

THE ORIGINS AND DEVELOPMENT OF THE NAYLAND FEOFFEEES

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IN NAYLAND, AS in many other Suffolk villages and towns, there emerged during the 16th century a body of leading inhabitants known as feoffees. In essence merely trustees for the town lands, in Nayland they came additionally, during the later 16th and 17th centuries; to control virtually all the town's activities. In the 16th century Nayland was at the peak of its economic prosperity based on the cloth trade, and the town was dominated by wealthy clothiers whose names and wealth may be seen in the Babergh military survey of 1522 (Pound 1986, 30–33). They it was who established the feoffment and became the first Feoffees. As Nayland's prosperity began well before the Feoffees' appearance in 1553, however, it seems probable that the Feoffees were a continuation, in a new guise, of a pre-Reformation body, the Gild of St Mary, and that their position of authority was already well established. They controlled the parish until the Vestry, as the official parish authority, superseded them in the 18th century, just when the cloth trade had almost completely disappeared from the town. They continued to work alongside the Vestry, however, helping to supply poor relief both in housing and in money grants, and using their property and wealth to provide basic services for the town, including the workhouse, school buildings, a fire engine and street lighting. They continue to exist even today as the Nayland Charities, and are the owners of the almshouses, the last of their once considerable property.

To understand the reasons for the growth of this powerful body of merchants it is necessary to study the position of Nayland both in civil and ecclesiastical government. Both the ownership of the manor of Nayland and the village's parochial status encouraged independence. At the time of Domesday the manor formed part of the Honour of Rayleigh in Essex but once the original family of Sweyn of Essex had died out the honour began to break up; Nayland passed through various hands, being a royal manor for a time, until it came to the Scrope family (Copinger 1905, 165–68). Its owners were always powerful men but never lived locally. In 1494 the last of the Scropes died; once more the manor passed through various families until the coming of the Rowleys in 1772. No manorial records earlier than the end of the 17th century are known to survive, but Feoffee documents reveal the names of Sir Christopher Danby, Edmund Rokewood of Euston, and probably others, before the arrival of the Gibbs family in 1664.¹ None lived in the village and none appear to have had much influence on it, although the Gibbs family lived at Horkesley, just over the river in Essex.

Nayland's geographical position made it an inevitable site for a market and one was in existence from 1227 until the 18th century (Scarfe 1988, 60). It became a centre of cloth production in the 15th century, rising to great prosperity in the 16th and early 17th centuries. The Lay Subsidies from 1520 to 1527 show Nayland ranking as the forty-second wealthiest town in the country, although it must be remembered that several major towns as well as London are not included in the record (Hoskins 1959, 278–79). The neighbouring villages, Stoke by Nayland and Bures, were both controlled by powerful nobles, Stoke by the Dukes of Norfolk and Bures by the Waldegraves (MacCulloch 1986, 55, 182, 59–60). Nayland, on the other hand, housed no nobility, nor even real gentry (one or two of the wealthiest inhabitants called themselves gentlemen in documents, but it is unlikely that Sir

Robert Drury and his peers would have considered them so). Yet, when the Babergh military survey was made in 1522, Nayland had four clothiers who were worth £933 in movables among them. Only Lavenham and Long Melford had merchants wealthier than these (Pound 1988, 31, 75, 83). It is these men, along with a large number of lesser clothiers, whose names appear again and again in the deeds of enfeoffment recording the activities of the Gild of St Mary, the village organisation that held the property which was to form the later wealth of the town. It is their successors who appear as the first Nayland Feoffees in 1553, whose leader, one of the self-styled Nayland gentlemen, Edward Roose, is the son of the wealthiest of the clothiers of 1522.

It is easy to prove that there was a Gild of St Mary in Nayland before the Reformation, but a great deal more difficult to decide what it was. Gilds were very widespread in the west of Suffolk, many parishes, like Nayland, having several. Few original gild records remain and only thirteen returns exist for Suffolk in the 1389 national survey of gilds; they do not include Nayland (Redstone 1904, 24–29). Only one openly revealed gild record remains from Nayland but the Lay Subsidies and the Babergh military roll show that the village had three gilds, those of St Thomas, Holy Trinity and St Mary. Fortunately Nayland has a considerable number of wills for this period, proved both in Suffolk and in the Prerogative Court of Canterbury, and these reveal many gifts to the gilds. Before the end of the 15th century these legacies tended to be fairly small sums of money.² All three are described as being ‘in Nayland church’ so they were evidently religious associations, although it should be noted that in one will St Mary’s is distinguished from the other two by being described as ‘in the same town’. This may just be a form of wording but probably indicates a difference between the three gilds (P.C.C., 2 Holder). In the Lay Subsidy of 1524 St Thomas and Holy Trinity are recorded as owning only ‘stock’, which Westlake (1919, 43) defines as the money stored by gilds for their future needs, whether social or religious. In 1492 Thomas Prophet left money for torches for the gilds of both Holy Trinity and St Thomas, which clearly shows that these two gilds held religious processions (P.C.C., 16 Doggett). St Mary’s is, however, quite different. It is variously described as St Mary Service, Our Lady’s Chantry, St Mary Gild and the Brotherhood of Our Lady. In most wills it is described as St Mary Service, and occasionally as just St Mary, which suggests a purely religious function. Yet it was undoubtedly St Mary Service that owned land, as is shown in the Lay Subsidy of 1524; and when the land was bought back in 1550, after the suppression of the chantries by Edward VI, it was all described in the deeds as land ‘late of Our Lady’s Chantry’.³

