

Churchyard Capers: The Controversial Use of Church Space for Dancing in Early Modern England

Emily F. Winerock

Abstract

In late sixteenth- and early seventeenth-century England, reformers and ecclesiastical authorities condemned and attacked the well-established and scripturally supported tradition of dancing in the churchyard on Sundays and holy days as profanation of sacred space. Many episcopal visitation articles from this period inquired whether the church or churchyard had been abused or profaned with unlawful games, sports, or dancing. Church court records confirm that a number of dancers were presented and punished as a result of these inquiries. However, when such cases are examined in context, they suggest that dancing in the church or churchyard was rarely prosecuted unless it was disorderly or part of a larger conflict. One such source of conflict was disagreement over whether all or only some parts of the church and churchyard should be considered sacred space. Another area of controversy was what constituted appropriate behavior within sacred versus lay spaces and how certain spaces around the church, such as the churchyard, should be defined. This chapter investigates two cases of problematic dancing in Dundry, Somerset, that illuminate some of the factors that shaped perceptions of dancing as lawful or unlawful and decided whether parochial officials prosecuted dancing in the church and churchyard. These cases demonstrate how a space's status as sacred, secular, or somewhere in between not only impacted the day-to-day behaviors for which that space could be used, but also reflected and exacerbated religious and political tensions within the parochial community.

Chapter

To every thing there is a season, and a time to every purpose under the heaven
... A time to weep, and a time to laugh; a time to mourn, and a time to dance¹

18 Whether there bee in your Parish any that use any kinde of gaming in the Church or Churchyard, as bowling, coying, skaling, stoole ball playing, or dauncing, or any other pastime whatsoever, or any that fight, or make any frayes, or doe brawle or chide in those places, when and who they be &c.²

In the summer of 1621, according to the court records of the Bishop of Bath and Wells, three men were presented for playing sports and dancing on Sundays in the churchyard of the Dundry, Somerset, chapel.³ Two musicians were also presented for providing musical accompaniments for “those that usuallie daunce in the churchyard theare.”⁴ A few years later, in 1635, the bishop’s records again note presentments for men dancing in the Dundry churchyard, this time around a maypole. In both cases, the location of dancing, the Dundry churchyard, is key to understanding why these events generated such controversy.

In the sixteenth century, the Protestant Reformation called into question long-held assumptions about what was sacred, and many reformers sought to suppress or modify long-established traditions. This chapter explores how purposefully profane behavior within space claimed as sacred could act as a public protest and mask deeper community tensions. The following investigation of dancing in the Dundry churchyard, and their contestation

¹ Ecclesiastes 3:1, 4. *King James Version*.

² John Whitgift, *General Articles for Visitations within the Province of Canterbury* (1597), STC: 10133.7, sig. A4r, quoted from James M. Gibson, ed., *Records of Early English Drama: Kent: Diocese of Canterbury* (Toronto: University of Toronto Press, 2002), 2:932.

³ One of the dancers, Edward Wade or Ward, is described as a tailor, but the professions of John Brocke and Arthur Payton are not given. A 1623 tax assessment lists several men who are probably either the dancers themselves or their kin. Edward Wade was taxed at the lowest rate of £1 4 shillings as was John Peayton. John Brooke and William Brooke were assessed at £3 8 shillings, as was William King of West Dundry. Frederick A. Wood, *Collections for a Parochial History of Chew Magna* (Chew Magna, UK: Somerset Archaeological and Natural History Society—Northern Branch, 1903), 62.

⁴ Ex Officio Act Book, 1621–22, Somerset Record Office (hereafter SRO): D/D/Ca 222, fol. 10r, fol. 16r, quoted from James Stokes, ed., with Robert J. Alexander, *Records of Early English Drama: Somerset* (Toronto: University of Toronto Press, 1996), 1:100. Richard Hulvord and Richard Adelle are cited for providing music for the dancers, but it is not clear whether they were professional musicians or amateurs. Nor do we know what instruments they played, although fiddles, drums, or pipe and tabor, the most common instruments for accompanying dance, are most likely; Emily F. Winerock, “Reformation and Revelry: The Practices and Politics of Dancing in Early Modern England, c.1550–c.1640,” (PhD diss., University of Toronto, 2012), 111–14.

through the church courts, illuminates the layered meanings beneath the separation of sacred and profane spaces and also the clergy and laity in reformed England. The Dundry cases exemplify the consequent difficulties in defining and regulating sacred spaces and appropriate behavior within them. The second Dundry incident also provides a representative example of the sometimes heated negotiations that occurred between clergy and parishioners regarding who was entitled to make decisions about sacred spaces. Finally, examining the Dundry cases in some detail demonstrates how church court prosecutions that were nominally about profane or illicit dancing generally turn out to be embroiled in larger local conflicts and only one of many points of contention between those with more puritanical religious views and those whom one might call “festive traditionalists.”⁵

Before delving into how dance practices reflected and complicated post-Reformation perceptions of sacred space, it is helpful to have a general idea of what dancing in this period entailed, as well as some knowledge of the types of sources that have preserved this knowledge.⁶ Early modern sources used the term “dance” to describe a wide variety of movements accompanied by music. These movements were either choreographed or improvised. Choreographed dances had predetermined arrangements of steps that were learned by dancers and performed in the same way each time they did that dance. Improvised dances involved inventing a new series of movements each time the dance was done, dancing “after sundrie fashions.”⁷ Improvisations were not completely random movements, however. They drew from a known body of dance steps and had to take into account the rhythms and structure of the music.⁸ There were also hybrid forms that incorporated improvised solos into a larger choreographed duet structure, and more experienced dancers used embellishments or

⁵ The term “puritan” is considered problematic even by its defenders, but for lack of a better alternative, I use it here to describe those who sought to reform the liturgy and rituals of the Church of England along more Calvinist and sabbatarian lines than the Elizabethan Settlement required. However, following the precedent of Patrick Collinson and Peter Lake, among others, I use the term broadly so as to include both separatist puritans and moderate or conforming puritans. I have also coined the term “festive traditionalist” to describe those who may or may not have supported liturgical reforms, but who actively resisted attempts to suppress or curtail festive traditions such as Sunday dancing, Whitsun morris dances, maypoles, and church ales. For a more detailed discussion, see “Reformers, Conformers, and Festive Traditionalists,” in Winerock, “Reformation and Revelry,” 6–13.

⁶ Specific dances that might have been danced by the young men at Dundry are described below.

⁷ G. Yvonne Kendall, “Ornamentation and Improvisation in Sixteenth-Century Dance,” in *Improvisation in the Arts of the Middle Ages and Renaissance*, ed. Timothy McGee (Kalamazoo, MI: Medieval Institute Publications, Western Michigan University, 2003), 174.

⁸ Barbara Sparti, “Improvisation and Embellishment in Popular and Art Dances in Fifteenth- and Sixteenth-Century Italy,” in McGee, *Improvisation in the Arts*, 122, 118.

“accidental” steps to add variety to the regular or “natural” steps specified in choreographed dances.⁹

A handful of dancing manuals from across Europe preserve these steps and structures, as well as numerous choreographies.¹⁰ Formats vary, but all the extant dancing manuals provide one or more of the following: step descriptions, set choreographies for different dance types, accompanying music, accompanying illustrations, recommendations for performance, rules of ballroom etiquette, and defences or rationales for dancing based on Greco-Roman writings, biblical passages, and historical precedents. Unfortunately, there are no surviving English dancing manuals for the period between the compilation of music and dance instructions known as the Gresley manuscript (ca 1500) and the publication of John Playford’s *The English Dancing Master* (1651).¹¹ However, the Continental dancing manuals provide steps, choreographies, and conduct rules for dances known in England.¹²

Moreover, references to dancing appear in a myriad of English printed and manuscript sources, demonstrating the visibility of dance in early modern English society.¹³ Although these sources rarely include

⁹ In dances like the canary and the galliard, a male-female couple performed the choreographed opening, closing, and “chorus” figures together, but, in between, took turns improvising four to 16 musical bars worth of stamps and toe taps (for the canary) or kicks and jumps (for the galliard). Kendall, “Ornamentation and Improvisation,” 183; Fabritio Caroso, *Courtly Dance of the Renaissance: A New Translation and Edition of the Nobiltà di Dame* (1600), ed. and trans. Julia Sutton (New York: Dover Publications, 1995), 164; Jennifer Nevile, “Disorder in Order: Improvisation in Italian Choreographed Dances of the Fifteenth and Sixteenth Centuries,” in McGee, *Improvisation in the Arts*, 147. See also, G. Yvonne Kendall, “Le Gratie d’Amore 1602 by Cesare Negri: Translation and Commentary” (PhD diss., Stanford University, 1985).

