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# An Archaeology of Natural Places: Trees in the Early Modern Landscape

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Nicola Whyte

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**ABSTRACT** Nicola Whyte explores sixteenth- and seventeenth-century perceptions of trees as part of a rich and varied assemblage of natural and archaeological features, identified by contemporaries as surviving from the ancient past, that carried meaning in the present and for future generations. Trees were part of an intricate network of meaningful and symbolic places, including other natural and archaeological features, such as stones, earthworks, and boundary marks, which gave tangible context and substance to the organization and control of spatial jurisdictions and customary rights that characterized the early modern landscape. The importance of material relics of the past such as trees was recognized by elite and plebian people alike. **KEYWORDS:** customary rights in trees; resource-use disputes in early modern England; social ties between tenants and landlords; landscape as relic of the past; manorial jurisdictions; equity proceedings in the Court of Exchequer

❧ **THIS ESSAY FOCUSES** on early modern attitudes toward trees as tangible, often deeply emotive evidence of the past in the landscape.<sup>1</sup> Arboreal studies have usually focused on the management of wood for fuel, timber, and fodder or used the treatment of trees as a gauge of shifting attitudes toward the aesthetic appreciation and preservation of the natural world more generally.<sup>2</sup> But a wealth of evidence shows that trees carried a range of meanings beyond the straightforwardly practical and economic. Scholars have noted, for example, that trees, especially oaks, were valued in the eighteenth century as emblems of landownership, patriotism, and the future stability of the

1. My main title is borrowed from the title of Richard Bradley's monograph *An Archaeology of Natural Places* (London, 2002).

2. Oliver Rackham, *Trees and Woodland in the British Landscape*, rev. ed. (London, 2001); Keith Thomas, *Man and the Natural World: Changing Attitudes in England, 1500–1800* (London, 1984); Richard Hayman, *Trees: Woodlands and Western Civilization* (London, 2003); Richard Muir, "Pollards in Nidderdale: A Landscape History," *Rural History* 11 (2000): 95–111; and Gerry Barnes and Tom Williamson, *Ancient Trees in the Landscape: Norfolk's Arboreal Heritage* (Oxford, 2011).

nation.<sup>3</sup> In his investigation of popular attitudes toward trees, Carl Griffin has recently explored the incidence of tree maiming, arson, and destruction in acts of political protest, revealing class tensions in the eighteenth and nineteenth centuries.<sup>4</sup> Yet, in the majority of studies, we learn primarily about the ideational landscapes of elite writers and much less about the social and symbolic meanings and uses of trees in everyday vernacular contexts. In the following discussion, I explore sixteenth- and seventeenth-century perceptions of trees as part of a rich and varied assemblage of natural and archaeological features, identified by contemporaries as surviving from the ancient past, that carried meaning in the present and for future generations.



During a protracted dispute concerning the layout of jurisdictional boundaries and customary rights in Cawston (Norfolk) at the turn of the seventeenth century, the Exchequer court heard about the destruction of an old elm tree.<sup>5</sup> The tree had been ordered cut down by Thomas Hirne (defendant), for it narrowed the footpath along which it stood. Presumably in an attempt to appease his neighbors, Hirne ordered the elm replaced with a new boundary dole or “doole” stone. Approval of this change was not forthcoming within the wider community, however. Asked to give evidence before the court commissioners, deponents lamented the loss of the “ould decaied elme,” for it marked the bounds between Haveringland and Cawston and was part of their ritual and social landscape. Local inhabitants related how, over the previous twenty years or so during Rogation week, the inhabitants and ministers of Cawston walked to the elm and back again along the footway dividing the defendant’s close from the arable open fields of Cawston. This route, they claimed, had been established when the defendant blocked the previous, ancient perambulation way by enclosing the grounds environing his house and residence. Evidently this earlier enclosure had obstructed the parishioners’ customary right-of-way. John Sewell recalled how some twenty-five years previously he had heard “ould Loame” and “ould Bulman” say “that the purrell [that is, perambulation] waie devyding Cawston & Heverland did lye through the orchard of the defendt and so by the backhouse and next to his howse in Heverland and to the Elme.” Sewell went on to describe how a wall, recently constructed by the defendant “so near to the elm tree,” prevented the parishioners from walking along their ancient right-of-way and from seeing into the orchard. In the village of Cawston, memory of

3. Stephen Daniels, “The Political Iconography of Woodland in Later Georgian England,” in *The Iconography of Landscape*, ed. Denis Cosgrove and Stephen Daniels (Cambridge, 1988), 41–82; and Sandrine Petit and Charles Watkins, “Pollarding Trees: Changing Attitudes to a Traditional Land Management Practice in Britain 1600–1900,” *Rural History* 14 (2003): 157–76.

4. Carl Griffin, “Cut down by some cowardly miscreants’: Plant Maiming, or the Malicious Cutting of Flora, as an Act of Protest in Eighteenth- and Nineteenth-Century Rural England,” *Rural History* 19 (2008): 29–54; and Griffin, “Protest Practice and (Tree) Cultures of Conflict: Understanding the Spaces of ‘Tree Maiming’ in Eighteenth- and Early Nineteenth-Century England,” *Transactions of the Institute of British Geographers* 33 (2008): 91–108.

5. The National Archives (TNA), E 134/43and44Eliz/Mich7.

the place where the elm once stood served to consolidate and coordinate local sentiment over the restructuring of the customary landscape and loss of traditional rights of passage.

The fate of the elm encapsulates well the concerns of this essay. Richard Bradley argues that, while natural places cannot be termed monuments, because they have not been constructed by human labor, they nevertheless can hold comparable importance in peoples' minds.<sup>6</sup> Bradley is primarily concerned with attitudes toward the past in prehistory, yet his argument can be usefully applied to much later, historic periods. Memory practices were expressed in material form in the early modern period. As the case from Cawston illustrates, trees provided visible evidence of antiquity in the landscape, and the replacement of the old elm with a new boundary mark was clearly a matter of contention for many local residents. Moments of destruction provoked impassioned responses from people whose own life histories were told in relation to their understanding of and familiarity with the relics of the past in the landscape.