A study of the Nayland wills before 1600 shows various gifts of property left to St Mary Service. John Facon in 1464 left it a messuage⁴ and John Hammond left it Edmunds Field in 1494.⁵ There are, however, no sure identifications of the direct gift to the gild of any of the three farms which formed a large part of the St Mary Gild land. It seems likely that this occurred before the period for which wills survive. There are no deeds suggesting that the gild used the small legacies to buy land, as happened with the Hadleigh gilds.⁶ As many wills end with the executors receiving the residue to spend as they think fit for the good of the testator’s soul, it is possible that some unidentified land passed to the gild in this way.

Within the village itself most of the property is traceable through early 16th-century wills. These reveal that it was not left specifically to St Mary’s Gild at all but to provide for obits (the singing of masses for the souls of the dead) for the wealthy merchants of Nayland. Two examples of this are Richard Pigott, a clothier, who left his house and shop in the market square⁷ and John Spencer, a butcher, who left a tenement which he put in the care of the churchwardens once his original feoffees were dead;⁸ yet both these properties found their way into St Mary Gild. Proof of this system of transferring property can be seen in the legacy of Stephen Raynham. He was a wealthy clothier who died in 1514 and his will

reveals the gift of a house to pay for a priest to keep his obit: 'the seyd prest shalbe in the said church to help to mayntayne the devyne s[er]vice of Almyghty god'.⁹ The house 'with tenterfeld' was left to feoffees who were to pass it on to other 'trusty' men who could be relied on to keep his obits. He left a quite separate sum of ten marks to St Mary Service. In 1519 a deed was made between Gregory, Stephen's brother, and the feoffees, fulfilling the last wishes of Stephen Raynham, in which the profits from the house are definitely to be paid to the Bailiff of St Mary Service.¹⁰ It seems that by then the gild was serving as an institution to organise the inherited income of the church. The system of holding land in feoffment, normal at this time, necessitated reliable feoffees who were chosen from exactly the same group of people as the churchwardens and officers of a gild and who also provided the executors and witnesses to these wills. It may simply have seemed an efficient way of organising the obits, and the fact that the gild had its own priest (mentioned in the chantry certificates as Sir John Coo and referred to as the Mary priest in one of the wills he witnessed) may have added to the convenience of the plan, as he could perform the obits.¹¹

Westlake (1919, 76) gives examples of gilds becoming synonymous with whole parishes, mentioning among others the Gild of Holy Trinity, Wisbech and the Gild of Holy Cross in Stratford upon Avon; it seems possible that the chantry had achieved this by the beginning of the 16th century, or at least become synonymous with that favoured Tudor parish group, the Chief Inhabitants. In 1543 Robert Cowper, another clothier and churchwarden, who was very much involved in the story of Nayland during the Reformation, gave a chimney to the Guildhall and described the gild as the Brotherhood and Fraternity of the Gild of our blessed Lady St Mary, to whom he gave it because of 'the Love, Zele favo[u]r and affection which he of long tyme have borne and yet doth bere unto the said Brotherhood'.¹² The men who signed for the gild are all, except one, to be found on Feoffee documents at the same period. In 1539 the surviving Feoffees made one of their periodic transfers to new Feoffees, giving the abuttals of their properties in Fen Street and Newlands Lane. In it they describe a yard as 'late alienated by us'.¹³ In John Raynham's will of 1499¹⁴ this yard can be identified and it is then described as being of St Mary Service, so it seems clear that these early deeds are, in fact, gild deeds. This is confirmed by the chantry certificates of 1546-48 (Redstone 1904, 52) for Nayland, where the Commissioners describe a variety of land and tenements given for obits and various religious functions, but at the end suddenly state: 'There is belonging to the said Guild one house called the Guildhall'; so, presumably, all these bits and pieces formed part of the endowment of the Gild of St Mary, however they were originally acquired.