¹⁰ “List of Dance Treatises and Manuscripts, Modern Editions, and Translations,” in *Dance, Spectacle, and the Body Politick, 1250–1750*, ed. Jennifer Nevile (Bloomington, IN: Indiana University Press, 2008), 313–29.

¹¹ The Gresley Manuscript is a collection of 26 choreographies and tunes collated with Latin prayers and other unassociated materials by John Banys (ca 1500) in Derbyshire. *The English Dancing Master* (1651), which was put together by music publisher John Playford, was the first dancing manual of English dances to be published in Europe and includes step descriptions and music for each dance.

¹² Anne Daye, comp., *A Lively Shape of Dauncing: Dances of Shakespeare’s Time* (Salisbury, Wiltshire: Dolmetsch Historical Dance Society, 1994). For an excellent discussion of the relevance of Continental dancing manuals to English dance, see Barbara Ravelhofer, *The Early Stuart Masque: Dance, Costume, and Music* (Oxford: Oxford University Press, 2006), 16–20.

¹³ In May 2013, a search on the term “dance” and its variants between 1550 and 1650 in the Early English Books Online (EEBO) collection returned over 15,700 references in more than 3,300 printed texts, not including numerous references to specific dance types such as the galliard or jig. As for manuscript sources, the Records of Early English Drama (REED) collections contain numerous dance references, including several hundred ecclesiastical prosecutions for irreverent dancing; Winerock, “Reformation and Revelry,” 45, 86.

choreographic descriptions, they often contain valuable contextual details, such as where dancing occurred, at what time of day, and the number, age, status, and gender of the dancers. Most importantly, these records provide glimpses of early modern dance as it was practiced, supplementing and sometimes complicating depictions of dancing in didactic and polemical sources, such as dancing manuals and anti-dance treatises.

A particularly important source base for these glimpses of English dancing in practice is court records, especially those of the ecclesiastical courts.¹⁴ Church courts could hear cases by one party against another, but most references to dance occur in *ex officio* or “correction cases” brought by court officials against individuals. The number of correction cases increased dramatically in the aftermath of the Reformation, since it fell to the church courts to enforce the various changes in religious liturgy, ceremony, and festive ritual introduced by the Tudor and Stuart monarchs.¹⁵ Most cases in which dance played a part, including the Dundry cases, were tried in consistory court, which was the court of the local bishop. Yet, dancing was rarely presented and prosecuted in the church courts unless there were pre-existing tensions and disagreement about the acceptability of dancing in particular contexts, such as on Sundays, in the churchyard, or as part of a traditional festivity, such as May games or church ales. Differing perspectives on sacred space and Sabbath observance lay at the heart of most of these local controversies, and the consistory court prosecutions of dancing in Dundry are no exception.

While a number of scholars have examined parochial tensions over *when* one ought to dance, this chapter focuses on the less frequently discussed but equally heated debate over *where* dancing ought to be permitted, especially regarding the controversial tradition of dancing in the parish churchyard.¹⁶ Why some, but not all, parishioners in Dundry might consider dancing in the churchyard problematic was at least somewhat due to the questioning and redefining of sacred spaces in the wake of the Reformation. In addition to spurring changes to the liturgy and the theology underpinning it, the Protestant Reformation had a significant impact on

¹⁴ See Winerock, “Reformation and Revelry,” 20–30.

¹⁵ Ralph Houlbrooke, *Church Courts and the People during the English Reformation, 1520–1570* (Oxford: Oxford University Press, 1979), 8, 53.

¹⁶ Most studies of English Sabbatarianism and of the “Book of Sports” address conflicts involving dancing, at least in passing, but see especially Kenneth Parker, *The English Sabbath: A Study of Doctrine and Discipline from the Reformation to the Civil War* (Cambridge: Cambridge University Press, 1988), and Alistair Dougall, *The Devil’s Book: Charles I, The Book of Sports, and Puritanism in Tudor and Early Stuart England* (Exeter: University of Exeter Press, 2011). Works that discuss both temporal and topographical dance controversies include Ronald Hutton, *The Rise and Fall of Merry England: The Ritual Year, 1400–1700* (Oxford: Oxford University Press, 1994), and Christopher Marsh, *Music and Society in Early Modern England* (Cambridge: Cambridge University Press, 2010).

the way people viewed traditionally “sacred spaces” like churches and churchyards. Throughout the Middle Ages, churches and churchyards had been sanctified by consecration, the ritual “by which a church, God’s house, was dedicated to the Lord and his service.”¹⁷ Consecration was an involved, formal process. The church grounds, including the churchyard, were first surrendered to the local bishop (Alienation), who then formally assigned them to God’s use (Assignment), with “special ceremony and solemnity” (Solemnitie), at which point “it becommeth now the house and ground of God.”¹⁸ However, early Continental reformers argued that one place was as holy as another, and thus “it made no difference if one was buried in a churchyard or in an open field.”¹⁹ Some, such as Heinrich Bullinger and James Pilkington, rejected consecrating churches and churchyards outright, calling it a “popish” rite whose only function was to raise “excessive sums of money” from parishioners.²⁰ Others, including John Calvin and Martin Luther, permitted the consecration of churches and churchyards, although they considered it *adiaphora*, or a thing indifferent, with no scriptural authority, and Luther encouraged burial outside of city walls.²¹ Moreover, because many early Lutherans had sought burial in unconsecrated, extramural cemeteries as a matter of principle, many Catholics came to associate burial outside of their parish churchyard with Protestantism.

Indeed, although there were compelling hygienic arguments for altering the custom of burying the dead in parish churchyards within the city to one of burial in cemeteries outside the city walls, especially for plague victims, attempts to change the customary practice met with fierce resistance.²² German Catholics were convinced that the medical justifications for having all Christians buried in consecrated, extramural cemeteries masked a hidden, Protestant agenda, and they had difficulty believing that extramural burial grounds were as holy as the parish church and churchyard, even when officially consecrated. Craig Koslofsky has argued that, at least on the first account, their fears were well-founded. In Leipzig, for example:

¹⁷ Andrew Spicer, “‘God Will Have a House’: Defining Sacred Space and Rites of Consecration in Early Seventeenth-Century England,” in *Defining the Holy: Sacred Space in Medieval and Early Modern Europe*, eds. Andrew Spicer and Sarah Hamilton (Aldershot, Hampshire: Ashgate, 2005), 211–12.

¹⁸ Fulke Robert, *Gods Holy House and Service According to the Primitive and Most Christian Form thereof* (London, 1639), 9–11, quoted from Spicer, “‘God Will Have a House,’” 212.

¹⁹ Craig Koslofsky, *The Reformation of the Dead: Death and Ritual in Early Modern Germany, 1450–1700* (New York: St Martin’s Press, 2000), 46.

²⁰ Spicer, “‘God Will Have a House,’” 209–10.

²¹ Spicer, “‘God Will Have a House,’” 209.

²² Koslofsky, *The Reformation of the Dead*, 46–76.

