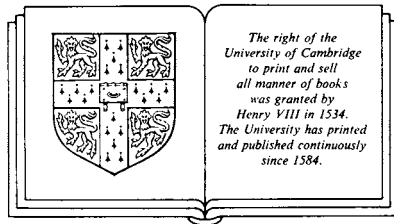


THE PASTON FAMILY IN THE FIFTEENTH CENTURY

The first phase

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THE ORIGINS OF THE PASTONS

Sheltering from a summer storm in the porch of Gresham church on an August afternoon in 1985 – about a quarter of a mile up the hill from the moated platform of the Paston house, an oasis of shrubbery among the corn, and a couple of miles from deserted East Beckham – I shared the quiet and isolation with a Latin inscription, all that remained of a fifteenth-century memorial, which lay just over the threshold of the church itself: pray for the soul of James Catt ‘generosus’.

It was a vivid hour. And James Catt’s gentility (it seemed to me, proudly stated) brought vividly to mind what I am tempted to alliterate as the Pastons’ predicament. Michael Sayer has written of late medieval–early modern Norfolk that its parishes ‘often contained several little manors, and a parish of under 2,000 acres might support several gentle and yeoman households, by no means all manorial lords’.¹ Not being a manorial lord, particularly at Paston, was one part of Judge William’s predicament; the other part was that until he was a manorial lord, and at Paston, the family, however grand he was, however many manors he bought or bargained for, might remain among that rank of gentlemen of which Michael Sayer speaks and of whom James Catt at Gresham is, or was for me that afternoon, representative. North Erpingham Hundred in 1985 still made the point; the people may have gone from the fields to leave a deserted, industrialized landscape, but the pattern of parishes and parish churches survives. The small parishes jostle one another; the church of one is just around the corner from the next: so it must have seemed on a horse. Winters, Wyndhams, Heydons, and Pastons also jostled one another in those parts, but they were

¹ M.J. Sayer, *English Nobility: the Gentry, the Heralds and the Continental Context* (Norwich, 1979), p. 12. Stalham Hall is an example of such a little manor. An estate of the abbey of St Benet’s at Holm, it consisted of a handful of tenants who ought to have paid rents of about £2 and a court whose receipts were anything from 2s to £1. Arrears were a problem: at Michaelmas 1442 they stood at £9; at Michaelmas 1470 there were none; by Michaelmas 1476 they came to 28s. This property was, therefore, worth between £1 and £2 a year to its owners. In the early 1470s Walter Aslak was bailiff; one wonders how much his job was worth, as he got no fee. See Bodleian Library, Oxford, Norfolk Rolls, 92–6.

an elite: they were lords of manors. No longer merely parochial gentlemen like James Catt, they have become more than merely names to historians.² Getting out of the ruck may have been simpler than making a manor where there had not been one previously. I was about to say that it may have been because it was simpler to buy a manor than create one, until East Beckham came to mind: on the one hand the time and money it took the Pastons to acquire it, on the other the relative ease with which the Winters had made their manor there.³ No case is typical. Moreover, if we are discussing social mobility (which we are), then the Pastons, like the Winters, not only had to leave the ranks of the parochial gentry: they had first to enter them. According to Judge William Paston, William Winter's father had been a husbandman; according to an anonymous and equally hostile commentator so had Judge William's.⁴ Both Williams arrived at gentility by the shortest route – service: they served as lawyers to the great, in William Paston's case mainly (but not at all solely) to the Crown. They did not so much as leave James Catt behind as barely have time to notice him in passing. Yet, if William Winter's lordship in Barningham Winter was effortlessly achieved,⁵ the Pastons' at Paston was not. Perhaps the reasons for the difference were straightforward: the process at Paston was more complicated – involving as it did the 'over' lordship of the Duchy of Lancaster – and William Paston died before he could complete it.

In the history of East Beckham, as we shall see, Judge William's death made all the difference: John Mariot changed sides. The departure of so overbearing a subject as Judge William altered perspectives in north-east Norfolk. It delayed for many years the progress of the Pastons towards unchallenged gentility and full 'senery' (*seigneurie*) in their native place. It gave their neighbours the courage to discuss, to taunt them with, and eventually to expose (and exploit) the skeleton in their cupboard: their sometime serfdom. John Paston was young and vulnerable in 1444. What had perhaps not been said of his father for a long time, at any rate not outside very secure walls, what his son Edmund over forty years later would write of disdainfully, with the give-away snobbery of a second-generation *arriviste*, was challenged and put to the test in John in the 1440s and

² How apt, therefore, to have discovered (after having written this) James Catt tangling with the Pastons (or Richard Calle at any rate) at Gresham in November 1460: Davis II, p. 223, lines 2–8. Alas, he had appeared in Gairdner (in the same letter) as James Gatte and ten years earlier: II, p. 187. ³ See below, ch. 3.

