

The Fray on the Meadow: Violence, and a Moment of Government in Early Tudor England

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How was Tudor England governed? It is a deceptive question.

One way of answering it, of course, would be to look at queens, kings, ministers, parliamentarians, courtiers, lord chancellors, keepers of the great seal, cardinals and vicegerents: the big names; the powerful men and women. But, when we consider that this was a state without a standing army, a bureaucracy, or a police force, the question of how becomes all the more fascinating and impenetrable. How was Tudor England governed? When the ‘state’ had so little formal power, how did it attempt to control violence and crime, police morals and faith, and collect tax? The sixteenth and seventeenth centuries have been identified as a period of ‘state formation’, in which there was a major growth in the competencies of government, widely defined.¹ But how did this happen?

To answer this question, we need to think about how government – which I’m defining here as the formal control of people’s actions by that collection of officials, institutions, and ideas that we normally call the state – reached from Westminster down into England’s parishes. Historians of the late medieval and early modern state have used central archives, family papers, and the records of local courts and parishes to consider the relationship between Westminster and the localities and to gauge the power of English government. They have done much to illuminate the ‘organisation, institutionalisation, representation and expression of political power’ on which the early modern state depended.² This article takes a different approach. It is not a study of slow, structural change, or of gradual administrative development. Instead, it is a micro-study of government. It looks closely at a ‘moment of government’ for which we have very detailed records, to tease out from the event some wider insights into the nature of the early modern state. Doing so, it suggests that government was not just something that was, it was something that happened. There were moments, flashpoints, such as instances of disorder, where government was supposed to

intervene. It was supposed to be an actor in these momentary dramas. Indeed, it is in the frequent involvement of the 'state' in such moments that there lies a key element of the routinization of the 'state idea'. In order for the idea that there was an overarching body of authority to exist, people had to see it ? in action, get involved?.

Moreover, in the Tudor context, the engagement of the state in such dramatic moments depended on the actions of those people charged with carrying out the will of the state, notably officeholders. In the Tudor period, these officeholders were amateurs, and usually quite ordinary people. Thus, by extension, in the key flashpoints at which the state was supposed to show its power, its ability to do so depended on the tradesmen, yeoman, husbandmen and shopkeepers who acted in its name. The ways they did so, I would like to suggest, involved them performing a role: that of a state actor. Thus, in order to gain a better sense of how the Tudor state worked, we need to look in close detail at how people acted in its name. To do so means looking closely at what we might term 'state dramas' or 'moments of government': arrests, public announcements, the serving of writs, and suchlike. This means turning to the techniques of micro-history.

Micro-history is now a well-established tool of the discipline.³ It involves, broadly speaking, the close analysis of small things, such as individual places or events, such that the detail of the past emerges. It has, though, only rarely been applied to the history of the Tudor state. This article focuses on one location, but it is not a local history as such. Rather, it is a history of a specific incident – an obscure though very violent one – that took place on a festival day in the small Dorset town of Weymouth in 1534, and ended with a dead body lying on a meadow. For once, we have enough sources, specifically witness testimony, to reconstruct in some detail what happened that day.⁴

The reason we know so much about the incident in question is that it attracted the attention of the Court of Star Chamber. Initially a judicial arm of the King's Council, dedicated to cases of disorder and to punishing local officeholders who abused their power, Star Chamber had developed under Cardinal Wolsey into a major law court.⁵ Its power lay in? derived from? | the royal prerogative rather than the common law, and this meant that it followed the principles of 'equity': its judgements were based on an abstract sense of justice even when this contradicted the rigours of the common law. It used Roman, civil law procedure, which meant that evidence was collected from witnesses in written form. The basic procedure involved plaintiffs

lodging a 'Bill of Complaint', in English, with the court. Defendants would then respond with an 'Answer'. These might then be followed with a 'Replication' and a 'Rejoinder', restating both sides of the case. Following this, if the case went to the trial stage, evidence would be collected: witnesses would usually be given a list of questions, known as 'interrogatories', and their sworn answers – 'depositions' – would then be collected and presented at trial. After trial, if the defendant was found guilty, they could be handed any punishment short of death; usually this meant a large fine.

Before the 1550s, only a relatively small number of sets of interrogatories and depositions survive. This is a shame, because these offer some of the most vivid evidence we have for the period, and they offer evidence rooted in actual testimony rather than the often florid legalese of the formal pleadings. There is, though, a large collection of depositions, amounting to over 4,000 words of text, relating to a lethal affray on a meadow outside Weymouth, Dorset, on the feast day of the Exaltation of the Holy Cross (14 September) 1534. The documents provide what must be one of the most detailed sets of evidence about a single altercation in the whole early Tudor period. Naturally, they need treating with care. In particular, we need to take heed of the fact that our witnesses were attempting to construct particular narratives with their testimonies. They took sides. They only partially recalled events – perhaps deliberately, perhaps because memories were unclear. The witnesses have left us with a courtroom 'truth', which will be a partial, distorted view of events as they happened. The kind of micro-historical study attempted here, which looks to see deep into an individual event and analyse its meaning, depends on the historian's judgement to reconstruct a plausible narrative. In what follows, I have tried to do this as much as the sources allow, and to highlight particular areas of ambiguity, but there will always be a degree of uncertainty to this sort of thing.