Reform-minded councillors ... knew that extramural burial would weaken traditional clerical intercession for the dead, threatening the financial basis of the Leipzig Dominicans and the traditions and privileges of the anti-reform university. In addition to its benefit to public health, these men saw the burial ordinance as one aspect of the struggle to reform the Church.²³

In England, the impact of the Reformation played out somewhat differently. The custom of consecration was, for the most part, accepted and even encouraged by English Protestants, who “recognized the importance of separating a church from the secular world.”²⁴ For example, the puritan-leaning Archbishop George Abbot officiated at the consecration of St James’ Church in London in 1623, stressing that the ceremony would have the effect of “utterly separating [the church] henceforth from all phrophane and domesticall uses or affayres.”²⁵ More Calvinist bishops, like Archbishop Abbot, may have amended the Catholic rite somewhat, downplaying the ceremonial aspects and highlighting the sermon, but unlike the early Continental reformers, English Protestant reformers did not generally attack the principle of consecrating churches and churchyards, nor did they encourage burial in unconsecrated ground. Of course, this did not mean that the English agreed on how clergy and parishioners should acknowledge the sanctity of consecrated places. Indeed, there was a great deal of disagreement as to what constituted appropriate behavior in and usage of certain sacred spaces, most notably the parochial churchyard.

As Ronald Hutton, among others, has observed, there was a long tradition in England, and in Europe, in general, of dancing at festive occasions such as weddings, church ales, religious processions, and during the festivities for Whitsuntide, May Day, Midsummer, and Christmas.²⁶ In some cases, such as in processions, movement was an integral component of the ritual itself.²⁷ However, for the most part, dancing at festive occasions was simply used to express and enhance general feelings of joy and celebration. Both participants and spectators understood dance as generically festive, regardless of whether the dance was an organized performance or informal social dancing, celebrating an agricultural festival or a religious one. Nevertheless, some forms of celebratory dancing were more easily sanctioned than others. Many traditional festivities took place

²³ Koslofsky, *The Reformation of the Dead*, 76.

²⁴ Spicer, “God Will Have a House,” 213.

²⁵ Oxford, Bodleian Library, Rawlinson MS D818, fol. 31r, quoted from Spicer, “God Will Have a House,” 214.

²⁶ See Hutton, *The Rise and Fall of Merry England*.

²⁷ See Audrey Douglas, “Owre Thanssyng Day’: Parish Dance and Procession in Salisbury,” in *English Parish Drama*, eds. Alexandra Johnston and Wim N.M. Hüsken (Amsterdam: Rodopi, 1996), 41–64.

wholly or partially in the parish churchyard, but dancing in rogation processions and at church ales, weddings, and Whitsuntide celebrations rarely raised objections so long as the dancers remained relatively sober and peaceful, and the festive events themselves were not already under contention.²⁸ However, dancing by maypoles was more likely to generate controversy, due to the maypole's reputedly pagan origins and related associations with idolatry and wantonness.²⁹

From the Middle Ages on, both religious and secular authorities complained about festive dance traditions from time to time, and occasionally attempted to suppress them, but first Protestants and then Catholics did so with greater regularity and persistence and to greater effect after the Reformation.³⁰ One of the sources of discontent for religious authorities was their location. Many took place in the churchyard, and some even brought dancing into the church itself. Archival records indicate that dancing occurred in a wide variety of venues, from private estates, to inns and alehouses, to village greens and public streets. Houses were the most common venue in which dancing occurred, but church properties were a close second, at least when it came to dancing that caught authorities' attention.³¹ Of 172 ecclesiastical and secular prosecutions from western England (ca 1560–ca 1640) that name the venue in which dancing occurred, 31 percent (53 records) describe dancing that took place on church grounds—nearly as many as the 37 percent (64) that took place in personal homes, and a good deal more than the 11 percent (19) that name alehouses and inns as the venue and the 10 percent (17) that specify dancing in public spaces like village greens.³²

²⁸ Rogation perambulations were specifically exempted from the 1559 royal injunctions' ban on processions; Alexandra Walsham, *The Reformation of the Landscape: Religion, Identity, and Memory in Early Modern Britain and Ireland* (Oxford: Oxford University Press, 2011), 254.

²⁹ Hutton, *The Rise and Fall of Merry England*, 56–7, 115–16. See also Caroline Balderston Parry, "The Maypole is up, now give me the cup ..." *REED Newsletter* 11 (1986): 7–9; Ronald Hutton, *The Stations of the Sun: A History of the Ritual Year in Britain* (Oxford: Oxford University Press, 1996), 233–6; Leah Sinanoglou Marcus, "Churchman among the Maypoles: Herrick and the Hesperides" in Leah Marcus, *The Politics of Mirth: Jonson, Herrick, Milton, Marvell, and the Defense of Old Holiday Pastimes* (Chicago, IL: University of Chicago Press, 1986), 140–68; and Phebe Jensen, *Religion and Revelry in Shakespeare's Festive World* (Cambridge: Cambridge University Press, 2008).

³⁰ Ann Wagner, *Adversaries of Dance: From the Puritans to the Present* (Urbana, IL: University of Illinois Press, 1997), 3–44.

³¹ The term "house" refers to both private and semi-private residences that doubled as unofficial or quasi-official alehouses; Winerock, "Reformation and Revelry," 108. See also, Peter Clark, *The English Alehouse: A Social History, 1200–1830* (London: Longman, 1983), especially "The Pattern on the Ground: The Incidence of Alehouses 1500–1839" and "The Rise of Regulation 1500–1750," 39–63, 166–94.

³² Winerock, "Reformation and Revelry," 108, Figure 16.

The majority of dancing on church property occurred in the churchyard, but a few records involved dancers in the church itself.³³ These describe single, isolated instances. For example, a young boy who attended Clitheroe Grammar School in Lancashire was beaten for dancing and playing coverpin in the church during the service.³⁴ Dancing in the churchyard, however, tended to be a regular occurrence, even when not sanctioned, and prosecutions tend to list repeated offenses.³⁵ For example, the “younge men, and maydens” of Catcott, Somerset, were in the habit of dancing the cushion dance, a kissing dance, in the churchyard on Sundays during the summer.³⁶ Maypoles, like the one at Dundry, might be set up in churchyards in the springtime, especially in the early part of this period, as well as on village greens.³⁷ Church ales, which often included dancing, generally took place in the churchyard, unless the parish had a church house—an enviable option, especially when it rained.³⁸ Dundry, however, does not seem to have had a church house, and the only references to dancing, at least in the court records for the case, are to dancing in the churchyard.

As far back as the thirteenth century, there were archiepiscopal statutes “Concerning the reverence of churchyards” that state, “we forbid that dances or base and shameful plays (or games) that invite wantonness

³³ Dancing on church property, whether permitted or forbidden, fell under the jurisdiction of the church courts; it would only be mentioned in a secular prosecution if dancing were just one component of the case or a tangential detail, such as the quarter sessions prosecution of Mary Vayly for “borrowing” Joan Thomas’ cloak while the latter was dancing in the churchyard at Locking, Somerset, perhaps at a church ale. Quarter Sessions Roll—examination of Mary Vayly, 1621, SRO: Q/SR 38, fol. 64r, quoted from Stokes, *REED: Somerset*, 1:160.

³⁴ Verdict of Inquiry into Affairs of Clitheroe Grammar School, London, National Archives: C 93/8/2, item b, quoted from David George, ed., *Records of Early English Drama: Lancashire* (Toronto: University of Toronto Press, 1991), 14.

³⁵ Alexandra Walsham has noted similarly regular (and regularly criticized) dancing at holy wells and other former Catholic holy sites, often in association with Whitsuntide festivities or on former holy days that the Protestants had struck from the sacred calendar. Walsham, *The Reformation of the Landscape*, 534–7.

³⁶ Compert Book for Bishop’s Peculiar, 1625, SRO: D/D/Ca 233, fol. 70v (14 October), quoted from Stokes, *REED: Somerset*, 1:72.

³⁷ Given the popularity of maypoles as well as the large amount of antagonism directed towards them by puritan reformers, it is surprising that there are very few prosecutions that name dancing as one of the activities accompanying maypole celebrations. Perhaps this is because in communities where maypoles were contested, conflicts usually occurred before the maypole was up for long enough to be the site of dancing. The Dundry maypole case is exceptional in this sense.