⁴ William Winter's father, John, only had 20 acres: NRO, WKC 1/43/8. That, I take it, would have made him something less than the 'good pleyn husbond' William Paston's father, Clement, was with his 100–120 acres (Davis I, pp. xli–xlii).

⁵ We are ignorant on this issue because William Paston ignores it in NRO, WKC 1/43/8.

afterwards: his new gentility.⁶ It would take John until the mid-1460s to live down his past and to establish his lordship of Paston. These two stories are not, as they were not for John, even two sides of a coin; they are the same, but here we have to distinguish them: the lowly origins of the family *and* the making of the manor of Paston. They were linked by the writer of 'A Remembraunce of the wurshypfull Kyn and Auncetrye of Paston, borne in Paston in Gemyngham Soken'.⁷ The irony is ponderous and would suggest the 'Remembraunce' was for public consumption: the writer was even less a friend of the family than Judge William had been of the Winters when he scribbled on WKC 1/43/8 a similarly unsympathetic account (though for Paston eyes only) of 'The Rise of the Winters'. Similar also, of course, because the families' origins and the manner of their departing from them were much the same. The 'Remembraunce' is central to the discussion which follows. The manor-making comes first.

The 'Remembraunce' says this of William:

And he purchasyed myche lond in Paston, and also he purchasyd the moyte of ye vth parte of ye maner of Bakton callyd other Latymers or Stywardys or Huntyngfeld⁸ qwyche moyte strechyd into Paston, and so wyth yt and wyth a nother parte of ye seyde fyve partys he hath senery in Paston but no maner place; and therby wold John Paston sone to ye seyde Wylliam make hym selfe a Lordschype there to ye Duke of Lancastrs grete hurte.

This raises as many questions as it supplies answers: for example, 'he hath senery in Paston but no maner place; and therby wold John Paston . . . make hym selfe a Lordschype there' is difficult to interpret and not only because the tenses appear confused. What are the differences between 'senery'⁹ and 'Lordschype'? What is the apparent significance of the distinction 'hath senery . . . but no maner place'? Let these questions stand. Judge William's purchases of land at Paston and in its immediate neighbourhood are, so far as I am aware, undocumented, save in relation to Bromholm Priory. The

⁶ Between 1487 and 1493 Edmund wrote to his elder brother John III in the context of finding a wife for John's young son William and of an impending visit of John's to London: 'Marchandys ore new jantylmen I deme wyll proferre large': Davis I, p. 642, lines 33–4.

⁷ Printed and described in Davis I, pp. xli–xlii. Caroline Barron dealt with the 'Remembraunce' in 'Who were the Pastons?', *Journal of the Society of Archivists*, 4 (1972), pp. 532–5.

⁸ Huntingfield or Huntingfield Hall is the name of the manor in Bacton that the Pastons got: CCR 1454–61, p. 290; Bodleian Library, Norfolk Charters 6; Blomefield V, p. 1402. Elizabeth, the widow of William Sywardby (for whose father or grandfather, William, see presumably Gairdner II, no. 3), was its last owner. Latimer's Blomefield (V, p. 1403) reckons a different manor, the reversion of which Judge William acquired c. 1428. The fifth part of Bacton certainly had its own identity: in 1436 the prior came to an agreement about it with the overlord, William de la Pole, Earl of Suffolk – the agreement that Blomefield had in front of him when he wrote: *ibid.*, p. 1406. (Might there have been here yet another matter for contention between Pastons and de la Poles?)

⁹ Compare the 'seniory' of Davis II, no. 897, a document discussed below.