The town of Weymouth itself was one of two tiny boroughs, facing one another across the River Wey and joined by a rope ferry. Together they looked out east from a bay bounded by a peninsula to the west and Chesil Beach and Isle of Portland to the west and south. The neighbouring borough, Melcombe Regis, had been a staple port for wool in the fourteenth century, and was supposedly where the Black Death first entered England in 1348. Weymouth itself benefited from the lucrative import of Gascon wine around the same time. The fifteenth century appears to have seen decay; the area was undoubtedly affected by plague and raids by the French, with Melcombe

apparently the softer of the two targets. The wine trade declined too, thanks to the war, while Melcombe lost its position as a customs port to Poole in 1433.⁶ Nonetheless, the towns remained of some local importance into the sixteenth century, not least for military reasons: a castle was built at Sandsfoot in Henry VIII's reign, completed in 1542. A number of 'Normans' are recorded amongst the population in the early sixteenth century, suggesting continued cross-Channel enterprise. Nevertheless, John Leland thought Melcombe had shrunk: 'as yt is evidently seene, [it] hath beene far bigger than yt is now', putting this down to 'the French-men that yn tymes of warre raid this towne for lak of defence'.⁷ Both towns returned members of parliament, until the two seats were merged in 1571; Melcombe had a mayor. But the two remained very small. The Lay Subsidy of 1525 gives a total of forty taxpayers in Weymouth and twenty-five in Melcombe, which (assuming it refers to adults over sixteen) would equate to roughly 180 and 115 inhabitants respectively.⁸ Muster Rolls survive for 1539 and 1542, and these suggest slightly higher population totals, with sixty-four listed for Weymouth and forty-five for Melcombe, which might equate to roughly 225 and 160 respectively (based on a multiplier of 3.5). If these estimates are correct, then we are looking at a small community of around 300–350 inhabitants in 1525 in the two boroughs, perhaps growing to 375–400 in about 1540.

‘THIS BUSYNESSE’

Our story begins the night before the fray, a Sunday evening. Two men, William Browne and Richard Francis, set upon two others, William Apere and Rowland Frenchman. In the scuffle, Richard Francis struck Rowland Frenchman a blow with his fist. The second pair, Apere and Frenchman, were servants of one William Hawkins, who was one of the constables of Weymouth, and he was soon on the scene. Presumably he and his men had been about some business that evening. Hawkins, according to a later witness, came at William Browne 'with gret fury', and 'sett hand upon hym and toke his sword from hym'.⁹ At this point, Hawkins's men were joined by two others, Richard Reynold and Alice his wife, and the four of them – presumably at Hawkins's order – charged at the original two assailants. They grabbed William Browne by the hair and pulled him to the ground, whereupon Richard Reynold 'toke a gret stone, And with the same brake the hed of the said Willyam Browne and lefft hym there for ded'.

At this point, William Randall, who would become the central character to the whole drama, entered the scene. Randall was a Weymouth merchant, probably quite prosperous (he also brewed ale or – more likely – beer); and he, like William Hawkins, was one of the town's constables. Somehow he got wind of the violence unfolding: 'herynge of this busynesse', he came to Hawkins and – as a fellow constable – admonished him for his part in the violence. '[M]ethyncketh', he is quoted as saying, 'you have not done well to entrete the said Browne after this maner, for seynge you be the kynges officer if he had done otherwise than he shuld have done you shuld have sett hym in the stockes and not have usyd hym affter this fasshion'.

Violence had erupted; one constable, whose servants were being attacked, had responded by unleashing more violence; another had admonished him for this. William Browne had been relieved of his sword, attacked with a stone, and apparently left for dead on the ground. There things lay, it seems, until the next day.

The following day was a festival day, of the Exaltation of the Holy Cross (14 September). It was evidently a time of celebration and drinking. People came to Weymouth from across the surrounding area and beyond. It may also have had some significance as the date where drinking establishments were expected to shorten their opening hours in response to the encroachment of winter.¹⁰ Perhaps, then, to some it signified the end of the summer. By two o'clock in the afternoon, though, a serious altercation was brewing. William Browne, now recovered from the attack, but still without his confiscated sword, was down by the quay at his own landing. Here he saw Richard Reynold, one of his attackers, and Reynold was wearing the sword. Incensed, Browne challenged his enemy. According to an unnamed witness, Browne demanded of Reynold 'whye he wore that sworde', to which Reynold answered 'for suche a knave as thow arte'.¹¹ It was a direct insult, not least because it used the dismissive 'thow', and it was too much for Browne, who issued a threat: 'I will mete the[e] a nother tyme well ynough'. '[N]o better tyme than now', answered Reynold. Then 'go in to the medow and I will dele halfe halfe a dosen strypys with the[e]', retorted Browne. '[T]here shall thow mete me', said Reynold.

Violence the previous night, the insult of wearing another man's sword, the repeated use of the degrading 'thow' and 'thee', and the verbal challenge: these had escalated quickly into an organized fight. Reynold, our unnamed witness recalled, then went straight to the meadow, and 'taryed there floryshynge with his sword halfe an owre'. Browne went back home to pick up a buckler (a small shield). On his way

home, Browne was waylaid by Alice Reynold, Richard's wife, who herself had been part of the gang of four who had attacked him and left him for dead the previous night. You should 'tary at home', she said, 'and kepe your boys hed hole'.

At this point, our unnamed witness slipped off, went over to constable William Randall's house, and – it seems – warned him of what was about to go down. William Browne, undeterred by Alice Reynold's taunt to protect his 'boy's head', went on to the meadow, known as Hope Mead – almost certainly the area just south of the waterfront near what is now Hope Square.¹² All the while, others were gathering on the meadow. Alice Reynold arrived, clutching stones; William Apere too (also from the night before), brandishing a cowl-staff; Joan Apere, William's wife; and the 'wiffe of one John of Smalmouth'.

