The landholding structure of a northern manor: Troutbeck, c. 1250–1800

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Abstract

Troutbeck in the Lake District has a long run of landholding records, dating from the village's first appearance in the thirteenth century until modern times. This article uses these to recreate the nature of landholding across a broad span of history from the high Middle Ages to the end of the eighteenth century. It finds that numbers of customary landholders continued to grow despite the recurrent disasters of plague, famine and war in the fourteenth century, and showed growth again between the fifteenth and sixteenth centuries. The seventeenth century then brought two major changes: there were a growing number of subtenants up until the 1620s. Then, after old restrictions on the parcelling of tenements were lifted in the 1670s, landholdings started to fragment, and a group of small customary landholders developed and survived into the eighteenth century.

According to an old saying in the Westmorland village of Troutbeck, the place should be happy, for it had no history.[1] In the old senses of History: the annals of government, of kings, battles and the deeds of great men, this local wisdom had some limited truth. But it is one of the glories of local population history that it helps us see beyond such outdated snobbery. For Troutbeck does, like every other small community not just in England but everywhere in the world, have a history.

It is rare to be able to follow an aspect of the history of a small rural community across the span of several centuries. Indeed, this kind of social history, concerned with slow-burning change over the *longue durée*, is not as fashionable as it once was. In the heyday of the *Annales* school, historians such as Fernand Braudel and Emmanuel Le Roy Ladurie were writing a rural history that compressed centuries of social history into discussions of gradual cycles and superstructures.[2] Changes in landholding patterns were determined by huge underlying shifts in population; environments determined history; geography and climate reigned supreme. There is plenty of work on the *longue durée* among English social historians, too, even if environmental determinism has never taken hold here, but English research tends to be more hemmed in by classical periodisation. Studies frequently run from the sixteenth to the eighteenth centuries, sometimes they run into the nineteenth, and medieval social history by its nature very often takes in long periods, even

1 S.H. Scott, *A Westmorland village: the story of the old homesteads and "statesman" families of Troutbeck by Windermere* (Westminster, 1904), 6.

2 For example, F. Braudel, *La Méditerranée et le monde méditerrannéen à l'époque de Philippe II* (Paris, 1949); idem., 'Histoire et sciences sociales: la longue durée', *Annales: Histoires, Sciences Sociales*, 13 (1958), 725–53; E. Le Roy Ladurie, *Les paysans de Languedoc* (Paris, 1966).

if the Black Death constitutes a formidable historiographical barrier. But it is unusual for studies to cross the medieval to early-modern divide. Demographers rarely straddle 1538, the date parish registration commenced; social and economic histories do not usually cross 1500 or 1550; for many political historians, Henry VII is still 'liminal'. Yet there is plenty to be learnt from taking the long view of a particular aspect of English social history. Developments in one century can be set within a long-run framework; characteristics of a society that might appear 'structural' or 'environmental' can be contextualised.

The purpose of this article is to reconstruct the long-run history of landholding and, to an extent, landlessness in the Westmorland village of Troutbeck. It looks at the history of customary landholding in Troutbeck across a period from the village's colonisation in the high middle ages to the end of the eighteenth century, when the region was 'discovered' by fashionable literary minds, ushering in its transition from agricultural backwater to cultural treasure (at a time which also saw a dramatic economic development associated with industrialisation). The period under study is divided into three sections, each tackled in turn: c. 1250–1450, 1450–1650, and 1650–1800. This is followed by a discussion of the landless population from the middle of the fifteenth century to the mid eighteenth. The article uses a series of estate papers, particularly manorial rentals and court rolls, to describe how land and access to it changed across the medieval and early-modern period; it thus provides a dynamic picture of pre-industrial landholding in an economically marginal community. In this regard, Troutbeck is extremely lucky in that it features in the records of the Crown Estate, who held the manor as part of the Barony of Kendal, the Lowther family of Lowther, who were stewards of the Barony, and the papers of a local family of wealthy yeomen (rising into the ranks of the gentry within our period), the Brownes of Town End. The article is, perhaps, an overly ambitious sweep of history; but it is hoped that, for all the simplification of complex periods of change, it will show something of the potentials for the kind of history which combines microscopic locality with a wide-angle chronology.

Broadly speaking, the argument is this: the history of landholding in pre-industrial Troutbeck was influenced by a cocktail of wide-ranging economic trends, broad movements in population, localised geographic factors, and intimate micro-political developments within the village and its manor court. Each in turn helped mould the pre-industrial landholding community. In fact, they interlocked with each other, sometimes pulling in different directions. In the late medieval period, much of the initial growth of Troutbeck took place at a time of national population collapse, presumably because this was also a prosperous time for pasture farmers. In the sixteenth century, a broad upswing of the national population was reflected in a dramatic growth in the township's population. In the initial stages this resulted in multiplication of the number of customary tenants, but this growth was arrested for micro-political reasons around the time of Henry VIII, when further subdivision was tightly restricted. Thus, expansion in the following period (up to the 1620s) was manifested most obviously in a dramatic upsurge in the

number of subtenants, who were probably often poor and marginal people. Then, in the later seventeenth century, Troutbeck's land market was suddenly deregulated, and the possibilities of subdivision allowed the development of a more 'modern' market. The upshot was the growth of a sizeable class of small customary tenants between the 1670s and 1790s.

The development of an agrarian community, c. 1250–1450

The first reference to a community at Troutbeck dates from as late as 1272, when an Inquisition Post Mortem records one Walter de Lyndesay holding the 'Forest of Trutebeck'.[3] This suggests a late medieval colonisation, much later than most English settlements. The landscape itself is rough, comprising a small, steep-sided valley bounded by lofty and imposing fells; in addition, Troutbeck was part of the ancient Forest of Kendal, which was at the northern tip of the Barony of Kendal, an ancient territorial unit which, by the later sixteenth century, had fallen to the crown but was until then in private aristocratic hands.[4] Its status as forest, that is as hunting ground and possibly with considerable tree cover, undoubtedly put a brake on medieval colonisation. For whatever reason, though, presumably a decision to maximise the economic potential of the land at a time of rising population and looming land-hunger, this changed in the thirteenth century. By 1283, eight tenants had settled the valley, paying a total rent of just under £30 (see Table 1). Expansion apparently continued apace, and by the early years of the fourteenth century there were perhaps 17 tenants, though their total rents had nearly halved. Troutbeck was one of two hamlets apparently settled anew within the manor of Windermere, but also within the Forest of Kendal. It was probably settled so as to capitalise on expansion in the lower-lying parts of the manor of Windermere, which also lay outside the Forest. The nearby hamlet of Applethwaite had some 54 tenants in 1283, and this number apparently peaked at 80 around the beginning of the fourteenth century. We know less about that part of Windermere manor that was to become known as Undermillbeck, but as there was a chapel there (it was still technically part of the parish of Kendal) it seems likely that it was relatively densely populated. A rental of Undermillbeck from the 1390s shows 45 tenants, whose landholdings are sufficiently varied in rent to suggest a relatively long-established land-market.

