhaps indicative of the dislocation caused by the Civil War which must have necessitated the reestablishment of an individual's position and of the changes caused by dissent and toleration which made church attendance a more potent mark of conformity and status. The rise in the incidence of cases after 1660 is not sufficient, however, to require detailed comment although it was clearly paralleled by the rise in faculty litigation in these years as seen in Table 7.3. It would seem, however, that pew cases and the concern to establish title were an underlying source

of litigation from the 1580's until the end of the period studied.[8] Indeed, even in the Civil War and Commonwealth period the concern to defend one's seat position persisted. In 1657 the North Riding Quarter Sessions ordered the churchwardens of Whitby "to make an agreement between them of a pew in the church" while two years earlier the Norfolk Quarter Sessions had decided the question of title to a seat in the church of Brancester.[9] Examples also exist from other jurisdictions while even at a parish level disputes continued with the vestry of Chinnor, Oxfordshire hearing a dispute between two parishioners in 1655.[10]

If pew cases cannot be related to any specific period, were they confined to certain types of community? Susan Amussen clearly believed this to have been the case. She claimed disputes as peculiarly frequent in market towns and pastoral villages, yet based her argument upon evidence derived solely from depositions and her analysis upon the drawing of an untenable distinction between cases in which a place in a seat was at stake and those in which the whole seat was claimed.[11] Amussen's belief

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[8]. Our information on disputes prior to 1580 is extremely poor, yet figures for other areas do not indicate the existence of disputes in any numbers at so early a date. Star Chamber reveals disputes in 1535, 1540 and 1552 while other evidence shows disputes from 1470, 1490, 1502 and 1518. Such evidence is rare, however, and even Purvis found only three cases prior to 1580 in the York records. No conclusion can, therefore, be reached on the frequency of pew cases at so early a period since evidence does not exist in sufficient quantities. For early cases see above pp.169-70 and P.R.O. Stac. 2 28/54; 3 4/62; 3 2/31 and J.S.Purvis, "A Note on Pews and Stalls," *Yorks.Archae. and Topographical Jnl.*37 (1948-51), pp.166-7, 177.

[9]. Rev.J.C.Atkinson, *Quarter Sessions' Records Vol.5,* North Riding R.S.5 (1887), pp.244; D.E.Howell-Jones, *Norfolk Quarter Sessions' Order Book, 1650-1657,* Norfolk R.S.26 (1955), pp.80.

[10]. S.C.Ratcliff and H.C.Johnson, *Warwick County Records Vol.3* (1937), pp.110, 162; *Vol.4* (1938), pp.32; J.S.Cockburn, *Western Circuit Assize Orders 1629-1648: A Calendar,* Camden Soc.IV Series 17 (1976), pp.255, 265; O.R.O. D.D.Par. Chinnor d.1, pp.4.

[11]. Amussen, *An Ordered Society*, pp.141-2.

	0-200	2-400	4-600	6-800	8-1000	10-1200	12-1400	14-1600	16-1800	18-2000	Over 2000
Berkshire	8	11		2	3						2
Buckingham	4	4	4			2					
Gloucester	24	12	3	4		2	2		1	6	9
London	9	3	1	1	1						3
Oxford	9	7	7	2			2				2
Winchester	7	5	4		2	4					
Worcester	5	5		2					1		
Total	66	47	19	11	6	8	4		2	6	16
%	36	25	10	6	3	4	2		1	3	8

Table 7.4. Incidence of Office and Visitation Disputes by Parish Size.

	0-200	2-400	4-600	6-800	8-1000	10-1200	12-1400	14-1600	16-1800	18-2000	Over 2000
Berkshire	9	6	2	1	2	1					
Buckingham	9	20	5		3	4	1				
Gloucester	27	22	4	2	5	1	2		3		5
London	3	3	6	2	2	1	1	2			2
Oxford	14	10	3	1	3						1
Winchester	11	24	7	5	3	2	2	4		1	3
Worcester	28	15	15	7			4		6		4
Total	101	100	42	18	18	9	10	6	9	1	15
%	31	31	13	5	5	2·5	3	2	2·5	0·5	5

Table 7.5. Incidence of Instance Disputes by Size of Parish.

however, that disputes were more likely in parishes with a broad elite gains confirmation in my study, since figures derived from the Compton Census of 1676 indicates a link between the size of parochial population and the incidence of pew disputes.[12] Tables 7.4 and 7.5 which indicate the number of pew disputes in parishes of various sizes appear to indicate the prevalence of disputes in small scale communities. They show that 36% of all office and visitation cases and 31% of all instance cases occur in parishes with a population of under 200 individuals while 71% and 75% respectively of these disputes occur in parishes of under 600. These figures are, however, misleading since they fail to take account of the relative size of parishes in the area of my study as a whole. Table 7.6 gives figures for general parish size in the area studied and allows a very different analysis of the evidence. Although almost

	0-200	2-400	4-600	6-800	8-1000	10-1200	12-1400	14-1600	16-1800	18-2000	Over 2000
Berkshire	44	29	6	5	1	3					2
Buckingham	113	38	9	3	4	2	1				
Gloucester	198	59	13	9	4	4	2		1	2	
London	253	81	35	7	4	3	1	2		3	10
Oxford	157	49	8	3	5	1					1
Winchester	193	68	17	10	6	4	2	3			1
Worcester	189	43	16	4		1	1	1		1	1
Total	1147	367	104	41	24	18	8	6	1	6	14
%	66	15	6	2	1·4	1	0·4	0·3	0·05	0·3	0·7

Table 7.6. General Parish Size.

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[12]. Anne Whiteman, *The Compton Census of 1676: A Critical Edition*, Recs. of Social and Economic History 10 (1986).

three-quarters of all disputes can be shown to have occurred in parishes of under 600 people, these parishes make up 87% of the total number of parishes in the area of my study. Parishes of under 200 similarly account for one-third of all such cases but make up two-thirds of the whole. Such evidence indicates that large parishes with a population of over 1,000 are disproportionately significant in the occurrence of litigation over the titles to pews. These large parishes, which represent only 2.9% of all those in the area studied, gave rise to 18% of all office and visitation cases and 17.5% of all instance cases. This means that parishes with a population of over 1,000 were far more likely than smaller ones to witness pew disputes.

This is made clearer if attention is turned away from the number of cases in parishes of each size to the number of parishes of each size which experienced such conflicts. From Tables 7.7 and 7.8 it is clear that 53 with a population under 200 gave rise to office or visitation presentments while 85 experienced instance disputes. These parishes represent only 4.5% and 7.4% of all those of such a size in the area studied. Even if one looks at communities of under 600 the figures are similar: only 6% and 11% respectively had office or instance disputes. At the other end of the spectrum a very different picture emerges. Of the fifty-three parishes with a population over 1,000 in the area of my study sixteen (30%) had office and twenty-six (49%) instance disputes. This is clearly indicative of the tendency for the population of large parishes to resort more frequently to the law to determine titles to pews. It is confirmed by the greater recurrence of litigation in these parishes. Of the eighty-eight parishes with office disputes and a population under 600, only five witnessed more than one dispute in this period representing only 6% of all such parishes. For parishes with a population over 1,000, however, six out of sixteen or 38% had multiple conflicts. In instance cases the pattern is even clearer with 16% of

	0-200	2-400	4-600	6-800	8-1000	10-1200	12-1400	14-1600	16-1800	18-2000	Over 2000
Berkshire	7	6		1	1	1					1
Buckingham	4	4	4			1					
Gloucester	19	6	3	2		2	2		2	1	1
London	7	3	1	1	1						2
Oxford	5	5	4	1			1				1
Winchester	7	3	3		2	1					
Worcester	4	3							1		
Total	53	30	15	5	4	5	3		3	1	5
%	43	24	12	4	3	4	2		2	1	4

Table 7.7. Number of Parishes of Each Size with Office or Visitation Disputes.