Such evidence sheds light on contemporary experiences of landscape change and, for our purposes, attitudes toward trees as invested with meanings beyond their practical uses as sources of fuel and timber. As revealed, for example, in the Exchequer court records—produced during litigation proceedings concerning access rights, customs, and boundaries—trees were part of an intricate network of meaningful places. These included natural and archaeological features such as stones, earthworks, and meres (boundary marks), which gave tangible context and substance to the organization and control of spatial jurisdictions and customary rights that characterized the early modern landscape.<sup>7</sup>

Recent theoretical approaches developed in landscape archaeology are particularly useful in exploring landscape and memory in the early modern period. A substantial body of work has explored the meanings of the “past in the past” and the significance of archaeological and natural features in imprinting social memory.<sup>8</sup> This approach is less concerned with the origins of features than with their interpretation, re-interpretation, and appropriation in different temporal and spatial contexts. In particular, the application of phenomenological theory has shown people experienced and gave meaning to material objects, monuments, and entire landscapes, which helped create a sense of identity and attachment to place.<sup>9</sup> According to this theory, two processes are regarded as instrumental: first, practices that are performed, embodied,

6. Bradley, *An Archaeology of Natural Places*, 34–35.

7. See also Nicola Whyte, “The Afterlife of Barrows: Prehistoric Monuments in the Norfolk Landscape,” *Landscape History* 25 (2003): 5–16; and Whyte, “Landscape, Memory and Custom: Parish Identities c.1550–1700,” *Social History* 32 (2007): 166–86.

8. Richard Bradley, *The Past in Prehistoric Societies* (London, 2002); “The Past in the Past: The Re-Use of Ancient Monuments,” ed. Richard Bradley and Howard Williams, special issue of *World Archaeology* 30 (1998); and *Archaeologies of Memory*, ed. Ruth Van Dyke and Susan Alcock (Oxford, 2003).

9. See also John Barrett, “Chronologies of Landscape,” in *The Archaeology and Anthropology of Landscape*, ed. Peter J. Ucko and Robert Layton (London, 1999); and Christopher Tilley, *A Phenomenology of Landscape: Places, Paths and Monuments* (Oxford, 1994).

repeated through collective rituals and ceremonies, and embedded in everyday contexts; second, monuments that are created to inscribe memory on the landscape and are interpreted and re-appropriated over time.<sup>10</sup> Current scholarship examines the relationship between memory and material culture by considering the ways in which material things come into being and how they affect social actions. In Andrew Jones's words, "things not only serve as prompts for the reiteration of past activities, they also act as nodes that encapsulate and coordinate activity."<sup>11</sup> In the case of Cawston, of course, it was the disappearance of a thing—the elm tree—that prompted people to come together to remember and construct a narrative of past encounters and events.

A consideration of everyday uses of the past in the landscape prompts investigation of how contemporary interpretations related to the life course of individuals and of the neighborhoods in which they lived. Unlike a focus on each stage of the life cycle in isolation, the life course approach, in Roberta Gilchrist's words, "promises a more embodied and experiential perspective . . . one that interacts with archaeologies of time and memory."<sup>12</sup> The deposition evidence from the central equity courts reveals the ways in which personal experiences and memories became entwined with, indeed were inseparable from, the physical landscape. Longevity and temporality in the material world were positioned in relation to the life span of human beings.<sup>13</sup> It is with these issues in mind that trees provide an interesting case study. Trees were a durable presence in the landscape, but they were not permanent and could be lost due to natural processes or human actions. Furthermore, while trees might die naturally, their ongoing preservation was to a large extent the result of human decision making, and their destruction the cause of tension and conflict within local societies. Trees, in conjunction with a number of other apparently mundane and ordinary features, structured the spatial order of everyday landscapes by providing tangible reference points, places to meet, and landmarks to denote jurisdictional boundaries and spaces.

Recent research on attitudes toward the past and memory practices in the early modern period has tended to focus on either the shift from a predominantly oral culture to one based on the written word, or the concurrent processes of enclosure and evolution of notions of private property, which severed people and memory from the land.<sup>14</sup> Writers have noted how the language of improvement became more flexible at the turn of the seventeenth century to accommodate a new rural order based on an increasing appreciation of notions of property and the idea of betterment.<sup>15</sup> While the

10. Paul Connerton, *How Societies Remember* (Cambridge, 1989); and Bradley, *The Past in Pre-historic Societies*, 12–13.

11. Andrew Jones, *Memory and Material Culture* (Cambridge, 2007), 90.

12. Roberta Gilchrist, "Archaeology and the Life-Course: A Time and Age for Gender," in *A Companion to Social Archaeology*, ed. Lynn Meskell and Robert W. Preucel (Oxford, 2004), 142–60.

13. See also Jones, *Memory and Material Culture*, 51.

14. David Rollison, *The Local Origins of Modern Society: Gloucestershire, 1500–1800* (London, 1992), 71; and Adam Fox, *Oral and Literate Culture in England, 1500–1700* (Oxford, 2000), chap. 5.

15. Andrew McRae, *God Speed the Plough: The Representation of Agrarian England, 1500–1660* (Cambridge, 1996), 148–49; and Paul Warde, "The Idea of Improvement, 1500–1700," in *Custom, Improvement and the Landscape in Early Modern Britain*, ed. Richard W. Hoyle (Farnham, U.K., 2011), 127–48.

social meanings of improvement have been highlighted, particularly in establishing and maintaining neighborly relations through a system of shared values predicated on thrift, mutual obligation, and paternalism, for many historians the interest in seventeenth-century improvement lies in its denotation of agricultural progress and of new ways of quantifying resources for economic profit.<sup>16</sup> Disseminated through prescriptive literature and husbandry manuals, discourses of improvement inspired new ways of conceiving and visualizing the physical environment.<sup>17</sup> Resources were increasingly viewed from an objective vantage point, a shift in ways of seeing the land that is exemplified in the growth of cartography and surveys of arboreal spaces carried out in the seventeenth century.<sup>18</sup> Customary methods were gradually replaced by new scientific understandings of trees and improved programs of planting and management. Oral culture and systems of knowledge based on memory, custom, and precedent were eroded by educated farmers who sought to enclose and improve their lands by consulting printed literature, written records, and cartographic images rather than local acumen. Written texts became external stores of information, separating people from the land and creating new ways of seeing the landscape.<sup>19</sup> A corollary of this view is that agricultural (and early industrial) landscapes were stripped of symbolic meaning and rendered a commodified backdrop to social action.<sup>20</sup> Yet in many villages, including Cawston, enclosure was a protracted, cumulative process, involving not so much wholesale displacement as the ongoing re-formation of social practices and memory.

The remainder of this discussion falls into three parts. The first considers the practical everyday social functions of wood as part of a customary system invested in ideals of mutuality and obligation between neighbors. The second examines more closely the identification of ancient trees as anchors of meaning in the landscape, before moving on to analyze contemporary narratives of trees, which were told in relation to personal and familial experiences of landscape and place. The final section further examines local reactions to the loss and destruction of landmark trees. Of key interest throughout is the notion that, whether material relics were preserved or destroyed, their importance was recognized by elite and plebian people alike. The empirical material drawn on in this study is mainly from wood-pasture and forest villages, where trees were plentiful, commonplace features of the landscape.