If the thirteenth century had seen the English population grow, the fourteenth was one of repeated demographic crisis. Agrarian disaster in the form of famine and epizootics hit in 1315–22, cross-border raids by Scots, particularly those of 1316 and 1322 (which reached Furness Abbey) caused considerable damage, and—most disastrous of all—the Black

3 W. Farrer and J.F. Curwen (eds.), *Records relating to the Barony of Kendale* (4 vols., 1924), II, 40–44, 58–70.

4 J. Nicholson and R. Burn, *The histories and antiquities of the counties of Westmorland and Cumberland* (2 vols., London, 1777), I, 30–63.

Table 1 Tenants and rents in Troutbeck, 1283–1441

Year	No. of tenants	Total rent (s.)
1283	8	587
c.1300	17	339
1324	11	228
1334	11	244
1390–94	22	462
1441–3	21	–

Sources: 1283 (Inquisition Post Mortem), 1324 (Inquisition Post Mortem, c. 1300 data calculated from this), 1334 (Inquisition Post Mortem), 1390–94 (Rental): W. Farrer and J.F. Curwen (eds.), *Records relating to the Barony of Kendale* (4 vols., 1924), II, 40–44; 1441–3 (list of greenhew payments): TNA, SC 2/207/121–2.

Death landed on English shores in 1348.[5] Plague was not to depart again until the late seventeenth century, but its most devastating period was the mid fourteenth. It has been estimated that the English population plummeted by somewhere between a third and a half over the course of the fourteenth century. The impact of famine and perhaps Scottish raiding is evident in listings from 1324 and 1334: these record just 11 tenants (recorded as 'at will') in the hamlet, and a drop of a third in the total rent. There are explicit references to decayed tenements: six were in the lord's hands in 1324 for want of tenants. In neighbouring Applethwaite there was a similarly depressing scene: some 24 tenements and cottages were decayed. Ten years later Troutbeck still had just 11 tenants at will.

Given the magnitude of the demographic crisis that engulfed England in the fourteenth century, we would not expect much growth in the landholding populations of new settlements like Troutbeck. In fact, the opposite is the case. Rentals, complete with a full list of tenants and their rents, survive for several hamlets in the northern reaches of the Barony of Kendal for the late fourteenth century, including Troutbeck. Surprisingly, they show an expanded landholding population compared to the early part of the century. In Troutbeck the number of tenants had doubled to 22, and Ambleside had seen a similar increase. The rental can also give us some idea of the social structure of the hamlet perhaps just over a century after colonisation. It suggests a broadly egalitarian community of sizeable tenements. With one exception, a tenant named Ralph Jhonson who held a toft of land paying just 2s, all the tenants paid more than 12s rent see (Table 2); almost all tenements paid rents divisible by a noble (6s 8d), with only two tenements smaller than two-nobles rent. Unfortunately we have no way of assessing the size of these tenements; recorded acreages, which range in size up to 8 acres, are clearly customary. This in turn means that we have no idea as to how cheap or otherwise the rents were.

5 I. Kershaw, 'The Great Famine and agrarian crisis in England, 1315–22', *Past and Present*, 59 (1973), 3–50; A. Hinde, *England's population: a history since the Domesday Survey* (London, 2003), 22–52; C. Briggs, 'Taxation, warfare and the early fourteenth-century "crisis" in the north: Cumberland lay subsidies, 1332–1348', *Economic History Review*, 58 (2005), 639–72.

Table 2 The landholding structure of Troutbeck, c. 1390

Customary rent	No. of tenants	% of total rent
18s+	13	76.5
12s–17.99s	8	23.1
6s–11.99s	0	0.0
0–5.99s	1	0.4

Source: Farrer and Curwen, *Records*, II, 43–4.

The continued growth of the landholding community in the face of plague, war and famine demands explanation. The empty tenements in 1324 suggest that the Great Famine was devastating, but it seems that Troutbeck—and for that matter its neighbouring townships—escaped the worst effects of the Black Death. Part of the explanation for this no doubt lies in the area's remoteness: for all its virulence, the plague did not affect all areas equally, and it is perfectly logical that isolated upland communities like Troutbeck might have been less badly affected than lower-lying, more commercialised ones.[6] That said, we might also expect upland folk—after plague had eased population pressure in the lowlands—to migrate in search of better land and greater prosperity. Against this, however, we should set the grand swing in the agrarian economy that saw prices gradually adjusting in alignment to the new demographic environment. The price of grain fell, margins in arable farming became tighter; improving real incomes, meanwhile, encouraged consumers to expect a little extra luxury, and this came in the form of meat and clothing, which benefited pasture farms.[7] In addition, expanded industrial demand (partly a response to improved real wages) helped stimulate the south Westmorland textile industry.[8] As it happened, then, the area was well-equipped to maintain its population during the late-medieval 'depression'.

We get our next snapshot some 50 years after the 1390s rental with an estreat roll for the manor of Windermere.[9] This recorded the receipts for cash amercements (fines) in the manor court. The document shows its five-and-a-half century age: the ink is faded and the parchment stained, but it is a rare survival of a pre-sixteenth century Lakeland manor court document—a tiny window on the ordinary governance of a medieval agrarian community.[10] Importantly for our purposes, it also has a list of those amerced for 'greenhew'. This was a customary payment made for wood gathered from the lord's trees, and since each tenant paid one greenhew fine per tenement, and since these tenants are

6 A.J.L. Winchester, *Landscape and society in medieval Cumbria* (Edinburgh, 1987), 45.

7 C. Dyer, *An age of transition? Economy and society in England in the later middle ages* (Oxford, 2005), 131–2.

8 On the region's textile industry see M.L. Armitt, 'Fullers and freeholders of the parish of Grasmere', *Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society*, 2nd Series [*CW2*], 13 (1908), 136–205.

9 The National Archives [hereafter TNA], SC 2/207/121–2.

10 For manor courts in the area more generally see A.J.L. Winchester, *The harvest of the hills: rural life in northern England and the Scottish Borders, 1400–1700* (Edinburgh, 2000).

listed, the document allows us to count the number of landholders. There were 21, almost identical to the 1390s figure. Troutbeck's medieval story thus runs from colonisation, probably in the second half of the thirteenth century, then growth up to the Great Famine. After the trials of the famine, the fourteenth century then brought recovery and, despite the Black Death and the late-medieval economic slowdown, the landholding population had peaked before 1400, remaining at roughly the same level into the 1440s.

The development of the surname, which apparently took hold in the area in the fourteenth century, provides another angle of analysis. Lists of surnames can be compared to provide a rough measure of movement over time, although such data are difficult to interpret. Generally speaking we would expect upland communities like Troutbeck to experience slow changes in surname composition, and for change to get quicker as the centuries passed and as land-markets matured. Comparing surnames in the 1390s to the 1440s suggests there was turnover, but that it was gradual. Of 22 individuals named in the 1390s, 13 had surnames that were still present in the 1440s, so 9 had names that had disappeared. Working the other way, of 21 individuals named in the 1440s greenhew list, 16 had names that had been present 50 years earlier, just 5 did not. Clearly we cannot hang too much on this, but the data suggest a rather slow pace of change. Medieval Troutbeck remained an isolated backwater.