	0-200	2-400	4-600	6-800	8-1000	10-1200	12-1400	14-1600	16-1800	18-2000	Over 2000
Berkshire	8	6	1	1	2	1					
Buckingham	6	12	3		2	2	1				
Gloucester	21	11	2	2	4	1	1		1		2
London	3	5	5	1	2		1	2			2
Oxford	12	8	2	1	3						1
Winchester	11	20	3	3	3	1	1	2		1	1
Worcester	24	8	8	3			1		1		1
Total	85	70	24	11	16	5	5	4	2	1	7
%	36	30	10	5	7	2	2	1·5	1	0·5	3

Table 7.8. Number of Parishes of Each Size with Instance Disputes.

parishes with under 600 people and a dispute seeing the repeat of such litigation as compared to 46% of those parishes of over 1,000 people. Such evidence would appear to make the disproportionate importance of large parishes clear and is, perhaps, reflective of the problems pressure of population caused in the allotting to allow an exact reflection of the social hierarchy. Size was not the only influence upon the incidence and frequency of pew disputes. Market towns and pastoral areas were also more prone to conflicts than other areas. Of the 147 parishes which presented office cases of dispute, thirty were to be found in market towns while for instance cases fifty-nine parishes out of a total of 260 were similarly located. Such figures, which indicate that 20% of all those parishes experiencing office disputes and 23% of all those with instance disputes were in market towns, are clearly significant, especially when it is considered that only 142 market towns exist in the area of my study.[13] Market towns, which often contained more than one parish, account for a higher percentage of all parishes than this figure suggests, yet their disproportionate importance is obvious. Forty-five of the 224 office and visitation cases brought in this period emanated from market towns as did ninety-two of the 374 instance cases. Such figures indicate that one-fifth of all office cases and one-quarter of all instance cases are to be found in urban parishes. Market towns are, therefore, of crucial importance to an understanding of pew disputes especially when urban hinterlands are added to the picture. Map 7.1, which shows the distribution of all instance cases between 1500 and 1750, indicates the importance of market towns as a centre for pew disputes, with such cases showing a tendency to cluster around urban centres. In Hampshire, Fareham, Andover and Romsey all stand at the centre of an area of frequent disputes as do Abingdon in

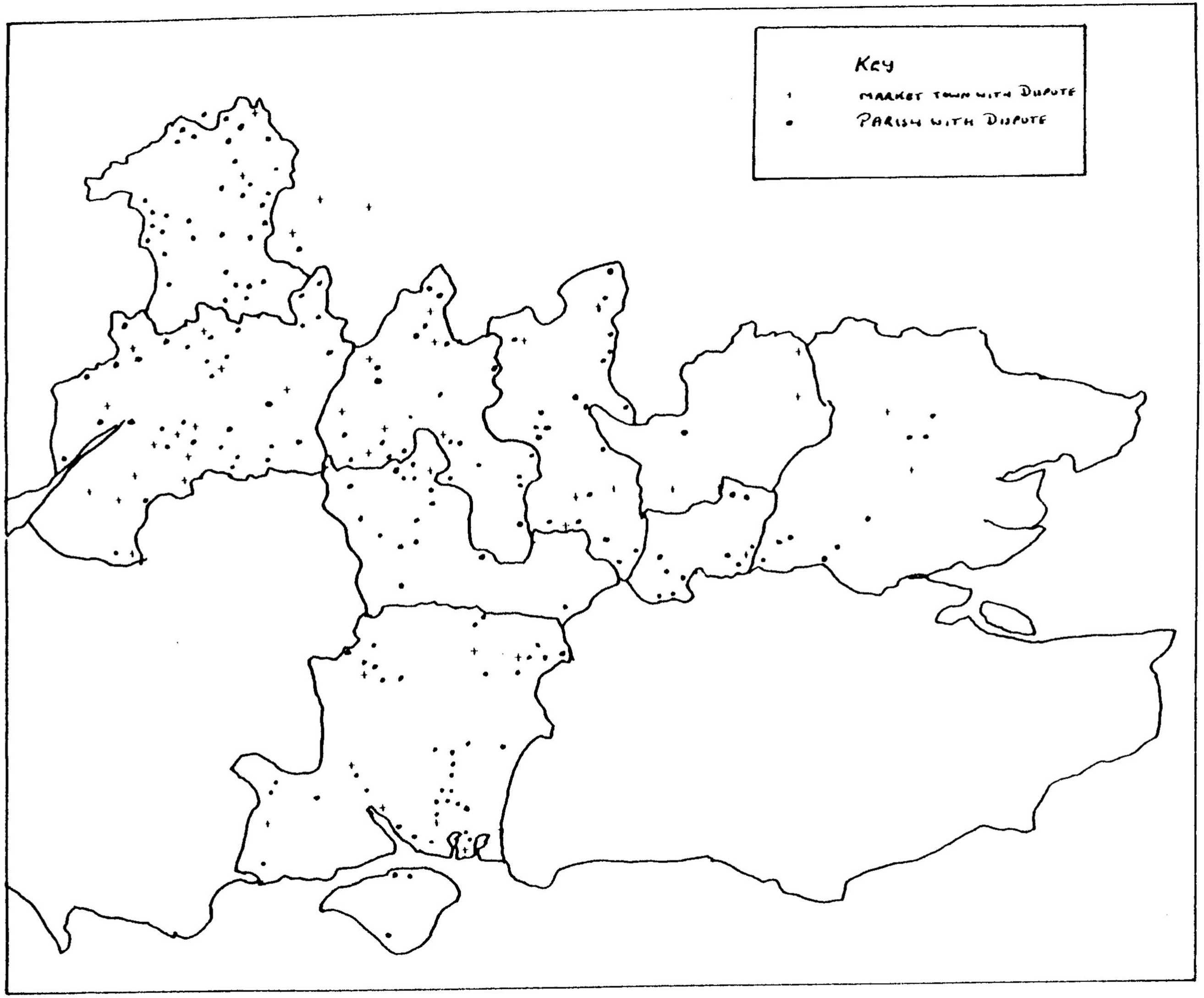
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[13]. Joan Thirsk (ed.), *The Agrarian History of England and Wales Vol.4, 1500-1640* (Cambridge 1967), pp.470-5.

Berkshire, Thame in Oxfordshire, Aylesbury and Amersham in Buckinghamshire, Bromsgrove in Worcestershire and Ledbury in Herefordshire. This is not unexpected, given the greater pressure of population and the more confused social structure of market towns and the area surrounding them. Such problems doubtless made the desire for self-promotion and the display of status far stronger in such parishes than was the case elsewhere.

Pew disputes can also be found in larger numbers in pastoral regions than in arable districts. Here again larger population and the greater diversity of ranks must have been a factor encouraging such disputes. Map 7.1 shows this trend quite clearly. From this it is evident that cases occur more densely in the stock rearing areas of Gloucestershire and Worcestershire than in the arable regions of the surrounding counties. This pattern could be the result of the availability of better evidence for these counties, yet this would not appear the case, since variations in the frequency of disputes are evident even within jurisdictions. Hence in Hampshire cases cluster along the sea coast where stock rearing and dairying were of greater importance than in the inland regions, while in Oxfordshire and Buckinghamshire the pastoral regions of the Cotswolds and the Chilterns experienced the greatest number of disputes. The evidence is by no means so dominated by pastoral regions to warrant the confident formation of theories of cultural and social differences, yet a tendency to greater pew litigation is discernible in these areas.