16. For neighborly connotations, see Christopher Rogers, Eleanor Straughton, Angus Winchester, and Margherita Pieraccini, *Contested Common Land: Environmental Governance Past and Present* (London, 2011), 34–37; for an alternative interpretation of landscape history, see Tom Williamson, *The Transformation of Rural England* (Exeter, U.K., 2002); and Michael Aston and Joe Bettey, “The Post-Medieval Rural Landscape, c.1540–1700: The Drive for Profit and the Desire for Status,” in *The Archaeology of Landscape*, ed. Paul Everson and Tom Williamson (Manchester, 1998).

17. Warde, “The Idea of Improvement.”

18. McRae, *God Speed the Plough*, 171, 189–94; and J. B. Harley, “Maps, Knowledge and Power,” in *The Iconography of Landscape*, ed. Cosgrove and Daniels, 277–312.

19. *The Iconography of Landscape*, ed. Cosgrove and Daniels.

20. Tilley, *A Phenomenology of Landscape*. For a critique of Tilley’s dichotomization of pre-capitalist and capitalist landscapes, see Lisa Kealhofer, “Creating Social Identity in the Landscape: Tidewater, Virginia, 1600–1750,” in *Archaeologies of Landscape: Contemporary Perspectives*, ed. Wendy Ashmore and A. Bernard Knapp (Oxford, 1999), 58–82.

## Landscapes of Custom and Memory

In this essay, an understanding of contemporary notions of customary rights and jurisdictional space provides a valuable framework for exploring how trees were perceived in our period. It is widely attested among early modern social historians that custom was based on precedent, oral memory, and knowledge practices rooted in a deep sense of ancestral time. Customary rights were also justified on account of being reasonable, according to the availability of resources and household needs, and were attached to specific spatial jurisdictions.<sup>21</sup> Crucially, customary law functioned as a flexible system of land use. The continual re-formation of customary practices reflected changing environmental conditions and socioeconomic circumstances.<sup>22</sup> As others have argued, the attempts of tenants and landlords to define and fix the terms of their rights led to the gradual erosion and dismantlement of the customary economy. Recent studies have traced the gradual breakdown of customary culture and its replacement with an ideology of improvement—which gave moral grounds for the development of individualistic notions of property and ownership of resources—and the socio-political ramifications of what amounted to a clash of cultural attitudes and interests.<sup>23</sup> Informal and pliable arrangements were gradually restricted through enclosure, and the social and physical boundaries of the customary community were redrawn along ever-stricter lines.<sup>24</sup> These processes were complex and protracted, occurring in different places at different times. In many places, customary law continued to inform the exploitation of local resources and agricultural and proto-industrial regimes well into the eighteenth century.<sup>25</sup>

Trees were obviously valued in local landscapes for the produce they yielded for everyday household uses. In 1590 during a dispute from Feckenham Forest, seventy-eight-year-old yeoman John Samell told the court how he had known the inhabitants to take wood for their brewing and baking.<sup>26</sup> Trees were also vital sources of fodder.

21. E. P. Thompson, *Customs in Common* (London, 1991); Andy Wood, “The Place of Custom in Plebeian Political Culture: England, 1550–1800,” *Social History* 22 (1997): 46–60; Wood, *The Politics of Social Conflict: The Peak Country, 1520–1770* (Cambridge, 1999), 127–95; Adam Fox, *Oral and Literate Culture in England*, chap. 3; and Rogers et al., *Contested Common Land*, 19–47.

22. Thompson, *Customs in Common*; Wood, *The Politics of Social Conflict*, 127–63; and Richard W. Hoyle, “Introduction: Custom, Improvement and Anti-Improvement,” and Heather Falvey, “The Articulation, Transmission and Preservation of Custom in the Forest Community of Duffield (Derbyshire),” both in *Custom, Improvement and the Landscape in Early Modern Britain*, ed. Hoyle, 3–12 and 65–100.

23. Warde, “The Idea of Improvement”; Sarah Tarlow, *The Archaeology of Improvement in Britain, 1750–1850* (Cambridge, 2007); and Wood, *The Politics of Social Conflict*.

24. Jeanette Neeson, *Commoners: Common Right, Enclosure and Social Change in England, 1700–1820* (Cambridge, 1993). On the re-structuring of the terms of community, see Steve Hindle, “A Sense of Place? Becoming and Belonging in the Rural Parish, 1550–1650,” in *Communities in Early Modern England: Networks, Place, Rhetoric*, ed. Phil Withington and Alexandra Shepard (Manchester, 2000), 96–114; and Hindle, “Persuasion and Protest in the Caddington Common Enclosure Dispute, 1635–39,” *Past and Present* 158 (1998): 37–78.

25. Thompson, *Customs in Common*; Neeson, *Commoners*; and Bob Bushaway, *By Rite: Custom, Ceremony and Community in England, 1700–1880* (London, 1982).

26. TNA, E 134/34and35Eliz/Mich21.

Seventy-two-year-old Robert Shenton of Chorley (Staffordshire) in 1682 described going into Cannock Wood with other men of Cannock and Rugeley to cut hollies in the wintertime for the browse of his sheep and cattle.<sup>27</sup> At the turn of the seventeenth century, Thomas Culwick of Orford (Suffolk), husbandman of sixty-eight years, told the court about the practice of keeping swine in Iverley Wood during “mast time.”<sup>28</sup> Trees also offered a versatile source of food for human consumption. The tenants of Churcham Manor (Gloucestershire) claimed the right to enter woody ground called Birdwood to take pears and crab apples.<sup>29</sup> In Cumbria the tenants of Isel Manor stated their rights to gather nuts, crab apples, and other fruits.<sup>30</sup> During a protracted dispute over deforestation in Feckenham Forest in 1638, deponents spoke of “a verye great number of fruite trees . . . w[i]thin the said forrest w[hi]ch . . . was a great nourishat [nourishment] or comfort to the poore people.”<sup>31</sup>

Formal arrangements were outlined in written customaries, or books of customs, which often specified how to manage and preserve wood and ensure its sufficiency. It was generally the case, for instance, that timber and fuel could not be sold outside of the manor, yet the language of customaries reinforced contemporary notions of mutuality and neighborliness.<sup>32</sup> Thus in Rudford a customary tenant was permitted to lend plow timber to another customary tenant but was not permitted to sell or give timber without license from the lord.<sup>33</sup> One survey, of Hartpury Manor (Gloucestershire), noted that it was permissible for tenants to prune auxiliary branches growing from one root, thus “leaving the best” to grow.<sup>34</sup> The customary of Hartpury Manor further documented that the tenants were entitled to take onto their customary tenements or copyholds sufficient timber for building their houses, and they were to have “sufficient houseboot hedgeboot fireboot ploughboot and cartboot from the same grounds” but “making no waste.”<sup>35</sup> Different tree species served different functions. The survey of the manor of Tuffleigh (Gloucestershire), for example, recorded that tenants “may take timber on their own land for their houses without licence and may lop and shroud trees, hollow trees and dead trees, ash, willow, sally [sallow], hazel, poplar [and] thornes.” For the maintenance of their plows, by contrast, they were entitled to take elm, oak, ash, or any such timber growing on their grounds.<sup>36</sup> Thrifty usage and

27. TNA, E 134/34Chas2/Mich10.

28. TNA, E 134/2Jas1/East4; mast time is when trees drop their fruit, in autumn.

29. Gloucestershire Archives (GA), D1740/E1.

30. Cumbria Archive Service (CAS), DLAW/1/237.

31. TNA, E 134/13Chas1/East25; see also Andrew Watkins, “The Woodland Economy of the Forest of Arden in the Later Middle Ages,” *Midland History* 18 (1993): 26–27.