³⁸ Many parishes had church houses or parish houses in the early modern period. They were used for a mix of secular and religious purposes. Patrick Cowley, *The Church Houses: Their Religious and Social Significance* (London: S.P.C.K., 1970), 15.

should take place in the churchyard.”³⁹ This was because saints and those “to which all honour and reverence is due, are buried in consecrated churchyards.”⁴⁰ Similarly, in the mid-fifteenth century, Bishop of Exeter Edmund Lacy wrote that churchyards ought to be “venerated by all” and not profaned by any “unsuitable” activities such as jesting, playing, laughing, shouting, or “indecent and indiscreet dances.”⁴¹ Churchyards were, after all, consecrated spaces. Many late sixteenth- and early seventeenth-century episcopal visitation articles shared these concerns, inquiring:⁴²

61 Whether the Minister and Churchwardens have suffered any Lordes of Misrule or Sommer Lordes or Ladies, or any disguised persons, or others in Christmasse, or at May games, or any Morice dauncers, or others at rishe bearings, or at anye other times, to come unreverently into the church, or churchyard, and there to daunce, or playe any unseemely partes with scoffes, iestes, wanton gestures, or ribalde talke, namely in the time of common praier. And what they be that commit such disorder, or accompanie or maintaine them?⁴³

In all of these examples, dancing is not banned entirely—it is only dance that “invites wantonness” or is “unseemely” that is forbidden, and only dancers who come “unreverently” into the church or churchyard during common prayers are deemed problematic.⁴⁴

Yet, these injunctions and articles suggest a general discomfort among religious authorities with dancing. Physical contact between dancers was minimal, usually just holding hands, in the vast majority of early modern dances.⁴⁵ Therefore, it is difficult to take seriously William Perkins’ contention that “the dauncing used in these daies” was accompanied by “many lascivious gestures” and so was “no better, then the very bellowes of lust and uncleanes,” or Philip Stubbes’ claim that kissing and “filthy

³⁹ Archbishop Stephen Langton’s Synodal Statutes, 1222–28, BL: Cotton Julius D.11, fol. 171v, quoted from and translated in James Gibson, ed., *REED: Kent*, 2:939; 3:1246.

⁴⁰ Statutes of Bishop Peter Quinel, 1287, Exeter Cathedral Library: D & C Exeter MS 3549A, 16 April, Chapter 13, quoted from and translated in John M. Wasson, ed., *Records of Early English Drama: Devon* (Toronto: University of Toronto, 1986), xxx–xxxii, 4, 318.

⁴¹ David Dymond, “God’s Disputed Acre,” *The Journal of Ecclesiastical History* 50 (1999): 464.

⁴² For an explanation of how visitation articles were used (and abused), see below.

⁴³ Archbishop Grindal’s *Injunctions and Visitation Articles*, 1571, *STC*: 10375, sig. C2r, quoted from Elizabeth Baldwin, Lawrence M. Clopper, and David Mills, eds., *Records of Early English Drama: Cheshire* (Toronto: University of Toronto Press, 2002), 1:3–4.

⁴⁴ Rare counter-examples where dancing *is* banned entirely are discussed below.

⁴⁵ Wineroock, “Reformation and Revelry,” 72.

groping” were rampant on the dance floor.⁴⁶ Nevertheless, many religious reformers argued that it was safer to avoid all potential temptations to sin. As George Gifford noted, even if one were to dance “with a chaste mind, onely for recreation, and in sober maner,” a dancer’s motions could still serve as “a baite to stirre up, and kindle evill lustes” among spectators.⁴⁷

This possibility likely motivated injunctions that forbid dancing on church grounds at all times, not just when it was disorderly or during service time. The 1634 visitation articles of the Bishop of Chester, for example, inquire:

45 Item, whether hath your Church or Chappel, Church-yard, or Chappel-yard bene abused or profaned by any fighting, quarelling, chiding, brawling, or by any Plaies, Lords of Mis-rule, Summer Lords, Morris-dancers, Pedlers, Bowlers, Beare-wards, Feasts, Schooles, Temporall Courts, or Leets, Laie Iuries, Musters, or other profane usage whatsoever?⁴⁸

Here, any dancing, sport, or recreation “whatsoever” that occurred in the church or churchyard was a “profane usage” that had to be reported to the bishop so that the transgressors could be punished. In other words, in this visitation article, not only is the churchyard claimed as a sacred space, but sacred space is defined as a space that may not be used for secular activities such as dancing at any time whatsoever.

While it is not always clear whether bishops who inquired about dancing in churches and churchyards personally cared about the issue or were simply reusing the articles of their predecessors, nevertheless, when visitation articles did inquire about dancing, this created opportunities for those who disagreed with their local parish’s dance traditions to attack and condemn them. During the late sixteenth and early seventeenth centuries, puritan-leaning clergy and parishioners increasingly questioned the appropriateness of having churches sponsor dance events or raise funds from dancing under any circumstances. This paralleled reformers’ efforts to discourage fundraisers that encouraged communal drinking and

⁴⁶ William Perkins, *The whole treatise of the cases of conscience distinguished into three bookes: the first whereof is revised and corrected in sundrie places, and the other two annexed. Taught and deliuered by M. W. Perkins in his holy-day lectures, carefully examined by his owne briefes, and now published together for the common good*, by T. Pickering Bachelour of Diuinitie (Cambridge: 1606), 587; Phillip Stubbes, *The anatomie of abuses contayning a discouerie, or briefe summarie of such notable vices and imperfections, as now raigne in many Christian countreyes of the worlde: but (especiallie) in a verie famous ilande called Ailgna* (London: 1583), Book I, sigs M8r–M8v.

⁴⁷ George Gifford, *Eight sermons, vpon the first foure chapters, and part of the fift, of Ecclesiastes* ([London]: 1589), fols. 79r–79v.

⁴⁸ Bishop John Bridgeman’s *Visitation Articles*, 1634, STC: 10177, sig. B2r, quoted from Baldwin et al., *REED: Cheshire*, 1:6.

general revelry, efforts that Archbishop William Laud and his supporters built upon and extended, despite their otherwise very different views on liturgy and ceremony. In England, both puritans and Laudians shared what Alexandra Walsham has described as the impulse to “sharpen the boundaries between the sacred and the profane,” “ensure that the church and adjacent churchyard were treated with proper reverence,” and “expel commercial and recreational activities from ‘God’s Acre.’”⁴⁹ In the long run, these efforts were largely successful. Church rates replaced church ales as the primary form of fundraising, and though dancing remained popular, dances were rarely held on church grounds but instead took place in alehouses, private homes, and secular public areas.⁵⁰ Similarly, John Forrest has shown that church sponsorship of morris dancing had “a clear terminus in the 1630s following its heyday around 1540 to 1570.”⁵¹ However, these changes occurred gradually over time. In the late sixteenth and early seventeenth centuries, dancing on church property was still common in many parishes, and visitation articles that only forbade wanton or disorderly dancing in the churchyard or dancing during service time or on holy days created potential loopholes for would-be dancers, even though taking advantage of them could lead to or heighten local tensions.

Dundry is a small village overlooking Bristol in western England. (See Figure 9.1: Map of Somerset with Dundry and Chew Magna.)

Dundry was a dependent chapel of Chew Magna parish in the diocese of Bath and Wells. In large but sparsely populated parishes, such as Chew Magna, freestanding chapels, like that in Dundry, might fulfill many of the functions of a parish church. The vicar at Chew Magna continued to receive the tithes and other ecclesiastical income from Dundry, but he hired a curate who, for a small stipend, oversaw quotidian matters at the Dundry chapel, holding services on Sundays and holy days so parishioners would not have to travel great distances to fulfill their religious obligations.⁵² Sometimes, as at Dundry, this situation caused conflicts, since those who attended chapel services had little connection to the incumbent of the

⁴⁹ Walsham, *The Reformation of the Landscape*, 264.