'Remembraunce' states that 'wher that the Pryor of Bromholm borowyd mony of the seyde William for to paie withall his Dymes,¹⁰ ye seyde William wuld not lend it hym, but [unless] the seyde Pryor wold mortgage to ye seyde Wylliam one John Albon ye seyde Pryowris bondmanne dwellyng in Paston.' There is also a memorandum of c. 1430 noting that William 'recovered' a little land, pasture, and marsh in Edingthorpe, Bacton, and North Walsham from the Prior of Bromholm¹¹ and an indenture of 1444 of an exchange of lands and rents between the prior, Judge William, and Edmund Palmer of Witton.¹² These transactions do not look at first sight as though they are connected, but they probably all relate to William's consolidation of sufficient property to make a manor. At any rate, obtaining bond tenants was essential to the acquisition of lordship, and Judge William persisted, despite not getting his hands on John Albon ('qwyche was a styffe Cherle and a Threfty mane, and wold not obeye hyme unto ye seyde Wylliam') – the prior gave (or, presumably, sold) John and his lands to William Bernham, clerk, John Conningsby, and John Walpole in 1433 (and quitclaimed him to them in 1438).¹³ On 18 May 1440 an inquisition set up for the purpose reported that no harm to the royal interest would ensue if exchange of property in Paston and Edingthorpe were to be made between the Duchy of Lancaster and William Paston. By 1443 the exchange had been effected: William gave up two free, that is, 'charterhold' tenements in Paston and Edingthorpe and received in return two unfree, that is, 'copyhold' tenements in the same townships held of the Duchy lordship of Gimmingham.¹⁴ James Gresham was drafting the terms of the letting of this

¹⁰ The priory's indebtedness to William is evident in an account, drawn up on 5 November 1443, of what it owed him out of the manor of Huntingfield and other of its sources of income in the neighbourhood: NRO, Phillipps 537.

¹¹ BL Add. MS 27443, f. 89 (abstracted in Gairdner II, no. 21): 2½ acres and 1 rod of land, 8 acres of pasture and 2½ acres of marsh. ¹² BL Add. Ch. 14571.

¹³ The deed of gift is in the possession of James Stevens Cox, FSA, of St Sampson, Guernsey. I am grateful for his permission to use the xerox copy Dr Robert Dunning had made for me, as I am to Robert for bringing this small (former Bromholm) archive to my attention. In John Albon's case the writer of the 'Remembraunce' attributed another motive to William Paston: the pursuit of lordship. Still, the Pastons were stiffer than the Albons; they got their man in the end: Davis I, p. xlii.

¹⁴ The business, seemingly a trifling one, was conducted at a high level probably because of the interest in the Duchy's revenues of Henry V's feoffees, headed at this time by Cardinal Henry Beaufort (R. Somerville, *The Duchy of Lancaster I* (London, 1953), pp. 204–6). It was Beaufort who wrote to William Phelip, Lord Bardolf, about the matter from Esher on 31 May (1440?). Lord Bardolf was not only the king's chamberlain, which is how he was addressed by Beaufort, but also chief steward of the South Parts of the Duchy of Lancaster (Somerville, *Duchy of Lancaster I*, p. 428). Beaufort's letter survives as a copy – or what appears to be a copy – in the East Beckham file; on its dorse a draft was made of William Paston's petition for custody of East Beckham, with the date of its grant (22 March 1442) added. It is NRO, WKC 1/43/21; see below p. 97. Beaufort writes that he has read the report delivered to him by Bardolf at Sheen of the enquiry he had directed Bardolf, or his deputies Oliver Gros and Richard Sedge, to make concerning the consequences of the exchange; he had then given

'customariefeldlond copiehold' early in 1444. All the tenants, save the bloody-minded Warin Herman, had accepted Judge William's terms, so that James was able to put in his draft the day the agreement would be formally concluded, Passion Sunday, 30 March 1444.¹⁵

Were these, then, the first bond tenants the Pastons acquired? Later, twenty years later in 1466, they claimed otherwise:¹⁶

They [the Pastons] shewed divers great evidences and court rolles, how that they and their anctors had been possessed of a court and seniory in the towne of Paston, and of many and sundry bondmen, sithen the time that no mind is to the contrary;

