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Local Change and Community Control in England, 1465-1500

by Marjorie K. McIntosh

As we commemorate the 500th anniversary of Henry VII's accession to power, our attention turns naturally to the major political events of the later fifteenth century. A topic such as "The Foundation of the Tudor Dynasty" encourages discussion of the protagonists in the drama and of the institutions through which they implemented their authority. Yet one may also think of a foundation as the barely visible underpinning upon which a more conspicuous edifice is built. It is in this sense that I shall approach the theme.¹ Organization at the local level provided the substructure upon which the Tudors constructed their rule. Examination of local communities indicates that the later fifteenth century was a period of change at the bottom as well as the top of society. Developments in the economy, demographic patterns, religion, and education modified traditional practices in many regions of the country. Within the affected areas, the dominant men of villages, towns, and parishes faced difficult problems concerning relief of the poor and maintenance of order. Local leaders responded vigorously but not always successfully to the altered circumstances, using existing institutions of community control. Events at the national level had relatively little impact upon what was occurring in the villages and towns: the factors which triggered change within the local context were minimally affected by the actions of the king, parliament, or the central courts. Yet the struggle of local leaders in attempting to deal with community problems helps to explain their willingness to accept the firm authority offered by Henry Tudor and his successors.

English local life in the later fifteenth century has received little historical notice. Unlike our increasing understanding of the political, economic, and social activities of the nation's leading families, we still lack knowledge of what was going on at the lower levels.

This obscurity derives mainly from meager sources. Most of the records used to study local developments in the thirteenth and fourteenth centuries become progressively less informative after 1400. Historians have consequently tended to gloss over the later decades of the fifteenth century, looking eagerly toward the improved documentation of Henry VIII's reign. Close study of the years between ca. 1465 and 1500, however, yields a picture which is very different from the conventional image of local stagnation extending from the late fourteenth century until the 1520s. The evidence is limited; quantitative demonstration can rarely be obtained. It is nevertheless possible to describe in broad strokes the significant aspects of these years. The emergent picture makes it clear that many features considered typical of later Tudor England were well in place by 1500. In the following discussion we shall first consider some underlying changes in the economy, demographic structures, religion, and education during the later fifteenth century. We turn then to the consequences of these developments in social and legal terms, particularly the problems of poverty and order. Our discussion thus centers upon the issues of local change and community control.

Underlying developments

Economic changes shaped many of the altered features of the later fifteenth century. Between 1460 and 1490 the economy of several key regions of the country pulled out of the doldrums which had characterized the earlier and middle decades of the century. The new economic forms relied heavily upon capital and specialization and were sensitive to the availability of labor. They were influenced by the completion of the tenurial adjustments which followed the plague, the gradual accumulation of land and wealth associated with market agriculture, and the rising importance of commerce at all levels of the economy.² There was considerable regional variation in the extent and impact of economic change: southeast England, parts of the Midlands, much of the southwest, and some market towns elsewhere prospered, while the northeast and probably the northwest suffered relative decline.

In agriculture, the demand for land quickened in many areas, as witnessed by rising rents, an increase in estate revenues, and a lively land market.³ Accumulation or engrossing of units became more pronounced, resulting in some very large holdings on many estates and a drop in the total number of tenants.⁴ At the same time, the proportion of tiny holdings and subholdings rose, a

phenomenon observed also in the decades around 1300 and again around 1600. A growing fraction of the rural population now lived in cottages with no land at all, working as artisans or wage laborers. Leasing of both land and housing became increasingly common. The opportunities for profit were greatest for those with ample holdings in the vicinity of an urban center, people able to focus upon large-scale commodity production. This is readily visible in the Midlands.⁵ In the southeast, wealthy Londoners—merchants, royal officials, and lawyers—built up grand estates and led the movement toward new patterns of land use, especially dairying and focused production of grain for the market.⁶ These forms, both labor-intensive, were soon being adopted by the more prosperous established families as well. The ostentatious country houses erected by the new men likewise set the tone for the expansion in building occurring among advancing local families.⁷