32. Angus Winchester, *The Harvest of the Hills: Rural Life in Northern England and the Scottish Borders, 1400–1700* (Edinburgh, 2000); Rogers et al., *Contested Common Land*, 20, 34–37; and Keith Wrightson, “Mutualities and Obligations: Changing Social Relationships in Early Modern England,” *Raleigh Lecture in History, Proceedings of the British Academy* 139 (2005).

33. GA, D1740/E1.

34. GA, D199/1.

35. *Ibid.* The suffix “boot” denotes the right to an amount of wood needed for a specific purpose; for example, houseboot is the wood needed to build or repair a house.

36. GA, D1740/E1.



resourcefulness, taking only what was sufficient for household needs and guarding against wastefulness, framed customary principles and socioeconomic relationships.<sup>37</sup>

This complex allocation of use rights is further exemplified in the customaries and lawsuits dealing with rights pertaining to different parts of the tree. Each part served different functions and uses, including timber for building, boughs and limbs for making plows and carts, branches for making hedges and hurdles, twigs and faggots for fuel, foliage for fodder, and bark (from oak trees) for tanning.<sup>38</sup> Yet each constituent might be claimed by a different party. In the list of customs presented by the tenants of Milverton Manor (Somerset), the tenants of the customary mills were allocated timber from the lord's woods for their necessary repairs, to be delivered by the reeve, who was to have the "tops and Rindes of the trees."<sup>39</sup> On the manor of Wiveliscombe and Fitzhead, the reeve was entitled to the "top & tail with the bark" of timber appointed to tenants from the lord's wood.<sup>40</sup> Regularly cropped foliage and branches from pollards was of immense benefit to households, providing both fuel and fodder. Regarding the herbage of Kingswood churchyard, for example, seventy-year-old Mathew Brewton, broadweaver of Kingswood, recalled how three successive ministers of the parish had been entitled to take the "loppes and shreads" of the trees growing in the churchyard, a resource that he reckoned to be of great value to them.<sup>41</sup> Use rights pertaining to different parts of trees culminated in tension and conflict in some places. In Taverham (Norfolk) in the 1620s, the felling of a number of timber trees belonging to the owner of the manor, the Dean and Chapter of Norwich, caused controversy over the right to take the boughs and faggots for "firing for winter groweth near." The ensuing confrontation saw all sides laying their hands on one bough, and one Francis Taylor suggesting that they resolve the issue with a fight: "if you or any of your company will fight it ow't appointe the place and I will fight w[i]th you."<sup>42</sup>

In the seventeenth century the gathering of wood, fuel, and fodder was part of a material language of customary exchange, viewed as a means of recognizing and reinforcing social ties and reciprocity among landlords, tenants, and commoners. Neighborly relationships were measured in terms of highly charged beliefs in equity and fairness, described by Steve Hindle as a "politics of entitlement" within local societies.<sup>43</sup> In the Crown lordship of Cedewain (Aberhafesp), tenants put into practice their right to cut wood for fuel from the common of Bryn y Pentre during the winter months. They explained how at Christmastime they, "wanting fewell to burne in their said sev[er]all houses did in quiet and peaceable manner in the daie time sev[er]allie fell and cut downe each of them about foure small Oakes or stubbes a peece and caused them to be carried to the sev[er]all messuages w[i]thin the L[ord]d[shi]p as their . . .

37. McRae, *God Speed the Plough*, 148–49; Rogers et al., *Contested Common Land*.

38. Rackham, *Trees and Woodland*, 96.

39. Somerset Record Office (SRO), DD\SF/1/4/18 (1683 copy of a 1554 document).

40. SRO, DD\SAS/C2009/2 (1687).

41. TNA, E 134/15Chas2/Mich10.

42. Norwich Record Office (NRO), DCN 90/12/9.

43. Steve Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England, c. 1550–1750* (Oxford, 2004), 398–405; Rogers et al., *Contested Common Land*, 35–37.

Auncestors and those whose estates they nowe enioy have time out of mynd used and accustomed to doe." The tenants claimed precedent by drawing on the actions of their ancestors, who, "as was ther want," took wood suitable for fuel and none that might serve as timber for house and shipbuilding.<sup>44</sup> There is evidence that customary tenants safeguarded occasional rights and uses, such as gathering fuel in winter when no other options were available, in other disputes. From the manor of Hampton in Arden in 1674, Richard Birge, a sixty-five-year-old weaver, gave a detailed account of the rights of customary copyhold tenants who, "by the custome of the said manor," were permitted to fell sufficient timber on their premises for building repairs and argued that, in times of shortage, the bailiff "upon reasonable request . . . ought to marke out and allowe sufficient Tymber growing in and upon the Kings Woods and other demesne lands within the said mannor."<sup>45</sup> Similarly, in the manor of Wiveliscombe and Fitzhead, it was recorded in 1687 that, should tenants be in want of timber, they were entitled to levy a complaint in open court and, in view of their demands, the steward was to make a warrant to the reeve, who was to appoint sufficient materials out of the lord's woods.<sup>46</sup> Importantly, such claims to utilize natural resources permitted access to portions of land and locales that might be restricted at other times.