the report to Peter Ardern, deputy to William, Earl of Suffolk, Steward of the North Parts of the Duchy (and a lawyer retained by the Duchy: Somerville, *Duchy of Lancaster* I, pp. 425, 453); Ardern, after a thorough study of the report, had advised that the exchange should proceed, as it would 'not hurte his hignesse ner to the seid lordship of Gemyngham neyther to us of the ffelemente be prejudicial or harmfull, and [Beaufort continued] as fer as I can conceyve or undirstonde after my oppinyon me thynketh the same'; Paston might, therefore, sue to the king after the form of the bill Beaufort had seen and was enclosing with the letter. Beaufort, if he wrote on 31 May 1440, wrote promptly. The date of the Bardolf enquiry, 18 May 1440, is recorded in *Rotuli Parliamentorum* V, p. 59: a final provision of the act, dealing with Henry V's enfeoffment of the Duchy estates, passed in the parliament of January–March 1442, stating that the act should not be prejudicial to the exchange with William Paston. The sense of this provision, as best I understand it, is that the exchange is under way, rather than has been completed (Gairdner II, no. 42, a note of this provision, has the exchange back to front). The date of the Bardolf enquiry is also given in the warrant to the steward of the lordship and manor of Gimingham to rent to the former tenants of the copyhold properties, which were now in Judge William's hands, or any others, the 'charterhold land' formerly William Paston's 'in like fourme as the same Tenementez are now holden'. The warrant (abstracted in Gairdner II, p. 57) is dated 17 October 1443. Thus, the exchange was undoubtedly made by then. This renders the first paragraph of James Gresham's letter to Judge William of 28 January 1444 (Davis II, p. 12) most mysterious. The year might be altered, though with some wrenching of what appears to be the truth, for lines 45–9 of the letter anticipate with precision 18 March 1444 and the favourable judgement in William Yelverton's court at Norwich in the East Beckham case. We must conclude that Judge William's 'bille' of the first paragraph was some other, probably connected with what William saw as the next stage in the 'manorialization' of Paston, and possibly akin to John Paston's bill submitted to the parliament of October 1460 (Davis I, no. 57, discussed below, p. 12), virtually John's first favourable opportunity to bring this petition for a manorial court out of mothballs. Such a large request – John asked also for a grant of twenty-three messuages – would better fit the sixth, remarkable, paragraph of Gresham's letter if, that is, the 'bille' concerned here is the 'bille' of the first paragraph, which now, I think, it may be said to be. The paragraph is remarkable for showing Alice Chaucer's already weighty influence and her memory for business (the first no doubt a consequence of the second), as well as the 'screen' of her councillors and servants with had to be penetrated before their mistress might be reached. One last thing: the expedition and dispatch which we have noted being given to a small matter, if Beaufort's letter is of 31 May 1440, is at odds with what James Gresham reports as being done about a larger one, if the 'bille' is as we have just surmised it to be: 'the Chauncellor of the Duché . . . seid he was right well remembered of your bille, but he seid he wyst not where it was, and thanne he dede the clerk of the counseill of the Duché seke it, and atte last it was founde'. That seems more like bureaucracy as we know it. The chancellor was Walter Shirington (Somerville, *Duchy of Lancaster* I, pp. 389–90). Possibly, the 'Yn [HOLE: room for about five letters] a-nother of the counseil' of line 13 was Thomas Yonge (*ibid.*, p. 453).

¹⁵ BL Add. MS 34888, f. 1 dorso (Davis II, no. 432, headnote). That the leasing is related to the exchange is clear from the draft's mention of the Act of Parliament. I am in Professor Ralph Griffiths' debt for his help with the Latin of this messy dorso. ¹⁶ Davis II, p. 551.

and how that Agnes Paston . . . is in possession of bondholders and also of bondmen, whose anctors have been bondmen to the anctors of the said John Paston sithen the time that no minde is to the contrary.

Moreover, 'Also they shewed divers old deeds, some without date, insealed under autenticke seales, of divers particular purchases in the towne of Paston, reciting in the said deeds that the land was holden of the said [BLANK] Paston as of the cheife lord of the fee, and by homage, and had ward, marriage, and releife.' The original of this document in which Sir John Paston and his uncles William and Clement proclaimed their gentility does not survive. Edward IV accepted that they were 'gentlemen discended lineally of worshipfull blood sithen the Conquest';¹⁷ whether he believed it is another matter. And whether he (or anyone else) had read their proclamation of gentility is equally doubtful: that blank before 'Paston as of the cheife lord of the fee' suggests it is a draft, or 'Briefe' as Sandford in 1674 describes it, not 'an extract from some certificate made in the King's name', which is what Gairdner believed it to be.¹⁸ All I am suggesting is that the family's claim to have had bond tenants from time immemorial was not put to any sort of test before Edward IV accepted the family for what they said they were. His acceptance was given, I am sure, for reasons which had nothing to do with a consideration of historical evidence, authentic or faked. Thus, that the Pastons' bond tenants may only have gone back to the mid-1440s is a possibility that remains unchallenged by the king's endorsement of their claim that they went back to the mid-1340s or mid-1240s or beyond.