Nayland's lack of parochial status may have contributed to the independence of the village and the powerful position of its leading laymen. It was an appendage of Stoke-by-Nayland parish, with its church ranking only as a chapel of ease served by a curate. In 1429, 'because in winter no foot passenger can pass to carry a corpse to the parish church for burial so that such corpses remain in the hamlet for six days or more',¹⁵ Lord Scrope obtained from King Henry VI permission for Nayland to have its own graveyard. The inhabitants of the hamlet were created 'persons corporate' and were to elect two people to supervise the graveyard. In Scrope's grant that followed the two people were named, and they are to be found also among the Feoffees in the earliest of the gild's deeds.¹⁶ A copy of this grant is one of the earliest documents among the Feoffees' papers and it seems likely that it helped to create Nayland's independence. Because there was no benefice it is not possible to follow the priests through the usual lists as in a normal parish and an attempt to do this through the witnesses of wills leads to a startling number of different priests, suggesting either an ever changing number of curates or a complete lack of them at times, thus forcing dying parishioners to use any priest they could find to help

them. The indignity of this parochial situation must have been felt strongly by Nayland people who had provided money to build a fine church. It may, however, have had an advantage in that it enabled those chief inhabitants to apply a much closer control to church property than any vicar would have tolerated, and it appears that the St Mary Guild was the organisation through which they arranged this.

The guilds of St Thomas and Holy Trinity disappeared before 1547, that of St Thomas was gone by the time of the 1543 Lay Subsidy¹⁷ and Holy Trinity is not mentioned in the chantry certificates, thus supporting the claim that there had been a considerable decline in the enthusiasm for such religious organisations before the Reformation (Dickens 1967, 287). St Mary's Guild, however, continued, and thus, when Edward VI authorised the confiscation of all gild property in 1547, St Mary Guild or Chantry lost all its property to the Commissioners. The early 15th- and 16th-century deeds of this land still exist among the Nayland Feoffee papers¹⁸ which apply to the land and houses always referred to later as 'Chantry lands', and which can be identified in the deed of repurchase.¹⁹ None is the original grant itself and none reveals the reason for the gift of land (only the quite separate existence of Stephen Reynham's will in the Public Record Office enables the reason for his gift to be identified, for the existing deed refers only to 'his last wishes').²⁰ When in 1812 an official enquiry was held into the functions of the Nayland Feoffees, the lawyers who searched were unable to decide for what purpose the pre-Reformation gifts had been given.²¹ The deeds suggest a determination to keep legal proof of ownership combined with a skilful attempt to prevent the original intentions of the donors being discovered. Presumably when the Chantry was confiscated all papers were taken away with it. It is therefore just possible that the original deeds were destroyed while the Chantry property was in the hands of the Crown, but it would seem unlikely that the officials at the Court of Augmentations, considering the amount of confiscated property they were handling, would have had the time to sort through such minor things. It seems far more likely that at some time after their return to Nayland, possibly when Mary died, it was decided to make sure there could be no repeat of the confiscation and the papers were suitably organised. It was fortunate that in 1502 some mismanagement had allowed all the Feoffees to die so that the heiress of the last one had had to regrant the properties, giving descriptions of size and position only, thus providing exactly the deeds which were needed.

In 1538 Sir Richard Ryché and others were sent on a tour of inspection in the Stour valley by Thomas Cromwell, and their report reveals how cautiously the men of Nayland behaved. 'Nayland people', they reported, 'were well inclined and nothing papist', whereas Stoke people 'are not of so good inclination'.²² Nayland wills at this date do not entirely support this view, as up until 1547 almost every will has a strongly traditional form, with souls committed to God Omnipotent, Blessed Mary and all the Saints, with masses and obits and great care for the health of the soul. By 1551 Nayland had bowed to necessity and all wills are in a Protestant form, even if a rather subdued one at times. It is not really possible to believe that everyone changed their beliefs as fast as this, and therefore many Nayland people must have died wondering if they had taken adequate care for their souls.

The regranting of the Feoffee lands is in two quite different forms. The purchase of the lands from Edward Isaac and William Morrice occurred in July 1550, so soon after the King's grant to them that it suggests a plan made when the Commissioners confiscated the lands. The Feoffees who accepted this were thirteen men, mostly clothiers, including all five men who lent extra money for the purchase.²³ An attempt to tie up this deed with the original grants from the Crown is difficult as the earlier Letters Patent identify the lands by name whereas the final deed identifies by tenant, but it firmly states that it includes all the property previously held by the priest of the Chantry, so it must be presumed that all the

correct lands were returned. The merchants of Nayland would certainly have noticed a discrepancy. No mention of any intended use for the land is made.²⁴ The Guildhall grant is different as Sir Christopher Danby granted it back – it was copyhold of Nayland Manor – to ‘the said Inhabita[n]tes . . . to thuse of the Chyrche of Nayland aforesaid And to other annceyent uses & behoffe as before hath been accustomed to be used’. This regranting took place at the end of Mary’s reign.²⁵