The tendency for pew disputes to group around market towns and in pastoral regions raises the question of which social groups were the most likely to resort to litigation over pews. The answer is not an easy one. Evidence has been drawn both from the cases themselves and from other sources to discover the status of litigants in pew disputes. Such figures provide, not an objective assessment of the status of each



Map 7.1. Geographical Incidence of Instance Disputes.

individual based upon a variety of sources, but merely the perception of the disputant's standing at a specific time. Hence, the terms "gentlemen" and "yeomen" are frequently to be found in an urban context with no clear idea of what such titles mean in such an enviroment. However, the status which a disputant was perceived to have is of undoubted significance in pew cases where a person's perception of his own status and that of others was fundamental to the reasons behind litigation.

For instance cases the status of 31% of all litigants can be discovered, yet for office cases the figure is far lower and in the case of only 17% of all defendants can status be certainly established. This makes any conclusion which can be drawn on the status of office litigants tentative and may well exaggerate the proportion of litigants of higher rank, who would have been more likely to leave records of their position. Despite such limitations, however, it is clear from Tables 7.9, 7.10 and 7.11, that instance cases were more gentry dominated than office cases. In office cases gentlemen represent only 31% of all those presented whose status we know, as compared to yeomen and husbandmen who represent 26% and 17% respectively, with craftsmen making up 12% of the total. Instance disputes, however, show a greater gentry dominance with 71% of all known plaintiffs being gentlemen. Yeomen and husbandmen are as a result less significant as instance plaintiffs: only 15% were yeomen and 2% husbandmen, while just 3% were craftsmen. Defendants in such cases were closer in status to defendants in office cases. Here gentlemen represent 31% of the total, while yeomen and husbandmen represent 3% and 9% respectively with craftsmen 12% of the total. Given the differences in the number of examples upon which these figures are based it would be dangerous to draw too direct a comparison. However, the relative significance of each social group is similar even if the number of disputants is taken as a percentage of all disputants rather than as a percentage of

	GENTRY	PROFESSION	YEOMAN	HUSBANDMAN	CLERGY	TRADE	CRAFT	LABOURER	SERVANT
Berkshire	4			3			1		1
Buckingham	2		2						1
Gloucester	1		2	2			3		
London	1		3			1			
Oxford	4		2	2		1	1	1	1
Winchester	1				1				
Worcester			2						
Total	13		11	7	1	2	5	1	3

Table 7.9. Status of Defendants in Office and Visitation Cases.

	GENTRY	PROFESSION	YEOMAN	HUSBANDMAN	CLERGY	TRADE	CRAFT	LABOURER	SERVANT
Berkshire	4		2		1				
Buckingham	18	1	5	1			1		2
Gloucester	22		6		2		3		
London	20	1							
Oxford	10		3	2	1	1			1
Winchester	19	1	3		1	1			
Worcester	21		6	1		1	1		
Total	114	3	25	4	5	3	5		3

Table 7.10. Status of Plaintiffs in Instance Cases.

	GENTRY	PROFESSION	YEOMAN	HUSBANDMAN	CLERGY	TRADE	CRAFT	LABOURER	SERVANT
Berkshire			6		2		4	1	
Buckingham	4		5	1		2	4		2
Gloucester	12		5				2		
London	10		1				2		1
Oxford	9		10	3		1			
Winchester	1		6					1	
Worcester	13		7	4	2	2	3		1
Total	49		40	8	4	5	15	2	4

Table.7.11. Status of Defendants in Instance Cases.

all disputants whose status has been found. This gives a figure of 5% gentlemen, 4% yeomen, 3% husbandmen and 2% craftsmen in office cases. Instance plaintiffs were 26% gentleman, 6% yeomen and 1% husbandmen or craftsmen. Defendants were, however, 10% gentlemen, 9% yeomen, 2% husbandmen and 4% craftsmen. These figures seem to reinforce the pattern of status distribution.

The lower status of office defendants would appear to reflect the greater concern of such cases with the punishment of disruption and the upholding of the churchwardens' right of placement. Such cases would appear more likely among the lower sections of society, who were unlikely to hold the title to a seat in any way other than by the grant of the churchwardens. Instance disputes were, however, more concerned with the actual question of title to a seat, which was often claimed as appurtenant to a house and by virtue of long usage. Such seats were most frequently in the hands of the higher ranks of society and hence the bringing of cases was typically by gentlemen. Indeed in the field of faculties 152 of the 184 petitioners for whom status can be established termed themselves "gentleman."

The status of defendants in instance cases poses something of a problem. From the foregoing figures it is evident that gentlemen were almost twice as likely to be plaintiffs as to be cited as defendants, while the reverse was the case for yeomen. Further down the social scale husbandmen and craftsmen were four times as likely to be defendants as the promoters of cases. These figures could, however, be misleading since by dealing with overall figures they fail to take account of the relative status of litigants in individual cases. This is clearly of significance, since a tendency for defendants to be of a lower status than plaintiffs could be seen as the result of a desire by an individual of lower status to claim parity with his betters. In sixty-four cases the status of both plaintiff and defendant in instance cases can be determined.

In thirty-four of these both parties were of equal status. Of the remaining thirty cases, twenty-four were brought by plaintiffs against defendants of lower status while only six were against defendants of higher status. In some cases the difference in rank was quite large. In 1706 a pew case was brought by a gentleman of Burnham in Buckinghamshire, against a husbandman, as was a case in 1683 in Inkberrow, Worcestershire.[14] In even more extreme instances a gentleman of Wootton-under-Edge in Worcestershire, brought a case against a cordwinder, while a gentleman of Portchester, Hampshire, cited a labourer to answer for intruding into a pew.[15] In the majority of cases, however, the plaintiff and defendant were separated only by one rung of the social ladder, with by far the largest number in which the plaintiff was of a higher status than the defendant being those brought by a gentleman against a yeomen. This is not unexpected given the prevalence of such disputes in pastoral regions and market towns, where the social differences between gentlemen and yeomen were not as acute as in other areas. The prevalence of gentlemen as plaintiffs and of yeomen and gentlemen as defendants would seem to imply both that exclusive titles to seats were more common among these groups and that the desire to express status through pews was likewise more prevalent among them. It would also explain the more frequent occurrence of such disputes in large scale communities where barriers between social groups were more flexible and less certain.

Gender is also a significant consideration as regards pew disputants. The sex of litigants is tabulated in Tables 7.12 and 7.13. Of the 246 individuals presented in office and visitation cases, 123 were men and 115 women with husbands and wives

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[14] Bucks.R.O. D/A/C.16, fo.127; W.R.O. 2722 794-011 no.2 (1), fo.161.