The 'court and seniory in the towne of Paston', which Sir John in 1466 maintained the family had had 'sithen the time that no mind is to the contrary', cannot have been any more ancient than were the bond tenants. The 'Remembraunce' asserted that Clement Paston, apart from his 120 acres at Paston, 'other Lyvelode ne maneris had he non there ne in none other place'.¹⁹ It was Judge William, as we have seen, who began the creation of 'court and seniory' at Paston. That process may not have been complete until 1458–60, when John Paston bought the quitclaim to his manor of Bacton, called Huntingfield Hall,²⁰ and petitioned for the right to hold a manorial court;²¹ but it was William, as the 'Remembraunce' states,

¹⁷ *Ibid.*, p. 549. ¹⁸ *Ibid.*, p. 551, headnote; Gairdner IV, pp. 247–8. ¹⁹ Davis I, p. xlii.

²⁰ In spring 1458: CCR 1454–61, p. 290, cited by Barron, 'Who were the Pastons?', p. 533, but as CPR. In a somewhat misleading paragraph Dr Barron leads us to believe it was John Paston, not his father, whom the 'Remembraunce' says bought 'the moyte of the Vth parte of the maner of Bakton callyd . . . Huntyngfeld'. In his roll of expenses of 1457–8 (BL Add. Ch. 17246 – a few extracts only in Gairdner III, no. 373) John records £3 spent in securing Huntingfield Hall in autumn 1457 and £1 given to Roger Pygot, a relation of Geoffrey Pygot, 'pro conclusionem securitate manerii de Huntyngfeld Halle habend' in spring 1458.

²¹ Davis I, no. 57; see below p. 12.

who purchased that 'moyte [which] strechyd into Paston' and so, 'wyth yt and wyth a nother parte of the seid fyve partys', it was William who began the manor-making.

Judge William had also set about turning himself into a manorial lord in that other essential way, mentioned by the 'Remembraunce' as unfinished: 'he hath Senery in Paston but no maner place'. To the building of a parlour and a chapel at Paston William had given detailed thought, as Agnes reminded her son Edmund in London six months after her husband's death:²²

Wetith of yowre brothere John how manie gystis [joists] wolle serve the parlour and the chappelle at Paston, and what lengthe they moste be and what brede and thykkesse thei moste be; for yowre fadris will was, as I weene veryli, that thei schuld be ix enchis on wey and vij another weye, and pourveithe therefore that thei mow be squarid there and sentte hedre, for here can non soche be hadde in this contré.

Parlour and chapel were the very rooms which changed a house into a 'maner place'. It was possibly their construction and certainly other 'manorial' extensions at Paston (the great barn perhaps) which compelled William in 1443 to get (as William Winter had got at Egmere) a licence to divert the road from the south to the north of his house.²³ William and the vicar, according to Agnes, had reached agreement in Lent the following year 'and dool [boundary mark] is sette howe broode the weye schuld ben', but William's death, as we will see in other connections, altered everything: 'and nowe', continued Agnes in February 1445, 'he [the vicar] hath pulled uppe the doolis and seithe he wolle makyn a dyche fro the cornere of his walle ryght overe the weye to the newe dicke of the grete cloose'.²⁴ The vicar, William Pope, did not surrender his right to this disputed half acre until September 1447.²⁵ Opposition came not only from

²² *Ibid.*, pp. 27–8.

²³ CPR 1441–6, p. 192. He was evidently building at Oxnead too, as the licence also permitted him to direct the road around the house there. (It was no doubt William who was instrumental in getting in the same year from the Archbishop of Canterbury an indulgence of a hundred days for those who contributed to the repair or new building of bridges at Oxnead: BL Stowe Ch. 608. For the larger bridge of Oxnead, see CPR 1441–6, p. 192.) While at Oxnead the 'splendid early brick barns with rare fifteenth-century work and some fifteenth-century embellishments' are likely to be Judge William's work, the datestones of 1581 (the one on the east end of precisely 27 February 1581), and the proud inscription 'the Bilding of this Bearne is bi Sir W Paston Knighte' on the great barn at Paston seem conclusively to demonstrate he was not responsible there. However, 'dates on buildings often record not the original construction, but some improvement or alteration', and the corbel heads on the barn's east end are certainly medieval, even if they could have been brought from somewhere else to be stuck there. The quotations are from Graham Hughes, *Barns of Rural Britain* (London, 1985), pp. 69, 70, 165. ²⁴ Davis I, p. 27.