The terms of these spatial relationships drew on past practices, rituals, and performances that held cultural and social meaning, alongside more overtly pragmatic and economic concerns. Thus, in a seventeenth-century copy of the customs presented by the tenants of the manor of Milverton in 1554, it was confirmed that the reeve ought to cut down from the lord's wood each year "one little shrowd oake," which was to be employed to make the "Tolesery house" for their fair on Michaelmas day, and the oak was to be "called the Tolesery Topp."<sup>47</sup> In Nynehead (Somerset), wood from trees growing in the churchyard was put to various uses; in one year, a tree was appointed by the parson to be felled by the parishioners for the repair of timberwork in the church tower. The churchyard trees were valuable assets for the parish community, both in maintaining their place of worship and in promoting neighborly sociability. Parishioners might claim the right to gather wood from the churchyard for brewing the church ale. Robert Waysser, sixty-eight-year-old husbandman and resident of Nynehead, told the court how "in auncient tyme when there was brewinge of church ales in the said p[ar]ishe the churchwardens for the tyme beinge did use to lopp and topp the trees in the said churchyard for the necessarie use for faggotts and wood for their brewinge and other occasions . . . w[i]thout leave or licence of the said vicar or parson."<sup>48</sup>

The allocation of customary rights to local resources allowed tenants to cross real and conceptual boundaries, each differently weighted in terms of value and significance. For the tenants of the manors of Hampton, Wiveliscombe, and Fitzhead, for example, traversing the boundary into the lord's wood had symbolic significance,

44. TNA, STAC 8/22/15.

45. TNA, E 134/26Chas2/Mich32.

46. SRO, DD\SAS/C2009/2.

47. SRO, DD\SF/1/4/18.

48. TNA, E 134/6Jasi1/Mich17.

confirming the obligations of the landowner. Movement was defined by seasonal as well as spatial restrictions. In Frome Selwood Forest, the tenants of Berrow Lane, for example, were granted access to the forest to wash and dry their sheep at shearing time but were not permitted to keep their sheep there at any other time.<sup>49</sup> Tenants and commoners were permitted access to woodland spaces, or commons and wood pastures, at particular times in the year, often during calendar festivals.<sup>50</sup> In a case concerning access rights to Braydon Forest in 1631, deponents related the produce gathered from the forest to the broader social and cultural fabric of local life. Ordinarily excluded from the right to enter the forest to hunt deer, residents from surrounding townships remembered how, on the Thursday before Shrove Sunday every year, the tenants and farmers of lands lying in the borough of Crickland and parish of St. Sampson and Little and Great Chelworth would enter the woods and chase, kill, and carry away deer from certain designated areas within the forest, and, after giving some venison to the keepers of the forest, the remainder they enjoined “at a Merry meeting of the neighbo[rs],” with the funds raised being put to the use and benefit of the parish church of St. Sampson.<sup>51</sup> The evidence suggests an attempt to draw on values and beliefs that promoted social cohesion and paternalism within a framework of potentially conflictual relationships both between lord and tenants, and between inhabitants of neighboring townships. Importantly, these relationships were materially and spatially expressed through the use and meanings derived from the landscape.

Unsurprisingly, in regions characterized by extensive tracts of woodland, wood pasture, and forests, manorial spaces were often defined by boundary trees whose presence framed local perceptions of the landscape. In 1631, the boundary separating Headington Manor from Shotover Forest (Oxfordshire) was described by John Bains of Cowley, a fifty-eight-year-old laborer, as extending no further than the “drapping of the trees.”<sup>52</sup> Similarly evocative descriptions of the functions of trees in demarcating spatial jurisdictions feature in a long-running dispute over access rights to Braydon Forest. In 1631 Charles Taylor, a seventy-two-year-old blacksmith, described the right of the commoners to feed their livestock “unto the eaves of the woods,” which he knew “ever since he was of remembrance w[hi]ch is about three score years att the least.”<sup>53</sup> Elsewhere, in the case from Cawston, deponents identified a number of ancient oaks growing on the bank of Jerbridge Wood or Park. Seventy-three-year-old John Fuller, who had known the grounds for sixty years, reported that “uppon the dyke of the northe side of the said Jerbridge ther wer auncient okes growing.”<sup>54</sup> The visible antiquity of such trees verified contemporary claims for the long existence, if not permanence, of jurisdictional spaces and the rights pertaining to the resources contained within their boundaries.

49. TNA, E 134/8Chas1/Mich21.

50. Ronald Hutton, *The Stations of the Sun* (Oxford, 1996); Nicola Whyte, *Inhabiting the Landscape: Place, Custom and Memory* (Oxford, 2009), 132–35.

51. TNA, E 134/6Chas1/Trin5.

52. TNA, E 134/7Chas1/Mich31.

53. TNA, E 134/6Chas1/Trin5.

54. TNA, E 134/23and24Eliz/Mich14.

### ☞ Encountering the Past

Recent research has shown how familial and neighborhood memories were threaded together to produce a deep sense of ancient time and belief in the continuity and longevity of customary practices.<sup>55</sup> Much less attention has been paid to the material contexts of oral memory in this period. The majority of discussions have focused on the shift from oral to literate culture, charting the development of the historical imagination based on linear conceptions of time.<sup>56</sup> While a number of studies have also explored the relationship between natural and topographical features and folklore narratives, care must be taken not to imply that local landscapes were merely read as backdrops and thus as external stores of information and knowledge.<sup>57</sup> These studies, furthermore, tend to assume a distinction between symbolic or mythical landscapes, on the one hand, and economic landscapes, on the other. Yet, people created histories of the landscape around them that were bound up with social and cultural beliefs and ideals that were interwoven with economic priorities and concerns. Trees, such as those growing in the churchyard of the parish of Nynhead or in the lord's wood in Milverton, came to hold particular social meanings, symbolizing neighborly obligations and reciprocity, as well as more pragmatic meanings as sources of fuel. More landscape-oriented studies have considerable potential in bringing together these aspects of everyday life—usually kept separate in historical research—and revealing contemporary peoples' experiences and perceptions of the world around them.

In all the examples given thus far, the value of trees was determined and mediated in terms of their location within particular spatial jurisdictions. However, the longevity of trees was the outcome of a number of interlinked processes and long-term patterns of human decision making. In Andrew Jones's words, "things are perceived as durable or ephemeral relative only to the uses to which they are put and the practices they are enrolled in."<sup>58</sup> While some veteran elm trees, such as the one cut down at Cawston, were revered, in other contexts they were considered in less fervent terms. As stated in the customary of the manor of Milverton, elms are "but weeds, and it is lawfull for the tenants to fell them and bestow them at their owne pleasure by the custome."<sup>59</sup> A firm distinction was made between trees allocated as timber, which would be relatively short-lived, and routinely cropped trees—lopped and topped for fuel and fodder—a management technique that prolonged their life span.<sup>60</sup> The physical distinctiveness of such pollards was a material manifestation of social practices on the ground. It has been noted that in the eighteenth century, old pollards were reviled by

55. Wood, "The Place of Custom"; Fox, *Oral and Literate Culture*.

56. Keith Thomas, *The Perception of the Past in Early Modern England*, Creighton Trust Lecture 1983 (London, 1984); Daniel Woolf, "The 'common voice': History, Folklore and Oral Tradition in Early Modern England," *Past and Present* 120 (1988): 26–52; Fox, *Oral and Literate Culture*, 242–58, 289.

57. Jacqueline Simpson, "God's Visible Judgements: The Christian Dimension of Landscape Legends," *Landscape History* 8 (1986): 53–56; and Simpson, "The Local Legend: A Product of Popular Culture," *Rural History* 2 (1991): 25–35.