A different pattern is seen in many northern counties and parts of the Midlands. Here a surge in the conversion from arable farming to sheep raising occurred during the later 1460s and early 1470s.⁸ In the following decades, the Midlands underwent heavy enclosure. Enclosing of open-field areas reached its peak during the 1490s; it was during the later fifteenth century that the majority of deserted villages were abandoned.⁹ Sheep raising and enclosure have in the past been blamed for depopulation. It was claimed, for example, that in Berkshire and Buckinghamshire 1600 tenants were evicted from their holdings through enclosure between 1485 and 1517 while another 140 lost their employment.¹⁰ It is unlikely that the expanding aspects of the Midlands economy were able to absorb all those people affected adversely by enclosure. This was a cause of unemployment or migration. More recent work has emphasized, however, that enclosure and a shift in land use away from arable were both gradual processes, extending in some cases from the mid-fourteenth century into the early sixteenth century.¹¹ It is now argued that these developments commonly resulted from the absence of tenants willing to rent the land for use as arable. Conversion to pasture and enclosure may thus be viewed as the consequence of depopulation as much as the cause. Moreover, enclosure was highly localized. The forested areas of northern Warwickshire experienced little change as contrasted to the champion villages of the southern part of the county.¹²

Pronounced changes were taking place in overseas trade and in manufacturing. The volume and value of recorded exports

and imports were already rising by 1485 and increased 47-80% during the reign of Henry VII.¹³ This was due in part to active production of woolen cloth. The amount of cloth sent overseas was growing conspicuously by the later 1470s; domestic consumption probably rose too.¹⁴ Unlike the limited expansion of the earlier fifteenth century, centered in the West Country, increased manufacture now included broadcloth- and kersey-making areas of Essex, Suffolk, Kent, Berkshire, and Hampshire as well.¹⁵ Traditional local crafts, such as leather working, were increasingly breaking down into narrower skills. Instead of the conventional medieval division into tanners, tawyers, and cobblers, one notes more frequently the activities of glovers, harness makers, saddlers, hatters, hosiers, collar makers, and curriers.¹⁶ Greater specialization demanded longer training, contributing to the popularity of adolescent service and apprenticeships. Of particular importance was the transformation of the brewing process. Since the 1349 plague, most ale had been produced by women in their own homes, in small batches using simple equipment. In the closing years of the fifteenth century, however, one sees a rapid increase in the tendency for brewing to become a capitalized occupation, requiring more costly equipment and using paid labor.¹⁷ The introduction of beer-brewing accentuated this change, because the hops in beer acted as a preservative. Individual brewings could now be larger, stored and transported in barrels. These developments forced most women and the smaller male brewers out of business, except for female alewives operating at the lowest social level.¹⁸ A major form of subsidiary household income was thus being eliminated.

Domestic commerce underwent comparable change. Retailing was becoming a distinct economic activity. Whereas most medieval craftsmen had sold their own wares, separate shops became more common in the later fifteenth century, handling a rising volume and range of goods.¹⁹ Middlemen increasingly channeled goods into London. Associated with these developments was the appearance by 1461 of the common carrier, resulting in an improved network of national transport.²⁰ Moneylending, which had previously been widely dispersed among local people, was now becoming concentrated in the hands of a few wealthy professionals, especially in the market towns and cities. The supply of coins expanded in the 1460s, in part through debasement, further stimulating the economy.²¹ Each of these changes in agriculture, industry, and trade served to polarize those people able to take advantage of the new opportunities and the smallholders and wage-earning poor.