While all this was happening, constable William Randall was sat drinking in the house of Richard Harvest, fifty years old, a yeoman, and one of the bailiffs of the town. With Randall drinking were Harvest, at least one of Harvest's servants, and several others 'in company'.¹³ At some point, they heard what one witness described as 'noyse of a fray': noise, or perhaps more properly news of the fray started to filter in.¹⁴ According to Richard Harvest, bailiff and owner of the house, Randall's daughter Elizabeth came to him, 'and spake sofftely in the ere of hir father'.¹⁵ At this point, Randall rose ('incontynently' according to the bailiff; 'with a gret furie and in haste' according to another witness),¹⁶ and he left the house. As he stormed off, Elizabeth implored Richard Harvest the bailiff to try and stall her father; as Harvest later testified, she told that 'her mother prayd hym to helpe kepe her father at home', and that he should not come to the fray. Sensing the danger Randall was about to put himself into, Harvest the bailiff and one of his servants (a twenty-year-old called Henry Harvest, so perhaps a relative) ran after him.

The chronology here is not quite clear, but it seems Randall got home, ran into his brewhouse, and picked up a cowlstaff – a long stave used for carrying a 'cowl', or basket. At some point, the wife of William Browne, one of the assailants, 'cryed out upon' and said that Richard Reynold and her husbände were gone in to the medow by apoyntment to fyght'.¹⁷ But if the evidently frightened wife of William Browne was trying to persuade him to get involved, Randall's own wife was understandably trying to keep him out of danger. She 'and dyvers other wolde have stoppyd the same Rendall', but he said 'by his faith he entendyd nothyng but to kepe the peace by cause he was constable'.¹⁸ According one witness he retorted 'know you not that I am

constable, And therefore lette me go for I wyll see the kynges peace kept'.¹⁹ Shortly afterwards, as he approached the meadow itself, he then met with Richard and Henry Harvest. Richard recalled that he 'cryed apou hym that he shulde beware whate he dyd';²⁰ Henry Harvest 'requyryd the said Rendall in the fylde joynynge to the medow where the fray was to forbere and not to come there'.²¹ But constable Randall was adamant: 'by his faith and troth he wold do nothyng but kepe the kynges peace', he said to Henry Harvest.²² To Richard Harvest, he 'tarryed aboute saying you know that I am constable, And swore a gret othe that he wolde do nothyng but kepe the kynges peace'.²³

THE FRAY

Whilst this drama was unfolding, William Browne and Richard Reynold were already on Hope Meadow, 'fyghtynge together with there swordis'.²⁴ They had also attracted a crowd. Alice Reynold was there, as was the wife of one John of Smallmouth. According to the later Bill of Complaint, also present were William Apere, yeoman (in the depositions he is described as a weaver), Joan Apere his wife, and Agnes Apere, as well as divers others to the number of seven. We can also safely say that at least twelve of the deponents (including one, William Apere, who was named in the Bill) were there. Another Joan Apere, mother to William, is also reported as having been present, as – again – was Rowland Frenchman. One deponent, John Marcombe, a Norman-born servant to bailiff Richard Harvest, said that on hearing of the fray, he had run to the meadow 'to se whate shuld be done'; another – Thomas Birt, also a servant to the bailiff – said that he, 'with all spede he cowde ran to the medow to see it'.²⁵ The fray had become a public affair, watched by neighbours, relatives and townspeople alike. Many of the observers were not neutral ones. According to one witness (a tailor from the town), Alice Reynold, the three Aperes, the wife of John of Smallmouth and Rowland Frenchman all 'assawtyd and threw stonys with all there power at the said Willyam Browne', indeed Alice Reynold 'strake the said Browne with a stone in the face and therewith strake iiii or v tethe oute of his hed'.²⁶ Another witness recalled a stone hitting Browne on the arm, breaking it.²⁷

It was at this point that William Randall charged in. Brandishing his cowl-staff, he rushed between the two fighting men, 'cryinge as lowde as he cowde kepe the kynges peace'.²⁸ As he did so, Alice Reynold 'cryed to her husband take hede to Rendall'.²⁹ The onlookers' stones rained down on him. One was 'horeld' (hurled) by

Alice Reynold and hit the left side of his back, another by the mysterious wife of John of Smallmouth, hitting him on the leg. Despite this, Randall was able – it seems – to use his staff to separate the fighting men. At this point, the testimony of witnesses diverges somewhat. According to some, Richard Reynold aimed a ‘hawke stroke’ (a hook stroke) at constable Randall.³⁰ Raising his cowl-staff, Randall parried; then, pushing pack Reynold’s double-edged sword, he forced it back into his assailant’s face. Reynold fell to the ground, a deep gash to his head. According to other witnesses, Randall was the aggressor, and Reynold parried a swipe with the staff, only to have his own sword driven back into his own head. All witnesses agreed, though, that Reynold immediately fell to the ground, dead.

THE INQUEST

Immediately, the surgeon was called. He was Thomas Spicer, of nearby Abbotsbury, twenty-seven years of age. He later testified that he was sent for to Abbotsbury (some miles away) ‘to come to the said Reynold to do his conynge’ (cunning, or knowledge).³¹ He arrived at about seven o’clock in the evening, and searched the body, finding a single sword cut, ‘of the length of ii ynches and more in depenes to the skulle’. At some point, although it is not clear when, a coroner’s inquest was held.³² A jury of twelve was empanelled by John Clerk the coroner, and they viewed the body. The majority verdict, it seems, was that Reynold had been killed by a single stroke, but there was evidently also some chicanery. One of the jurors was one John Gregory, who was the dead man’s brother-in-law – married to his sister. It is possible that this was the mysterious John of Smallmouth, whose wife had thrown stones at William Browne and constable Randall. He seems to have given a different opinion; and it seems that the minority view was taken by the coroner. One of the majority jurors, thirty-three-year-old mason John Kingdom, recalls being asked by Clerk to assent to a document (an ‘inquisition’), which he and another juror refused to do. Clerk, indeed, was not neutral, for he too was Reynold’s brother-in-law. Constable Randall was indicted.