58. Jones, *Memory and Material Culture*, 51.

59. SRO, DD\SF/1/4/18.

60. Barnes and Williamson, *Ancient Trees*, 65.

landowners, who, in seeking to eradicate the vestiges of past customary practices, felled them in large numbers.<sup>61</sup> As we shall see, old landmark trees were also the focus of tension, conflict, and destruction in the re-formation of the customary landscape in the late sixteenth and seventeenth centuries.

Valuing veteran trees for their stability and permanence in the landscape was certainly not new to the early modern period, and it is worth pointing out the ongoing patterns of trees' use and re-use as landmarks through time. Ancient trees have long been recognized for their functions as significant landmarks. Anglo-Saxon charters, for example, reveal the functions of trees as boundary marks and hundred meeting places.<sup>62</sup> Trees continued to provide meeting places in the early modern period. The Reformation Oak, chosen by Robert Kett as the meeting place on Mousehold Heath, was recorded on a late sixteenth-century map of Norwich commissioned by the Crown.<sup>63</sup> Courts continued to meet in open-air spaces well into the early modern period. In 1604, Henry Moseley, a sixty-six-year-old gentleman, who all his life had dwelled within a mile and a half of Kinfare Forest (Staffordshire), remembered the swanimote court being held under a yew tree in Iverley Wood.<sup>64</sup> Elsewhere, in 1630, Thomas Sadler, a fifty-year-old yeoman from Purton, recalled his term as elected officer of Rockingham Forest, when, by virtue of a commission from the Earl of Nottingham, it was decided that the ministers and officers of the forest should appoint a certain day "to meet att a place called Charnam Oake beinge a bound & m[ar]ke of the said forest & to goe the p[er]ambulacon of the saide forrest & likewise to call unto them all the anncient men of that tyme near there unto resydinge the better to enforme them selves of the true metes & bounds of the said forrest."<sup>65</sup>

Trees provided enduring and distinctive features and served to anchor oral memory and practice in the landscape. Evergreen trees were conspicuous features in deciduous woods, and yews, such as that growing in Iverley Wood, were particularly long-lived.<sup>66</sup> The bounds of Kingswood Forest, for example, were marked by "Broade Arrowe Head Oake."<sup>67</sup> In a survey of the manor of Hartpur, "an old pear tree" was described as parting the two parishes of Maisemore and Hartpur.<sup>68</sup> Besthorpe Oak marked the boundary of Shropham Half Hundred in Norfolk, and The Hundred Oak was still recorded on the edge of Wayland Wood, the possible meeting place of Wayland Hundred, as late as the eighteenth century. Names often suggest patterns of landownership, such as Priors Oak in Frome Selwood Forest (Somerset), or Parsonage

61. Susanna Wade Martins and Tom Williamson, *Roots of Change: Farming and the Landscape in East Anglia, c.1700–1870*, Agricultural History Review Supplement Series 2 (Exeter, U.K., 1999), 61–69; Barnes and Williamson, *Ancient Trees*, 26.

62. Della Hooke, *The Landscape of Anglo-Saxon England* (Leicester, 1998), 21–23. The term hundred refers to a subdivision of a county or shire that had its own judicial court.

63. TNA, MR 1/52.

64. TNA, E 134/2Jas1/East4.

65. TNA, E 134/6Chas1/Trin8.

66. Rackham, *Trees and Woodland*, 14.

67. TNA, E 134/15Chas2/Mich10.

68. GA, D199/1.

Thorn in Starston (Norfolk).<sup>69</sup> Other names seem rather more idiosyncratic, such as Maggots Oak<sup>70</sup> and Beggars Tree.<sup>71</sup> Individual trees were singled out as ancient landmarks, a process of identification that rested on not just their physical appearance but also their particular socio-spatial contexts, and were confirmed through the recurring activities that took place there. The examples referred to here are just a few of the many named trees recovered from documentary sources, but they nonetheless indicate the long-term accumulation of layers of meanings in the early modern landscape.

The landscape, however, was not simply a repository of memory; memories were made and remade through embodied experiences, daily movements through the landscape, and through the habitual observance of material markers. As landscape archaeologist Emma Blake writes, “memory and tradition alone do not preserve an object’s identity, it is the ongoing incorporation of that object into routinized practices that generates meaning.”<sup>72</sup> In the evidence outlined here, knowledge and understanding of customary rights were given tangible form in the landscape. Aspects of the life course of the individual, household, and community were told in relation to the visible relics of the past on the land, which in turn endorsed the legitimacy of practices claimed to have existed since time immemorial. Engagement with the physical landscape, during social occasions such as beating the bounds during Rogation week, or when identifying and marking trees to be cut down for local festivals, for example, provided an opportunity to retell through participation in the activity and thus to embellish the past.

In contrast to later periods, when veteran trees were revered for their individual qualities and grandeur, in the sixteenth and seventeenth centuries trees were not interpreted in isolation. For contemporaries, the lived-in landscape was defined by a network of landmark features, situated and interpreted in relation to one another. For the tenants of Cawston Manor in Norfolk, a thorn tree, depicted on a sketch map drawn up to accompany a case, provided a symbol of contention against the encroachment of the manor on their common. Robert Sendall stated that “he hath knowen the Quenes flocke to feed uppon the saide Cawston comon southwards unto a white thorne growing by Norwiche highe waye & so downe to Drinkelmere.”<sup>73</sup> Boundaries were recalled as a sequence of landmark features remembered in the embodied experience of walking through the landscape and encountering each landmark in turn. The perambulation of Wedmore (Somerset), first recorded in 1558 and endorsed in the seventeenth century, describes the parishioners’ route: “to delly crosse Elme w[hi]ch doth stand and growe in the highway . . . by the northe side of another of the lordes woods called Bagley wood unto a lane that lyeth in the easte side of a close of pasture that shooteth downe towards the Moore and doth lye in length northe and southe and next adioynge to the same wood in the Easte side.”

69. TNA, E 134/38and39Eliz/Mich9.

70. TNA, E 134/15Chas2/East28.

71. TNA, E 134/17Jas1/Hil9.

72. Emma Blake, “Sardinia’s Nuraghi: Four Millennia of Becoming,” *World Archaeology* 30 (1998): 68; see also Jones, *Memory and Material Culture*, 39–41.