The Feoffees bought back their land in 1550 but their account books do not begin until Mary had become Queen. It is then that the use of the formal term ‘Nayland Feoffees’ begins.²⁶ The use of this name for groups of chief inhabitants who controlled town property seems normal at this time. Hadleigh developed its Feoffment Trust (Jones 1977, 31) and at Bury the Candlemas Gild became the Guildhall Feoffees (MacCulloch 1986, 20). Yet the groups of feoffees had existed before, as the early deeds show, when the land owned by the Chantry was simply passed on from one lot of feoffees to another. It would therefore be possible to think that the Feoffees may just have held land in trust for the village anyway and added the Chantry land to an existing, non religious organisation. This does not seem to be the case. When the Feoffees first appear they do not mention either Abell’s Bridge which was held by feoffees (Shorrocks 1952) or the Fennages which they later organised, and although both these endowments predate 1553 and, being purely secular, would not have been confiscated, no papers concerning them can be found in the Feoffees’ papers. The original properties they administered were almost all given for religious reasons, although they later added extra property specifically given to the poor or ‘to the town’.²⁷

The account book begins with a statement of how, in 1548, the churchwardens Edward Roose and Robert Cowper ‘with most of thyn inhabitants of the seyde towne’ sold all the church plate and other ornaments, including a bell. They then persuaded five chief inhabitants, who all appear on Feoffee lists at this time, to give £21 among them. Armed with just under £200 they proceeded to buy back, from William Morrice and Edward Isaac, who had bought from the King, and also from a Mr Golding, the Chantry land, land belonging to a morrow mass priest, and also the clerk service ‘which the Comyssion would have had, saying it was superstitious’. Having given this account the book continues into the Bailiff’s reckonings without further explanation, suggesting that this was a continuation of a known system. It is to be noted that the St Mary Chantry was administered by a Bailiff and so were the Nayland Feoffees.²⁸ The important organisation for charitable and religious activities in Nayland was now re-established.

The Feoffees still had a few problems to come. They successfully organised the regranting of Stephen Raynham’s house in Fen Street, which had somehow avoided confiscation, by getting the one surviving feoffee from the earlier feoffment of 1524 to cancel the existing one because of non fulfilment of the terms (nowhere had mention of an obit been made) and to regrant it to new feoffees for the use of the minister.²⁹ Unfortunately, by this time the Feoffees were not the only people engaged in a tidying-up operation. The Court of Augmentations had received the property of thousands of gilds and chantries, not to mention that of the religious houses, and coping with these innumerable properties, both large and small, would challenge even a modern government department with a large computer. It is not surprising that in 1569 Elizabeth had to issue two Letters Patent granting to Richard Little and William James the rights to a long list of property which was thought to be concealed. They had until 1572 to find it.³⁰ The list includes at least one bit of Nayland gild property which had already been regranted by King Edward, but it also includes three houses in Fen Street and a piece of Broadfield. Little and James clearly searched successfully because in 1574 John Abbs and Thomas Rosse had to buy back the houses and the piece of Broadfield from them, and sell them back to the Feoffees.³¹

In 1631 the Feoffees clearly felt safely re-established and able to list their properties in a comprehensive deed. There were twenty-one properties:

- a. Nine were named as coming from the Chantry, including all three farms, St Mary's Land, Fishersland and Kidhole Farm.
- b. Five mentioned in deeds from the Chantry days but listed as given by John Abbs in 1574.
- c. Three also listed earlier but their return suggests some complicated disguising of origins.
- d. Three seem to be newly given, two of them definitely given by Robert Cowper's daughter and grandson, suggesting it is the message that Robert had left the poor of the village, now divided into two.
- e. Another tenement had also been divided into two, showing the increase in population. It is clear that tenement meant a house by this time in Nayland as in one place the document says (concerning a garden) 'a tenement now buylded thereon'.³²

Although some people, for example Robert Raynham in 1541, had left requests for obits if it proved possible, it does not look as if their heirs felt under any obligation to give the property to the town instead, although legacies to the poor in wills in the 1570s do seem to have replaced religious ones in the case of leading Feoffees such as John Maule and Alan Simpson.³³

The early accounts of the Feoffees read as if they were churchwardens' accounts. The rents from the land discussed above are recorded, most let for profit but some clearly let to widows and no doubt other deserving people. On the debit side comes a hotchpotch of payments for church repairs and supplies such as communion wine and books of homilies; civil duties such as making the list for the Justices and the Muster; repairs to rented houses; and also charitable work such as buying clothes for specific poor people. It is the Feoffees who have to cope with the practical problems of the Reformation. After Mary came to the throne in 1553 they set to work mending the priest's chamber, and among the list of rents not paid (normally because they were remitted) comes 'the preste wyffe', whom presumably they had to class as a widow. In the following year there are many references to candlesticks being scoured and altar cloths washed. The Feoffees had to buy a sensor and a 'shyppe for francinsense' at 4s. 7d. In 1557, 26s. 8d. was paid 'For the Roode marye and John and the James and fettynge home of them'. All this was being done in a village later famed for its extreme Protestant views (MacCulloch 1986, 318) and there is no indication that the Feoffees were carrying out orders unwillingly. But, of course, it did not last and in 1561 we read:

payd thomas peyke for pooleng down of the Rood and the upper part of the same Rood loft iis.
payd more for powling downe the alltar xiiis.