At this point, he appealed to Star Chamber, which launched an investigation. The writ for this survives, and is dated to 20 October 1534, just over a month afterwards.³³ From the depositions we know that the investigation was presided over by three prominent local men: Edward Strangeways, Thomas Trenchard, knight, and Sir Thomas More of Melplash. We do not know the precise outcome of the Star

Chamber suit, but Randall evidently survived the indictment: his son, also William, served as MP for the town in the 1550s, when he was known as ‘William Randall the younger’, which almost certainly meant his father was alive then or at least only recently deceased. More to the point, he was involved in a fracas a few years later while serving as bailiff, in another case that ended up in Star Chamber. He is very likely the William Randall listed in the militia muster rolls of 1539 and 1542.³⁴ The Randalls would remain as a prominent Weymouth family to at least the end of the century.³⁵

Most of the witnesses called upon to testify roughly backed up constable Randall’s story: he intervened in the fight because he was constable; he cried ‘keep the King’s peace’; and he pushed back Reynold’s stroke in self-defence. The only witness from the coroner’s jury agreed that the inquest had been cooked. The narrative allows Randall to claim both self-defence and what we would call a justifiable homicide: he had killed while acting in his role as a King’s officer. But there was some dissent. Some witnesses were cagey: fifty-year-old Thomas Grey of Wyke, husbandman, said he was not at the fray, but came there quickly afterwards, where he ‘herde the reporte that Willyam Rendall was he that hurte the said Reynold with a cowlestaffe’. John Hawkins of Weymouth, fifty-year-old husbandman, testified that Randall had struck at Reynold, ‘And the said Reynold caste up his sworde to defende the stroke, And not withstandynge the said Rendall with the same stroke drave his sworde to his hed, wherewith the said Reynold fell to the grounde’. Walter Blackstock, a sixty-year-old mariner agreed: he saw ‘the said Willyam Rendall come at the said Reynold, and to his sight put the same Reynold in the necke with his staffe, where with the said Reynold than fell to the grounde’. John Fowey of Cerne Abbas, a yeoman, thought too that Randall had been the aggressor, and that the injury had been inflicted with the cowl-staff and not Reynold’s sword. William Apere, revealed as a thirty-three-year-old weaver, unsurprisingly agreed, likewise contradicting the view of the surgeon. Such testimonies could be taken to imply Randall had malice aforethought.

The most striking contrarian testimony was that of Thomas Birt, a twenty-year-old servant to Robert Samways, one of the town bailiffs.³⁶ He was there, drinking with Richard Harvest (the other bailiff, you will recall), when news came through to constable Randall. He remembers Randall’s daughter coming to her father ‘and spake sofftely to her father in his ere at that tyme syttinge there’. He recalls that, on hearing

‘noyse and report of a fray to be in the medow betwyne the said Reynold and Browne’, he ‘with all spede he cowde ran to the medow to see it’. So quick he was that he overtook one of the participants, William Browne, in a lane adjoining a chapel – next to the meadow.³⁷ Here, he says, he ‘he demaundyd the said Browne whither he was goynge’, to which Browne replied he ‘was goynge in to the medow to speke with a goode fellow’. Birt reports that he then ‘requyred’ Browne ‘to tary from thens’, but Browne refused. Birt would have stopped him, he said, but ‘the said Browne thereappon strake and foynyd³⁸ at this deponent with his sworde’. Neither would Browne be stopped by Alice Reynold: as he came to the meadow, Alice ‘stoppyd before her husbände and desyryd the said Browne to forbere, which he wolde not’. ‘And than she said and if he wolde not she wolde throw a stone at hym whiche she had in her hande, And thereapon horeld a stone at the said Browne but strake hym not’. Browne then ran at Reynold, and the two men – according to Birt – aimed a couple of ineffectual strokes with their swords. At this point, Randall entered ‘withoute speaking any worde’, breaking one of Reynold’s strokes and pushing it back into his head, killing him. Birt adds one final detail: Alice Reynold, he says, ‘ran to her husband cryynge and wolde have taken up her said husbände’, but constable Randall ‘strake her apon the back with his said Cowle staffe, which done the said Rendall threw away his said cowlestaffe and so went his wey thens’. Birt doesn’t necessarily imply malice aforethought, but he does claim that Randall hadn’t publicized his official capacity, and that he committed a needless assault on a grieving wife.

THE NATURE OF VIOLENCE

This was a shocking act of violence. A brawl the previous night had led to an arranged swordfight; a constable had intervened, apparently trying to ‘keep the King’s peace’, but in the melee had killed one of the participants. He was indicted, but appealed to the higher court of Star Chamber which – it would appear – protected him, or at least opened the way to a royal pardon which he may still have considered necessary. There are lots of ways we can interpret this. In some sense, the temptation is to see this as the actions of hotheaded people in a hotheaded age, when tempers were frail and lives were nasty, brutish and short. But this is not enough. For historians, this is a rare window into a dramatic moment, when some of the realities of

Tudor life and in particular of the Tudor state were brought vividly into the light. Let us think more carefully about the fray on the meadow.