73. TNA, E 133/1/108.

These various landmark features were not self-evident; they were remembered in part through written description, but most importantly through the sensory experiences of walking through the landscape. The description of the perambulation of Wedmore goes on to explicitly state the importance of bodily experiences in identifying the correct course of the boundary. It sets out how one particular boundary oak was to be viewed, describing the perambulation as leading “downe the lane southward directly into the moore as farr as a man may stand levell wth an oake standinge uppon the Boundes of Meare at the corner of the comon water course.”<sup>74</sup> In some cases, confirmation of the perceived antiquity and durability of trees was expressed by measuring the distances between boundary trees and other features.<sup>75</sup> John Dehurroe of Marston, a yeoman of sixty years, told the court how he had heard his father in his lifetime say that the lord of the manor of the Priory of Witham laid claim to land from the side of his park pale “unto a tree called Beggers Tree,” which, he discerned, stood one hundred yards from the pale and close to the highway.<sup>76</sup>

The temporal as well as spatial meanings in the physical landscape were mapped in relation to the life course of individuals and their predecessors. Deponents frequently confirmed their knowledge with reference to recollections of their childhood experiences.<sup>77</sup> Leonard Christover, a yeoman of seventy years, recounted his understanding of the layout of manorial rights in relation to his personal experiences as a fifteen-year-old boy living on the margins of Frome Selwood Forest. He told the court how he had lived in the house of Sir Raffe Hopkins with fellow servant David Williams, who formerly served the priory there. He described how on one occasion, when he was out walking with Williams, they passed through a gate called Clapgate when he “praied Williams to cutt him a fishing rod which Williams accordingly did in part of the ground which lies between the park and Froome way.” Williams then told him about the time he was with Leonard’s father cutting a stick, “not much bigger than the fishing rod,” in the same place, when Leonard’s father instructed him as to the ancient bounds of the priory’s land from the pale to Priors Oake, now belonging to Hopkins.<sup>78</sup> The court records are rich in this kind of evidence, revealing the workings of oral memory through everyday experiences of being in the landscape. Even apparently commonplace activities, such as cutting a stick for a fishing rod, became integrated within local systems of remembering. Being in the place, and remembering the similar activity of cutting a stick, David Williams was prompted to recall Leonard’s father telling him the layout of the priory’s lands. For Leonard, his memory of landscape and place conjoined that of Williams. Such evidence provokes a consideration of the ways in which individual life histories came together through shared knowledge and embodied experiences of landscape, which in turn created meaningful locales.

74. SRO, DD\SAS/C795/PR/462.

75. NRO, PD 597/94.

76. TNA, E 134/15Chas2/East28.

77. Nicola Whyte, “Custodians of Memory: Women and Custom in Rural England, c.1550–1700,” *Cultural and Social History* 8 (2011): 153–74.

78. TNA, E 134/17Jas1/Hil9.

Long-term patterns of continuity in the landscape, suggested by the names given to landmark trees, are thus placed within the context of individual life histories, which offers a social dimension to our understanding of early modern landscape history.

Landscapes did not merely act as a backdrop on which to hang memories; rather, a network of landmarks, often apparently commonplace and mundane features such as trees, provided mnemonic traces that signified to people, who had been taught the lay of the land, the temporal and spatial dimensions of customary rights. Specific trees were singled out as ancient landmarks, a process of identification that rested on their external appearance and their particular socio-spatial contexts. Recognized as having existed since time immemorial, landmark trees were named and, like the elm of Cawston, provided symbolic focus during ritual ceremonies and everyday contexts. It is for these reasons that we gain an insight into the tension and controversy caused when old trees were lost due either to natural processes or to human interference.

### Contested Pasts

The oral testimonies of local inhabitants as recorded by court commissioners reveal the experiences of change, discontinuity, and renewal of meaning in everyday landscapes. Just as written documents became part of the mnemonic apparatus for the illiterate or semiliterate, the importance of the tangible evidence of the past in the landscape was recognized, valued, and exploited by all sectors of society.<sup>79</sup> Identified as ancient and having existed since time out of mind, landmarks were not merely the preserve of a diminishing oral culture clung to by the uneducated, but rather came to symbolize competition and conflict over local resources recognized by elite and non-elite alike. Complex and multilayered meanings of the landscape are made possible in an environment in which people and land cannot easily be separated.<sup>80</sup> Even evidence of apparent disregard and neglect denotes some degree of human judgment and choice.<sup>81</sup>

Numerous litigation proceedings dating to the late sixteenth and seventeenth centuries were concerned with consolidating ambiguous sections of boundary that marked out manorial and parochial jurisdictions and with rationalizing the layers of customary land-use rights attached to them.<sup>82</sup> The sheer volume of cases heard before the equity courts points to the fundamental significance of these dual processes in re-defining the socioeconomic and spatial landscape of this period. Viewed from the most local level, the practicalities of implementing changes through enclosure and the rationalization of customary practices were complex and difficult, made so by antecedent spatial and jurisdictional structures and the enduring belief in the validity of

79. Andy Wood, "Custom and the Social Organisation of Writing in Early Modern England," *Transactions of the Royal Historical Society*, 6th ser., 9 (1999): 257–69. See also Heather Falvey, "The Articulation, Transmission and Preservation of Custom in the Forest Community of Duffield (Derbyshire)," in *Custom, Improvement and the Landscape in Early Modern Britain*, ed. Hoyle, 65–100.

80. Veronica Strang, *Uncommon Ground: Cultural Landscapes and Environmental Values* (Oxford, 1997).

81. A point made by John Barrett, "The Mythical Landscapes of the British Iron Age," in *Archaeologies of Landscape*, ed. Ashmore and Knapp, 253–65.

82. *Ibid.*



customary rights.<sup>83</sup> Local disputes often concerned a number of overlapping spatial jurisdictions freighted with material and symbolic significance. Maps and written records were not sufficient to preserve boundaries in a continually changing landscape. In this, oral memory and embodied knowledge did not diminish but remained integral to negotiating and contesting landscape change.

Ancient boundary features were endorsed and new landmarks verified by the courts. Surviving from the distant past, landmark trees were nevertheless visibly marked in order to distinguish them from other trees. During the division of the commons and heaths belonging to the manors of Rushton, Stockford, and Binnegar, and Stoke and Hungerhill Farm near Bindon (Dorset), the thorn tree standing in a place known as Witcombe Bottom was identified by casting up an earthwork mound around its circumference.<sup>84</sup> Deponents reported the presence of diverse ancient men and inhabitants and gentlemen of “good worth” who “upon the testimony of such as were then p[re]sent and questioned for their knowledge therein were agreed and soe placed and sett downe accordingly to bee the uttermost and p[er]petuall boundes betweene the heathes and waste of the said mannor and farme.” At the time of the view, or formal inspection, made by the court commissioners, the thorn tree was agreed to stand for one of the bounds “about w[hi]ch thorn there was a barrow appointed to be made.” The indexing of landmarks in this way was often contentious. Witnesses in the case from Dorset reported the decay and leveling of the earth barrow encompassing the thorn, presumably making it indistinguishable from other thorn trees growing on the heath and common. In a dispute concerning boundary features in Congham (Norfolk) at the turn of the seventeenth century, an agreement was apparently made for the setting out of a new boundary and a mark was ordered to be made against “acerteyne ashe tree” to designate its course.<sup>85</sup> Scoring bark with a hatchet was a common way of identifying boundary features. In Congham, residents subsequently observed that while “the tre remaineth . . . the said marke is defaced,” suggesting an act of local protest against the attempt to define the boundary in question. While in relation to the human life span, trees appeared to be permanent and ancient features of the landscape, they were of course easily cut down.