Early-modern growth, c. 1450–1650

Sometime around 1500, the European population started to grow again.[11] When this pattern of growth reached England has not been established, but it is usually seen as commencing in earnest sometime around the reign of Henry VIII.[12] We are on firmer ground from the 1540s, once parish registers allow more sophisticated demographic calculations, and according to the most widely-accepted figures, an English population of around 2.77 million in 1541 had reached 3.27 million in 1571. It topped 4 million in the 1590s, nudged through the 5 million barrier during the Personal Rule of Charles I, and peaked at around 5.28 million in the mid-1650s. All told, the early-modern expansion had roughly doubled the medieval population.[13]

The regional dimension to this growth is sometimes overlooked in the desire for broad-sweep history, but it is crucial here. Some time ago, aiming to uncover the cause of the northern famines of 1597 and 1623, Andrew Appleby calculated that the combined population of Cumberland and Westmorland grew from around 43,000 in 1563 to 62,000 in 1603, and then dipped to 56,400 in the early 1640s.[14] The Elizabethan growth of the

11 M.W. Flinn, *The European demographic system, 1500–1820* (1981), 77–8.

12 K. Wrightson, *Earthly necessities: economic lives in early modern Britain* (2000),120–8.

13 E.A. Wrigley and R.S. Schofield, *The population history of England, 1541–1871: a reconstruction* (1981), 531–2.

14 A.B. Appleby, *Famine in Tudor and Stuart England* (Liverpool, 1978), 18–32.

region, of the magnitude of around 47 per cent, is higher than the national growth calculated by Wrigley and Schofield, which was 38 per cent between 1561 and 1601; but in the early Stuart decades, while the Cumberland and Westmorland population fell, the national total grew by 24 per cent. But Appleby's 'global' figures also conceal variation between Cumberland and Westmorland. The population of the northern portion of Westmorland remained roughly constant between 1563 and 1641/2; in south Westmorland, the Hearth Tax returns of 1674–5 suggest a population growth of just 8 per cent on 1563.[15] Troutbeck is recorded as having 46 households in the 1563 Diocesan Population Return, a figure whose precision perhaps suggests accuracy; by 1674, Hearth Tax enumerators were counting some 65 households, so the township probably bucked the regional trend. The register for Jesus Chapel (founded sometime before 1506 and thus itself evidence of some late-medieval prosperity) survives from 1580 and can show some of the dynamic of population change from then.[16] The register shows a clear surplus of baptisms over burials in the early seventeenth century, but that the two were roughly equal after the Civil War. There were also mortality crises in the late 1580s, the 1590s and in 1623, as Appleby's classic work on famine in the region would lead us to expect. This said, the register should be read carefully. Troutbeck was still subservient to the church of St Martin, Windermere, so it is possible that many vital events were still registered there. Certainly the vital rates for the late seventeenth century are suspiciously low. If we take the Hearth Tax population of 141 households for Troutbeck and Applethwaite from the largely complete returns for 1674–5, and apply to this a multiplier of 4.3 (which is on the low side), this suggests a chapelry population of 606. The number of both baptisms and burials, working on an 11-year moving average, sat at about 10–11 per annum in the 1670s; if we then apply this to the population figure of 606 it gives a baptism and burial rate of 16.5–18.2 per 1000. To put these in context, the national crude birth and death rates for 1676 calculated by Wrigley and Schofield were 31.1 and 27.5 respectively.[17] It is, of course, possible, that the vital rates in Troutbeck chapelry were particularly low: infant deaths account for a high proportion of total mortality in preindustrial societies, so what we might be looking at is a low death rate directly resulting from a low birth rate. Another possibility is that the Hearth Tax returns grossly overestimate the population, although this seems unlikely. The safest explanation, rather, is that the register is missing a considerable number of both births and baptisms.

The long-term population history of Troutbeck in this period is thus opaque, but thankfully that of landholding is rather clearer. We have lists of tenants in the form of 'greenhew' payments from 1560, 1584, 1596, 1597, 1604 and 1609, and rentals from 1574,

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15 C. Phillips, C. Ferguson and A. Wareham eds, *Westmorland hearth tax: Michaelmas 1670 & surveys 1674–5*, Cumberland and Westmorland Antiquarian and Archaeological Society, Extra Series, 19 (2008).

16 Cumbria Record Office (Kendal Branch) [hereafter CRO (K)], WPR 62/1/1/1–3. For a graphical representation of the data in Troutbeck parish register see: J. Healey, 'Land, population and famine in the English uplands: a Westmorland case study, c. 1370–1650', *Agricultural History Review*, 59 (2011), 160.

17 Wrigley and Schofield, *Population history*, 532.

Table 3 Maximum tenant numbers, 1441–1650

	No. of tenants	Total rent (s.)
1441–3	21	–
1560	61	–
1574	56	465
1584	57	–
1596	54	–
1604	56	–
1619	68	478
1650	48	502

Sources: TNA, SC 2/207/121–2; 1560 (list of greenhew payments), 1574 (survey): Farrer and Curwen, *Records*, II, 50–55; original manuscript in TNA, E 178/3130; 1584 (list of greenhew payments): CRO (K), WD/TE/Book IX, fols. 1r–2r; 1596 (list of greenhew payments): TNA, LR 11/3/68; 1604 (list of greenhew payments): SC 2/207/111; 1619 (rental): TNA, LR 13/5/1; 1650 (survey): SC 12/31/16.

Table 4 Customary landholding structures, 1390–1650

	1390–4 (% of rent)	1574 (%)	1619 (%)	1650 (%)
18s+	13	1	1	4
	(76.5)	(5.0)	(4.1)	(16.9)
12s–17.99s	8	8	1	13
	(23.1)	(22.9)	(2.8)	(37.8)
6s–11.99s	0	46	63	30
	(0.0)	(71.1)	(90.7)	(44.9)
0–5.99s	1	1	3	1
	(0.4)	(1.0)	(2.3)	(0.4)
Total	22	56	68	44

Sources: Farrer and Curwen, *Records*, II, 43–4, 54–5; TNA, E 178/3130; LR 13/5/1; SC 12/31/16.

1619, and 1650.[18] Unfortunately these documents suffer from two major flaws. Firstly, in some of the rentals, the relatively small amount of freehold ('unfineable') land is not distinguished from customary land; secondly, in many cases a number of tenements are recorded under the same name, and there is simply no way of knowing whether we are talking about one, two, or even three or more different individuals. This is, indeed, a particular problem in Troutbeck, which suffered from an extreme level of isonomy (name-sharing). As becomes clear from the later seventeenth century, when enough data survive for us to distinguish between same-named individuals, in most cases repeated names refer to distinct individuals, so this has been assumed in Tables 3 and 4.

18 Greenhew lists: 1560: Farrer and Curwen, *Records*, II, 50; 1584: CRO (K), WD/TE/Book IX, fols. 1r–2r; 1596 and 1597: TNA, LR 11/3/68; 1604: TNA, SC 2/207/111; 1609: CRO (K), WD/TE/Book IX, fols. 5r–6r; Rentals: 1574: Farrer and Curwen, *Records*, II, 53–55, TNA, E 178/3130; 1619: TNA, LR 13/5/1; 1650: TNA, SC 12/31/16.