We can observe, to start with, some of the character of a Tudor feast day. Witnesses gave their place of abode, so we can see that at least one had come from as far as Cerne Abbas, but most were from Weymouth and nearby Wyke. Also present, though, was one Henry Stycke of Molton, Devon, a clothmaker, who had been in Richard Harvest's house drinking. We can see two of the town's bailiffs, sitting and drinking together on a Monday afternoon, with their servants, friends, and perhaps business associates (this may explain the presence of the Molton clothmaker). They were drinking at the house of Richard Harvest, which may have been an inn or tavern, or (perhaps less likely) a mere alehouse. William Randall had a brewhouse too, so he may have been involved in the beer trade, burgeoning at that point. The other witnesses recorded more modest trades, but it is striking how many of them were husbandmen, small farmers, a testament to the close links between the small town and its local rural economy. Presumably the feast day brought custom from around the region. It is striking, too, that at least one of the witnesses was Norman-born; aliens were not uncommon in Dorset at the time, and provided one link between Dorset and the wider world.³⁹

More interesting, though, is to think about what the fray tells us of the nature of violence in early Tudor society. The sheer viscosity of the case is quite striking. Browne was beaten up the night before, at which point Reynold 'toke a gret stone, And with the same brake the hed of the said Willyam Browne and lefft hym there for ded'. The next day, Browne was battered by stones, apparently breaking his arm and striking out several of his teeth. Nonetheless, it should not be exaggerated into a stereotyped assumption that this was necessarily a brutal age. The fray was semi-organized: when they met on the quay in the early afternoon and exchanged words, they did not go at it straightaway, they organized to meet at a later time. The blood was not completely hot, even if it was probably still pretty warm. As Charles Phythian-Adams has pointed out, there were rituals of interpersonal violence in this period, people did not just go at it randomly with one another.⁴⁰ And the fray does seem to have been way out of the ordinary. People heard 'noise' of it: it was news; they rushed to the meadow 'to see it'. They remembered it vividly enough to give detailed testimony several weeks later. As much as this was a brutally violent

occurrence, it was still something unusual enough to be worthy of attention and memory.⁴¹

The violence also, strikingly, fitted around some of the political patterns and networks of everyday life. Interestingly, there is absolutely no evidence of any religious conflict involved: literally no hint here that England was, at this point, going through a painful process of religious change which would shortly touch off a colossal rebellion in the north. Read carefully, however, and two separate factions appear. Richard Reynold, the dead man, had a considerable network of support, some of whom were his kin. John Clerk the coroner and John Gregory the juryman were both related to Reynold by marriage, and their support was instrumental in ensuring constable Randall's prosecution. Reynold was also supported by the other of the town's two constables, William Hawkins. In fact, it seems likely that Hawkins was part of a network of support and patronage of which Reynold was also a part. In the initial fight, the night before, it was William Apere and Rowland Frenchman – servants to William Hawkins – who set upon William Browne first. One of the witnesses to the fray, who placed the blame on constable Randall's aggression, was John Hawkins, so probably a relative. Indeed, interestingly, it was Hawkins who was the first-named defendant in Randall's Star Chamber suit.

Of course, testimony from witnesses may have varied as a simple result of differing recollections. We cannot always read political machinations into the disagreements of witnesses. Nonetheless, there was clearly a group amongst the witnesses who were trying to create a narrative that incriminated Randall. The testimony of twenty-year-old Thomas Birt is particularly striking in its detailed, and carefully incriminating, recitation of evidence against constable Randall and William Browne. Birt had tried to stop Browne, but Browne had been spoiling for a fight; Randall had said nothing – he had not cried 'Keep the King's Peace' – before charging into the fray; Reynold and Browne had only been trading ineffectual blows until that moment; Randall's stroke against Reynold was not in self-defence; such, indeed, was his violent disposition that he even hit Reynold's grieving wife, before running off – the action, surely, of a man with a guilty conscience. But what is perhaps most striking about Birt's testimony is who he was, for he was a servant to one of the town bailiffs, Robert Samways. The Samways family were locally important, and Robert was almost certainly either one of the sons or grandsons of Geoffrey Samways, a Dorchester man who died in 1486. One of the family, Thomas

Samways, would be bailiff, MP and mayor of Melcombe at various points in the 1540s and 1550s.⁴² In fact, Reynold had other important allies too. John Clerk was not just the coroner, but in 1529 he was elected one of the town's MPs, although on arrival in London he rescinded the position to one William Bond, for reasons unknown.⁴³ The dead man Reynold, then, had powerful associates.

So, though, did his opponents. The implication of the case is that Browne and Randall knew each other; if Reynold had constable Hawkins as his ally, Browne appears to have had constable Randall. And Randall, it would appear, was linked to the other bailiff, Richard Harvest. He was in Harvest's house drinking, and Harvest's servants appeared as witnesses broadly in support for Browne. It is possible, then, that we are looking at two factions within the town, each centred on a linear axis between a bailiff, a constable, and one of the participants in the fray. These factions were fought out in the law, and they were fought out in the street. Insofar as the state was represented locally by the people who acted as its officers, it was split in two. But the chance survival of another lawsuit from five years later cautions us against reading too much into this. William Randall was involved again, this time as bailiff, as was Richard Harvest (as constable); but this time they were being sued by one George Whelplay, a professional informer, who was trying to gain the King's bounty on some horses he had seized before they could be illegally exported. He claimed ill-treatment at the hands of the Weymouth authorities.⁴⁴ The chief defendant this time was John Clerk, corrupt coroner, brother-in-law to Richard Reynold, and former foe of constable Randall. On this occasion, they were all on the same side. In fact, the case looks much like one in which the local community was closing ranks against an outsider.

The violence also drew in family members, including women. Garthine Walker has argued that crime and violence were often family affairs in the early modern period, and this was certainly the case here.⁴⁵ When Browne was initially assaulted, pulled by the hair and left for dead, among the attackers was the husband and wife team of Richard and Alice Reynold. Indeed, Alice was a constant presence throughout the affair, so much that she was named by constable Randall in his bill of complaint to Star Chamber. After her involvement in the initial altercation, we see her taunting Browne the following day, 'Tarry at home, and keep your boy's head whole'. Then we see her brandishing a stone at Browne at the meadow, telling him 'to forbear', and if he would not, 'she would throw a stone at him'; and we see her throwing it at him at

Browne, knocking out 'four or five' of his teeth. We see her warning her husband 'Take heed to Randall!' as he engaged him; and we see her hurling a stone at Randall, hitting him hard on the left breast. Finally we see her crying out as her husband fell to the ground, running at Randall, but being hit on her back with his staff.