During one such case from Taverham (Norfolk), inhabitants provided information on the network of boundary features that marked out the jurisdiction of the manor.<sup>86</sup> The new owner of the manor was accused of defacing and removing various ancient landmarks. The destruction of an old oak tree, known by a number of names—Priors Oak, “sheepcote” Oak, Walstones Oak—yet “commonly known as the oak,” became a matter of contention. The various names the oak was known by points to its significance for different social groups, and the act of naming indicates its role as a material signifier of manorial jurisdiction and ownership. Local inhabitants remem-

83. On antecedent structures, see Tom Williamson, *Shaping Medieval Landscapes: Settlement, Society, Environment* (Macclesfield, U.K., 2003).

84. TNA, E 134/11 and 12 Chas1/Hil9.

85. TNA, E 133/1/108.

86. NRO, DCN 90/12/9.

bered that the tree marked the foldcourse or grazing rights of the manor as part of a network of ancient features, including several medieval freestanding crosses. Some residents described it as having been blown over in a great wind, and many ascribed its disappearance simply to natural causes. However, for others, the demise of the great oak, a durable feature in the landscape, was deeply suspicious. According to John Bullen, sixty-two-year-old husbandman and longtime tenant of the manor, in recent times the field in which it stood had been plowed and “by little and little the roots thereof were cut so that one night some twelve years since it was thrust down by some persons” and carted away to the defendant’s house, where it was converted for his own use, presumably as firewood. For Bullen, this venerable oak would not have fallen without human intervention. Its disappearance fueled local tensions about the unscrupulous actions of the farmer, lessee of the Dean and Chapter of Norwich’s manor, who was accused of destroying ancient landmarks by plowing up and defacing boundary marks “whereby the churches land might be obscurd.”

As we have seen in the case from Cawston, for many the felling of the elm tree was tantamount to the neglect and dismantlement of the local customary landscape. The defendant described it as old and decayed; it seemed to him to matter little if it were to be cut down and replaced by a more suitable boundary stone. Yet, for local inhabitants whose own life histories, and those of their neighbors and kin, entwined with the memory of the elm tree, the visible antiquity of the elm provided an emotive mnemonic of the layout of their customary and ritual landscape. The elm tree reminded parishioners of the correct course of their perambulation, already altered some twenty years previously by enclosure. Its disappearance was controversial, for it provided tangible evidence of the ways in which change, through often-surreptitious processes involving the mainly small-scale attrition of landmarks, enclosure, and the re-orientation of rights-of-way, threatened the prescribed order. The dispute simmered until at least 1676, when the conflict around the custom of scoring and marking the wall during the perambulation again came to a full boil.<sup>87</sup> By this date, almost a century later, there is no mention of the existence of the elm, and instead the boundary is indicated by marking a wall with a hatchet. However, it is worth noting that, in doing so, the parishioners evoked a practice commonly used to distinguish boundary trees. The destruction of the elm was tied to a broader spatial and temporal pattern of local grievances over the layout of jurisdictional boundaries and customary rights.

The cases from Taverham and Cawston point to broader processes concerning the contest and gradual rationalization of customary land-use rights. The shifts in how people perceived themselves in relation to spatial practices and rights did not happen on parchment but instead involved the reconfiguration of local meaning in the landscape. As custom was based on reasonable and continuous use since before anyone could remember, the loss of the material framework that informed everyday knowledge and practices had a profound impact. This emerges in cases concerning the destruction of “ancient” landmark features and the re-orientation of rights of movement known to

87. NRO, BL/Y 1/145.

local people through their everyday experiences of working and dwelling in the landscape. According to William Martin of Solihull, a yeoman of fifty-two years, the “Cottered Oake” was felled during encroachment of the defendant on lands belonging to the manor of Hampton in Arden, Castle Hill.<sup>88</sup> Unsurprisingly, the destruction of woodland left a profound impression. During the dispute over the deforestation of Shotover Forest in 1632, Richard Carr, a laborer, lamented the loss of the woods at Whistlers Pale, noting that just “the roote of one tree remaineth.”<sup>89</sup>

### Conclusion

An understanding of contemporary beliefs in custom and right offers important insight into the ways in which people gave meaning to their physical surroundings and breaks down the unhelpful distinction implicitly made between economic and symbolic or social landscapes.<sup>90</sup> The foregoing discussion has been particularly interested in the ways in which the exercise of customary rights informed contemporary experiences and interpretations of the temporal and spatial dimensions of the landscape. As we have seen, customary jurisdictions were not merely inscribed on the physical environment but rather were created out of ongoing social interaction and communicated through interpretative engagements with the visible evidence of the past in the landscape. The relics of the past, and the memories and histories attached to them, were sought in order to verify the customary terrain of local life. The traces left behind by past generations were not necessarily interpreted in linear sequence, but rather in relation to other landscape features. Trees and other natural features, old monuments, and places—defined through recollections of past events and performances—provided nodes in local customary topographies, both encapsulating past activities and drawing together engagements in the present. For early modern people, the process of inhabiting the landscape was thus an engagement with time.

The deposition evidence discussed here offers a rich and valuable source revealing the social as well as economic meanings of trees in the landscape. It is in the recorded moments of rupture that we gain insight into the complex and often conflicting attitudes toward the relics of the past in the landscape. In the process of mediating landscape change, the appropriation, and in some cases defacement or destruction, of old landmarks became central in the contestation and negotiation of the parameters of local knowledge. The disappearances of the oak in Taverham, the elm in Cawston, the yew in Iverley Wood, and the Cottered Oak in Arden constituted small but no less significant fractures from the past for some, yet for others represented significant gains. The trees’ former uses as boundary marks and meeting places were preserved in local memory for a generation or so, but slowly the passage of time reconstituted local memories and socioeconomic relations. Yet the sites of former landmarks could remain

88. TNA, E 134/26Chas2/Mich32.

89. TNA, E 134/34Chas2/Mich34.

90. A point made by Richard Bradley, “Mental and Material Landscapes in Prehistoric Britain,” in *Landscape: The Richest Historical Record*, ed. Della Hooke, Society for Landscape Studies Supplementary Series 1 (Amesbury, U.K., 2000), 1–11.

controversial; in Cawston, this was the case for at least a century after the felling of the elm. These places continued to inform and affect social relations because their recognition in the landscape was the outcome of the deep palimpsest of activities that took place there. Such sites were the product of an ongoing articulation of land histories remembered and remade through embodied experiences of the landscape.

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