²⁵ BL Add. Ch. 17235, abstracted as Gairdner no. 70, where this critical half acre opposite the vicarage appears as 'a piece of land, particularly described'.

the vicar; there were many at Paston who made their feelings about Agnes plain; 'Warnys wyfe' for one, 'wythe a loude vosse seyde "All the devyllys of hell drawe here sowle to hell for the weye that she hat mad."' ²⁶ Her husband, Warin Herman (that troublesome tenant), spoke no less plainly to Agnes herself in Paston church. It is a vignette to be treasured for its setting as well as for its revelation of the terms in which a Norfolk farmer could and did speak to the *grande* or aspiringly *grande dame* of the place. Agnes described the scene to her eldest son:

On the Sondag before sent Edmond after evyn-songe Angnes Ball com to me to my closett and bad me good evyn, and Clement Spycere wyth hyr. And I acsyd hym what he wold, and he askyd me why I had stopp'd jn ye Kyngys wey; and I seyde to hym I stoppyd no wey butt myn owyn . . . And all that tyme Waryn Herman lenyd ovyr the parklos and lystynd whatt we seyde, and seyde that the chaunge was a rewly chaunge, for the towne was undo thereby and is the wersse by an c li. . . . And prouwdly goyn forthe wyth me jn the cherche, he seyde the stoppyng of the wey xuld coste me xx nobyllys, and yet it chuld downe ageyn. ²⁷

This took place on a November evening in the 1450s, probably in 1451. The first destruction of the wall, ²⁸ which in blocking the road apparently had also blocked the processional way around the church, ²⁹ was described by Agnes: ³⁰

On Thurisday the wall was mad yarde hey; and a good wylle before evyn it reyned so sore that they were fayne to helle [cover] the wall and leve werke, and the water is fallyn so sore hat it standyt ondyre the wall a fote deppe to Ballys warde. And on Fryday after sakeryng on come fro cherch warde and schoffe doune all that was there-on and trad on the wall and brake sum and wente over. But I can not yet wete hoo it was.

Whoever it was, they had, after communion, perpetrated religious (and righteous) justice on the work of an anti-communal neighbour. Probably it

²⁶ Davis I, pp. 35–6. This was certainly (from the context) Warin Herman's wife, rather than Warin King's, though the latter was equally *engagée* as well as *enragée*: 'And Warne Kyngys wyfe, as she went over the style, she cursyd Ball and seyde that he had gevyn aweye the waye': *ibid.*, p. 35. John Ball was the village quising in this affair. Warin Herman's wife was called Mary: 'the wyfe of Harman hathe the name of Owre Lady, whos blyssyn ye have, and myn' (Agnes to John, *ibid.*, p. 37). It was Warin's half-brother who 'was takyn wyth enemyis [while] walkyn be the se syde and [they] have hym forthe wyth hem'. Such was one of the consequences of having Henry VI on the throne: what bungling the last stages of the Hundred Years War meant for one Norfolk man. These 'enemyis' did, however, exhibit the sort of piety Henry VI was notorious for: 'and they tokyn ij pylgremys, a man and a woman, and they robbyd the woman and lete hyr gon and ledde the man to the see, and whan they knew he was a pylgreme they geffe hym money and sett hym ageyn on the lond' (Agnes to John, 11 March, probably 1450, *ibid.*, p. 32). ²⁷ *Ibid.*, p. 36.

²⁸ If Davis no. 21 does come before Davis no. 22, it was the second (at least).

²⁹ Agnes to John: 'I spacke thys day wyth a man of Paston syde, and he told me that a man of Paston told hym that Paston men wold nott goo presessyon farther than the chyrche-yerde on Sent Markys Day, for he seyde the presessyon wey was stoppyd in, and seyde wyth-in chort tyme men hopyd that the wall chuld be broke doun a-geyn' (Davis, I, pp. 33–4).

³⁰ *Ibid.*, p. 34.

was Warin Herman, possibly Warin King, very likely it was their communally (as well as tough-) minded wives. The two men had wished to threaten Agnes with the wall's destruction through the agency of a priest, perhaps a chantry priest, possibly Agnes' chaplain, but he stayed out of trouble and it was the vicar who, after the event, reported their behaviour to Agnes:³¹

Yystyrnevyn wan I xuld goo to my bede the vycare seyde that Warne Kyng and Warne Harman be-twyxte messe and matynsse toke Ser Roberd in the vestry and bad hym sey to me verely the wall xulde doun a-gayne; and wan the vycore tolde me I wyste there-of no worde, nor yet do, be Ser Roberde, for he syth he were loth to make any stryfe.

