

The Fifteenth-Century Inquisitions Post Mortem: A Companion

Review Number: 1314

Publish date: Thursday, 6 September, 2012

Editor: Michael Hicks

ISBN: 9781843837121

Date of Publication: 2012

Price: £50.00

Pages: 272pp.

Publisher: Boydell and Brewer

Place of Publication: Woodbridge

Reviewer: Steven Gunn

Historians have great cause to be grateful to the precocious bureaucrats of medieval England, whose records they have exploited to shed light on so many aspects of the past. They should be equally thankful for the generations of scholars who have produced printed calendars of such records since the foundation of the Record Commission in 1800. Calendars of different series have proceeded at different speeds, and the Inquisitions Post Mortem, recording the lands held at their death by the tenants-in-chief of the crown, have been among the most useful but the least smooth in sequence of publication. Early Record Commission volumes dealt with inquisitions from Henry III to Richard III, but were more a catalogue of landholders and places than a true calendar; documents from 1236 to 1422 were then calendared in detail by the Public Record Office, as were those for 1485–1509, leaving a large gap. The series was revived after 1999 by a project funded by the Arts and Humanities Research Council which calendared the inquisitions for 1422–47 before its funding lapsed. The later Lancastrian and Yorkist years remain as yet uncovered, though plans are clearly afoot for further funding bids to fill the gap.

The volume under review draws together studies by many of those involved in the compilation of the recent calendars and other scholars to reflect on the inquisitions and how they can best be used. Michael Hicks begins by explaining the purpose of inquisitions, the process of their creation and their relationship to the system of land tenure, livery and wardship. He then examines the ways in which different generations of historians have deployed them. At first they served mainly to chart the descent of landowning families and the ownership of properties, forming a mainstay of the manorial histories in the *Victoria County History*. Then they were taken up by those studying the political articulation of local society in the wake of K. B. McFarlane and finally by historians of the economy and the non-landed classes.

In his second contribution, the editor shows how inquisition evidence can be used to tackle a set of questions about landholding amongst the nobility and gentry. The use of jointure and dower, he demonstrates, was less formulaic than is often suggested, more open to negotiation that suited the interests of widow and heir alike. A widow's right to one-third of each element of an inheritance, potentially awkward to exercise, might be traded for a straightforward annuity or a cosily compact package of estates. Widowers' rights by courtesy of England might equally be bargained away for cash. Similar strategic issues are tackled by Kate Parkin in examining the treatment of idiots. Families engaged with the administrative process to conceal the deaths of those whose heirs might be adjudged mentally incapable of managing their estates, to launch bids for the

lands of relatives who might be so adjudged, or to divert such lands into the hands of feoffees to avoid confiscation. Yet their aim was often delay rather than outright escape, for inquisitions needed to be held periodically to register the family's succession to the land. An inquisition that declared the tenure of an incompetent heir, but did so years late, might mean a back payment of rent at manageably low official rates rather than the grant of a wardship to a dangerously rapacious courtier; any modern tax lawyer, one feels, might give advice in the same spirit.

Two chapters review the use of inquisitions to tackle wide issues in social history. Christine Carpenter shows how those studying the gentry can now use the long series of calendared returns not just to reconstruct the careers, connections and landed estates of individuals, but also to explore changing patterns of land-holding, property settlement and estate management. She concentrates above all on the returns for 1422–7, but can still show how such matters varied across the spectrum of gentle society. Knights tended to hold not only more and more widespread manors than the lesser gentry, but also larger manors with proportionately bigger demesnes, more villeins and more powerful manorial courts. Lesser gentry, she reminds us, often held not directly from the crown but from other lords, yet their estates nonetheless appear in the inquisitions, albeit more erratically, because they were returned if their lord's lands happened to be in the king's hands through wardship or confiscation. Her conclusions on estate management and property settlements are more tentative, though she finds interesting evidence on the exploitation of woodland and some suggestive examples of entails and enfeoffments to use. Christopher Dyer, while admitting that the 15th-century inquisitions are of less obvious use to the economic and social historian than those returned before the Black Death, with their much fuller descriptions of the resources of the manorial economy, shows what can nevertheless be deduced from them and is all the more valuable at a period when manorial and tax documents are less eloquent than in preceding decades. They document the spread of demesne leasing and increase of pastoral farming, while showing regional variations due to such factors as Scottish raids or the peculiarities of forest economies. They can contribute to the story of village desertion. They shed light on buildings, from peasant tenements through manor houses to castles. Perhaps most surprisingly, they convey a range of information about towns, their size, market facilities and administrative functions, and about the fortunes and investments of individual merchants.