[15]. G.R.O. GDR.270, *Hastings Walter v. Hugo Wallington*, 26 Feb. 1714/5; H.R.O. Consistory Court Book 147, *John Hoby v. Elizabeth Lindley*, 7 March 1678/9.

jointly presented in four cases. Differences again emerge between these figures and the figures of plaintiffs in instance cases. Of the 430 plaintiffs bringing instance cases in this period only 78 were women compared to 300 men while in 27 cases husbands and wives jointly embarked on litigation. Instance defendants were, however, more likely to be women than were plaintiffs. Of the total of 461 defendants, 106 were women as compared to 279 men and 30 couples, meaning that while 18% of plaintiffs were women, 23% of defendants were of that sex. The larger percentage of women as defendants in office cases than as instance litigants may well reflect their greater reliance on the churchwardens for the provision of their seats, yet this is by no means certain. Underdown suggested that the involvement of women represented their more marginal status.[16] This, however, is difficult to prove and while true of office cases, does not appear to hold for instance cases since women were more often defendants rather than the one's active in the proving of title. This, perhaps, represents the way exclusive seats were held. Since they were claimed in the right of a house, it was the man as household head in whom the title to a seat was invested, whether the seat were for a man or a woman. This is shown in a number of cases where husbands began litigation for the seats of their wives. It also explains the greater number of female defendants in instance cases. Since defendants were usually the actual intruder into a seat, male plaintiffs were more likely to cite a women to defend her action and her claim to the seat than the man from whom she claimed to derive her title. In thirty-one cases women were cited as defendants by men promoting cases for the seats of their wives. By citing a women the plaintiff both aimed to punish the person actually responsible for disturbing his title to a seat and to undermine the defence's case since women could not claim seats independently but only through their husband's

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[16]. Underdown, Revel, *Riot and Rebellion*, pp.32.

	TOTAL	MAN	WOMAN	MAN AND WIFE
Berkshire	36	19	17	
Buckingham	22	13	9	
Gloucester	78	40	32	3
London	30	15	15	
Oxford	38	10	26	1
Winchester	27	18	9	
Worcester	15	8	7	
Total	246	123	115	4

Table 7.12. Sex of Defendants in Office and Visitation Cases.

	PLAINTIFF				DEFENDANT			
	TOTAL	MAN	WOMAN	MAN AND WIFE	TOTAL	MAN	WOMAN	MAN AND WIFE
Berkshire	26	13	9	2	30	19	9	1
Buckingham	55	30	11	7	46	33	11	1
Gloucester	101	77	12	6	106	58	26	9
London	41	32	5	2	50	35	3	1
Oxford	42	30	8	2	43	23	14	3
Winchester	70	46	22	1	74	36	28	4
Worcester	97	72	11	7	112	75	15	11
Total	432	300	78	27	461	279	106	16

Table 7.13. Sex of Litigants in Instance Cases.

householding.

The foregoing analysis of the social make-up of pew disputants has pinpointed the gentry as the most frequent litigants in this type of case and pastoral regions and market towns as the most common areas for such types of dispute. This gives a clear sociological background for an analysis. However, it fails to address their psychology and to answer the question of why people disputed over pews. Sociologists would no doubt emphasise pew disputes as honour conflicts since they are fought usually between individuals of the same, or approximately the same, status. This is the classic pattern of honour conflicts, where individuals of low status had no cause to punish the affront of another since their honour was not impugned thereby, while men of high rank could treat attacks on them as mere impertinences.[17] Pew disputes should not, however, be so classed without further investigation, since conflicting systems of allocation have already been seen to have given rise to conflicting claims, while exclusive titles made some consider their seats almost as a form of property.

The need for an analysis of the reasons behind pew disputes is made pressing by the animosity and violence to which they obviously gave rise. This clearly reflects the importance an individual attached to his seat. Problems do exist, however, with the evidence of the violent nature of many disputes because of the tendency of litigants to exaggerate the extent of such violence to gain sympathy and support for their case. This is noticeable in Star Chamber cases where riot was a necessary plea of jurisdiction and the potentially fictive nature of much of the evidence in this court can be seen in the example of Giles Dobell's claim of a murderous attack on his wife. This was denied by Walter Soley who stated that he had merely moved "her arms and

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[17]. Julian Pitt-Rivers, "Honour and Status," in J.G.Peristiany, *Honour and Shame: The Values of Mediterranean Society* (1965), pp.21-25.

put her out of the pew without doing her any harm."[18] A similar case was heard by the High Commission in Yorkshire in 1553, with Dorothy Jackson claiming that Richard Barton "did sore wound her....and had murdered and slain her but that good men rescued her." This was, however, denied by Barton who said that "he did gently take Dorothy by the hand and bade her go sit where she should sit, for there she should not sit."[19] Even stranger is a case from Meonstoke, Hampshire, in 1624, where John Dash was excommunicated for "tumbling Solomon Richards from his seat" but had his punishment rescinded when he proved that Richards had been asleep and had fallen over.[20]

Despite such examples, in many cases the violence was admitted by both parties. Joan Simons and Mary Gold of Charlton, Oxfordshire, clearly felt the ownership of a seat an object worthy of violent defence. In 1584 Mary Gold deposed that Simons had come into her seat and sat in her lap "kicked her with her heels, pulled her hat off her head, would also have pulled off her kerchief if she could and did thrust her by her hands whereupon this examinant did bite her thumbs."[21] The disorder which this could cause was evident in two other Oxfordshire parishes. In 1596 Agnes Church of Culham intruded into the seat of an unknown woman and gave her "many blows against the wall and broke her skull and sought blood of her," while in 1583 Emma Staples and Joan Armesby "fell to words and afterwards to blows and blood was drawn

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[18]. G.Bradford, *Star Chamber Proceedings, Henry VII and Henry VIII,* Somerset R.S.27 (1911), pp.121-5.

[19]. Purvis, "A Note," pp.166-7.

[20]. H.R.O. Consistory Court Book 96, fo.117v, 122.

[21]. O.R.O. Oxf.Dioc.Papers d.4, fo.205v.

on both sides."[22] In 1536 Sir Oswald Wilsthorpe entered the church of Bilton, Yorkshire, "with diverse other mischievous persons to the number of forty persons....with swords, buckles and other defensible arms and weapons in riotous manner and broke open two doors and two locks....and also with many great abominable oaths....then and there....broke and cut down the said pew or seat which was there set up only to serve God."[23] In 1596 a similar incident occurred in the church of Churchstoke, Montgomeryshire, with Richard ap John ap Edward and his followers pulling down the seat of Richard Corbett which they carried to the river and threw in.[24] A similar fate had befallen the pew of Cadwallader Watkyn of Llanderfel, Merioneth, in the previous year when it was ripped up and scattered in the churchyard.[25]

Such violence was not forgotten outside the church. In 1618 Sir Robert Swift deposed to the Star Chamber how, as a result of a dispute over a pew in Doncaster, Thomas Mountney had enticed him out of the county by the offer of a horse race. This promise was not honoured, however, and instead the knight received a whipping at the hands of Mountney.[26] Swift was relatively lucky. The following year saw an attempted murder as a result of a pew dispute in Berkshire. John Phipps claimed that his wife had been injured by Samuel Backhouse during a dispute over a pew in the church of Swallowfield. To gain revenge Phipps tried to ambush Backhouse on his return from London. The attempt failed and on the following day Backhouse rode to

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22. O.R.O. Oxf.Dioc.Papers d.5, fo.77; Berks.R.O. D/A/2 c.20, fo.24.