Several other women were mentioned in the bill, and witnesses testified to there being at least four women, including Alice Reynold, at the meadow. They were hardly neutral spectators. They were clearly on the side of Reynold; it was not incompatible with Reynold's masculine honour to have his cause supported by a group of women armed with stones. In fact, the role of women in the fight is doubly interesting if we note the stereotype, common at the time, that it was men who fought with weapons; women, so the commonplace went, fought with their tongues.⁴⁶ In our fray in Weymouth, however, it was predominantly the men who were unruly of their tongues, insulting and challenging each other. And the women used weapons: stones.

Words, deeds, and weapons were all tied into the social hierarchies of the day, too. When Alice Reynold taunted William Browne, telling him to keep his 'boy's head whole', she was insulting his position as a patriarch, denying him his manhood. In the normal scheme of things, an adult male was superior to an adult female; a 'boy', though, was subordinate to both. Another 'un-manning' insult came when Richard Reynold took William Browne's sword. In fact, the trigger to the fray was not just Reynold's taking of Browne's sword, but his wearing of it. The symbolism of wearing a sword was not just about the power to inflict violence; it was also about masculinity, and perhaps most importantly of all, it was about social standing. Wearing a sword was traditionally one of trappings of a gentleman. We do not know the status of the two men, though the fact one witness talked about Browne being 'at his landing' when he spied Reynold wearing the sword suggests he was wealthy enough to own or rent a quayside landing. In the bill of complaint, he is described as a tailor, though in the right circumstances this could mean he was quite wealthy. But social status was about more than money, and the honour that sword-bearing conferred was significant. By taking it from Browne, and by wearing it (and indeed by calling him a 'knave'), Reynold was deliberately upending Browne's position in the social hierarchy. Add to this the regular and well-attested use of the derogatory 'thou' and 'thee' rather than 'you', by all sides, and we have an altercation in which insults to personal honour were central.

Looking carefully at the weapons being used, we can even detect a hint of hierarchy there too. Browne and Reynold fought with swords and a buckler, William Apere and William Randall brandished cowl-staffs, and the women fought with stones. We should be careful with this, as the evidence suggests Randall was Browne and Reynold's social equal: they were all members of the urban elite (and Apere may have been also). Indeed, it shows that swordfighting was not always the sole preserve of the nobility or gentry. Stones, on the other hand, have been identified as a specifically female weapon, and there are plenty of examples of women using stones for acts of violence, so much so that John Walter considers stoning 'a form of violence particularly associated with women'.⁴⁷ Whether this was true: whether stones were a specifically gendered projectile, or whether they were simply the easiest things to hand for those who traditionally went about unarmed, will have to await further investigation. But the evidence here certainly fits the established pattern.

In a sense, though, the most interesting weapons here were actually the cowl-staffs. This was a staff with a hook on the end, used for carrying a basket. It was a work tool, albeit one that could be used offensively. Now, we are told that early modern people ('everyone, however poor', according to Lawrence Stone) routinely carried knives, partly for the purpose of eating.⁴⁸ Yet knives appear rarely in Star Chamber cases from the sixteenth century. In fact, people seem to have been surprisingly careful about how they deployed violence. Fists, staves, and even the flats of swords were used, sharp implements tended not to be.⁴⁹

A MOMENT OF GOVERNMENT

Perhaps most importantly of all, though, is the fact that the constable – with all the risks of his role – does not appear to have carried a weapon. He had to run home to get one, and when he did, he picked up a work tool. Randall was central to the drama, and his role can, I think, tell us much about 'the state' in the early sixteenth century. This was a state that did not have a standing army, or a police force, or much of a professional bureaucracy. It lacked much of the infrastructure and symbolism of modern states: it had few uniforms (some of its agents, of course, wore the royal livery); there were no police stations. Where what we might call 'authoritative buildings' did exist, they usually represented complicated, layered power: the parish church represented royal authority, but it also represented Christendom, and it was a focus for local identity. Town guildhalls represented the authority of the Crown and at

the same time were a political expression of urban self-rule. The most notable exceptions were county gaols, royal castles, and shire-houses. These were more obvious manifestations in bricks and mortar of the authority of state, but – of course – still lay relatively distant from parochial life.⁵⁰ Unpaid officers, then, remained crucial. As historians such as Mark Goldie and Steve Hindle have emphasized, officeholders were the men and (more rarely) women upon whom the whole edifice of state formation depended.⁵¹ Without their co-operation, statutes were hard to enforce, taxes hard to collect, criminals impossible to apprehend. They were the ones who had to act the role of the state in dramatic moments like our fray on the meadow. They were people like William Randall.

And so, one of the things that makes the Weymouth case so fascinating is that we are able – thanks to the level of surviving detail – to get some sense of how the state worked at the lowest levels. Let us finish by thinking about this.

* * *

Perhaps the most obvious point to make is that this shows how doing the state's bidding could be dangerous. As constable, William Randall ran the risk of severe physical harm when he tried to break up a fight between two men armed with swords. Moreover, in the line of duty he fatally injured someone, and thus ran the risk of malicious prosecution for his actions. Given the tense situations that constables were expected to involve themselves in, which included breaking up fights, arresting violent criminals, collecting tax, distraining peoples' goods, even – in at least one case – enforcing shotgun weddings, they (and similar officers like tithingmen) were in an especially dangerous position.⁵² Given this, it is striking that Randall expressed a sense of duty when breaking up the fray. '[K]now you not that I am constable, And therefore lette me go for I wyll see the kynges peace kept', he is supposed to have said; one witness recalled that he 'swore a gret othe that he wolde do nothyng but kepe the kinges peace'. He also apparently had views about the proper conduct of constables, as when the night before he admonished his fellow officer,

[M]ethyncketh you have not done well to entrete the said Browne after this maner, for seyng you be the kynges officer if he had done otherwise than he

shuld have done you shuld have sett hym in the stockes and not have usyd hym
affter this fasshion.