Outlying regions of the country were affected in divergent manner by the economic alterations of the later fifteenth century. In the northeast, only pastoral farming prospered in the later fifteenth century.²² Other aspects of the economy were held at a low level by harvest failure, pestilence, and the very success of the southeast. The triumph of London over York in the 1470s and 1480s in gaining control of England's share of the North Sea trade, the success of the East Anglian ports, allied with London, in dominating the fishing industry, and the collapse of the York and Richmond cloth industries all contributed to the commercial and industrial depression of the northeast. The northwest too probably benefited from no economic or demographic growth in this period. In much of the southwest, by contrast, agriculture, industry, and urban life appear to have flourished.²³

Demographic factors were interwoven with the emergence of the new economic patterns. With respect to the key questions of the size of the population and the direction of its movement, historians are not in agreement. The absence of good demographic records between the Poll Taxes of 1377-1380 and the early 1520s permits wide variation in suggested sizes and direction. While there is general consensus that the population declined for roughly a century after 1349, scholars are not in accord about the magnitude of the decline or the date of renewed growth. Some historians propose that the population was no more than stable during the later fifteenth century, beginning to rise again only in the 1520s.²⁴ Others see signs of population expansion in the later fifteenth century. Certainly by the 1470s, possibly as early as the 1450s, they argue, demographic rise was occurring in certain regions of the country, especially in the southeast.²⁵ This growth was relatively slow and may have been interrupted around 1500; sustained improvement at a rapid level started only after 1520. If the population was indeed rising in parts of England in the later fifteenth century, it could have produced temporary pressure within individual households and in limited geographic areas. It could not, however, have caused serious pressure on national resources given the extremely low demographic base of the earlier fifteenth century.

Vital to the changes we are considering was an increase in geographic mobility during the second half of the fifteenth century. Although mobility had been high in the first few generations after 1349 and had continued at a moderate level after 1400, its level evidently rose sharply around 1450. Lists of manorial tenants in divers regions of the country show exceptional turnover in the second half of the century.²⁶ There was greater movement

from rural areas into market towns within given areas.²⁷ Long-distance migration seems to have risen too, most notably into the southeast. Interestingly, the populations of the greater urban centers did not grow proportionately. While some of the mobility may possibly have been the result of local population expansion, it was influenced primarily by the economic attraction of the counties around London and the expanding market towns. A high level of mobility helps to explain regional variations with respect to the utilization of labor in agriculture and craftwork.

Associated with these economic and demographic developments was the expansion of adolescent service. During the first century after the plague, servants were relatively unimportant within rural areas. They probably constituted about 10% of the village population;²⁸ some people may have remained in service for much of their lives. In the cities, however, service seems already to have assumed the form which it was to retain into the seventeenth century. A study of servants in York during the post-plague century indicates that they numbered just over 30% of the population in 1377.²⁹ These unmarried young people, normally aged between twelve and twenty-five, lived with their employers, remaining in service until they wed. Local records from the decades after 1460 suggest that the institution of adolescent service was now becoming more popular in commercialized agrarian regions and the market towns. The number of people described as servants increased abruptly in many communities, and they were frequently said to be the son or daughter of a named adult.³⁰ Some servants stayed with a given master for long periods of time, receiving training which approximated an apprenticeship. In general, however, servants were a mobile group. They were free to seek a new master at the end of each year's contract, and many of them apparently did so, judging by the speed with which they enter and disappear from the records. Young people might travel far from their homes to enter service, sometimes remaining in the new village or town as adults. By 1500 the pattern of service as an interim stage between childhood and self-supporting adulthood, well-documented in the sixteenth and seventeenth centuries, was firmly established in many of England's smaller as well as greater communities.³¹ Nor was it limited to young people lacking means of their own. The sons of solid townsmen and yeomen went into service too, perhaps contributing to the readership of a rash of practical manuals on how to succeed in service which were published during these years.³²

The buoyant mood found especially in southeast England and many market towns during the later fifteenth century is striking.³³ It is particularly striking in view of the economic and demographic problems which then plagued most of the country's larger cities.³⁴ At a time when the cities were at best stagnant in size and complaining of their civic poverty, southeast England and the market centers were able to attract people and capital. Here no guilds or other economic organizations regulated trade, no civic institutions demanded expenditure by the leading men. In the eyes of many craftsmen, smaller merchants, and young people seeking their fortunes, these uncontrolled but rapidly expanding local economies must have seemed a more attractive setting than the cities.