Warin Herman was unrepentant; Agnes reported:

Warne Harmon, on the Sunday after Hallumes Day after ensong, seyde oponly in the cherche-yerde that he wyst wyll that and [if] the wall were puddoun, thou he were an hondryd myle fro Paston, he wyste well that I wolde sey he ded yt and he xuld bere the blame, seying 'Telle yte here ho so wyll, thou it xuld coste me xx nobyllys it xall be puddoun ayen.'³²

Warin Herman's antagonism concerning the road was only part of what appears to be his general opposition to all that the Pastons were up to at Paston.³³ So far as Agnes' wall and their road were concerned Warin and the villagers may have been justly aggrieved. Agnes once more: 'And at evyn a sertyn man suppyd wyth me and tolde me that the patent grantyt to crosse [enclose] but a perch on bred, and that I had clossyd more than the grant of the patent is, as men seyde.'³⁴ The community also pursued Agnes in the proper place: she was amerced 6d in the manorial court, probably in

³¹ *Ibid.*, p. 35. ³² *Ibid.*

³³ In 1444 he dragged his feet over the exchange: see above, p. 5. He may have become nasty about it; the following is suggestive: 'Robert Hill was at Paston this wyke, and the man that duelled in Bowres place is oute there-of, and seid to Roberd he drust no lenger a-bye therein for Waryn Herman seyth to him it is his place' (Davis I, p. 38). That was in 1451–2, as was the following, which may relate to the same matter, though is more likely to be a separate dispute. Agnes to John (*ibid.*, p. 37): 'Then he [Warin] askyd me why I had a-wey hys hey at Walsam, seyng to me he wold he had wyst it whan it was karyyd and he chuld a lettyd it; and I told hym it was myn owyn grownde, and for myn owyn I wold holde it. And he bad me take iij acre and goo no ferthere; and thus churtly he departyd fro me jn the cherche-yerde.' There were also fishing rights at Paston – Margaret to John (*ibid.*, p. 244): 'My moder [Agnes] bad me send yow word that Waron Herman hath dayly fyshid hyre watere all this yer, and therfor she prayith yow to do ther-for whill ye be at London as ye thynk best.' Agnes and Warin were still 'fighting' each other in 1461 (*ibid.*, pp. 42–3); cf. Agnes' suit against him of Davis I, p. 34. One wonders how long neighbourly strife may have been going on when John de Paston is found witnessing a grant by Warin fitz Herman to Bromholm Priory of an acre in Paston c. 1200: James Stevens Cox archive, Guernsey.

³⁴ *Ibid.*, p. 36. Agnes goes on to describe a reported scene which I wish I could understand more completely than I do: 'And John Marchall tolde me that there was a thryfty woman come forby the watterying and fond the wey stoppyde, and askyd hym ho had stoppyd the weye; and he seyde they that had pore to geve it, and askyd here wat was freere than gyfte. And she seyde she sey the day that Paston men wold not a sofferyd that.'

1451;³⁵ it might have been a shilling if Robert Edmunds and Warin King had not got it reduced.³⁶ The court was (of course) of the manor of Gimingham. Agnes did not pay the 6d; Warin Herman neither forgot it nor wished her to forget it: ten years later, in 1461, he was reminding the Gimingham receiver of it.³⁷ Warin King had not forgotten either; Agnes wrote to John:³⁸ ‘this day Bertholomew Elys of Paston come to Norwych to me and shewyt me a rentall for the terme of Seynt Michel the yere of Kyng H. vj xxxixth, and jn the ende of the seyd rentall, of Waryn Kynges hand, is wretyn “‘Agnes Paston vjd. ob. Item, the same Agnes for v acre lond xxd.”’ It would seem that Warin King was not going to allow Agnes to forget rent due at Gimingham. Having carried their manor of Paston out of Gimingham, the Pastons were endeavouring to sever their connection (probably their servile connection) with that lordship; one (at least) of the villagers of Paston was making it as difficult for them as he was able to.³⁹ We should remember: during a decade which saw a great war lost, a king lose his nerve, a queen on the rampage, bloody battles in all parts of the realm, and the throne usurped, in this corner of Norfolk conflict turned upon a wall built across a road. An amercement of 6d: is this the measure in fifteenth-century England of the class struggle? This is rhetoric, but not necessarily empty. The unpaid amercement, the new road, the modernized manor house, the advowson of the church, secured from the Prior of Bromholm in 1452,⁴⁰ were more than themselves. For the villagers, among whom until almost yesterday the Pastons had counted themselves, they represented, dare we say, oppression. Dominion, lordship, seigneurie, anyway. And yet this clutch of letters from Agnes shows us much more than the Pastons struggling to rise above,

³⁵ *Ibid.*, pp. 34, 35. ³⁶ *Ibid.*, p. 35, lines 15–17.