No doubt it was all in a day's work along with buying a hundred planks for the stable and 'two yards of blankett to make Roben Sunreys kootte iiiis. ixd'.³⁴

For this period there exist no churchwardens' accounts for Nayland and it is not difficult to see why. Clearly the Feoffees were effectively the churchwardens, and as far as they were concerned there was no need to keep a separate record. Even when the organisation of the parish as a legal entity became so important that it was essential to separate the records, the confusion between the two accounts keeps recurring. Indeed, where the odd account page has become separated from its book, it was probably only luck which decided which collection of documents it would end up in. Among the parish accounts are two sheets

marked in pencil in a later hand 'church papers', but there are similar loose sheets among the Feoffee papers which account for similar things. The Feoffee papers were formerly housed in a chest in Nayland church vestry and the same people controlled both the Feoffment and the Vestry. It is hardly surprising that things became confused.³⁵

The metamorphosis of Nayland's Gild of St Mary into the Nayland Feoffees bears some resemblance to other similar town organisations in Suffolk, especially the Feoffees of Beccles (Evans 1989, 31-44). Like the Nayland Feoffees, those of Beccles had their origins in a gild, that of the Holy Ghost, which also held a substantial amount of land, and the transfer of the property to Feoffees seems to have been carried out in an attempt, this time successful, to preserve the gild property. Again, the Beccles Feoffees tended to be the same people as the powerful Beccles Fen Corporation, but the situation in Beccles differed from that in Nayland in that the Rector of St Michael's church had a say in the election of the Feoffees. The expenditure of the two bodies was very similar except for the large amount of ordinary church business paid for by the Nayland Feoffees which in Beccles was no doubt paid for by the church itself – a difference perhaps not unconnected with the fact that Nayland was a chapelry rather than a parish.

The Hadleigh Feoffees differ from these two organisations because they do not seem to have inherited or bought back gild property in the same way. The Hadleigh Gilds held only money and rich ornaments – some of which were given by parishioners as late as 1545 – but there already existed Feoffees, unlike those of Nayland, who had charge of separate almshouses given by William Pykenham. When the gild property was confiscated the church and the Feoffees managed to organise its sale and spent the money purchasing a farm, Maskells, which provided the income for the almshouses. Much later than in Nayland, in 1573, the Hadleigh Feoffees managed to buy back the Guildhall from the Crown; it then served as Hadleigh's town hall for many years. The Feoffees seem to have represented the chief inhabitants and formed the controlling group in Hadleigh before and after the brief period from 1618 to 1686 when the town was governed by charter (Jones 1977).

Bury St Edmunds again confirms this use of the name 'Feoffees' for early self-appointed town councils, originating in gilds. Bury Abbey prevented this flourishing town from developing a corporation. The townspeople avoided the rules against trade organisations by founding the Candlemas Gild, which represented all the inhabitants but had an apparently religious function. When the Reformation came, the Abbey was abolished and also the Gild, but as its endowments were mainly for civic activities they were retained. Once again the name 'Feoffees' was kept and they became the ruling group in the town for the next few years (MacCulloch 1986, 200). The holding of corporate land required the appointment of trustees to represent the owning body (whether gild or charity), and these were inevitably chosen from the leading townsmen who could be trusted. They can also be seen in Needham Market and Mendlesham and no doubt in any town which owned a fair amount of property. Where property was held by gilds which were suppressed, the Feoffees were still there and could take over such property as had been saved or could be repurchased.

Throughout the 17th century the Nayland Feoffees continued to combine town administration with poor relief. In 1549 Robert Cowper had died, leaving his main house to the town, to be rented out and the rent paid to the poor. It took the Feoffees a considerable time to extract the money from Robert Cowper's heirs, possibly because the will was contested and subject to a sentence nearly four years after his death (P.C.C., 48 Wrastley). Even then John Maul had to go to law to get the money from Robert Scottel and Henry Hart, Cowper's grandson and son-in-law. The Feoffees' accounts give a highly detailed breakdown of the exact legal expenditure which had to be made, leaving the Feoffees

indebted to John Maul for £10 12s. 3d. which they paid off slowly.³⁶ However he had secured for them what was for years known as 'owlde Cowper's Gift'. Some accounts for this exist from 1601 until 1617 with certain gaps. They show payments, beginning with twenty-two poor persons, of whom nine were widows, rising to eighty-nine with twenty-nine widows in 1617.³⁷ For a small town this was a considerable number of people to be helped and it must have made the official collection seem unnecessary. This view is reflected in the Feoffees' papers in 1601 by a document concerning the application of the new Elizabethan Poor Law. It gives two lists, one of fourteen people refusing to pay the monthly collection and another of eight people, including Robert Barker and Roger Kebel, both well-to-do men, refusing to pay the collection for sick people. The lists end with a request for a warrant against these people who 'hathe not payd this and dothe deny to paye it'.³⁸ Nayland inhabitants clearly did not care for enforced charity.