In the sphere of religion, the local laity were becoming more deeply involved in the affairs of their own churches during the later fifteenth century.³⁵ The parish, as managed by its churchwardens, now commonly had a stock of land and/or animals, built up through gifts and bequests. The stock was leased out annually. Most of the income went to maintaining the church in good physical repair, but it might also support acts of charity as specified by the donors, such as assistance to the deserving poor. If additional income was needed for major rebuilding, the churchwardens were allowed to levy a tax or rate upon the parishioners. Between 1465 and 1500, churchwardens were beginning to use local rates to support a parish clerk, a man who might also conduct services and teach children on the side. The churchwardens sometimes had further duties in administering parish chantries, obits, and "lights" for the veneration of a designated saint. Other chantries were operated by private lay feoffees, drawn usually from the village or town leadership. Many of the chantries hired their own priests and some performed charitable functions—bestowing alms upon the poor or teaching boys. There were more chantries in existence between 1450 and 1499 than in the first half of the fifteenth or the first half of the sixteenth centuries.³⁶ In a few areas, including Yorkshire and Lancashire, new chantries were being founded with enthusiasm in the closing years of the fifteenth century.³⁷ A high percentage of these late foundations supported almshouses or schools.

Religious fraternities or guilds provided another opportunity for lay participation. Established within a parish church around the worship of a particular saint, most fraternities guaranteed to their members the prayers of the full company after their death plus an appropriate funeral.³⁸ Many of them accepted women

as well as men. Supported by an initial entry fee and an annual payment, the fraternities sometimes hired their own priests.³⁹ About a third of them gave financial assistance to any member who fell into undeserved poverty through illness, injury, or age.⁴⁰ Some provided charitable aid to outsiders too, operation of alms-houses being a favored activity.⁴¹ The appeal of fraternities apparently reached its apex during the later fifteenth and early sixteenth centuries, although we cannot measure precisely the number of them active at any one time or the size of their membership. Many fraternities did not hold property and did not keep written records; others were in existence for only a short period. The information about fraternities gathered by the central government in 1389 and again in the later 1540s covers only some parishes and fails to include many organizations mentioned in local records. It is clear, however, that in the regions of their greatest popularity virtually every parish had one or more fraternities. The male heads of most self-supporting families in such areas belonged to a fraternity, sometimes joined by their wives. The officers of these organizations came from the same families which provided churchwardens and other local officials. Indeed, in many market towns which did not enjoy corporate borough status, the leading fraternity functioned as the dominant communal institution.⁴²

Through their involvement in the parish, chantries, and fraternities, the laity of villages and towns played a central role in religion. They were able to hire clergy of their own liking and to dictate their duties. Many of the parish clerks and chantry or fraternity chaplains were instructed to take active part in the pastoral duties of the parish.⁴³ Lay people were thus able to shape the nature of local religious activity while bypassing the incumbent and the holder of the advowson. An example of lay interest comes from an endowed chantry founded in the market town of Romford, Essex, in 1487 by Avery Cornborough. Cornborough, originally a West Country merchant and esquire of the crown to both Henry VI and Edward IV, had now retired to a large estate outside Romford.⁴⁴ His chantry, administered by officials of the manor court and parish, was to support a priest, a man who had to be a Bachelor or Doctor of Divinity or a Master of Arts. In addition to saying routine prayers for the dead, the priest was to preach, giving regular sermons in Romford and going at least twice a year to four neighboring churches. He was not allowed to take off more than forty days annually from his duties. Concern with a preaching ministry and a businesslike approach to a charitable foundation were clearly not the sole prerogative of late Elizabethan Puritanism.⁴⁵