⁵⁰ Marsh, *Popular Religion in Sixteenth-Century England*, 102; John Forrest, *The History of Morris Dancing, 1458–1750* (Toronto: University of Toronto Press, 1999), 29–30.

⁵¹ Forrest, *The History of Morris Dancing*, 140.

⁵² A rector was entitled to the earnings from glebe lands and the great tithes (10 percent of the annual increase of each parishioner’s corn, peas and beans, hay, and wood), whereas a vicar received a stipend and the small tithes (10 percent of the increase of wool, milk, pigs, and so on, and of the profits earned by tradesmen and laborers). The parish’s rector or lay patron would receive the rest of the profits. Thus, the chapel curate hired by a parish vicar, rather than by a rector, likely received very little pay. Susan Doran and Christopher Durston, *Princes, Pastors, and People: The Church and Religion in England, 1500–1700*, 2nd ed. (London: Routledge, 2003), 148, 170.

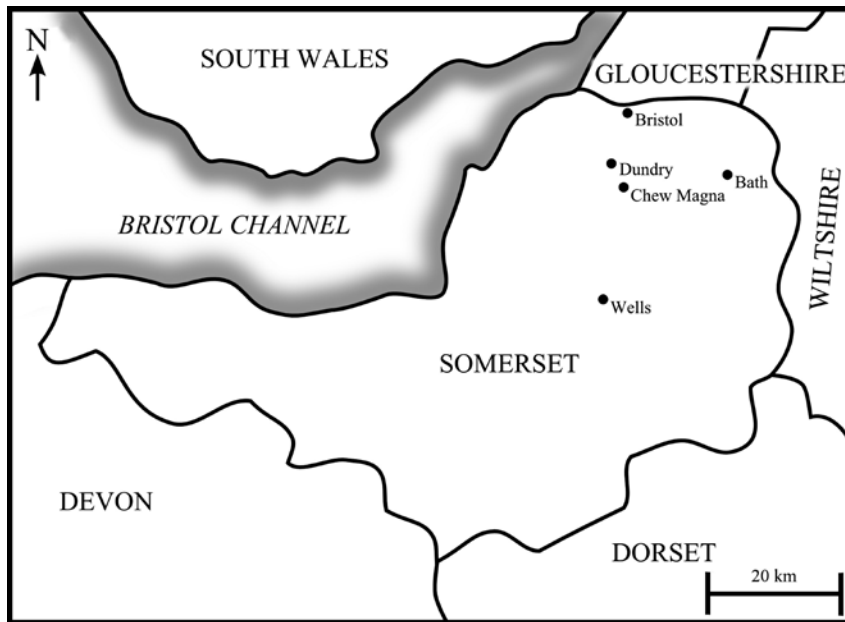


Figure 9.1 Map of Somerset with Dundry and Chew Magna. Map by Christopher Wilmer, 2012

parish who was their official spiritual supervisor and even less interest in paying him more than they considered his due.

Dundry chapel also had two churchwardens. Churchwardens had a variety of responsibilities, which included keeping accounts of expenditures and earnings; organizing fundraising endeavors, such as church ales; monitoring church attendance and the conduct of both parishioners and clergy; and attending ecclesiastical court sessions to respond to visitation articles.⁵³ Churchwardens usually held their posts for a single year, and parish dynamics could change drastically with a change of churchwardens. One of the reasons for this was because of how individual churchwardens differed in their responses to visitation articles.

Bishops, archdeacons, and their deputies enforced church law through visitations. Before a visitation, the bishop or archdeacon sent out visitation articles or articles of enquiry to all the parishes. The articles were a series of questions asking about the state of affairs in the parish, from the condition of the church buildings to the behavior of the incumbent

⁵³ Christopher Marsh, *Popular Religion in Sixteenth-Century England: Holding Their Peace* (New York: St Martin's Press, 1998), 69–70.

and parishioners. Some inquired about the parish's dance practices, specifically about dancing in the church and churchyard and during divine service time.⁵⁴ A few asked if the vicar or curate were inclined to dance.⁵⁵ When the consistory convened for visitation sessions, the churchwardens and lay representatives for each parish would "make their returns" or responses to each article.⁵⁶ These ranged from simple statements that nothing untoward had happened since the last visitation to numerous reports, or presentments, of transgressions committed. In the latter case, the transgressors would be called before the court in a subsequent session to respond to the presentments. Episcopal visitations were supposed to happen every three years, and archidiaconal visitations were supposed to happen at least once a year, but, in reality, they were sometimes much less frequent.⁵⁷

After alleged transgressors were presented, they would be cited to appear before the court. If those cited did not appear on the designated date, they would be declared contumacious and excommunicated.⁵⁸ When the accused did appear before the court, he or she would be absolved upon paying a fee. If the suspect denied guilt under oath, then he or she would have to produce compurgators, friends or neighbors who would vouch for the suspect's good character and support his or her denial of the transgression. If the accused failed compurgation or admitted guilt, he or she would be assigned penance, which was typically performed barefoot and wearing a sheet, in the parish church.⁵⁹ In order to resolve the case, the person would have to bring the judge a document from the parish incumbent certifying that penance had been done. Sometimes judges would permit offenders, especially those of higher status, to pay a fine instead of performing public penance, and for lesser transgressions, those who "showed obvious contrition" might be dismissed with a warning.⁶⁰ There

⁵⁴ See, for example, John Whitgift's *General Articles for Visitations within the Province of Canterbury* (1597) quoted at the beginning of this chapter.

⁵⁵ *Articles of Enquiry of Bishop Richard Neile*, 1610, STC: 10226, sig. A4r, quoted in J. Alan B. Somerset, ed., *Records of Early English Drama: Shropshire* (Toronto: University of Toronto Press, 1994), 1:3–4.

⁵⁶ Houlbrooke, *Church Courts and the People*, 29, 44.

⁵⁷ Houlbrooke, *Church Courts and the People*, 29.

⁵⁸ Houlbrooke, *Church Courts and the People*, 48. Houlbrooke also discusses the effectiveness (or lack thereof) of spiritual censures, such as excommunication.

⁵⁹ Houlbrooke, *Church Courts and the People*, 46. This is what was meant by penance "in usual garb," such as that assigned to John Botchet, the minstrel who played for Sunday dancers in Bishops Frome, Herefordshire, in 1619/1620. David N. Klausner, ed., *Records of Early English Drama: Herefordshire/Worcestershire* (Toronto: University of Toronto Press, 1990), 64, 207–8, quoting and translating Diocese of Hereford Acts of Office, 1619/1620, HRO: box 24, vol. 90, fols. 128v–129r (January 12).

⁶⁰ Houlbrooke, *Church Courts and the People*, 47.

are also numerous church court cases that lack a recorded resolution.⁶¹ Judges could terminate proceedings prior to passing judgment for various reasons, such as the intervention of a clergymen or high-status supporter, which might not be recorded.⁶²

William King, one of Dundry's two churchwardens, was probably behind the presentments of the dancers in 1621. Not only was presenting transgressors one of his responsibilities as a churchwarden, but King was also embroiled in an ongoing conflict with at least one of the defendants.⁶³ A few months before the three young men were accused of dancing, the churchwarden had asked the same young men to leave off playing "of fives" and cudgels in the churchyard on St Mark's Day (April 25). In response to this request, one of them, John Brocke, had retorted that the churchwarden "will not suffer us but the whiles you cutt youre neighbors throates."⁶⁴ This seems like a rather disproportionately virulent response to being asked to stop playing a game.

The key to the mystery may lie in the detail that John Brocke was chastised not by both churchwardens but by only one. The other churchwarden at Dundry that year, it turns out, was William Brocke, his father.⁶⁵ This suggests that the complaints against John Brocke and his friends for dancing and game-playing in the churchyard may have been part of a larger conflict between the two Dundry churchwardens.