23. P.R.O. Stac. 2 28/54.

24. P.R.O. Stac. 5 C1/13.

25. P.R.O. Stac. 5 E5/37.

26. P.R.O. Stac. 8 24/4.

Phipps's house to resolve the conflict. Instead of a solution Backhouse discovered Phipps with a shot-gun which he fired at him. Fortunately for Backhouse, Phipps missed. Unfortunately for the horse Backhouse was riding, Phipps aimed low.[27] Backhouse was lucky to escape fame as the first fatality as a result of a pew dispute: that privilege fell to John Dawtrey. In 1673 Dawtrey's challenging of Mr.Bulstrode to a duel to resolve a conflict over a seat in the church of Petworth, Sussex, resulted in Bulstrode's receiving seven wounds and Dawtrey's death.[28]

The level of violence attendant upon pew disputes is indicative of their significance, yet in some cases such disputes reflect not wilful attacks on an individual but real confusion over the actual title to a seat. Deponents in virtually every instance case testify to the different sources from which litigants claimed their title. In some litigants claimed title to a seat in the right of different houses. In others, their claim was based on other forms of allocation: for example, by the grant of the churchwardens or by a faculty. Even office disputes could result from such conflicting claims with Edward Perkinson of Spire, Berkshire, being presented for refusing to allow the churchwardens to place people in the seat which he claimed prescriptively to his house.[29] This case was parallelled eight years later when Nicholas Barnes of Tilehurst in the same county intruded into a seat built for the wife of John Aman on the grounds that his seat had stood in the same position until the churchwardens pulled it down,[30] Instance cases could give rise to even greater confusion. In 1620 the Chancellor of the London diocese was called upon to settle a dispute in Roydon,

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[27]. P.R.O. Stac. 8 24/2.

[28]. *CSPD 1672-1673*, pp.50.

[29]. Berks.R.O. D/A/2 c.20, fo.211.

[30]. Berks.R.O. D/A/2 c.31, fo.176v.

Hertfordshire, between the churchwardens of the parish and John Stanley and James Vaughan. From the evidence of deponents in this case it emerges that fifty-four years previously Henry Colt, owner of Nether Hall, had been placed in the seat in question. Stanley now owned Nether Hall and traced his right to the seat to Colt, while Vaughan traced his right through the owners of Roydon Hall whom he claimed built the seat. The churchwardens, however, claimed that the owners of neither house held the seat by right but only by their allocation and cited in their favour a period when Henry Colt was absent from the parish and the seat had been used by others. The outcome of this case is not recorded and the legality of all the claims cannot be certainly judged by the modern historian who is deprived of all impartial evidence. The confusion is, however, plain.[31] A similar case was heard some sixty years later when Sir Charles Tufton of Twickenham claimed a seat in the gallery of the church by purchase from the Earl of Manchester who in turn had bought it from the Earl of Rochester who held it by inheritance from his father, the Duke of Clarendon. The churchwardens, however, asserted that the seat had been allocated by their predecessors to Clarendon in gratitude for his preventing the billeting of soldiers in the parish. It would appear unlikely that their claim was upheld since the seat had been beyond their control for over ten years and evidence indicates that the grant to Clarendon had been independent of any conditions.[32] Such confusion was evident in other dioceses. In 1718 the Chancellor of Winchester was called upon to settle a dispute in Overton between John Hasher and Richard Warsham. It should have been simple, yet the previous owner of Hasher's farm had also held the house in which Warsham lived and nobody was sure to which house the seat belonged. The court decided in favour of

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[31]. G.L.R.O. DL/C/219, fo.219-224.

[32]. G.L.R.O. DL/C/243, fo.143-149v.

Hasher and in so doing determined that the right to the seat was invested in his house and not that of Warsham.[33]

Oxfordshire provides the best examples of the confusion which could arise as to the title to a seat. In 1690 William Wyatt and John Lowe of Horspath found themselves before the court in their efforts to resolve the question of who had the right to a particular seat. The question was in clear need of a judicial decision. Lowe was the owner of a house called Acre Mead and in the right of this he claimed the seat. Wyatt, however, lived in a house built thirty years previously by Thomas Clarke upon land bought of Acre Mead. Both claimed the seat, therefore, in the right of the same estate, yet Wyatt's claim was not legally valid since the right to a seat went with property and not the estate. If Wyatt had purchased Lowe's house he would have gained the right to a seat but by buying only land he gained only the right to be given another seat.[34] Confusion over a house was also evident in Cowley in 1687 and 1713 when James White claimed the same seat against his brother, John, and Dr.Bernard Gardiner. In the former case James's claim was that he, as the elder brother, was his father's heir and hence should have his father's seat. This was denied, however, when it was shown that James had sold his father's house and thus his right in the seat to his brother. In the latter case James's claim was the same, yet by now Dr.Gardiner was the owner of the house in question. White's claim to inheritance of the pew was not legally valid because it did not rest upon ownership of the house to which the pew was appurtenant.[35]

In Souldern in 1605 confusion was also apparent with William Dodwell claiming

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[33]. H.R.O. Consistory Court Book 158, 7 Nov. 1718; C/10/A/393.

[34]. O.R.O. Oxf.Dioc.Papers c.30, fo.62-66v, 90-98v; Archd.Papers Oxon.c.24, fo.17.

[35]. O.R.O. Oxf.Dioc.Papers c.30, fo.38v-46; c.104, fo.57.

half of the room occupied by John Penne because he had bought half of Penne's land. Since Dodwell had bought merely land and not a house his plea was rejected.[36] In Alvescot difficulties arose over a seat claimed by Martin Turfrey and Lady Ashcombe with Turfrey's claim to prescription undermined by proof that Lady Ashcombe had used the seat he claimed and that Turfrey had sat elsewhere in her right as one of her servants. The case is not concluded and the available evidence does not allow the drawing of our own conclusions.[37] The confusion of titles is evident in Banbury in 1697, where three women oppose a faculty for a seat on the grounds that it was their's by right but that they had allowed its use by the petitioner.[38] This was also the case in Fareham, Hampshire, in 1633, when Thomas Woulgar revealed that he had allowed John Barton to use his seat but had found that Barton had gained a faculty to appropriate it to himself in his absence.[39] In some cases such intrusions were unwitting challenges to title, as in Bromsgrove in Worcestershire in 1637, where three men defended themselves against charges of intrusion by claiming that they did not intend to challenge the right to the seat but had used it only because it was empty.[40] This was also the case in 1705 when Henry Prescott reprimanded Mrs.Bailey for intruding into a seat but declared himself "satisfied the right is not violated, although ignorantly invaded."[41] Given such potential for confusion an intrusion into a seat was in many

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[36]. O.R.O. Oxf.Dioc.Papers c.24, fo.362v.

[37]. O.R.O. Oxf.Dioc.Papers c.26, fo.16-22.

[38]. O.R.O. Archd.Papers Oxon. c.157, fo.394.

[39]. H.R.O. Consistory Court Book 116, fo.135.

[40]. W.R.O. 2513 794-011 no.16, fo.545.

[41]. John Addy, *The Diary of Henry Prescott LL.B, Deputy Registrar of Chester Diocese Vol.1*, Rec. Soc. of Lancs. and Cheshire 127 (1987), pp.36.

cases merely a method of ensuring the legal determination of the question of right and title.