The story is potentially an intriguing one, in which subdivision continued through the sixteenth century until the vast majority of tenements were paying 6s 8d rent in 1619, before a major restructuring in the following 30 years brought considerable consolidation of landholding. Certainly, the landholding community was notably egalitarian in 1574, probably even more so in 1619, and was probably seeing the emergence of greater differentiation by 1650.[19] But it must be emphasised that the structures suggested here are pretty flimsy, given the same-name problem. Indeed, in a previous article I produced similar tables for Troutbeck based on the assumption that all same-name tenements could be joined together, and although these were generally similar to the ones here, that for 1619 was very different. This was necessary for the purposes of the original article, as I was comparing Troutbeck with other townships in which isonomy was not such a problem, but the difference in 1619 urges us to be cautious.[20] Frustratingly, the evidence is simply not robust enough to read into it a radical overhaul of Troutbeck's landholding structure between 1619 and 1650, though this may well have happened.

This said, several safer points can be made. Firstly, it is important to note that by 1574 landholdings had become established as customary tenements held by 'tenant right', whereas in the fourteenth century tenants were either described as tenants-at-will (early fourteenth century) or the terms of their tenure were not specified (1390s). This suggests that, as in other English cases, pre-plague tenancies-at-will had evolved during the late-medieval depression into customary tenures which largely favoured the tenant and their security of tenure. That these were not copyholds as such was a regional peculiarity: the essential difference being that tenant-right lands held the obligation of military service on the border.[21] They would remain tenant-right tenements until tenants were given the right to buy enfranchisement in 1808.[22] The second point to note is how uniform they still were. Save for a small handful of exceptions, customary holdings in Troutbeck across the period were paid rents that were multiples of 6s 8d. By this point these one-noble tenements had become equated with the right to pasture five cattle on the commons and were thus sometimes known as 'five-cattle' tenements. The persistence of these uniform tenement sizes was almost certainly a result of an order in Windermere manor court, probably dated to the reign of Henry VIII, that 'frome henceforth that no tenement pertayning to this lordshipp or within this lordshipp shalbe devyded or parted'.[23]

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19 Cf. K. Wrightson, 'Aspects of social differentiation in rural England, c. 1580–1660', *Journal of Peasant Studies*, 5 (1977), 33–47.

20 Healey, 'Land, population and famine', 166.

21 R. W. Hoyle, 'An ancient and laudable custom: the definition and development of tenant tight in north-west England in the sixteenth Century', *Past and Present*, 116 (1987), 24–55; for a more general discussion of land tenure in the period see E. Kerridge, *Agrarian problems in the sixteenth century and after* (London, 1969).

22 J. Healey, 'Agrarian social structure in the central Lake District, c. 1574–1830: the fall of the "Mountain Republic"?', *Northern History*, 44 (2007), 79.

23 CRO (K), WD/TE Book XI, fol. 23r. For the dating, see Healey, 'Land, population and famine', 171n.

This order, which was one of a number in the sixteenth-century north-west, often justified in terms of preventing the impoverishment of the Border's warrior-peasantry, may help explain the long-run history of landholding in the two centuries leading up to the Civil War.[24] Between the 1440s and 1560, the number of landholders in Troutbeck more than doubled, from 21 to between 54 and 61. This suggests fairly drastic subdivision (there is no way of telling whether this was a result of partible inheritance practices, the partition of estates by will, or sales of parcels to non-descendants); but after this, the number of tenants remained roughly constant. It seems plausible, then, that there was subdivision up to the manor court order, but that this prevented further parcellation. There is still something a little puzzling about this, for in 1574, as noted, only two tenements were smaller than five cattles (6s 8d rent); almost all the rest paid rents which were multiples of 6s 8d. This seems suspiciously clean: if subdivision had been completely unregulated up to Henry VIII's reign then we would expect a more random distribution of rents. What this suggests then, is that the 'tenement' referred to in the order was the standard five-cattle tenement (this appears to have been how the term was understood by the 1650s), and that the rule was almost certainly *already in place* when the bulk of the subdivision occurred.[25] Thus it was either the restatement of an existing custom or bylaw (the manor court of Windermere already had a medieval prohibition against 'taverning') *or* the main period of subdivision took place after it.[26] This latter is perfectly possible: if it dates from early in Henry VIII's reign, say about 1510, then it would predate the main period of population growth as understood by demographic historians. Perhaps most important though is that once a certain level of subdivision had taken place, that is once most tenements were five cattles in size, the rigorous enforcement of the earlier bylaw would act as a powerful restraint on the land market. The evidence we have from seventeenth-century land transfers, which provide little evidence of subdivision, suggests that the bylaw was enforced.[27]

It remains to say something about the turnover of surnames. Troutbeck was unusual compared to other English pre-industrial villages (which were often highly mobile) both in that it had a very small 'stock' of surnames and in that they saw a very slow turnover across the two centuries up to 1650.[28] There are two ways of calculating surname turnover: one is to do it by surname, the other by individual. In most communities this makes little difference, but in Troutbeck, where the variety of surnames was so restricted, it is worth

24 Winchester, *Harvest*, 13; Healey, 'Land, population and famine', 171.

25 In lists of tenants owing suit at the manor court from the 1650s, a number of tenants are recorded as holding more than one tenement; comparison with the 1650 Rump Parliament survey shows that these 'tenements' must have been the 'Five Cattle' holdings. CRO (C[arlisle Headquarters]), D/Lons/L5/2/11/10.

26 For the Windermere prohibition on 'taverning', see Winchester, *Harvest*, 152–9.

27 See the estreats in TNA, LR 11/1/26–4/78, and the court rolls in CRO (C), D/Lons/L5/2/11/10–79.

28 For comparable studies: Peter Spufford, 'Population movement in seventeenth-century England', *Local Population Studies*, 4 (1970), 46–7; Peter Laslett and John Harrison, 'Clayworth and Cogenhoe', in H. E. Bell and R. L. Ollard, *Historical essays 1600–1750, presented to David Ogg* (London, 1963), 174, 177.

doing both (to give an idea of the scale of the problem, in 1560 some 39.3 per cent of tenants shared the name Birkhead and 57.3 per cent were either called Birkhead or Barwick). Fortunately both methods tell the same story: turnover was very slow (see Tables 5–8). If we take the 21 individuals who paid greenhew in 1441, 16 of them had surnames present in 1560, 1604 and 1650. Of 61 individuals paying in 1560, 51 had surnames that were still there in 1604 and 1650. Half of the ten surnames in 1441 remained in 1650; similarly half of the 18 recorded in 1560 were still there 90 years later (these figures all exclude names that dropped out and then returned, though there were few of these). Looking from the other perspective, just 14 of the 61 individuals paying greenhew in 1560 had surnames not present in 1441; there were then seven new names between 1560 and 1604 and four between 1604 and 1650. This equates to just 1.18 new names per decade in 1441–1560, 1.59 in 1560–1604 and 0.87 in 1604–1650. This is not just an extremely slow turnover of surnames, in keeping with the slow medieval turnover noted earlier and suggesting a quite unusual degree of familial continuity, but it also suggests that population growth was largely indigenous. This latter point is important: agrarian historians have tended to characterise communities with large commons and weak gentry control as especially open to in-migration. Population growth was driven in no small part by migrant cottagers squatting on the waste, as Victor Skipp found in the Forest of Arden, or G.H. Tupling in Rossendale, or Andrew Appleby in Cumberland's Forest of Inglewood.[29] This was not the case in Troutbeck, and it is worth noting here that there may well have been considerably tighter control of access to the commons here than in these other areas. Surviving manor court rolls suggest close supervision of the commons, and we know that enclosures in the 'Old Park' at the western end of the township took place in the sixteenth century according to a controlled rate of 2½ acres for every five cattlegates held.[30] Certainly a close control over intaking (that is, the throwing up of small enclosures out of the common fell) would be congruent with the control of subdivision noted above. It seems likely that Troutbeck is representative of a different type of local ecology in which there were large areas of common waste, but the roughness of the land meant that if such commons were to remain a useful resource they needed to be tightly regulated by local manor courts, even if in this case the courts were run largely without gentry interference.[31] It thus lies somewhere between the 'forest-type' ecology and the more closely regulated open-field communities.