Two chapters by contributors closely involved in research for the recent calendars shed light on the processes that generated the inquisition returns. Claire Noble examines the wide range of writs associated with the taking of inquisitions, from the standard *diem clausit extremum*, issued to signal the death of a tenant-in-chief and initiate the enquiry process, to the exotic *quia habitum religionis assumpsit*, for use when an heiress turned out to have become a nun. She provides evidence that the machinery was generally set in motion by heirs, keen to get on with proving their title and securing their inheritance. Bureaucracy moved reasonably fast in the issue of initial writs and the return of inquisitions once taken, but the gap between the issue of the first writ and the holding of an inquisition could be much more elastic. Some of the explanation for this, in the challenges of assembling juries and the inconvenience of serving on them, can be found in Matthew Holford's impressive analysis of the jurors who attested to the findings of each inquisition. The inclusion of their names is one of the innovations of the most recent series of calendars and is a boon to those interested in popular politics and the engagement with government of those below the level of the gentry. Jurors, he shows, were genuinely local men who might have been expected to know something about the lands under investigation; sometimes they clearly were provided with pre-packaged information, but at other times they could be feistily independent-minded in their verdicts. A few gentlemen and esquires served, but the majority were drawn from 'the more prosperous middling ranks of rural and urban society' (p. 214). They were the sort of men who served as officers at the level of manor, parish and hundred. He draws parallels with the work of Beat Kümin and Katherine French on their role in parochial life and that of Edward Powell and R. B. Goheen on criminal trial juries, but not with that of Marjorie McIntosh and Shannon McSheffrey on moral regulation and social control, in which they again played a large part. (1) Some were clearly notable characters – John Lyford, soldier, alias 'John with the Iren honde' sticks out – but most served in inquisition juries only once or twice, so while the individual burden was not great, the collective familiarity of the middling sort with the business of royal government was not to be under-

estimated.

Three contributions compare the evidence supplied by the inquisitions with that available from other sources. Margaret Yates shows that the feet of fines for Berkshire, while more numerous than the inquisitions and describing a wider range of types of estate, show the same trend of a rise in pastoral farming at the expense of arable between the early 14th and early 15th century. The finer discrimination available from the fines also suggests distinctions among the four different agricultural zones of the county in their reactions to changing circumstances. Matthew Holford sets the gross valuations and detailed extents of estates alongside estate records to show that while they erred on the side of caution, they did not under-value estates so much as to be fraudulent or useless. L. R. Poos, J. Oeppen and R. M. Smith revisit Josiah Russell's pioneering attempts to use the inquisitions' data on the age of heirs at succession and the dates of death of tenants-in-chief to examine the demography of the landed classes. Adding in evidence from outside the inquisitions to show when heirs survived longer than would otherwise be known and deploying modern techniques for dealing with incomplete demographic data, they conclude that Russell under-estimated the life expectancy of landholders by some 25 per cent. This gives rates for most of the later Middle Ages similar to those found for monks by John Hatcher, Barbara Harvey and others and also similar to those found among early modern populations once parish registers commenced. What it leaves open is the question why life expectancy went markedly down from around 1460 for tenants-in-chief and monks alike. Re-working Russell's figures on the seasonality of death also yields interesting results, showing that only the dire epidemic years of 1348–9, 1361, 1369 and 1375 were marked by the classic plague pattern of a July–October peak, while other parts of the period were closer to the pre-plague and early modern norm.