Confusion over the basis upon which a title to a pew was held was clearly a significant cause of pew disputes. It does not offer, however, a single explanation of the motivation which lay behind the desire to defend one's position in church. For many it would seem that this desire was based upon their viewing their seat as a piece of property. The practise of buying, selling and exchanging prescriptively held seats bespeaks a proprietorial attitude to a pew.[42] This was visible in a number of other ways, most notably the affixing of family arms to seats and the burial of family members under them. Family arms were to be found on seats erected by Thomas Middleton in Warton church, Lancashire, in 1614, while seats already placed in the church bore inscriptions linking them to Christopher and Sir Robert Blindlows.[43] In St.Andrew, Toddington in Gloucestershire, an inscription on a seat dated 1631 claimed it as belonging to Edward Salter, while Thomas Salter and his wife had their names inscribed on their pew in 1636.[44] So important a claim to ownership were such inscriptions and arms that in 1576 Robert Scarlett of Wooton Wawen, Worcestershire, deposed that a seat in controversy was John Summerville's because it had his arms upon it. Moreover in 1610 the claim to a seat in Rickmansworth, Hertfordshire, by Edward Young was based upon the ancient fixing of arms upon it.[45] In 1571 the ecclesiastical commission in Yorkshire decided that coats of arms should be removed

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[42]. See above pp.121-23.

[43]. W.E.Roper, "Warton Church," *Trans.Lancs. and Cheshire Antiq.Soc.*8 (1890), pp.29, 33.

[44]. *Notes and Queries* 8 (1901), pp.426.

[45]. W.R.O. 2102 794-052 no.2, fo.166v; G.L.R.O. DL/C/15, *Young v. Tanner*, 17 Oct 1610.

from seats in the church of Normanton, not merely because the seats were recently erected by the churchwardens and could not, therefore, belong to any specific family, but also because they were causing conflict and jealousy.[46]

Burial under pews was also a claim to property in them, especially since exclusive claims to chapels or aisles were legally acceptable if continual burial by one family in them was proved. This is clear in 1581 when one of the questions put to witnesses called to testify about a pew dispute in Hutton Cranswick, Yorkshire, was "whether it is likely that the corpses or dead bodies of his ancestors were buried and interred when they were dead near unto the place where they did sit when they were alive."[47] The connection between burial in a seat and ownership of it is apparent elsewhere. In Ruthin in Denbighshire a tablet exists referring to a burial in 1636 which states *hic iacet (sedes cum sua) iure iacet.* In 1679 the grandmother of Francis Lane of Staverton in Gloucestershire opposed the burial of William Webb under her seat because "her husband had been buried there and that it was her seat and ground and that she intended to be buried there herself."[48] Such burials were especially common in Wales, where it would appear that custom provided the right to a burial place and the erection of a seat above it.[49] Burial under seats was, however, common elsewhere. In 1418 Richard Bokeland, a brewer and burgess of Bristol asked in his will to be buried *iuxta sedem meam* in the church of Holy Cross while a further eight wills indicate the intention that individuals be buried under their seats in churches in

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[46]. Purvis, "A Note," pp.168.

[47]. *Ibid.* pp.174.

[48]. Rev.J.Fisher, "The Religious and Social Life of Former Days in the Vale of Clwyd as Illustrated by the Parish Records," *Archaeologia Cambrensis* 6 (1906), pp.136; G.R.O. GDR. B/4/1/2295.

[49]. P.R.O. Stac. 5 L91/24; C1/13

Bristol from 1584 to 1598.[50] In London also five wills for parishioners of SS.Anne and Agnes, Aldergate and St.John Zachary dated 1508, 1551, 1560, 1638 and 1731 refer to burial under pews, as do eighteen Sussex wills between 1496 and 1558 and five wills from Durham between 1582 and 1587.[51] Evidence of the setting of arms upon seats and the burial of family members underneath them reveals the contemporary belief that a pew was a form of property. The examples could be multiplied, yet so general was the belief in pews as property that Peter Yates wrote to the Bishop of Chester in 1687 about two pews in Nantwich, "which he calls his freehold under his hand."[52] In 1692 Richard Selwyn of King's Stanley, Gloucestershire, expressed similar thoughts when he told Susan Selwyn, who claimed his seat, that "she might as well take from him his free-land as his right of sitting."[53] The desire to defend pews as a form of property was clear.

In the case of pew disputes the property motive was linked to the desire to defend one's status as reflected in the position occupied in the church. A pew was to many, therefore, a piece of property worth defending because of what it symbolised. Given the reflection of society in the seating arrangements of the church, the defence of one's seat was a defence of one's status and position in general, while an intrusion

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[50]. Rev.T.P.Wadley, *Notes or Abstracts of the Wills Contained in the Volume Entitled The Great Orphan Book and Book of Wills* (1886), pp.101, 235, 246, 260, 263; Patrick MacGrath and Mrs.M.E.Williams, *Bristol Wills, 1597-1598* (Bristol 1978), *passim.*

[51]. William MacMurray, *The Records of Two City Parishes: SS.Anne and Agnes, Aldergate and St.John Zachary, London* (1925), pp.36, 67, 204, 206, 212, 329, 344; R.Garaway Rice, *Transcripts of Sussex Wills Vol.1* (1935), pp.22, 25, 87, 128,162; *Vol.2* (1936), pp. 270, 277, 286; *Vol.3* (1937), pp.56, 125; *Vol.4* (1941), pp.67, 109, 238, 261, 319; *Wills and Inventories from the Registry at Durham, Part 2,* Surtees Society 38 (1860), pp.57, 306; *Part 3,* Surtees Society 112 (1906), pp.99, 100, 115.

[52]. Joseph Hunter, *The Diary of Dr.Thomas Cartwright, Bishop of Chester,* Camden Soc.Old Series 22 (1843), pp.38.

[53]. G.R.O. GDR. B/4/1/1512.

into a seat was an explicit claim to equal status with the occupant. Ambition was a significant element in such intrusions. The vestry of Pittington, Durham, recognised it in 1625 when they agreed that "whereas some of the women are not content with any room in the stalls but the first....to avoid suits at law and to restrain the pride of such it was agreed....that every one should take their place as they come."[54] Sir Joseph Townley recognised the role of ambition when he decided a dispute in Whalley, Lancashire, by ordering "first come, first speed; and that will make the proud wives of Whalley rise betimes to come to church."[55] In 1605 William Barrow testified to Star Chamber of the Ordinary's power to order the seats of the churches in their diocese "if the churchwardens of the parish cannot satisfy the ambitious desire of any perverse parishioners who will not be pleased if he may not choose the best and highest place."[56] Such ambitious self-promotion is implicit in many individual's intrusions into seats. In 1623, for example, Simon Keeper of Newton next Castle Acre, Norfolk, was said to have intruded into the seats of the best of the parish in the church "out of a proud and insulting mind and stomach albeit he be a poor man," while in 1610 Edward Bishop of Hampnett, Gloucestershire, was condemned for "exulting himself above his neighbours and betters."[57]

If an intrusion into a seat could be an attempt by an individual to enhance his own status, it could also reflect the desire to challenge the status of the seat's

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[54]. Mr.Barmby, *Churchwardens' Accounts of Pittington and Other Parishes in the Diocese of Durham from 1580 to 1700,* Surtees Soc.84 (1888), pp.87.

[55]. J.A.Sparvel-Bayly, "The Pews of the Past," *Walfords Antiq.Mag. and Bibliographical Review* 12 (1887), pp.235.

[56]. P.R.O. Stac. 8 292/8.