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29 V. Skipp, *Crisis and development: an ecological study of the Forest of Arden, 1570–1674* (1978), 41–2; G.H. Tupling, *The Economic History of Rossendale* (Chetham Society, New Series, 86, Manchester, 1927), 42–97; Appleby, *Famine*, 35–6; See also J. Thirsk ed., *The agrarian history of England and Wales*, IV (Cambridge, 1967), 10–11, 13, 409; B. Sharp, *In contempt of all authority: rural artisans and riot in the west of England, 1586–1660* (1980), 159–168–9; J. Porter, 'A forest in transition: Bowland, 1500–1650', *Transactions of the Historical Society of Lancashire and Cheshire*, 125 (1974), 45–48; Idem., 'Waste land reclamation in the sixteenth and seventeenth centuries: the case of south-eastern Bowland, 1550–1630', *Transactions of the Historical Society of Lancashire and Cheshire*, 127 (1977), 1–23.

30 TNA, E 134/32Eliz/Hil4; M.A. Parsons, 'Pasture farming in Troutbeck, Westmorland, 1550–1750', *CW2*, 93 (1993), 115–30.

31 For the absence of gentry: A.J.L. Winchester, 'Wordsworth's "Pure Commonwealth"?: yeoman dynasties in the English Lake District', *Armitt Library Journal*, 1 (1998), 86–113.

Table 5 Surname continuity (by surname), 1441–1650

1441	1560	1604	1650	Full continuity (%)
10	7	6	5	50.0
	18	12	9	50.0
		18	11	61.1

Sources: TNA, SC 2/207/121–2; Farrer and Curwen, *Records*, II, 50–55; TNA, SC 2/207/111; SC 12/31/16.

Table 6 Surname continuity (by individual), 1441–1650

1441	1560	1604	1650	Full continuity (%)
21	18	17	16	76.1
	61	54	51	83.6
		49	42	85.7

Sources: As Table 5.

Table 7 New names (by surname), 1441–1650

Period	Names in target year	New names	% New	Percentage points per decade	New names per decade
1441–1560	18	11	61.1	5.14	0.92
1560–1604	18	6	33.3	7.58	1.36
1604–1650	16	5	31.3	6.79	1.09
1560–1650	16	6	37.5	4.17	0.67

Sources: As Table 5.

Table 8: New names (by individual), 1441–1650

Period	Total individuals in target year	Individuals with new names in target year	% new	Percentage points per decade	Individuals with new names per decade
1441–1560	61	14	23.0	1.93	1.18
1560–1604	48	7	14.6	3.31	1.59
1604–1650	48	4	8.3	1.81	0.87
1560–1650	48	8	16.7	1.85	0.89

Sources: As Table 5.

The emergence of a mature land market, c. 1650–1800

The later seventeenth century brought some prosperity to the farmers of upland Westmorland. The Kendal textile industry had had its day, though some production in the region continued, with perhaps a third of yeomen possessing spinning wheels.[32] But tenants had, in 1619, compounded with the Crown for their security of tenure, the military threat from Scotland was gone (give or take the odd Jacobite) and so, after 1667 when the trade in Irish cattle was banned, was the economic one from Ireland. Moreover, the readjustment of agricultural prices in favour of pasture farming constituted a major boon for upland regions. The relative good times of the Restoration are evidenced most strikingly perhaps by the rebuilding of farmhouses, which gave us most of the attractive vernacular buildings that survive in the valley to this day, but it also resulted in growing social differentiation within the region's peasantry.[33]

From the late seventeenth century we start to stand on much firmer ground when it comes to reconstructing Troutbeck's landholding structure. Ancillary documents such as Poll, Hearth and Land Tax returns, and lists of tenants owing homage at the manor court can help us identify same-named landholders; but more importantly, from 1670 onwards the rentals themselves begin to distinguish between those with the same name.[34] Thus, there were six George Birketts holding customary land in 1670: George Birkett of the Lane, George Birkett of Cotesike, George Birkett of High Green, George Birkett the tanner, Captain George Birkett, and one called simply George Birkett. Thus we can be reasonably certain that the data in Table 9 are accurate, though in the case of the 1670 rental it is necessary to deduct freehold rent (which has to be calculated using educated guesswork based on the 1665 and 1675 rentals, neither of which distinguish between same-named tenants).[35] For 1688, the rental does exclude freehold but it does not distinguish same names, but one can make a decent stab at doing so by cross-referencing with the Poll Tax return for 1689.[36] The 1650 survey presents both problems: it distinguishes neither names *nor* freehold. The names are easy enough to decipher, as we can check the survey against a list of customary tenants for 1652, but for the freehold we are forced into guesswork again, this time using the 1619 and 1665 rentals.[37] From 1717 onwards all the rentals distinguish both names and freehold, but it is unlikely that the calculated rentals from earlier are drastically in error, so we can have confidence that the landholding structures reconstructed in Table 9 are pretty accurate.

32 J.D. Marshall, 'The domestic economy of the Lakeland yeoman, 1660–1749', *CW2*, 73 (1973), 201–2.

33 R. Machin, 'The Great Rebuilding: a reassessment', *Past and Present*, 77 (1977), 35–56; J.D. Marshall, 'Agrarian wealth and social structure in pre-industrial Cumbria', *Economic History Review*, 33 (1980), 503–21.

34 The following rentals are used: 1670: CRO(K), WD/TE/Book IX, fols. 113r–114r; 1688: TNA, SC 11/1001; 1706, CRO (K), WD/TE/Book IV, fol. 269r–v; 1717: CRO (K), WD/TE/Book IX, fols. 115r–116r; 1729: CRO (C), D/Lons/L5/2/11/116, 106; 1738: TNA, SC 12/33/1; 1750: CRO (C), D/Lons/L5/2/11/118, 166–7; 1771: CRO (C), D/Lons/L5/2/11/120, 112–3; 1789: CRO (C), D/Lons/L5/2/11/122, 12–13.