It is significant that elementary literacy expanded in the later fifteenth century. Because there was scant increase in the number of formal grammar schools during these years, historians have until recently failed to notice the change occurring at a lower level. The basic skills of reading and writing were taught in elementary reading or song schools, the latter provided for boys in choirs.⁴⁶ Few of these were official institutions: they consisted rather of a single priest or master who worked with a group of local boys. Records of their existence and role are therefore scarce. Careful study of local sources in the diocese of York, including wills, reveals that the number of elementary schools functioning between 1450 and 1500 was more than twice as high as in the first half of the century, with particular improvement between 1476 and 1500.⁴⁷ Grammar schools, however, expanded only slightly during the second half of the century. The growing company of clerks and chaplains employed by the laity augmented the range of potential teachers. In the western counties, teaching by chantry priests began to rise in the 1440s, joined later in the century by more song schools, the result of the new popularity of multi-voice choirs in the larger parish churches.⁴⁸ An increase in basic literacy is witnessed by the appearance of private letters written in English around the 1460s.⁴⁹ The large number of English works of popular nature published inexpensively by Caxton in the later 1470s and 1480s is again consistent with an expanding but minimally educated reading public. Literacy enabled local people to stay in touch with relatives, friends, and business contacts in other places, a development facilitated by the rise of commercial carriers;⁵⁰ they could now keep written records of their own economic activities. Improved primary education also formed the basis for the more conspicuous growth of secondary and university education along humanistic lines in the sixteenth century.

Poverty and the maintenance of order

The developments which we have identified combined to create a series of social and administrative problems for many villages and towns within the affected regions. In prosperous areas, social coherence within communities was often weakened by economic differentiation. The household size of wealthier local families probably rose through the net addition of young servants, while poor households became smaller.⁵¹ In some villages in the southeast and many market towns, a growing population brought problems stemming from density: physical ones such as maintaining an adequate supply of clean water and disposing of household

wastes, and psychological ones, reflected, for example, in accusations of defamation of character or in physical conflict.⁵² Other communities, particularly in the north and the open-field areas of the Midlands, faced opposite sorts of problems, those resulting from a shrinking population increasingly composed of older people unwilling or unable to leave.

A rise in poverty was one of the most difficult social consequences. English people in the later Middle Ages thought in terms of two distinct categories of poverty, each closely connected with labor.⁵³ The deserving or impotent poor were those people unable through no fault of their own to engage in the work necessary to support themselves. Many were victims of life-cycle poverty: orphans too young to work, widowed parents of small children, and—most frequently—the elderly. Others were kept from work by injury, illness, or a physical handicap. All communities contained a considerable number of men and women who were self-supporting and respectable members of society for much of their lives but might need assistance now and then. The proportion of these deserving poor rose in many villages and towns during the later fifteenth century, in areas experiencing economic polarization or emigration of vigorous younger people. It was accepted in later medieval England that a local community ought to assist its own impotent poor if relatives could not provide help. Most people struck by life-cycle or accidental poverty needed aid temporarily; only the elderly might require support for a period of years. Nor did they necessarily need a large amount of aid, since outside assistance supplemented existing income. One of the major challenges faced by local leaders between 1465 and 1500 was how to structure and pay for relief of the poor. This task was handled primarily by lay religious organizations and individuals at the parish level.

The second group of the poor consisted of those people who were unwilling to work. These undeserving poor were most visible, and most worrisome, when they were also strangers, leading to the harsh treatment of vagrants.⁵⁴ The issue here was not that such people had to be supported, for the idle poor never qualified for assistance, but rather that they threatened local order. Members of shiftless local families were less likely to respond to the informal control normally exercised by a landlord, employer, or priest.⁵⁵ Outsiders without jobs might be totally immune to these restraining influences. Because geographic mobility was so high in the later fifteenth century, the leaders of many communities had to deal constantly with people arriving from outside. They

had to distinguish between those newcomers who genuinely sought work, whose labor might be eagerly received by local employers, and those who hoped to labor as little as possible. The constables, officials chosen by the local leet courts, faced the day-by-day decisions as to which outsiders to welcome and which to move out of the community. The job of enforcing order among the new poor and of supervising their social behavior was assumed by jurors of the leet courts.

