

STUDIES IN HISTORY, ECONOMICS AND PUBLIC LAW

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**THE ENFORCEMENT OF THE
STATUTES OF LABOURERS**

During the First Decade after the Black Death

1349-1359

BY

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PREFACE

WHILE taking a course of lectures on the history of English Poor Law, given by Professor F. H. Giddings of Columbia University, I became interested in the law of parochial settlement and in its effect on the mobility of the working-man. My original purpose had been to give an account of its origin and development and of its final repeal during the era of the abolition of the Corn laws. Beginning with a study of the earliest instances of national legislation dealing with the labouring classes, I was, of course, led to consider the ordinance and the statute of labourers of 1349 and 1351, and found that although these measures and their consequences had been frequently discussed by economic historians, no detailed investigation had as yet been made of the methods and machinery by which they were enforced. This monograph presents the results of such an investigation, based chiefly on an examination of the manuscript sources in the Public Record Office, London.

I am indebted to many scholars both here and in England for valuable assistance on specific problems, and in the discussion of these problems I have sought to make clear my indebtedness. To others I am under still heavier obligations. My warm appreciation is due to my former teacher, Professor C. M. Andrews, once of Bryn Mawr, now of Johns Hopkins, who has given me freely of his time and has helped me with many suggestions. It is not easy adequately to express my gratitude to Mr. Hubert Hall, of the Public Record Office, for the generosity with which his

paleographical skill and scholarship have been placed at my service at every stage of my work—from the reading of my first manuscript to the collation of my final copy. For my transcripts of manuscript material I must thank several transcribers, but more especially Miss Mary Trice Martin; without her coöperation I could hardly have ventured on printing the appendix. In addition to making many of my transcripts, she has collated with the original manuscripts the typewritten copy of the text of all my documents and has verified all my references to manuscript sources.

For the arduous task of seeing this monograph through the press, my grateful acknowledgments must be made to Professor E. R. A. Seligman. My thanks are also due to Dr. Eugene E. Agger for correcting the English proof and to Mr. Otis Hill, Dr. Richard Riethmüller and Dr. Clarence Perkins for assistance in reading the Latin and French proof.

Through the courtesy of the editor and publishers of the *English Historical Review* I am enabled to make use of my article entitled "The Justices of Labourers in the Fourteenth Century," which appeared in July, 1906.

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CITATIONS IN FOOTNOTES.

Printed sources:

A. H. R.—American Historical Review.
 E. H. R.—English Historical Review.
 R. D. K.—Report of the Deputy Keeper.
 Cal.—Calendar.
 Rot. Parl.—Rotuli Parliamentorum.
 Statutes—Statutes of the Realm.

Since the full titles and names of authors are given in the bibliography, in general only shortened forms are used in the notes, but it is hoped that the abbreviations are all obvious.

Manuscript sources, in Public Record Office unless otherwise indicated:

Claus.—Rotuli Literarum Clausarum.
 Pat.—Rotuli Literarum Patencium.
 Orig.—Originalia.

In each case the first numeral refers to the regnal year of Edw. III.
 Mem. K. R.—Memoranda Roll of the King's Remembrancer.

Mem. L. T. R.—Memoranda Roll of the Lord Treasurer's Remembrancer.

The first numeral refers to the regnal year and is followed by the abbreviation for the law term, then by the sub-title and by the number of the membrane when the latter is given.

Law terms:

Hill.—Hilary.
 Pasch.—Easter.
 Trin.—Trinity.
 Mich.—Michaelmas.

For the sub-titles the only abbreviations used are the following:

Breu. *Baron*.—Breuia directa baronibus.
 Breu. *Ret*.—Breuia retornabilia.
 Breu. *Irret*.—Breuia irretornabilia.

Plea Rolls:

De Banco—*De Banco* Rolls.
Coram Rege—*Coram Rege* Rolls.

The first numeral refers to the regnal year and is followed first by the law term, then by the number of the membrane, and lastly by the name of the county. In the *Coram Rege* Rolls, either "Rex" or the name of the chief justice has to be added just before the number of the membrane in order to distinguish between the two portions of the roll.

ERRATA.

- Page 3, note 2, line 5, *for* 89 93 *read* 89-93.
Page 30, note 1, line 2, *for* Ramsay *read* Ramsey.
Page 54, note 6, line 2, *for* 3157 *read* 1357.
Page 69, line 8, *for* snpersedeas *read* supersedeas.
Page 73, line 7 from bottom, *for* " or he *read* or " he.
Page 200, note 6, *for* pt. i, ch. i, s. 7, *read* pt. i, ch. ii, s. 7.
Page 41*, line 16, *add* manor of Kirton twice.
Page 58*, *for* Brughbrigg *read* Burghbrigg.
Page 66*, *for* Coluyll *read* Colvyll.
Page 140*, line 18, *for* 8 July / 30 *read* 26 March / 30.
Ibid., line 21, *for* 8 June / 30 *read* 8 July / 30.
Page 159*, line 7, *for* Iohanes *read* Iohannes.
Page 171*, last line, *for* Johannes *read* Iohannes.
Page 191*, line 2 from bottom, *for* Thirty years *read* Thirty days.
Page 216*, line 23, *for* Iohannis *read* Iohannis.
Page 224*, line 2 from bottom, *for* Regeri *read* Rogeri.
Page 253*, last line, *for* Roberti *read* Roberto.
Page 302*, line 5, *for* attacheret *read* attachiaret.
Page 374*, line 3 from bottom, *for* adudicata *read* adjudicata.
Page 413*, throughout extract from *Novae Narrationes*, *for* v *read* u.
Page 416*, line 4, *for* three *read* two.
Page 425*, last line, *for* concordati *read* concordari.
Page 454*, line 6 from bottom, *for* ipsuis *read* ipsius.