35 The 1665 and 1675 rentals can be found in: TNA, LR 13/5/2; SC 11/1000.

36 CRO (K), WD/TE Book/IX, fols. 12r–13r.

37 CRO (C), D/Lons/L5/2/11/10.

Table 9: Landholding structures, 1650–1789

	1650 (%) of rent	1670 (%)	1688 (%)	1706 (%)	1717 (%)	1729 (%)	1738 (%)	1750 (%)	1771 (%)	1789 (%)
18s+	4	3	5	4	5	4	6	5	5	4
	(16.9)	(16.0)	(24.8)	(17.4)	(21.9)	(19.2)	(26.5)	(24.1)	(23.4)	(22.1)
12s–17.99s	13	13	8	5	5	9	7	8	6	11
	(37.8)	(39.4)	(25.4)	(15.2)	(14.4)	(26.8)	(20.9)	(24.9)	(16.6)	(32.9)
6s–11.99s	30	28	24	25	25	18	20	22	24	14
	(44.9)	(43.2)	(39.9)	(43.9)	(44.9)	(33.0)	(35.5)	(38.5)	(41.2)	(24.7)
0–5.99s	1	2	11	28	24	28	22	16	25	33
	(0.4)	(1.4)	(9.8)	(23.6)	(18.9)	(21.0)	(17.1)	(12.6)	(18.7)	(20.3)
Total	48	46	48	62	59	59	55	51	60	62

Sources: 1650 (survey): TNA, SC 12/31/16; All rentals: 1670: CRO(K), WD/TE/Book IX, fols. 113r–114r; 1688: TNA, SC 11/1001; 1706: WD/TE/Book IV, fol. 269r–v; 1717: WD/TE/Book IX, fols. 115r–116r; 1729: CRO (C), D/Lons/L5/2/11/116, 106; 1738: TNA, SC 12/33/1; 1771: CRO (C), D/Lons/L5/2/11/118, 166–7; 1771: D/Lons/L5/2/11/120, 112–3; 1789: D/Lons/L5/2/11/122, 12–13.

Table 10 Tenants in 1769 and invitees to George Browne's funeral, 1767

	No. of tenants	Excluding Brownes	No. invited to funeral of George Browne, 1767 (as residents of troutbeck)	% invited
18s+	**5**	4	2	50.0
12s–17.99s	**5**	4	2	50.0
6s–11.99s	**26**	25	19	76.0
0–5.99s	26	**22**	12	54.5

Sources: Rental: CRO (C), D/Lons/L5/2/11/120, 94–5; Funeral: CRO (K), WD/TE Book/VIII, fol. 14r.

The story they tell is a striking one. Looking briefly at Table 9, the reader will be struck by the rapid expansion after about 1670 of smallholdings, defined here as those paying less than 6s in customary rent. Whereas in 1650 there had only been one such tenement, by 1688 there were 11, and this rose to 28 in 1706, fell to 24 in 1717, before peaking again at 28 in 1729. Thereafter, the number of these smallholdings fell back down again to 16 in 1750, though rentals from the later eighteenth century reveal this to have been a temporary drop: by 1789 there were 33. The cause of this appears to have been a relaxation in the regulations on subdivision at some point in the mid-1670s. Corresponding rentals for Ambleside suggest a similar pattern here, and thus that the two hamlets were acting in tandem at this point. Some of these small tenements may have been held as investments by those living outside Troutbeck. Table 10 compares the rental of 1769 with a list of those invited to the funeral of George Browne in 1767.[38] Most of the inhabitants of Troutbeck seem to have been invited: 78 heads of household are on the list, meaning that we can use

38 CRO (C), D/Lons/L5/2/11/120, 94–5; CRO (K), WD/TE Book/VIII, fol. 14r.

inclusion on the list as a rough proxy for inhabitancy (the chapelry had just 310 inhabitants in the 1801 census, suggesting around 70 households). The results from this exercise suggest that the holders of small tenements were slightly less likely than the remainder of the customary tenantry to live in the township, though we should perhaps not lay too much weight on these results.

Why was this relaxation allowed by the manor court? The reasons are unfortunately lost to us, but the cessation of Border hostilities must have been important, since it released 'tenant right' tenants of their obligation to furnish armed men (for long used as a reason to ban subdivision). Market conditions also no doubt helped: the protectionist Irish Cattle Act of 1667, combined with a general realignment of agricultural prices in favour of pasture farmers probably meant that small, cattle-farming tenements were more profitable, particularly as lower arable prices meant there was less imperative to be self-sufficient in grain. Finally, there is evidence for a more general relaxation of manorial government in the later seventeenth century, with presentments for the small-time offences such as slander and 'hubbleshows' (minor breaches of the peace) largely drying up after the Civil War.[39] Whatever the root cause of this development, and we do not know whether the initiative came from the tenants or the steward, it marked a major turning point in the history of landholding in Troutbeck, and serves as a reminder of the importance of institutional factors (in this case local regulation of the land market) in conditioning economic development.

The other Troutbeck: subtenancy and landlessness, 1441–1750

Focusing on records of landholding poses an obvious risk, namely that we are only viewing one aspect of any rural community. Indeed, there are a number of indications that many of Troutbeck's inhabitants did not hold land, at least not directly from the Barony. There were two Troutbecks: a community of customary landholders, and a community of the landless. The 1674 Hearth Tax, for example, contains 65 names; 20 of these (30.8 per cent) did not appear on the 1675 rental (unfortunately the return does not specify which of the assessed were exempted).[40] On the other hand, there is little evidence here for non-resident landholding: only three landholders in 1675 do not appear on the Hearth Tax, and by these calculations some 95.7 per cent of customary rent was paid by people who were also listed on the Hearth Tax return for Troutbeck. The Poll Tax return of 1689 is difficult to use for this purpose as many households clearly contained more than one taxpayer but the return does not clearly delineate between households. The Poll Tax also technically exempted those who did not pay poor rates, so it is an unreliable source for the landless

39 Based on a comparison of the estreat rolls in TNA, LR 3/116/5, LR 3/76/898, LR 11/1/26–4/78, SC 2/207/111, 120 and the court rolls in CRO (C), D/Lons/L5/2/11/10–114, and in CRO (K), WD/TE Book/IX, fols. 2r–4r, 6r., 66r–78r.

40 Phillips, Ferguson and Wareham eds, *Westmorland hearth tax*, 295.

population.[41] The latter charge can also be levelled at the Window Taxes from the early decades of the eighteenth century, but these did at least only contain one taxpayer per household so they are of some use.[42] Comparing the 1720 Window Tax assessment with a rental from 1721 we can see that while most people who paid Window Tax were also customary tenants (29 out of 37 could be linked: 78.4 per cent), the other side of the coin was that just over half of customary tenants did not pay Window Tax.[43] This should not surprise us too much, as it is clear from earlier assessments that a number of inhabitants were being granted exemption; what is more surprising is that the mean value of the customary estates who did not pay Window Tax (93.0d) was only a little lower than that of those who did (99.4d). We may then be looking at evidence of an increased amount of non-resident landholding between the mid 1670s and 1721.