Much of the support of the deserving poor was provided within the parish. By the later 1540s, the date of our best quantitative evidence, about a third of the fraternities and many parish chantries were giving cash sums to the poor, distributing an average of 32s. annually per organization.⁵⁶ In the later fifteenth century, 6d. was considered sufficient to supplement the income of one person or poor household for a week, so this aid would have covered the needs of two people for much of the year or provided occasional assistance to a larger number of the needy. In addition, the fraternities gave help in the form of fuel, food, drink, and clothing, distributed pennies at funerals and feast days, and sometimes ran almshouses. The support offered by the parishes themselves is unrecorded but may have been substantial in some areas.⁵⁷ Individuals gave hospitality, food, and gifts to their poor neighbors.⁵⁸ Aid administered within the parish must therefore have taken care of much of the life-cycle and accidental poverty of many communities. Further, this aid was far from indiscriminate, limited instead to those poor whom local people deemed genuinely deserving.

Assistance to the needy came through other hands as well. Monastic almsgiving was probably less generous than at its earlier peak and was distributed unevenly throughout the country. Nevertheless, it has been estimated as the equivalent of about 26s. per parish in the 1530s.⁵⁹ Hospitals, run normally by religious bodies, and almshouses offered additional residential care for ill and elderly people. The almshouses established after 1450 were operated usually by lay feoffees and were nearly all intended for local old people. Foundation of almshouses soared in the southeast and Midland counties between 1465 and 1480 but showed little increase in the rest of the country.⁶⁰ Unlike these efforts at the local level, parliament did little during the later fifteenth century to help find solutions to the problem of the deserving poor. It did not even discuss the topic until 1495 and then merely confirmed the stipulation of a 1388 statute that the poor could beg only in their home communities.⁶¹

Perhaps more upsetting to local leaders than an increase in poverty was a cluster of problems concerning the maintenance of order and proper behavior. The arrival of poor newcomers frequently precipitated violence. In Battle, Sussex, particular hostility was directed against the "*extranei mendicantes*" who began to appear in large numbers during the 1460s.⁶² Many attacks on strangers were reported in Clare, Suffolk, in the later 1460s and in the Middlesex hundred of Isleham between 1472 and 1495.⁶³ Outsiders might themselves trigger fights. In the manor of Haverling, Essex, an average of just four or five assaults was noted annually between 1450 and 1455; only 9% of those who initiated the conflicts were newcomers to the community or unknown strangers.⁶⁴ Between 1464 and 1469, however, the number of assaults more than doubled, and 34% of the perpetrators were now outsiders.

Community leaders were also troubled about the social behavior of the poor—whether idle established residents or undisciplined immigrants. As employers, the dominant men wanted a diligent labor force. As the heads of decent families, they wanted security and propriety. They were concerned about the leisure-time activities of the poor, frowning upon workers who played games conducive to betting or who wandered about at night. They objected to people who gave hospitality to unknown strangers. Alehouses and the lesser inns posed a special threat to order: they were gathering points for poor migrants; they were often operated by men who were themselves of doubtful personal conduct and hired equally suspicious female servants; and they were centers for rowdy behavior. Particularly troubling were the sexual misdeeds of the poor.