After 1617 the Cowper's Gift accounts cease. In 1660 these ominous words appear in the main account book: '£15 of Cowpers monies behind to be rayed out of the first monies come in and put within'. As was to happen frequently, the Feoffees had been muddling up their activities and incorrectly allocating funds. However, they kept their word and bought bonds with the money; Cowper's Gift continues to appear until 1680 when it disappears without trace, joining the many lost charities of this period (Tate 1983, 110). In fact, it was probably just added to the general funds which continued to support the poor. The house given by Cowper's heirs remained on the rental for many years.

Another example of the Feoffees confusing their duties comes with the affair of Abell's Bridge. As has been mentioned above, the bridge was left in the hands of feoffees in 1523, but there are no deeds or other papers concerning it among the Feoffees' copious documents. However, in 1560 the account book lists rent received from John Barker for 'pool bridge' for eleven years, which probably refers to the farm given to pay for repairs of Abell's Bridge. From 1608 onwards there is a steady mention of money from 'bridge lands', normally accounted in a separate paragraph and giving the name of the man paying it. It gradually becomes clear that the bridge money was farmed out, the 'farmer' – one of the Feoffees – taking the rents, paying for such repairs as were needed, presumably to the bridge itself, and lending out any surplus at interest.³⁹ The names of the farmers are carefully recorded and a simple account given. In 1652 there is a list of the names of 'the feoffees in trust for the Bridge Lands Taken owt of the feoffment the 4th December'. The entry for 6 December notes the agreement of the Nayland Feoffees to draw ten pounds from the bridge monies to repair the church, and in the next bridge account the surplus was described as 'dewe to the towne'.⁴⁰

Although the Nayland Feoffees appear to have commandeered the bridge revenues, they did carry out quite a lot of repairs. During his 'farm' from 1672 until 1686 Thomas Parish paid out a lot more than he received in rents and it is not clear if he was reimbursed.⁴¹ In his *History of Nayland* Dr Slade⁴² quotes (1938, 27) a detailed list of accounts for the farm in Layer Breton, Essex, which was left to pay for the bridge repairs, showing that John Gray was tenant and claimed to have spent money on the bridge. These accounts are not among the Feoffee papers and so have to be taken on trust, and it seems likely that Dr Slade did not realise the meaning of 'farmer' in this context. Two John Grays (there were a father and son of the same name) were, however, prominent Feoffees in the late 17th and early 18th centuries and both served as Bailiff for a time. In 1686 John Gray is recorded as farmer of the Bridge land. In 1704 complaints about the state of the bridge began to reach the Essex magistrates and led in 1714 to a serious enquiry when the trustees claimed they had received no rent during these years. Yet the trustees are named as Thomas Parish, John Gray and Nathaniel Warren, and both Parish and Gray knew exactly how the finances had been run. They both certainly knew that money had been taken from the Bridge fund for

both church and town house repairs. The Feoffees appear to have decided that it was all Nayland money and spent it as they felt it was most needed. They had forgotten that the bridge was on a public highway, crossing a river that divided two counties, and was not their sole property. In 1714 a meeting of justices from the two counties was held and the original feoffees were replaced by a new board of trustees made up of Essex and Suffolk gentry (Shorrocks 1955, 225–32).

It is easy to be critical of the careless accounting of the Feoffees, and to wonder whether, as they themselves rented most of the town land, they charged themselves fair rent. It must be remembered, however, that their numbers were made up of ordinary butchers, joiners, clothiers and so on, without the lawyers to which a big landowner would have had access. It is clear from the account books that they noticed their errors and always tried to solve the problems; and they managed to do a great deal for the town over the next two centuries. For instance, in August 1630 four Feoffees borrowed £400 to purchase corn and other necessities for the poor to see them through the winter, no doubt after a bad harvest.⁴³

In time they gradually became more precise in their administration of the town, and the main account book also began to record each year the election of the churchwardens, overseers, supervisors and fenmen, as well as the election of the bailiff. There is no record of the choosing of new Feoffees, but the naming of those attending the meetings shows that the numbers were kept up. It is interesting to note that a deed of 1585, listing the professions of the Feoffees of that day, includes eight clothiers, one dyer, two grocers and a man described there as engineer but elsewhere as blacksmith.⁴⁴ Nearly a hundred years later a list of 1674 shows only one clothier and two saymakers; all the rest represent service industries – grocer, draper, cordwainer, maltster, baker, butcher, innkeeper and miller.⁴⁵ The cloth trade was clearly in serious decline but the village was full of activity. It is interesting to speculate on whether these tradesmen were able to make a living providing goods and services just to their own village and the neighbouring agricultural parish of Wissington, or whether their customers came from further afield.