And then there are the records of poverty. Unusually for Westmorland, and thanks in no small measure to the documentary diligence of the Brownes of Town End, Troutbeck has a decent run of poor law accounts from the seventeenth and eighteenth centuries. The first return, collated by Kendal justices of the peace for a report to Charles I's Privy Council, dates from 1637; there is then a run of three annual accounts from 1640–2, followed by a long gap to 1710, from which we have a single account, and then to 1719, after which the records survive annually.[44] There is no time here for a sustained analysis of these accounts, save to note that the amounts paid were small and the numbers of recipients few throughout. There seems to have been a shift in the relief of poverty from the middle of the seventeenth century, when a significant number of recipients were paid small amounts, often for shoes, to the early eighteenth, when a much smaller named number of paupers received more substantial doles. In 1637 the township paid doles to 16 paupers, in 1640 it gave relief to 13, in 1641 there were 15 paupers or more, and in 1642 there were at least 18. The existence of a significant population of the relatively poor is also attested by the 1670 Hearth Tax. The 1670 return is clearly incomplete as it only lists 50 households compared to 65 in 1674, but it distinguishes between those who paid and those who were exempted: 37 paid the tax, and 13 (26 per cent) were discharged, mostly, no doubt, on grounds of poverty.[45] In addition, we have two census-type listings of recipients of charitable doles in 1685 and 1687. The money was gifted by the Earl of Thanet to those poor 'who usually repair to their parish church or chapel' within the parishes of Grasmere and Windermere.[46] In Troutbeck, there were 19 poor households listed in 1685 (containing a total of 51 individuals), and in 1687 there were 20 households with 46 individuals. Comparison with the 1674 Hearth Tax listing of 65 payers, would suggest that around 29.2

41 CRO (K), WD/TE/Book IX, fols. 12r–13r.

42 CRO (K), WD/TE/Book IV, fols. 223r, 231r; WD/TE/Book X, fols. 59r–60r.

43 For the rental: CRO (K), WD/TE/Book IX, fols. 117r–120r.

44 TNA, SP 16/388/7, no. 40; CRO (K), WPR/62/W1; WD/TE/Book III, 237–62.

45 Phillips, Ferguson and Wareham eds, *Westmorland hearth tax*.

46 CRO (K), WD/Ry/Box 35/1.

Table 11 Surname turnover, 1637/50–1685/90–1771/2

	No. in 1637–50	No. with surnames remaining, 1685–90	%	No. in 1685–90	No. with surnames remaining, 1771–2	%
Customary Tenants	49	48	98.0	48	39	81.3
Paupers	33	27	81.8	23	13	56.5

Sources: Poor relief list, 1637: TNA, SP 16/388/7, no. 40; Overseers' Accounts: 1640–42: CRO (K), WPR/62/W1; 1650 survey: TNA, SC 12/31/16; 1688 rental: SC 11/1001; 1685–7: Survey of Charity Recipients: CRO (K), WD/Ry/Box 35/1; Rental, 1771: CRO (C), D/Lons/L5/2/11/120, 112–3; List of the Poor, 1772: CRO (K), WD/TE/F/74.

Table 12 Surname turnover (working backwards), 1637/50–1685/90–1771/2

	No. in 1685–90	No. with surnames remaining, 1637–50	%	No. in 1771–2	No. with surnames remaining, 1685–90	%
Customary Tenants	48	42	87.5	60	47	78.3
Paupers	23	14	60.9	29	14	48.3

Sources: As Table 11.

per cent of Troutbeck households were considered poor. Finally, a rough census of Troutbeck's poor households survives from 1772, listing 12 'poor housekeepers', 5 'poor farmers', 9 'farmers substantial' (but clearly still considered relatively poor), and 3 'poor housekeepers not belonging to the township'.[47] Thus, a total of 29 households were considered in some sense poor at this point. We do not have population figures to compare this to, but there were 68 households assessed for Window Tax in 1777, so this undoubtedly reflects a significant proportion.[48]

These listings allow us to compare patterns of surname turnover between customary tenants and the 'poor'. Three datasets were compiled: one from recipients of poor relief in 1637, 1640, 1641 and 1642 and customary tenants in 1650; one from recipients of charitable doles in 1685 and 1687 and customary tenants in 1688; and finally one of customary tenants in 1771 and listed poor in 1772. Surname turnover between the groups can be seen in Tables 11 and 12 (a surname is considered 'present' whichever group it was in within the target year: for example, if there was a 'pauper' called Benson in 1637–50, and then there was a Benson amongst the customary tenants in 1685–90, then this was considered a positive link). The broad story is still of remarkable continuity, but it is notable that turnover amongst the surnames of those listed as poor was notably quicker than amongst

47 CRO (K), WD/TE/F/74.

48 This is available online at: http://www.edenlinks.co.uk/RECORDS/WIN_TAX_SW_T.HTM#trout.

49 Winchester, *Harvest*, 39.

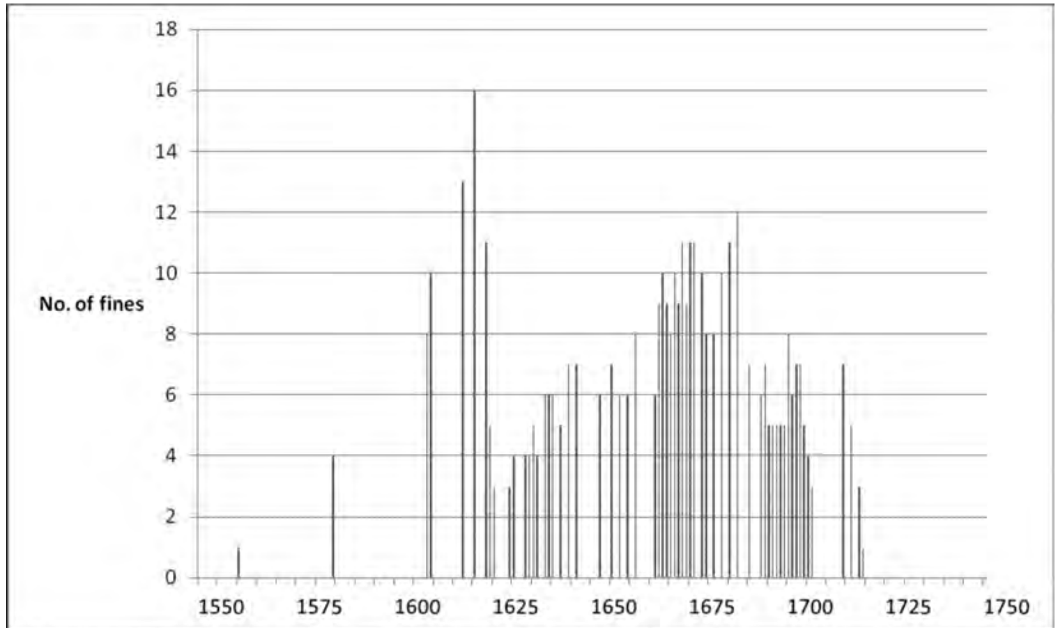
the customary tenantry. This is consistent with a picture of a stable community of customary landholders, among whom lived a more fluid population of the economically marginal, more likely to be newcomers to Troutbeck, and more likely to leave.

Perhaps the most useful evidence for Troutbeck's landless population, however, comes from the fines levied by the manor court for the keeping of 'byfires', almost always at the rate of 12d per offence. Strictly this was a penalty for keeping more fires on the tenement than was allowed, but effectively (as Winchester points out) it was a fine for keeping subtenants.[49] Indeed, the fining of tenants for keeping byfires was apparently not related to the literal number of fires they kept on their tenement. This is evident from a comparison between the relatively comprehensive Hearth Tax return of 1674, a rental from 1675, and the manor court estreats from 1674 and 1675.[50] In theory, we should be able to cross-check Hearth Tax records with the rental to predict whether certain wealthier inhabitants *should* have been fined for having more hearths than their tenement would allow. The results of this, however, show little relationship between number of 'illegal' hearths and byfire fines. John Cookson, for example, paid 6s 6d in rent, actually a little short of a full 'five cattle' tenement, so at most he should have been allowed one fire. He evidently, however, had two chimneys, but despite this his name does not appear in either the 1674 or 1675 lists of byfire fines. Robert Birkett of the Lane, similarly, held a five-cattle tenement (6s 8d rent), which allowed him a single fire; he had two hearths but was not fined for a byfire. Nor was George Browne of Townend, now styling himself 'Mr' and boasting a six-chimney house, despite the fact that his tenement was only technically allowed either three or four fires. Moreover, many of those who *were* fined for illegal fires were only taxed on one hearth: Stephen Birkett, for example, held a ten-cattle tenement, allowing him two fires by custom; the Hearth Tax assessors counted just one chimney, yet he was fined in 1674 and 1675 for a byfire. James Birkett was fined for one byfire in 1674 and two in 1675, but his tenement was also a 'double' one of ten-cattles, and he also only paid tax on one hearth.