Of course, there were courtroom narratives which aimed to emphasize Randall's public role, but even if we don't take them at face value (and there's no necessary reason we shouldn't), such statements suggest a sense of duty attached to the office. It also, presumably, gave the social cachet of working for the King. This was still a world where 'service' to a great master gave a powerful sense of status, and there could be no master greater than the King himself. Ultimately, though, this was an abstract 'king': being the 'king's officer' effectively evoked the authority of what we would call the state. When Randall described his fellow constable as 'the kinges officer', he was giving his office the dignity of the state. Indeed, it is important to note how constables at the time, when they wanted to evoke something close to what we would call the state, usually spoke of 'the king'. They might talk about putting people in 'the Kynges gaole', or making them 'the kynges prisoner'.⁵³ And, of course, they spoke – as Randall did at least twice – of the 'Kings peace'. This was a powerful phrase, which was evidently widely used by officers and private citizens in situations of disturbance. The idea of the 'King's peace' had complex origins that went back to Anglo-Saxon times, but by the late middle ages it had evolved into a general guarantee of safety and the absence of disorder, emanating from the King's person and government and represented locally by the King's justices 'of the peace'.⁵⁴ Crucially, it was something one could evoke when threatened, essentially transforming an act of interpersonal violence into an assault on the state. It can be found in witness statements relating to violence, such as when, supping at a neighbour's house in Essex in the reign of Edward VI, Robert Dickleigh heard an affray going on in the street and ran outside saying 'I pray you kepe the Kings peace'.⁵⁵ One could be bound over to keep the king's peace, and one could ask local officers and powerbrokers to 'se the kynges peax kept'.⁵⁶ Its ubiquity was such that it can be found in the period's plays.⁵⁷

It was also, by the late middle ages, a particular responsibility of petty constables or their equivalents. Indeed, it is tempting to suggest a development from the older system of frankpledge, whereby groups of neighbours were responsible for the king's peace, to one where this became largely the responsibility of the constable or similar officers. To an extent, this marks a transition from medieval communalism

to the officeholding 'republic' that roughly characterizes English early-modernity. Responsibility for the king's peace was partially transferred from the community to officer. For now, these were amateur, though in future centuries they would be replaced by professional agents of the state. In turn, then, a crucial way in which this officeholding republic operated was by allowing, and enforcing, private citizens – usually for fixed periods – to carry the magic of state, acting as constables, churchwardens, jurors, and later surveyors of highways and overseers of the poor. This is why Randall was so keen to emphasize that he shouted to keep the King's peace 'cryinge as lowde as he cowde', to make it abundantly clear he was operating in an official capacity. In Tudor terms, this may still have carried connotations of service: like an oral way of wearing the King's livery, perhaps. But we should not exaggerate the personal nature of this service. John Watts has cautioned us against seeing late medieval officeholding as a form of service. In fact, he points out, it was not necessarily in the interests of the Crown to replace 'the sense that such services were voluntary and honourable with the fiction that they were conducted at the king's pleasure and will alone'.⁵⁸ In any case, 'the King's peace' may not have been thought of as an evocation of the person of the monarch, but the abstract body 'politic'.

It is worth adding here that Randall remained a private citizen. This is, of course, true of modern-day professional police officers, but in Tudor times the amateur nature of office meant this fact was all the more important. Perhaps, like the King, he can be seen as having two bodies, the body of the smalltime merchant who made trade bargains and drank with his friends, and the body of the public officer, who maintained the King's peace. In real terms, this meant that there was room for what we would term 'corruption', the subservience of public interest to private. This appears to have been the temptation that ensnared William Hawkins, Randall's fellow constable, when he deployed unreasonable violence against Browne the night before the fray. The coroner John Clerk appears to have fallen into this trap too. This, then, is where the invocation of 'the King's peace' becomes so important. In our world, those in authority can often easily be distinguished by their clothes: uniforms are common, as – more recently – is high visibility clothing. In the sixteenth century this was not always possible, so agents of the state had to identify themselves in different ways. Randall did this by invocation: he uttered a phrase that was supposed to raise his actions above those of a petty vigilante, or – worse – someone just settling scores, and to make these actions of state.

In such circumstances, the state became something people experienced not only in the person of an officer, but in his words. It was something experienced orally. It was performed. In fact, we should not think of it as just a set of officers, symbols, buildings, and infrastructure like stocks and gallows.⁵⁹ In Tudor times, as indeed with our own, the state existed in an intangible form, as an idea. It was a performative concept: something invoked and acted out in crucial ‘moments of government’. Those dramatic moments might include the raising of a tax or an army, the presentation of a petition or the serving of a writ, the judgement of a law court or even an execution. Or, they might include the moment where a constable charges between two fighting men crying ‘keep the King’s peace’.

CONCLUSION

A few years later, the state was drawn into another Weymouth dispute. The case revolved around a group of merchants who were apparently taking horses on their cross-channel voyages without authorization. They claimed to need them for their business activities in Normandy, but they were doing so in contravention of a statute of 1531, and they fell under the unwelcome gaze of the government informer, William Whelplay. On one occasion (17 Sept. 1538), Richard Randall constable said he found himself confronting a dagger-wielding assailant at the quay, ‘this deponent being constable there was callyd upon and sente for to see the kings peace kepte’. Even more strikingly, William Randall himself was called upon to give testimony. He reports that two men, Whelplay and Ellis Broke, were attempting to seize some horses about to be shipped out; they broke down a door to get to them, at which point ‘the people thereabout made greate noyse’, whereupon Richard Harvest, now constable, ‘ther requyred them to kepe the Kings peace and to delyver theyr weapons’.⁶⁰ Some words were exchanged, but – it seems – Wheplay and Broke were safely arrested.