INTRODUCTION

THE BLACK DEATH AND THE ENACTMENT OF THE ORDINANCE AND OF THE STATUTE OF LABOURERS

THE Black Death reached Dorsetshire in August, 1348,¹ and spreading first toward the west, and then toward the northeast, appeared in London by the end of September or the beginning of November;² it was at its height in Surrey and Hampshire during the following spring,³ and in the northern and eastern counties during the summer and early autumn,⁴ ending nearly everywhere in England by the last months of 1349.⁵ Estimates of the mortality during these fourteen or fifteen months vary from nine-tenths to one-fifth of the total population; a half is probably fairly near the truth,⁶

¹Creighton, *Hist. of Epidemics*, i, 116; for discussion of the exact date, see Gasquet, *The Great Pestilence*, 71-74.

²Creighton, *loc. cit.* ³Gasquet, *op. cit.*, 112-114. ⁴*Ibid.*, 67, 128.

⁵Creighton, *op. cit.*, i, 177, gives Michaelmas, 1349, as the latest date, but Gasquet, *op. cit.*, 160, quotes an instance in the north as late as the spring of 1350.

⁶*Eulogium Historiarum*, iii, 213, one-fifth; Le Baker, *Chronicon*, 99, nine-tenths; Rogers, *Work and Wages*, 223, a third; Jessopp, *The Coming of the Friars*, 205-206, a half in East Anglia; Creighton, *op. cit.*, i, 123-139, gives various estimates for specific localities; Gasquet, *op. cit.*, 194-195, inclines to a half; Cunningham, *Growth of Eng. Industry and Commerce*, i, 329-336, in a summary of the effects of the plague and of the statutes of labourers, inclines to the theory of "nearly a half." For an accurate estimate in one district, cf. Little, "Black Death in Lancashire," in *E. H. R.*, v. These modern calculations are based largely on records of presentations to livings and on the evidence furnished by manorial court rolls. The sources examined for this monograph contain much information both direct and indirect as to the devastation of the country.

Hasty, pur le plaintife dit, que il fuit frank, et de frank estate, prist.

Et alii è contra.

De Banco Roll, 451.

(No heading to roll.) 47 Edw. III, Trin.

Rot. 230.¹

Essex' Willelmus Whaykrylle attachiatus fuit ad respondendum tam domino Regi quam Henrico Spark de placito quare cum per Regem et consilium suum . . . (retention clause, *cf.* app., 423) predictus Willelmus Iohannem atte Ree, dryuere, nuper seruientem ipsius Henrici in seruicio suo apud Berkyng retentum . . . (identical with app., 423, mutatis mutandis).

Et vnde idem Henricus in propria persona sua queritur quod cum predictus Iohannes retentus fuisset cum ipso Henrico apud Berkyng ad deseruiendum ei ibidem in officio carucarii a festo Sancti Michaelis, anno regni domini Regis nunc Anglie quadragesimo quinto, vsque idem festum tunc proxime sequens per vnum annum integrum, idem Iohannes a seruicio ipsius Henrici ante finem termini predicti, videlicet, die Martis in septimana Pasche, anno regni domini Regis nunc Anglie quadragesimo quinto [recessit], prefatus Willelmus eundem Iohannem quamquam etc. in seruicium suum admisit et retinuit, in Regis contemptum et ipsius Henrici graue dampnum et contra formam ordinacionis predicte, vnde dicit quod deterioratus est et dampnum habet ad valenciam viginti librarum, et inde producit sectam etc.

Et predictus Willelmus in propria persona sua venit et defendit vim et iniuriam quando etc. et quicquid etc. et dicit quod prefatus Iohannes atte Ree est villanus abbatis de Waltham Sancte Crucis vt de man-

¹ For beginning of case, *cf.* De Banco, 46, Mich., 66 d, Essex.

erio suo de Wodeford; quodquidem manerium idem abbas eidem Willelmo dimisit ad firmam tenendum ad terminum annorum; quiquidem terminus nondum est elapsus et quia idem Willelmus non habuit seruientes sufficientes pro carucis et carrectis suis infra manerium predictum tentis tenendis, occupandis et fugandis, idem Willelmus eundem Iohannem qui villanus manerii predicti extit vt predictur, et potens ad laborandum non habens vnde de suo proprio se occupare potuit, ad deseruiendum ipsi Willelmo infra manerium predictum arestauit, vnde dicit quod ipse non intendit quod aliqua iniuria in hac parte assignari possit etc.

Et predictus Henricus dicit quod ipse per aliqua preallegata ab accione sua predicta repelli non debet, quia dicit quod prefatus Iohannes atte Ree liber est et libere condicionis et non villanus predicti abbatis. prout predictus Willelmus superius allegauit et hoc petit quod inquiratur per patriam, et predictus Willelmus similiter.

Ideo preceptum est vicecomiti quod venire faciat hic in octabis Sancti Michaelis per iusticiarios xii etc. per quos etc. et qui nec etc. ad recognoscendum etc. quia tam etc. Et super hoc Iohannes Lichefeld, Willelmus Wretheman, Robertus Daundeuyte et Iohannes Wroth, iunior, manuceperunt predictum Willelmum habendi corpus eius hic ad prefatum terminum et sic de die in diem ad quemlibet diem placiti quousque iurata predicta inde inter eos transierit et iudicium inde redditum fuerit, videlicet, quilibet eorum corpus pro corpore etc.

Case 43.

Y. B., 50 Mich., 2, f. 21.

John Brid porte briefe de Trespas vers John Do-