³⁷ *Ibid.*, pp. 42–3, Agnes to John: ‘item, I have knowlech be a trew man that whan Sharpe the reseyvore was at Gemyngham last Waryn Herman was dyvers dayes wyth hym, and put hym in mynde that the mercyment for makyng of the walle chuld be askyd ageyn and be distreynyd ther-fore’. Warin was still alive two years later: Gairdner IV, p. 70, Richard Calle’s jottings.

³⁸ Davis I, p. 42. Warin King was at cross purposes with the Pastons as late as 1479: *Ibid.*, p. 187.

³⁹ At the end of this letter of 1 December 1461 (*ibid.*, p. 43) Agnes added a postscript: ‘Item the seyd Bertholomew Elis seyth that the seyd reseyvore [Sharpe] wold not alowe the rent in Trunche nor the mercymentys for my sute to the curt. Gonnore wold suffyr no man to answeere for me.’ Apart from bringing to our attention Simon Gunnor’s antipathy to the family, the mention of ‘the rent in Trunche’ makes more understandable Judge William’s non-payment of it. It was not only that it was not asked of him (*ibid.*, p. 27), it was also that it bound him to the manor of Gimingham from which he was endeavouring to escape. The land was (presumably) the 9 acres in ‘Truncheheld’ and its accompanying meadow which Agnes leased to William Palmer of Trunch for ten years in November 1446: *ibid.*, no. 16. I take it as significant that no annual rent is mentioned, only that William should pay, ‘yeerly there-fore to the lordys of the fee the rentys, servys and costumys, taxes and talagys of all the holl forseyd pece duryng the terme beforeseyde’.

⁴⁰ The grant of 6 July 1452 is in the James Stevens Cox collection.

so that they may look down upon, their neighbours. It is a peculiarly brotherly (rather than otherly) struggle. It takes place in a small space, as a glance at the map reveals: church, hall, and diverted road – north of hall and church, just where Judge William Paston wanted it to be – are bunched together.⁴¹ There is no sixteenth- or seventeenth-century distancing of great house from an impinging world, as is the case, for example, at Oxnead, Heydon, or Barningham Winter⁴² and was perhaps the case even in the fifteenth century at Baconsthorpe.⁴³ At Paston, as Agnes' letters demonstrate, she and her opponents were forever bumping into each other in church or churchyard; moreover, whatever they all said behind her back, Warin Herman could not have been more forthright to her face that November afternoon after evensong when he accompanied her from her private pew, up the nave and out the church door. Was it not to save themselves from this sort of encounter that gentlefolk, the Pastons, indeed, at this very time, constructed chapels in their houses? Making 'space' for themselves, as they developed a new concept of themselves (in relation to others), might be another way of putting it. Meanwhile, and before modernity finally triumphed, the bickering was out in the open. Here again is Agnes in church before she and Warin Herman got up to leave:⁴⁴

after evyn-songe Angnes Ball com to me to my closett and bad me good evyn, and Clement Spycere wyth hyr. And I acsyed hym what he wold, and he askyd me why I had stoppyd jn the Kyngys wey; and I seyde to hym I stoppyd no wey butt myn owyn, and askyd hym why he had sold my lond to John Ball; and he s[w]ore he was nevyr a-cordyd wyth your fadyr. And I told hym if hys fadyr had do as he dede, he wold a be a-chamyd to a seyde as he seyde.

And all that tyme Waryn Herman lenyd ovyr the parklos and lystynd whatt he seyde.

We should bear in mind that this was Agnes, daughter and heiress of Sir Edmund Barry; Agnes was not a trumped-up local. Is all, or any of this imaginable a hundred years later?

It is no wonder that Agnes had written as she had to Edmund in February 1445,⁴⁵ 'I sendde yow not this lettre to make you wery of Paston . . . fore in

⁴¹ I assume that the old road is the bridle-way which runs along the churchyard wall to the south and enters the present Paston hall at the rear. Was this the way Agnes came to church? The much greater diversion of the road at Oxnead (135 perches to 32½ at Paston) is not so apparent on the map; was the old road the present public footpath which runs right through the hall and across the river to Buxton? Here, at any rate, William shifted the road well away from both church and house.

⁴² Ironically (or possibly not), it was a Paston who moved the house away from church and village in 1612.

⁴³ John Heydon's Baconsthorpe castle was on the site of Wood Hall manor house; Baconsthorpe hall was near the church. But did John deliberately build his house a mile away from church and village? Visiting Baconsthorpe castle, one is led to wonder if the busy metropolitan lawyer did not make himself a pastoral retreat here. ⁴⁴ Davis I, p. 36.

⁴⁵ *Ibid.*, p. 27.