[57]. Amussen, *An Ordered Society*, pp.139; G.R.O. GDR.111, *Office v. Edward Bishop*, 12 dec. 1610.

occupier. The indignity of such an intrusion was clearly felt by Henry, Earl of Huntingdon, in 1638 when he wrote to the Dean of the Arches complaining of an intrusion into his seat and claimed "that in all my time, which is thirty-three years since the decease of my grandfather, I was never so confronted nor such an indignity offered to be put upon me."[58] Thomas Ellis's intrusion into the seat of Sir William Hall in Kennington, Kent, made the challenge to status clear with Ellis claiming that "he would take the place of Sir William in any place of England."[59] The challenge to another's status was explicit in many other cases. In 1596 Elinor Burnett entered the seat of Alison Brown in All Saints, Oxford, "and bade her....give her olders and her betters their room." Alison, however, refused to give way and told Elinor "that she did acknowledge her to be her elder but not her better."[60] A similar case arose in 1555 in Glaisdale chapel in Yorkshire, when James Wynder pulled Jane Burton from her seat and told her "he would make her know better."[61] The clearest examples of the challenge to status were, however, those cases in which claimants of a right to a seat were not content with a mere intrusion but attempted to disgrace the occupant of the seat by placing very lowly individuals beside him. The anger this could arouse was apparent in Kidderminster, Worcestershire, in 1668, when the churchwardens placed John Artch, an apprentice, in the seat of John Malpus. Malpus complained to the bishop of "the great deal of inequality" involved and argued that "John Artch is so nasty and lousy that every time I go to church I am infected with his vermin."[62] The

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58. *CSPD 1637-1638*, pp.577.

59. P.R.O. Stac.8 129/19.

60. Bodl. Top Oxon. c.56, fo.18v.

61. Purvis, "A Note," pp.167.

62. W.R.O. 2302 795-02, no.3462.

type of insult felt by Malpus was also evident in a case from Bath in 1621 when Sir William Button challenged Ralph Bailey's right to a seat in the Abbey. Bailey was willing to allow Sir William the use of his seat but "Sir William did purposely to pick a quarrel with your subject and to disgrace him, put diverse other persons of very mean rank and quality far inferior to your said subject in the said seat." Button then completed the insult by calling Bailey "a pisspot doctor and not fit to give physic to any unless it were to horses and dogs."[63] Such cases were relatively frequent. In 1687 John Sadler instructed his servant to sit in the seat of Thomas Heath in Marbury, Cheshire, while in 1632 one gentleman of Charnes in Staffordshire placed his ploughman in the pew of a rival.[64] The epitome of such cases was that in Hutton Cranswick in Yorkshire in 1581 where Robert Skelton:

> did see Edward Sevell, a beggarly fellow having but one eye being full of lice and very loathsome sit in the stall in controversy straight before the face of....Alice Warter with his face against her mocking and mowing at her and deriding of her so that she could not in a quiet manner serve God.[65]

The fact that many pew disputes had at their heart the desire of one individual to disgrace another made them a very public means of affronting a rival as part of a wider conflict. A dispute in Hursley, Hampshire was, according to witnesses, part of a wider rivalry between Elizabeth Eyers and Robert Hellier in which a cucking stool had been already placed before Eyer's house and cuckold's horns over Hellier's door. The pew dispute was but a continuation of their already public rivalry.[66] In Cowley,

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[63]. P.R.O. Stac.8 54/11.

[64]. Addy, *Sin and Society*, pp.54; Christopher Hill, *Economic Problems of the Church from Archbishop Whitgift to the Long Parliament* (1956), pp.177.

[65]. Purvis, "A Note," pp.177.

[66]. H.R.O. Consistory Court Book 67, fo.440-441v.

Oxfordshire in 1687 a wider conflict is apparent when Jane White pushed her sister-in-law from her seat and said "Hussey, pay your debts."[67] A dispute at Sandridge in Hertfordshire also seems part of a wider dispute with George Barton claiming in 1605 that the case was brought against him "of some private grudge."[68] Cases in Star Chamber invariably reveal pew disputes as part of far wider conflicts, with pew cases specifically mentioned in two cases in 1604 and 1605 as a form of barratry.[69] Sir William Hall reflected the fact that pew disputes were part of wider conflicts when he stated that the case brought against him by Ellis was "only laid in the said bill by way of indictment to some other offence."[70] Others agreed with Hall. Cadwallader Watkyn claimed the case against him was brought because of the "inveterate grudge and secret envy" of John ap Ellis, while Thomas Cavendish felt the case against him brought by John Bayly was "in further revenge" for charges of treason and popery laid against Bayly by him.[71]

The nature and incidence of pew disputes cannot be easily summarised since such disputes stemmed from a number of causes and were brought for different reasons under the office and the instance jurisdictions. These differences, although often reflective of different claims to ownership, are unimportant in analysing the motives behind the intrusion into a seat. For many it was the desire to disentangle the legal confusion over the title to a pew which persuaded them to litigation. For

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[67]. O.R.O. Oxf.Dioc.Papers c.30, fo.38v.

[68]. G.L.R.O. DL/C/617, fo.512v-13.

[69]. William Paley Baildon, *Les Reportes del Cases in Camera Stellata 1593 a 1609* (1894), pp. 176, 203.

[70]. P.R.O. Stac.8 129/18.

[71]. P.R.O. Stac.5 E5/37; 8 70/3.

others it was the desire to maintain a pew as a piece of property. In both of these cases it was not merely ownership of the pew which was at stake, but the status and honour which possession of a pew in a certain position symbolised. Disputes were, therefore, primarily about the defence of one's status against attempts by others to exaggerate their position or to denigrate one's own. This is evident in the statistical evidence of where disputes occurred and who was involved in them. The prevalence of disputes in market towns and pastoral regions where the pressure of population and the multiplicity of occupations made the social hierarchy less well defined was clearly the result of the greater need for self-promotion and the defence of one's position in such parishes. This is why gentlemen were foremost in defending their seating position in the courts, for they had the greatest need to ensure their separation from the lower ranks. It also explains the number of yeomen as defendants, since they were most likely to attempt to raise their status to that of a gentleman, especially in parishes where the distinction between these two ranks was least clearly defined. Disputes were, however, most common within social groups rather than between them and this was a clear reflection of the need for self-assertion to ensure one's correct place in a congested and ill-defined area. The defence of honour and status was the motivating factor behind virtually every dispute and it is unsurprising to find this motive uppermost among the gentry who had the most to lose.

CHAPTER EIGHT: CONCLUSION.

From the evidence of this thesis it is clear that the church's seating arrangements were never as simple or as easily interpretable as previous historians have believed. Nor are they interesting merely because of the disputes and conflicts which involved them. They are instead a complex but highly suggestive indication not only of the social hierarchy and social conflicts, but also of the attitudes of the courts and the role of the churchwardens.

In Chapter Three the scope of potential interest in the issue of seating beyond mere disputes was shown in the workings of the ecclesiastical courts' and the scope of their concerns. By so doing, the courts' strong concern for the physical appearance of seats was revealed, as also was their desire to uphold both the Ordinary's authority and that of the churchwardens. Such concern was seen in Chapter Six to have been developed by the Laudian bishops into an actual policy of uniformity with central control more directly exerted over the appearance and placement of the seats in each parish church. The policy, although strongly pursued especially by Wren, was, however, ultimately unsuccessful because it could not counter the vested interests of individuals, but more importantly because it could not circumvent the power of the churchwardens. Indeed, so coordinated a central campaign with its aim of establishing a standard model of seating in each parish was seen to have been doomed from its inception by its reliance upon the churchwardens' enforcement. The arrangements of the seats varied from parish to parish and had been established over many years by the actions of the

churchwardens who accepted them as normal and convenient. They were, therefore, unwilling, and often resistant, partners in any attempts at change.