The precise details of the conflict between the Brockes and the Kings remain ambiguous, but in his retort, John Brocke seems to be accusing King of hypocrisy.⁶⁶ Brocke expresses outrage that King would complain about young men engaging in comparatively innocuous recreations in the churchyard when King is involved in, at least metaphorically, cutting his neighbors' throats.⁶⁷ There is also some uncertainty about what is cause and what is effect. King obviously disagrees with the younger Brocke about the proper use of the churchyard, but that might also be one of the sources of tension between the two churchwardens.

Unfortunately, the surviving records do not make clear what transgressions the young men were specifically accused of committing,

⁶¹ Houlbrooke, *Church Courts and the People*, 45 n75. Houlbrooke found no record of appearance for 15 percent to 40 percent of all those called before the Norwich archdeaconry court from 1520 to 1570. However, he points out that this may simply indicate careless record keeping rather than high contumacy levels.

⁶² Houlbrooke, *Church Courts and the People*, 43.

⁶³ Bishop's Court Deposition Books, 1635, SRO: D/D/Cd 81, fols. 176r–177v, quoted from Stokes, *REED: Somerset*, 1:104–5.

⁶⁴ SRO: D/D/Ca 222, fol. 9r.

⁶⁵ SRO: D/D/Cd 81, fols. 176r–177v.

⁶⁶ SRO: D/D/Ca 222, fol. 9r.

⁶⁷ "Throat-cutting" presumably refers to some sort of uncharitable behavior towards one's neighbors such as seeking legal action against their persons or property.

but since John Brocke was initially ordered to do penance, and the two other dancers, Arthur Payton and Edward Wade, were called back to the consistory court for another hearing, the court obviously considered them possibly guilty of something. It seems likely that it was Brocke's angry response that elevated the young men's dancing in the churchyard from youthful high spirits to a threatening incident requiring outside intervention. In the end, though, the young men were discharged "without anie charg unto them" and "paid noe fees for the said busines."⁶⁸ Yet, this case did not conclusively resolve the question of whether or not it was acceptable to dance in the Dundry churchyard. Fifteen years later, there was another prosecution for churchyard dancing, and in this case, the location of the event was clearly at the heart of dissension within the parish.

On May Day in 1634, Simon Cotton, the curate of Dundry chapel, noticed that Arthur Payton, William Weeke, William Horte, and "others of the Inhabitants of Dundry aforesaid of the younger sorte" were putting up a maypole in the Dundry churchyard.⁶⁹ He hurried out to the men and "thinking itt not see[mly] to have a maypole soe neere placed unto the church," asked them to put it up someplace else.⁷⁰ The young man digging the hole for the maypole halted, but Arthur Payton "came & tooke upp the toole & began to [proc]eede in digging."⁷¹ At the same time, Payton said to the curate "in scoffinge manner" that "the vicar did sue for trees" in the churchyard and now they would give him one more.⁷² This was no accidental choice of words, as subsequent events reveal. Payton continued digging and "would not desist," and the maypole was raised in the churchyard. Afterwards, "in the said churchyard & neere the said Maypole" Payton and Weeke "leaped, daunced, and wantonlie behaved themselves."⁷³ The following year, the maypole revelers found themselves presented for irreverence in the consistory court of William Piers, the Bishop of Bath and Wells.

Curate Cotton's presentment accused the young men of leaping, dancing, and "wantonlie" behaving themselves in the churchyard. This raises the question, was their dancing what was considered wanton by the curate? If so, what might make a dance wanton or disorderly in the

⁶⁸ SRO: D/D/Ca 222, fol. 9r and D/D/Cd 81, fol. 177v.

⁶⁹ Bishop's Court Deposition Books, 1631–35, SRO: D/D/Cd71, fol. 209r, quoted from Stokes, *REED: Somerset*, 1:101. Although he considered it a "stinking Ydol," Phillip Stubbes' offers the most detailed description of setting up, decorating, and dancing around an early modern maypole; Stubbes, *The anatomie of abuses*, sigs. M3v–M4r.

⁷⁰ SRO: D/D/Cd71, fol. 209r.

⁷¹ SRO: D/D/Cd71, fol. 209v.

⁷² SRO: D/D/Cd71, fol. 209v. Also see note, from Stokes, *REED: Somerset*, 2:900.

⁷³ SRO: D/D/Cd71, fol. 209v. The young men danced near the maypole but not necessarily around it.

eyes of contemporaries? Phillip Stubbes' infamous complaint about, "what clipping, what culling, what kissing and bussing, what smouching & slabbering one of another, what filthie groping and unclean handling is not practised every wher in these dauncings?" does not describe actual dance steps or choreographies. Rather, Stubbes attacks related activities that he is convinced accompany dancing, at least when men and women dance together.⁷⁴ However, there were dances, such as the volta, that were widely considered to be wanton and lascivious, even by the dance manual writers who described them.⁷⁵

The volta was certainly danced in England, but it is unlikely to have been the dance performed in the Dundry churchyard.⁷⁶ While dances like the volta involved close, even intimate, contact between male and female dancers—contact that might have justified Stubbes' concerns—and which could be considered too lascivious for churchyard festivities, in both the Dundry court cases, only young men are mentioned dancing. Three men would not have been dancing a racy couple dance, like the volta. Therefore, if their dancing was not wanton in the sense of being sexually suggestive, why might it have been problematic? One possibility is that the young men were guilty of disorderly dancing. Mock combat and sword and stick dances, like the morris, could be perceived as aggressive or threatening and sometimes spilled into violence.

The morris was a dance best suited to the young and fit. It was a semi-professional dance form, rather than a social dance, with rehearsed dancers performing for an audience and receiving compensation in

⁷⁴ Stubbes, *The anatomie of abuses*, Book I, sigs M8r–M8v. In the preface to the first edition, Stubbes explains that he is only opposed to dancing on the Sabbath day, dancing in public, and men and women dancing together. Interestingly, though, this qualifier does not appear in subsequent editions.

⁷⁵ In his dancing manual, after describing the alternating sets of kicks and turning lifts, Thoinot Arbeau warns that the volta was considered immodest because it called for "long strides and separations of the legs," and because the woman's skirts could fly up when she was being swung through the air; Thoinot Arbeau, *Orchesography* (1589), ed. Julia Sutton (New York: Dover Publications, 1967), 121. The volta lift required much greater intimacy than other contemporary dances, where holding or clapping hands was the main form of physical contact, and the volta was certainly less respectable than the next nearest type of "naughty" dance: kissing dances, like the cushion dance; Winerock, "Reformation and Revelry," 312–14.

⁷⁶ Bodleian MS Douce 280 by John Ramsey (ca 1630), includes "The French Levolto" among the dances to follow after the old measures. The old measures were a set group of English choreographed, processional dances performed by a line of couples. Ramsey's volta description is fairly similar to Arbeau's. David R. Wilson, "Dancing in the Inns of Court," *Historical Dance* 2 (1986–87): 8, 13–16. See also Ian Payne, *The Almshouse in Britain, c.1549–c.1675* (Aldershot, Hampshire: Ashgate, 2003).

money or refreshments.⁷⁷ Morris was a physically strenuous dance with choreographed, technically demanding steps. It was generally performed by groups of six to ten men (and occasionally women), probably in their late teens and early 20s. The dancers wore bells around their ankles or just under their knees and special coats with long, dagged sleeves or ribbons to accentuate arm gestures. Some of the dances utilized props like handkerchiefs to accent the dancers' movements or sticks and swords for mock combat. Morris dancers were frequently hired to dance in festive processions and as entertainment at church ales and other parish events. They also went on tours of neighboring parishes, where, on occasion, they got into altercations with local youths.⁷⁸ Moreover, even when the dancing itself was perfectly orderly, dancers could end up being prosecuted if their dancing occurred alongside other activities disapproved of by secular and ecclesiastical authorities, such as drinking, fighting, and game playing.⁷⁹ While too few dancers are prosecuted in the Dundry cases for the offending dances to have been full-fledged morris performances, the dancers and musicians in the 1621 case could have been practicing for a future performance, and in both cases, it is not difficult to imagine the young men dancing in a similarly active and athletic, and perhaps threatening, manner.⁸⁰

Nevertheless, it is more likely that what was deemed offensive about the dancing of the young men in these cases was not their dance steps or style but their choice of location, that is, the Dundry churchyard. Yet, as the second case makes clear, some churchwardens and laypeople had no objection to dancing in the churchyard. One plausible explanation for this is that the Dundry churchyard was actually divided into two parts, and many parishioners considered only the section of the yard nearest the church to be sacred space. In one of the several depositions from parish

⁷⁷ Modern-day "traditional" morris dances derive from the dances collected by Cecil Sharp and his fellow folklorists in the early twentieth century. It is unlikely that these dances bear much resemblance to the early modern morris. Certainly morris is not a vestige of some "primitive rite" that "lingers in the minds of the country people," as Sharp suggested. There is no unambiguous evidence of English morris dancing prior to 1458. More promising is the hypothesis that the English morris dance and European sword dances such as the *morisco*, *matachin*, and the *barriers* share a common ancestor and therefore may have similar choreographies. Forrest, *The History of Morris Dancing*, 12–17, 47.