The upshot of all this is that the fines for byfires, although *technically* levied on those who kept 'illegal fires' (*igne illicit*), in reality must have represented something more specific. One possibility is that they were levied on industrial fires, such as those used for charcoal burning or other woodland industries such as ironworking. Unless these fires were smiths' forges or bakers' ovens they would have been exempt from the Hearth Tax, but this cannot explain why so many who *were* taxed for multiple hearths were not fined for byfires, so the safest way is to follow Winchester and regard byfire fines as a proxy for undertenants.

50 Phillips, Ferguson and Wareham eds, *Westmorland hearth tax*, 295; TNA, SC 11/1000; CRO (C), D/Lons/L5/2/11/79, 83.

Figure 1 Byfire fines in Troutbeck, 1550–1750



Sources: Manor Court Rolls and Estreats: Farrer and Curwen, *Records*, II, 51; TNA, LR 3/116/5, LR 3/76/898, LR 11/1/26–4/78, SC 2/207/111, 120; CRO (C), D/Lons/L5/2/11/10–114; CRO (K), WD/TE Book/IX, fols. 2r–4r, 6r., 66r–78r.

This then allows us to reconstruct the long-run history of subtenancy in Troutbeck (Figure 1). The picture is one of a gradual increase in the number of subtenants up until the famine of 1623, followed by a slower increase again until the 1680s, followed by a steady decline into the early eighteenth century.[51] The last recorded byfire fine was in 1719, and a series of eight surviving court rolls from 1720–32 report no fines. How we explain this trajectory is not clear. The expansion in subtenancy up to 1620 (when there were 16 byfire fines in Troutbeck) is mirrored in neighbouring townships, and surely reflects an expansion of the local population which was not being absorbed in a diffusion of customary landholding.[52] This is important, and probably results from a tight control of both enclosure from the waste and the subdivision of landholding by the manor court. Both of these were ways in which newcomers could be incorporated into the customary landholding body; their restriction probably reflects a conscious desire to prevent the proliferation of small landholdings. Such tactics of 'exclusion' have been interpreted on other manors as part of wider attempts to prevent the settling of large numbers of poor households, and this may

51 Farrer and Curwen, *Records*, II, 51; TNA, LR 3/116/5, LR 3/76/898, LR 11/1/26–4/78, SC 2/207/111, 120; CRO (C), D/Lons/L5/2/11/10–114; CRO (K), WD/TE Book/IX, fols. 2r–4r, 6r., 66r–78r.

52 Healey, 'Land, population and famine', 172–4.

well be part of the explanation here.[53] But it is difficult to reconcile this with the notably light fines of a shilling levied on those with byfires on their tenements. Had the manorial court really wanted to tackle the problem of poverty it would have taken sterner action against undertenants, as indeed many manors were doing at this point.[54] The need to furnish men for the Borders was presumably another factor, but there is also an intriguing possibility that the control of customary landholding was maintained for more selfish reasons. Perhaps, given that the level of byfire fines remained constant, and given that customary rents, heriots and entry fines also did, established tenants could make considerable profit out of rising market rents by subletting their estates. The continued restraint on subdivision was thus a way of maintaining this income stream by preventing potential subtenants from getting a foot on the customary property ladder. The upshot of this was no doubt that the poor subtenants were doubly squeezed by rising market rents and the rising cost of food during the early-modern population growth. No wonder their numbers dropped drastically when famine struck in 1623: partly this probably reflected them leaving their tenements, but probably also lots of them starved, perhaps unable to afford food thanks to years of squeezed incomes. It is an aspect of famine which deserves further research, but it can be emphasised here that however egalitarian the community of customary tenants was in 1619, there was very probably still marked inequality between this community and the community of subtenants.

The gradual increase in the number of byfire fines up to the 1680s from the nadir in the later 1620s no doubt reflects a partial and slow recovery from the famine. The decline thereafter is harder to pinpoint. It seems unlikely that subtenancy simply disappeared in Troutbeck, but the gradual decrease equally hints that there was not some administrative decision to cease levying fines. The turning point may well have been the liberalising of the land-market in the 1670s, discussed above: this not only opened up landholding to newcomers, but also made the policing of illegal fires more difficult. According to the old bylaws, byfire fines were levied on those keeping 'two fyers holden of one tenement': but once tenements began to be subdivided, it became considerably harder to judge how many fires one was allowed.[55] Perhaps, then, this combination of factors, plus a general decline in manorial court activity, explains the gradual disappearance of byfires from the records.

53 For example, S. Hindle, *On the parish? The micro-politics of poor relief in rural England, c. 1550–1750* (Oxford, 2004), 300–60.

54 M.K. McIntosh, *Controlling misbehavior in England, 1370–1600* (Cambridge, 1998), 93–6.

55 Winchester, *Harvest*, 152.

Conclusion

Such a long-term outlook has its downsides no doubt, but it can allow us to see how one aspect of rural society, in this case the structure of landholding, developed over the centuries. The great works of the *annalistes* like Fernand Braudel and Emmanuel Le Roy Ladurie sometimes tended to see rural history as environmentally determined and homeostatic. Obvious historical change might simply be the upper crust of a larger social and demographic 'superstructure'. In his work on Languedoc, for example, Ladurie saw changes in landholding as crests on a deeper demographic wave. There might be a temptation to think of Troutbeck in a similar way over the *longue durée*. The community was forged in the population expansion of the thirteenth century, it grew considerably in the sixteenth, and its economic history was undoubtedly closely bound up with the long-run fluctuations in the profitability of pasture farming. But landholding was also conditioned by what can only be termed *political* factors. In the sixteenth century, the subdivision of holdings was limited, apparently by an order of the manor court, which in itself was partly in response to the demands of Border protection. Indeed, it was probably this restriction which ensured that the population expansion of the early-modern period did not result in the uncontrolled fragmentation of customary tenements, but rather the development of a new community of landless inhabitants, present by the reign of James I. They probably made up an industrial workforce, but they may also have often been desperately poor. The seventeenth century also saw growing differentiation amongst the customary tenantry, firstly with the amalgamation of some of the five-cattle tenements, and then, after the 1670s, when the land market was deregulated: subdivision was allowed, and a class of small customary tenants rapidly appeared. In fact, one striking conclusion to emerge from this long-run approach is that the seventeenth century saw a major turning point in Troutbeck's agrarian history. Up until then it had been home to a broadly egalitarian community of customary tenants, but in the Stuart age this was fragmented by the apparent emergence of a class of poor undertenants from the start of the century, the amalgamation of several larger holdings from about the 1630s, and an explosion in the number of small customary landholdings from the 1670s. In this context, the seventeenth century appears revolutionary.