Finally, two chapters reflect on the history of the calendaring project and its strategic choices. Sean Cunningham shows how the great age of calendaring flourished under Sir Henry Maxwell Lyte, deputy keeper of the public records from 1886 to 1926, only for production to slow from the 1930s to the 1980s as the Public Record Office's efforts turned to sorting and cataloguing records instead. He uses the comments of successive generations of reviewers of the published calendars, from Round and Pollard, through Ross, Hurstfield, Hilton and Miller, to Harriss and Given-Wilson, to show what the strengths and weaknesses of editorial policies were thought to be as the requirements and interests of historians changed. Oliver Padel questions one such policy followed since the 1970s, that of giving place-names in what, in the editors' best guess, is thought to be their modern form, rather than in the original form as found in the document. (All the variant original spellings are gathered in the index under the modern name, but without indication of which document contains which version). Not only does it enshrine misidentifications, of which he cites some Cornish examples, but it forces those interested in the development of place-names back to the original documents, thus making the calendar little more than an index to the originals.

As a whole the volume illustrates very successfully the wide-ranging historical value of the inquisitions and the benefits of their availability in calendared form. Several contributors call for the gap between 1447 and 1485 to be closed by a new wave of calendars and it is to be hoped this will prove possible. The lacuna is particularly unfortunate, since it makes it hard to set in context the early Tudor politicisation of the inquisition process, as the sinews of the land-holding system were strained to increase royal income and political control. Matthew Holford shows in one of his chapters that the number of detailed extents accompanying inquisitions increased sharply in the later years of Henry V, apparently as the crown pressed for income to fund the French war and hoped to find it in fines for unlicensed alienations. Much more was afoot in the later years of Henry VII. Lawyers in the crown's service were vigorously pushing forward the king's rights over his tenants-in-chef. The king's councillors were actively managing the taking of inquisitions and, one suspects, massaging the results. Councillors oversaw the return of inquisitions to Exchequer and Chancery whose verdicts had sometimes been found by juries consisting of their own retainers; the findings of a number of such inquisitions were traversed by those wronged by them and after 1509 the duke of Buckingham, for one, complained of an inquisition from 'the time of King Henry VII, when no one could have justice'.⁽²⁾ The story of the 15th-century inquisitions post mortem has a dramatic ending, and only further calendaring and study of the sort celebrated and exemplified by the contributors to

this volume will enable that story to be properly told.

Notes

1. Marjorie McIntosh, *Controlling Misbehavior in England, 1370–1600* (Cambridge, 1998); Shannon McSheffrey, 'Jurors, respectable masculinity, and Christian morality: a comment on Marjorie McIntosh's *Controlling Misbehavior*', *Journal of British Studies*, 37 (1998), 269–78.[Back to \(1\)](#)
2. Margaret McGlynn, *The Royal Prerogative and the Learning of the Inns of Court* (Cambridge, 2003); Steven Gunn, "'New men" and "new monarchy" in England, 1485-1524', in *Powerbrokers in the Late Middle Ages*, ed. Robert Stein (Turnhout, 2001), pp. 156, 162; G. R. Elton, 'Henry VII: a restatement', in his *Studies in Tudor and Stuart Politics and Government* (4 vols, Cambridge, 1974–92), i, pp. 73–6; *Reports of Cases by John Caryll*, ed. J. H. Baker (2 vols, London, 1999–2000), ii, p. 652.[Back to \(2\)](#)

The author is happy to accept this review and does not wish to comment further.

Source URL: <https://reviews.history.ac.uk/review/1314>

Links

[1] <https://reviews.history.ac.uk/item/31487>