⁷⁸ John Forrest, "Morris Dance," in *International Encyclopedia of Dance: A Project of Dance Perspectives Foundation, Inc.*, ed. Selma J. Cohen (New York: Oxford University Press, 1998), 4:473–5.

⁷⁹ Game playing included a diverse selection of recreations from card and dice games to football and bowling; Winerock, "Reformation and Revelry," 90.

⁸⁰ Other dances the young men could have been doing include the hornpipe or jig—dances which are also known to have been athletically demanding and danced by young men, but for which even fewer choreographic details survive than for the morris; Winerock, "Reformation and Revelry," 77–80.

elders in the 1634 case, Thomas Loscomb, a 65-year-old husbandman from Chew Magna, explained that the Dundry churchyard was divided into two parts, both enclosed by walls. There was an inner yard right next to the church and an outer yard, which was also known as the church hay.⁸¹ The young men had put up the maypole in the outer churchyard, which had long been used for secular activities including sports, fairs, and dancing. It was only the inner churchyard, where parishioners were buried, that was treated as consecrated.⁸²

That the outer churchyard or hay had traditionally been used for sports and recreations is confirmed by William Brocke, the 64-year-old husbandman who had been a churchwarden in 1621 and was the father of John Brocke, one of the dancers from the earlier case. The elder Brocke asserted that “since his tyme of remembrance he hath seene & observed severall May poles to be sett upp & placed in the said plott of grownd and alsoe in the same grownd dawncing, kissing bulbayting, Coyting bowling, shooting att Butts Cudgell playing & heads broken theare, and other sportes and recreations used had & donne.”⁸³ Indeed, Brocke himself, “in his youthe & sinth hath severall tymes used & byn an actor in some of the recreations or sportes aforementioned,” reiterating that such pastimes “hath byn from tyme to tyme commonlie knowne in dundrie & other places & parishes hereabouts.”⁸⁴ In other words, not only was there a precedent for setting up maypoles and having dancing and sports in the church hay at Dundry, but this was also the common practice of the nearby parishes.

Indeed, there is reason to believe that dancing in the churchyard was an established tradition in Dundry. William Brocke states that until Mr Fabian became the vicar at Chew Magna, these activities had taken place “without contradiction or denyall.”⁸⁵ He acknowledges the 1621 case against dancing in the church hay but stresses that his son and the other young men were eventually exonerated and “paid noe fees for the said business.”⁸⁶ According to Brocke, it was not dancing in the outer churchyard that broke with tradition, but Vicar Fabian and Curate Cotton’s disapproval of it. However, the acceptability of sports in the

⁸¹ SRO: D/D/Cd71, fol. 216v.

⁸² It is possible that the northern part of the modern-day churchyard was the original church hay. If so, Cotton may have exaggerated how close the maypole was to the tower, or it might have been at the very edge of the hay by the church. There is currently a low wall separating the graveyard from the southern churchyard nearest the church itself, but it is not clear whether this wall is in the same place as that described by Thomas Loscomb.

⁸³ SRO: D/D/Cd81, fol. 176r.

⁸⁴ SRO: D/D/Cd81, fol. 176r.

⁸⁵ SRO: D/D/Cd81, fol. 176r.

⁸⁶ SRO: D/D/Cd81, fol. 176v.

churchyard was only one aspect of this case. Another component was the ownership of the churchyard.

When John Fabian became the vicar of Chew Magna in 1628, he appointed Simon Cotton as the curate at Dundry.⁸⁷ One of Fabian's enterprises was to improve the finances of his post, and he pursued this goal by claiming that both the inner *and* the outer churchyards at Dundry belonged to him.⁸⁸ Specifically, Fabian claimed the wood from the trees in the outer churchyard as belonging to the vicar, not to the parish at large, and in 1632, Fabian sued William King, John Brocke, John Wade, and Edward Wade for pruning trees in the outer churchyard and keeping the timber. In 1633, the High Commission Court ruled in Fabian's favor, and the men were fined the sizeable penalty of £10 each.⁸⁹ Records of Early English Drama editor James Stokes speculates that the reissue in 1633 by Charles I of James I's *The Kings Maiesties declaration to his subiects, concerning lawfull sports to be used* (1618), often referred to as the "Book of Sports," "seems to have given fresh heart to the maypolers."⁹⁰ However, I would argue that the men who put up the maypole and danced around it in 1634 had vengeful as well as celebratory motivations.⁹¹

Fabian's suit against the Dundry men had created widespread resentment against the vicar. When the curate requested that they put the maypole elsewhere, Arthur Payton responded by saying "in scoffinge manner"

⁸⁷ Stokes, *REED: Somerset*, 2:900 n101–2. Fabian was appointed by William Laud, then Bishop of Bath and Wells.

⁸⁸ Interestingly, Margaret Stieg found that the value of the benefice at Chew Magna increased more than most Somerset benefices between 1535 and 1668, from 30£ 13s 4d to 200£. This meant that Chew Magna went from being a somewhat valuable benefice to the fourth most lucrative benefice in the county and the highest valued vicarage. However, she does not provide, nor have I found, details regarding when these increases occurred, so it is not clear as to how much Fabian was responsible for this increase, nor do any of the surviving documents reveal Fabian's motivations for trying to "recover" the church hay. Stieg also describes the church hay as consecrated ground, but the Dundry court cases suggest that even if that were technically true, many parishioners did not consider it to be so. Margaret Stieg, *Laud's Laboratory: The Diocese of Bath and Wells in the Early Seventeenth Century* (Lewisburg, PA: Bucknell University Press, 1982), 144–6, 149–63.

⁸⁹ Stokes, *REED: Somerset*, 2:900 n101–2, referencing House of Lords Record Office: 178c/5. For an overview of the High Commission Court case and related cases between Fabian and King, among others, see Stieg, *Laud's Laboratory*, 144–6.

⁹⁰ Stokes, *REED: Somerset*, 2:900 n101–2. For the controversies leading up to and in reaction to the original Book of Sports, as well as the reissue, see Luc Racaut, "The 'Book of Sports' and Sabbatarian Legislation in Lancashire, 1579–1616," *Northern History* 33 (1997): 73–87; Dougall, *The Devil's Book*.

⁹¹ Leslie Hotson has discussed a somewhat similar controversy in Stratford-upon-Avon in 1619 caused by the puritan aldermen taking the local maypole down, which led to a large, armed protest and the reinstallation of the pole by those who disagreed with the "attack on the ancient and laudable customs of Merry England." Leslie Hotson, "Maypoles and Puritans," *Shakespeare Quarterly* 1 (1950): 207.

that “the vicar did sue for trees” in the churchyard and now they would give him one more.⁹² Payton’s retort suggests that he set up the maypole in the church hay as a direct and intentional protest against the court ruling in Fabian’s favor. Moreover, through depositions in their defense, the maypolers asserted that the churchyard ought to retain its traditional role as a site for both religious celebrations and secular recreations. They implied that a maypole, now just “one more” tree, belonged in the church hay, just like the trees claimed by the vicar. In spite of the court’s ruling that the outer churchyard was solely under the vicar’s authority rather than the laity’s, many members of the laity continued to see Dundry’s outer churchyard—unlike the consecrated, inner churchyard—as a communal space in which secular and lay activities, such as dancing around maypoles, ought to be appropriate.