It ended in Whelplay bringing an information to the court of Exchequer, the Weymouth defendants procuring a writ of nisi prius to bring the case to Shaftesbury Assizes (and presumably a sympathetic local jury) and eventually with Whelplay appealing to Star Chamber. It is a reminder that the state remained a complex mesh of institutions and organizations, and people could find themselves on opposite sides of the state apparatus at the same time: Whelplay was acting as a government informer, but he was arrested in the name of the ‘king’s peace’. But the most stunning piece of evidence, at least for our perspective, comes right at the end of the surviving

testimony from this later suit. It is the testimony of Peter Tussey of Weymouth. Tussey was deputy to the searcher at Poole, and a man against whom – Geoffrey Elton suggests – Whelplay had an especial grudge.⁶¹ At one point, he was asked to recall an incident from William Randall's past. He remembers an event that happened 'abowte viii yeres past to his remembraunce'. 'This deponents wifes last husband', Tussey says, 'whose name was Richard Reynolde was slayne by Wylliam Randall for making seasure of a horse that the same Randalls brother did frayte ther and saith they foughte together in the quarrel and the sayd Richard Reynold was then slayne'. His recollection is wrong: it was at most six years ago. But it is the same incident.⁶²

Finally, then, we have the root cause. It was all to do with the illegal export of horses. Reynold appears to have been seizing them from Browne, who may well have been acting on behalf of Randall's brother. This means, then, that Randall was defending something which had been made illegal: he was contravening statute law. As much as he was acting on the state's behalf, 'keeping the King's Peace', he was involved in the subvention of the law. He used the invocation of an abstract concept of King's peace, of the state, to settle a fight that had originated out of an illegal activity. History has a keen sense of irony.

The fundamental point of this essay has been to take one of those rare occasions when, in early Tudor times, we can perform a careful reconstruction of a single, dramatic event to draw out conclusions about the society that produced that event. In particular, this has allowed us to say things about the nature of interpersonal violence, and the nature of the Tudor state. We have seen how brutal violence could be, and how it could draw in a whole community, catalysing alliances of household and service, and bouncing off notions of duty, gender and (perhaps) class. It shows how the state acted as a dramatic player in these moments of violence. It did so through its officers, who undertook considerable personal risk to maintain the King's peace. They might be unarmed, reaching for the nearest work tool as a way of protecting themselves. Moreover, the state's assertion of its authority through symbols and rituals was – as yet – limited. It depended on amateur officers risking life, limb and litigation; but it carried a charismatic magic which could be invoked by uttering key phrases, notably in this case by shouting 'Keep the King's Peace'. The Tudor state, as much as it was a bundle of officers and institutions, was also a performative concept, something to be invoked at key dramatic moments by key dramatic actors. It would be a while before this changed, if – indeed – it has.

NOTES AND REFERENCES

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9 Testimony of Nicholas Long, husbandman, of Wyke.

10 A Parliamentary petition in the National Archives, dated to around the 1430s, asks for legislation to the effect 'that no persone that breweth to sell kepe open thair dores nor sell non ale after ix of the cloke after the none to the dawne ryseing from seint Gregorye day to the exaltacion of the Holy Croosse And from that feast of

exaltacion unto seint Gregory day after vii of the cloke after the none unto vi of the cloke of the morne': TNA, Chancery, C 49/40/12.

11 Testimony of an anonymous witness.

12 On a late sixteenth-century map of Weymouth, Melcombe and the Isle of Portland, the Nothe Peninsular is given over to what appear to be small arable fields. If this is accurate, Hope Meadow is probably the open area to the west of these. David Beaton, *Dorset Maps*, Wimborne, 2001, p. 14.

13 Testimony of John Marcombe, Norman-born servant, of Weymouth.

14 Testimony of Henry Harvest, servant, of Weymouth.

15 Testimony of Richard Harvest, yeoman, of Weymouth.

16 Testimony of John Fowey, yeoman, of Cerne Abbas.

17 Testimony of John Marcombe, Norman-born servant, of Weymouth.

18 As previous note.

19 Testimony of an anonymous witness.

20 Testimony of Richard Harvest, yeoman, of Weymouth.

21 Testimony of Henry Harvest, servant, of Weymouth.

22 As previous note.

23 Testimony of Richard Harvest, yeoman, of Weymouth.

24 Testimony of John Marcombe, Norman-born servant, of Weymouth; testimony of William Apere, weaver of Weymouth. This phrase appears word for word in both depositions.

25 Testimony of John Marcombe, Norman-born servant, of Weymouth; testimony of Thomas Byrte, servant, of Weymouth.

26 Testimony of William Flete, tailor, of Weymouth.

27 Testimony of John Marcombe, Norman-born servant, of Weymouth.

28 As previous note.

29 Testimony of Henry Harvest, servant, of Weymouth.

30 Testimony of an anonymous witness; Testimony of John Marcombe, Norman-born servant, of Weymouth; Testimony of Henry Harvest, servant, of Weymouth; Testimony of Richard Harvest, yeoman, of Weymouth.

31 Testimony of Thomas Spicer, surgeon, of Abbotsbury.

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37 He calls it 'Saynt Georgis chapel'. This was the old chapel-of-ease for Weymouth, actually dedicated to St Nicholas, but from 1442 also associated with a religious fraternity, the Guild of St George. By the sixteenth century it seems that the chapel itself was known as the 'Chapell of St George'. It no longer survives, except in the local place and street name 'Chapelhay': Ellis, *History and Antiquities*, p. 98; Crump, *Medieval Weymouth*, pp. 60–2.

38 To push, in fencing.

39 Dawe, 'Dorset Lay Subsidy'.

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