Although there are various churchwardens' and overseers' accounts on separate sheets which appear in both church and Feoffee accounts, the Town Books, the true Vestry records, do not start until 1704.⁴⁶ The Feoffee account books become especially chaotic at this date and in 1704 the entries come to an end with an unfinished list of town officials and the volume only half full.⁴⁷ Possibly this was because of the inauguration of the Town Books, although the Feoffee Books begin again in a new volume the next year. Just as in the Feoffee Books, the Town Books list the parish officials. Again there is a record of payment of housing grants and payments to the doctor for the parish. Both Feoffees and Vestry provided funds for apprenticeships, although the main record of this branch of the Feoffees' activities antedates the Town Books. Reading both sets of records in conjunction leads to a continual feeling that the Feoffees and the Vestry were really the same organisation, and that only official policy forced the separation of the records. The following example shows that the two different accounts are distinguished rather by idiosyncrasies of spelling than by any real difference in content:

The Town Book
 1723 Jan 8 At a Town Meeting
 Lawfully coled Ardred
 the Balif too give the wid[ow]
 maycr a payer of Chooes also
 the wid[ow] Green a shift & Fulers
 Chyld a payer of Chooes ordred
 wid[ow] Fox have 6d for

The Feoffees' Book
 8 January 1723/4
 Ordered at a Town Meeting
 Wido Mayor a p[air] Shoos
 Wid[ow] Green a shift
 Fullers Gurll a p[air] shoos
 Old J[oh]n Clark a Shirt
 Long Will Cook a p[air] shoos

a fonit ordered Danell Harllin
ordred the Balif leet John Clark
have a payer of chooes Rurt[?] ordred
Will Cooke have a payer of
chooes.⁴⁸

Banckes Gurll a peticote
Wid[ow] Buckt 4 children Each a Shift
Old wooddard a pair Shoos
Gosnolds Gurll a shift
Rich Geare a shift.⁴⁹

The Feoffees paid for setting up the stocks and pillory in 1569 and paid Henry Atkinson and Richard Barker on various occasions for taking prisoners to gaol in 1574, so at that time the Feoffees were clearly financing law and order. The later constables' account of 1697 shows that those functions were by then passing to the constable himself, an appointment infrequently listed in the Feoffees' books.⁵⁰ By 1704, of course, the movement of the poor without settlement rights was well under way and this aspect of the Poor Law can be seen in the Town Books of Nayland but not in those of the Feoffees. The alien poor were no concern of theirs.

As the 18th century dawned the Feoffees clearly became the source of what may be called capital amenities. The first school in Nayland was founded in 1710 in one of their buildings and it is clear from the large number of documents concerning the school among the Feoffee papers that they played a major part in its running, both buying books and paying the teachers.⁵¹ In the same way the workhouse was founded in a building owned by the Feoffees (the tenements in Fen Street bought back by John Abbs and Thomas Rosse) and its equipment was paid for jointly from the rates and the Feoffee money. They continued to provide a lot of the supplies for it and to do the repairs. The pump seems to have been especially troublesome and there are many bills for its repair.⁵² At the same time they continued to pension the elderly poor in their homes and supply them with clothes. They also provided other services: the account book reveals payments to a lamplighter in 1753, and in 1755 they bought a fire engine. At this time it was not clear whether it was legal to buy a fire engine on the rates (Basham 1986, 18–20), but the Feoffees enabled this problem to be bypassed. In 1938 Dr Slade wrote: 'The Town has always been progressive. Many of the neighbouring villages who pride themselves on their superiority are today still without street lighting and call on us in case of fire' (Slade, 16). In 1757, on the land left by John Hyde to St Mary Service long ago, the Feoffees built the Pest House, where patients with smallpox could be nursed.

Although the Feoffees continued to look after the poor during the 19th century, their history at this time is marred by internal conflicts over the founding of a benefice for Nayland. Eventually the whole problem ended in a case in Chancery, the court with responsibility for control of charities. The final Chancery report gave detailed instructions on how the money should in future be spent. After paying any specific grants designated in original deeds the surplus, along with the money from those deeds whose origins were not clear, was to be paid as follows: £20 to the clergyman; £6 6s. to the Clerk; £15 to church repairs; £34 3s. 8d. to repair of properties and administration; and £6 for 'casualties'. The surplus was then to be divided in equal shares between firing, apprenticing children, a school for ten boys and ten girls, clothing for the children, relief of poor widows, and bread.⁵³