The churchwardens' main role in regard to the seats of the church lay in their rights of allocation. This is not apparent in the legal theory. Although some cases considered whether the churchwardens could establish a claim to order the seats of their church independent of the Ordinary, the majority of legal precedents dealt only with the question of titles to seats prohibited to the common law on the basis of the trial of a prescriptive right. This gives a view of all seats as appurtenant to specific houses as the result of constant use and repair time out of mind. The legal theory is, however, deceptive. Evidence from the ecclesiastical courts themselves indicates that instance cases were mainly concerned with the question of the title to a seat claimed to a house by long usage but not necessarily by prescription. Office cases, on the other hand, were invariably about disruption in seats allotted by the churchwardens or the refusal of an individual to accept the seat so assigned him. The appearance of both types of case in the same parish and evidence that in many parishes both types of seat existed side by side is indicative that in many instances there was a duality of systems in individual parishes.

Such duality placed tremendous pressure upon the churchwardens. Despite the existence of exclusive seats claimed to houses, it was the churchwardens who maintained control over the majority of seats in the majority of churches. However, evidence does show that in some parishes all or a large number of seats were prescriptively established while for many parishes the growth in faculties and the formation of exclusive titles by long usage and building were removing ever more seats from the churchwardens' control. The growth of such titles posed an ever increasing threat to the role and authority of the churchwardens and the ability of the church's

seating arrangements to cope with social change and population growth. The churchwardens were, however, remarkably successful in reflecting such changes in their allocation.

Clearly in allocating seats the churchwardens' main concern was to ensure that the social hierarchy found reflection in the position occupied by each individual in the church. They achieved this by using two different systems. In the vast majority of parishes, seats were allocated at the mere discretion of the churchwardens while in others (mainly market towns), they were assigned in return for the payment of a rent or an entry-fine. Historians have tended to see vast differences in the workings of these systems and their incidence, yet a closer investigation has revealed more similarities than differences. From my study payment systems have been shown to have been as anciently established in the parishes where they existed as, those forms that historians have tended to see as "customary." Nor were payment systems expanding in this period. Although in a number of parishes payments did exist in the seventeenth century and not before, they were unsystematic and reflect the imposition of fines acknowledging the rights of the churchwardens rather than the spread of actual schemes of rents. Indeed in some parishes, such systems were ending in the period of my study. Rents never, therefore, posed a threat to other systems of allocation, and nor were they vastly different in intention to them. Systems by which the churchwardens allocated seats by mere right appear based upon the formation of a composite opinion of a person by them and his placement accordingly. Payment systems were no different since here churchwardens first placed people and then charged them accordingly. The only difference was that in the case of rents the churchwardens gained a small but significant income from seats and that they ensured the retention of control of seats in their hands by making the holding of a seat

dependent upon their confirming it at regular intervals. This ensured that the threat of the formation of prescriptive titles was less under payment systems than under customary.

In both cases the role of the churchwardens was to ensure that the church through its seating arrangements accurately reflected local society. The evidence of Chapter Five indicates that they were extremely effective in this respect. Although in the case of women the expected separation of the sexes was not universally established with husbands and wives sharing seats from an early date and with women's seats placed among the men's, such separation was clearly expected by contemporaries. Increasingly, however, the growth of family pews meant that this was no longer the case. Nor did women invariably owe their position directly to their husbands. Indeed in only a minority of cases did husbands and wives enjoy parity of status. This could reflect the problems inherent in the deciding of allocation, yet equally it could indicate that women were accorded a status of their own based on considerations beyond their husbands' status. The question cannot be clearly resolved. The same is true of children and servants. Although they were, in the main, kept separate from adults much evidence exists to show that adults desired to sit with their youth and that in many cases they did. This is indicative of a strongly held familial identity which flew in the face of ecclesiastical opinion. Although the increasing absence of divisions between the sexes and the young and the old shows a conflict between the church's seating arrangements and our picture of society, this may be the fault of our picture as much as the poor reflection of society in the pews of the church. This would appear confirmed by other areas in which seats clearly reflect society with evidence indicating that status, wealth, office-holding and age were all well reflected in the position accorded an individual in the church.

It was this reflection of society in the church which made a pew worthy of defence. Although in many cases those claiming the title to a seat did so in the belief that it was their property and that confusion over ownership needed resolution, a pew was significant less because of its inherent worth and than because of its symbolic value. A pew, by being a reflection of the position of a man in society, was nothing more or less than a status symbol and evidence of the honour which an individual deserved. To accept a man as the occupant of a pew was to accept his right and position while to challenge his right to the seat was to deny his status or to claim equality with him. Such conflicts were confined mainly to the gentry and are to be found in their greatest numbers in the last forty years of the seventeenth century. This is no surprise. The gentry had the most to lose in challenges to their status and the most to gain by establishing their position one to another and their separation from the yeomanry. This also explains the greater number of yeomen as defendants in these cases than as plaintiffs. Disputes were also more common in market towns and pastoral areas, yet here again this is merely a reflection of the greater need to establish precedence and separation in such communities.

The church's seating arrangements have been seen, therefore, important to the historian both because of what they tell us of the social structure of early modern England and because they can show, in the case of disputes, where tensions existed within that social structure. A careful analysis of the criteria of allocation has told us something of the criteria upon which contemporaries based their opinions of status and the honour each individual should be accorded. Beyond this, however, seating has given significant insights into the role of the church courts and of the churchwardens and shows how the role of each was declining and in increasing conflict one with another. In the main my research, however, has confirmed many of the assumptions

previously made about seating arrangements and pew disputes, yet it has shown a number of beliefs to have been mistaken and has questioned the thinking behind many others. However, its conclusions are by no means universal since the evidence has often proved insufficient or flawed. This thesis must, therefore, stand not as the final word on pews but as an indicator of what can be achieved. If nothing else my research has provided a sounder basis for later interpretations of seating than has previously existed and has shown the possibility of forming statistical evidence in support of any future analysis. I hope that it has also extended the areas in which church seating will be used by other historians.

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Canterbury Archdeaconry	1587.
Canterbury Diocese	1556, 1563, 1573, 1580, 1633.
Carlisle Archdeaconry	1629.
Chester Diocese	1674.
Chichester Diocese	1638, 1662.
Coventry and Lichfield Diocese	1662, 1664.
Durham Diocese	1662.
Ely Diocese	1638, 1662.
Essex Archdeaconry	1662, 1672, 1677.
Exeter Diocese	1662, 1674.
Gloucester Archdeaconry	1663, 1665.
Gloucester Diocese	1607, 1622, 1629, 1634, 1640.
Hereford Diocese	1662, 1692.
Huntingdon Archdeaconry	1670.
Llandaff Diocese	1662.

Lincoln Diocese	1604, 1608, 1625, 1628, 1634, 1635, 1638, 1641, 1662, 1664, 1666, 1668, 1671, 1674, 1678, 1690, 1693.
London Archdeaconry	1626.
London Diocese	1554, 1555, 1577, 1586, 1601, 1612, 1615, 1628, 1634, 1640, 1662, 1664.
Middlesex Archdeaconry	1582, 1620, 1662.
Norfolk Archdeaconry	1608, 1634, 1640.
Northamptonshire Archdeaconry	1662
Norwich Diocese	1569, 1604, 1617, 1618, 1619, 1620, 1622, 1627, 1629, 1635, 1636, 1638, 1716
Nottinghamshire Archdeaconry	1599, 1605.
Oxford Diocese	1604, 1628, 1629, 1632, 1635, 1638, 1662, 1666, 1672, 1674, 1675.
Peterborough Diocese	1633, 1639, 1662, 1680.
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