Interestingly, most of the men sued by Fabian in 1632 are familiar from the 1621 dance case. John Brocke, Edward Wade, and Arthur Payton were most likely the three 1621 dancers, and William King was the churchwarden who chastised them for dancing in the churchyard. Brocke, Wade, and Payton were clearly proponents of traditional festivities and dancing, in general. King, on the other hand, switches sides from the first to the second case. The former churchwarden might not have approved of dancing in the churchyard *per se*, but he apparently preferred it to the vicar’s usurpation of ownership of the church’s trees and hay. King was prepared to tolerate secular uses of the outer churchyard if that would strengthen the argument in favor of restoring the church hay to its former status as a communal, rather than a proprietary, space.

Although the reissue of the Book of Sports by Charles I in 1633 had confirmed the acceptability of dancing and festive revelry on Sundays and holy days, like the original declaration, the reissue did not define or explain *where* it was lawful to dance. The Dundry case reveals how the sanctity of the churchyard continued to be contested in 1634 just as it had been in 1621. Moreover, by 1634, not only did the vicar and curate claim the entire churchyard as a sacred space and thus off-limits for recreations, the vicar also claimed it as a space exclusively for the church’s, that is, his, use. That the defendants saw this as a double usurpation is suggested by the depositions in their support. William Brocke, for example, emphasized the long tradition of using the outer churchyard for sports and recreations. He also reiterated that no one was buried in that part of the churchyard, only in the inner courtyard and in the chapel itself, reminding his hearers that the church hay was not consecrated and so need not be treated like hallowed ground.⁹³

⁹² SRO: D/D/Cd71, fol. 209v.

⁹³ SRO: D/D/Cd81, fol. 176r.

The defendants called on tradition by having parish elders—the local authorities on parochial traditions—defend their dancing and the lay use of the churchyard for social and economic purposes more generally. David Underdown sees the older men’s depositions as largely ineffectual, because they do not prove a continuous tradition of maypoles in the church hay.⁹⁴ However, even if the church hay had not been used regularly for maypoles and dancing, Brocke states that the St Giles’ Day fair had been held annually in the churchyard since “tyme surpassing the memorie of man,” that is, until Fabian objected,⁹⁵ and it had definitely been the location of other secular recreations “from tyme to tyme” for as long as anyone could remember.⁹⁶ This meant that that the church hay had always been accessible to everyone, and it had not previously been considered an exclusively sacred space. The depositions of the older men, in this respect, effectively countered the vicar and curate’s claims.

However, it was not enough. As Margaret Stieg discusses in *Laud’s Laboratory* (1982), Archbishop Laud intervened personally on Fabian’s behalf, asking William Piers, the Bishop of Bath and Wells, to look into matters. Bishop Piers confirmed a much earlier bishop’s ruling that the Dundry church hay belonged to the vicar of Chew Magna.⁹⁷ We know that Laud was not opposed to dancing, because he had been instrumental in encouraging Charles I to reissue the Book of Sports not long before this. However, when the desires of dancers appeared to undermine Laud’s efforts to emphasize what Andrew Spicer calls the “sacred character of churches ... by banishing secular or profane activities from the buildings and surrounding churchyards,” and when local dance traditions conflicted with the attempts of clergymen to accrue greater financial support for their posts, Archbishop Laud sided with the clergy.⁹⁸

While the 1621 churchyard dancers escaped repercussions, the 1634 maypole dancers were not so lucky. The court expenses and other costs charged to the dancers were prohibitive and had not been fully paid by 1640 when their fellow parishioners petitioned the House of Lords on their behalf.⁹⁹ Moreover, when Vicar Fabian died in 1643, ownership of the church hay and its trees remained with the parish incumbent.¹⁰⁰

⁹⁴ David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England 1603–1660* (Oxford: Clarendon Press, 1985), 86–7.

⁹⁵ SRO: D/D/Cd81, fol. 176r.

⁹⁶ SRO: D/D/Cd81, fol. 176r.

⁹⁷ Stieg, *Laud’s Laboratory*, 147.

⁹⁸ Spicer, “God Will Have a House,” 208. See also Peter Lake, “The Laudian Style: Order, Uniformity, and the Pursuit of the Beauty of Holiness in the 1630s,” in *The Early Stuart Church, 1603–1642*, ed. Kenneth Fincham (Palo Alto, CA: Stanford University Press, 1993), 161–85.

⁹⁹ Stokes, *REED: Somerset*, 2:900 n101–2.

¹⁰⁰ Stokes, *REED: Somerset*, 2:900 n101–2.

Shared participants and the same contested space link two different prosecutions for dancing in seventeenth-century Dundry, Somerset. In the 1621 court case, there seems to have been dissent between the churchwardens about the merit and acceptability of dancing in the churchyard or church hay. Whereas William King felt that dancing was an inappropriate activity for the churchyard, regardless of whether or not that part of the churchyard was officially consecrated, William Brocke disagreed. It is also likely that King was more of a puritan than Brocke in his fundamental religious beliefs and that the laity of Dundry might have split along religious lines when it came to their views on churchyard dancing. Yet, in the 1634 case, King switched sides. He, along with the other parishioners who gave depositions, felt that having dancing and other secular activities in the church hay was a lesser evil than losing the hay as a communal, accessible space and common resource. Moreover, through its role in the protest against the perceived usurpation of the church hay and its resources by the vicar and curate, dance also became more acceptable in the eyes of more puritan parishioners. In both cases, however, it was dancing in an arguably “sacred space” in combination with other local conflicts that led to prosecutions of “those that usuallie daunce in the churchyard.”¹⁰¹

Dancing itself was not illegal in early modern England, but the times and places in which it was deemed “proper and suitable” were hotly contested. The Protestant Reformation had called into question the long-held assumption that churches and churchyards were sacred spaces, and early Continental reformers had argued that consecrating these spaces was unnecessary, if not actually wrong. The majority of English Protestants, especially those of the “second generation of the Reformation,” supported consecration, but their beliefs differed considerably as to what constituted appropriate behavior in those consecrated spaces. Sanctioned activities for the churchyard were especially contentious, since even though both were officially consecrated, the churchyard was always considered somewhat less sacred than the church. Both puritan reformers and Laudians stressed the importance of distinguishing the sacred from the profane, which led both to look askance on the custom of dancing in the churchyard, considering it a secular activity even when it occurred in celebration of a religious event. This chapter argues that it was those in the middle, the “festive traditionalists,” both Protestant and Catholic, who understood the sanctity of this space differently. English parishioners were long accustomed to having secular, as well as religious, communal events hosted on church grounds. Indeed, one could argue that while English clergy referred to the church, and by extension the churchyard, as God’s

¹⁰¹ SRO: D/D/Ca 222, fol. 10r, fol. 16r.

house, many lay parishioners seem to have thought that the church, and especially the churchyard, was at least as much the parish's house as God's.¹⁰² As the heart and soul of the parochial community, the church's grounds were the obvious venue for communal events and celebrations that strengthened that community, regardless of whether they were secular or sacred. Thus, when attempts to curtail churchyard dancing occurred alongside other attacks on communal rights and customs, as in the Dundry cases, otherwise moderate parishioners could feel compelled to actively resist the suppression of time-honored traditions, seeing these as attacks on the parish itself.

Since the seventeenth century, there have been some small changes in Dundry. Today, the church hay still belongs to the vicar rather than to the village, but, like the inner churchyard, it is used as a burial ground. Nowadays it is only Dundry's ghosts who dance in the sacred space of Dundry's consecrated churchyard.

¹⁰² Spicer, "God Will Have a House," 212.