This apportionment would surely have met with the approval of Robert Cowper and his companions, but the whole case had cost the Feoffees £116 8s. 3d., nearly a fifteenth of their funds.⁵⁴

Shortly afterwards the Charity Commissioners came into existence and, like all other charities, the Feoffees passed under their care, becoming the Nayland Charities. Much later, in 1902, the Charities' administrators again got into trouble with the Charity Commissioners (they accepted a lower tender from one of their own number for a farm

tenancy), and were reminded fiercely that trustees must neither rent trust property nor provide services to anything run by the trust.⁵⁵ The incident shows that the Feoffees belonged to an earlier age. Of course they had always done these things, because they were the only people rich enough to rent the farms and they were the only millers, bakers, shoemakers, drapers and so on who could service the workhouse, the school and the poor. They had done their best for Nayland for four centuries and Nayland had cause to be grateful.

ACKNOWLEDGEMENTS

I would like to thank Mr W.A.B. Jones, Honorary Archivist of Hadleigh, for explaining to me about the Gilds and Feoffees of Hadleigh and, above all, David Dymond and Nesta Evans without whose help and encouragement I would never have completed this research.

NOTES

- 1 N.C.P., GB 12/1/15, 1/19.
- 2 S.R.O.B., IC/500/2/9/20, 178, 218; P.C.C. 13 Vox, 35 Horne and many others.
- 3 N.C.P., GB 12/1/64.
- 4 S.R.O.B., IC/500/2/9/178.
- 5 P.C.C., 13 Vox.
- 6 Personal information from Mr W.A.B. Jones, Honorary Archivist of Hadleigh.
- 7 P.C.C., 5 Jankyn.
- 8 P.C.C., 16 Jankyn.
- 9 P.C.C., 2 Holder.
- 10 N.C.P., GB 12/1/9.
- 11 S.R.O.B., IC/500/2/31/189.
- 12 N.C.P., GB 12/1/15.
- 13 N.C.P., GB 12/1/30.
- 14 P.C.C., 35 Horne.
- 15 *C.P.R.*, 7 Hen. VI pt 1, 544.
- 16 N.C.P., GB 12/1/33.
- 17 P.R.O., E 179/181/225.
- 18 N.C.P., GB 12/1/5, 7, 9, 30, 31, 32, 33.
- 19 N.C.P., GB 12/1/64.
- 20 P.C.C., 2 Holder; N.C.P., GB 12/1/10.
- 21 *C.C.R.*, 60–61.
- 22 *L.P.*, XIII pt 2, Addenda, 1311.
- 23 *C.P.R.*, Edw. VI (1548), 277.
- 24 N.C.P., GB 12/1/64.
- 25 N.C.P., GB 12/1/16.
- 26 In 1553; N.C.P., GB 12/3/1.
- 27 N.C.P., GB 12/1/21.
- 28 N.C.P., GB 12/1/10, 3/1.
- 29 N.C.P., GB 12/1/11.
- 30 *C.P.R.*, 12 Eliz. pt 2, 268, 347.
- 31 N.C.P., GB 12/1/13, 1/39.
- 32 N.C.P., GB 12/1/68.
- 33 S.R.O.B., IC/500/2/19/286; P.R.O., P.C.C. 3 Arundell and 18 Lyon.
- 34 N.C.P., GB 12/3/1.
- 35 N.C.P., GB 12/3/202, 204–06; S.R.O.B., FBA 64/E2/22, 23.
- 36 1566; N.C.P., GB 12/3/1.
- 37 N.C.P., GB 12/3/187–92.
- 38 N.C.P., GB 12/8/2.
- 39 N.C.P., GB 12/3/1.

- 40 1652: N.C.P., GB 12/3/2.
 41 N.C.P., GB 12/3/2.
 42 Dr Slade was the Nayland village doctor for many years and a keen amateur historian. He had access to both Town and Feoffee records, although it is clear that he did not see all those now available. He used some other documents, not now traceable. He does not always give his sources, but his work is an invaluable introduction to Nayland's history.
 43 In 1630: N.C.P., GB 12/3/2.
 44 N.C.P., GB 12/1/20.
 45 Slade 1938, 27, quoting a deed not to be found among the Feoffee papers.
 46 S.R.O.B., FBA 64/G1/1.
 47 N.C.P., GB 12/3/2.
 48 S.R.O.B., FBA 64/G1/2.
 49 N.C.P., GB 12/3/3.
 50 N.C.P., GB 12/3/206.
 51 N.C.P., GB 12/5/1-18.
 52 N.C.P., GB 12/3/3, 140, 141.
 53 N.C.P., GB 12/4/83.
 54 N.C.P., GB 12/4/7.
 55 N.C.P., GB 12/4/61.

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P.C.C. Prerogative Court of Canterbury wills, Public Record Office.
P.R.O. Public Record Office.
S.R.O.B. Suffolk Record Office, Bury St Edmunds Branch.