Concerns of this sort were not new. They had been present to some degree throughout the medieval years, especially during the period of intense population pressure in the later thirteenth and early fourteenth centuries.⁶⁵ Many of them surfaced again in the later Elizabethan period. It is presumably no coincidence that they appeared during periods of economic hardship and high mobility among the poor, with locally crowded living conditions. Yet at no time in the medieval or Tudor eras were these worries more severe than between 1460 and ca. 1500, extending in a few communities into the early sixteenth century. They were most pronounced in market towns in southeast England but were sometimes seen in commercialized settings in other parts of the country.⁶⁶ Sudden attention to such issues within a given area is in itself a good *prima facie* indicator of rapid economic and demographic change.⁶⁷

The burden of maintaining order and social propriety fell almost entirely upon the shoulders of local institutions of government and law. Local bodies had to address these issues because no one else was prepared to do so. Although the church courts continued to deal with certain cases of sexual immorality, most other political and legal bodies were weak or distracted.⁶⁸ Manorial lords were no longer in a position to supervise the daily lives of their tenants. Political uncertainty at the national level and faction at the county level dampened any interest on the part of more powerful figures in addressing complex but unimportant local issues. Parliamentary action was slow and limited in scope. An attempt was made to preserve familiar social gradations through a series of statutes regulating dress and recreation on the basis of wealth or status.⁶⁹ Earlier laws prohibiting the playing of certain games were tightened in 1477-1478 and 1495, directed now more specifically against servants and laborers.⁷⁰ The statute of 1495 also required that alehouses be licensed by the Justices of the Peace and ordered that vagabonds be placed in the stocks for three days before being returned to their homes.⁷¹ The legislation of 1495 was the first to provide practical assistance to local leaders.

The vehicle most commonly used to tackle the new problems was the court leet, held in hundreds, boroughs, and those manors with a view of frankpledge. Leet courts had traditionally dealt with public issues, including minor violence, the quality and prices of food and drink, the condition of roads and bridges, and public health matters.⁷² They carried out administrative, legal, and political functions, operating through elected juries which reported offences and officials who implemented policy. The jurors and other officers, including the constables, were chosen from among the heads of settled families of middling or prosperous status: yeomen, the wealthier husbandmen, and successful craftsmen or traders. These were the same men likely to serve as churchwardens, heads of fraternities, and feoffees of endowed chantries or charitable institutions. The actions of the leet courts thus complemented the work of local religious bodies.

The leet courts had first to strengthen their own authority. The need to define and publicize local rules led to a dramatic increase in the use of bye-laws or ordinances. These orders were issued in the form of a statement which proscribed certain behavior, accompanied by a penalty to be imposed upon violators. Although bye-laws had been used in the past, they became a hallmark of the decades between 1460 and 1500.⁷³ Bye-laws were ideal for handling local issues for which no specific legislation existed. Typical offences were obstructing public ways and

"hedge-breaking," the theft by the poor of wood from public hedges for fuel.⁷⁴ Leet officials also tried to develop more effective forms of coercion. The traditional medieval punishment, payment of a few pence, was of limited worth against people who had no property and against transient strangers. Many leets now utilized a stocks or pillory, blending physical confinement with public ridicule.⁷⁵ Tumbrels or cucking stools were more frequently employed, usually for women accused of being scolds. (In context "scolding" meant the intentional sowing of illwill within the community, a greater social problem at a time of economic adjustment and closely-packed housing.) For the worst offenders, especially those guilty of sexual misdeeds, the leets resorted to physical expulsion from the community.⁷⁶

With their augmented power, the leet courts turned to the job at hand. They cracked down on participants in fights and on players of illegal games.⁷⁷ Legislation against certain card games and dice as passed in 1388 and confirmed in 1409-1410 had been almost entirely ignored by leet juries in the first half of the fifteenth century.⁷⁸ From the mid-1460s, however, leets began to report servants and laborers for gaming.⁷⁹ Those named were commonly newcomers. Complaints of misconduct in alehouses and inns rose sharply, punished in some cases by the banishment of hosts who failed to reform.⁸⁰ Most intrusively, local leaders used the courts to oversee the sexual activities of the poor. Whereas sexual offences had been mentioned infrequently prior to the 1460s, they now became a matter of burning interest. Women and occasionally men were reported as being "of bad repute and under suspicion" or as "badly governed in her/his body."⁸¹ Some were whores, pimps, or brothelkeepers, while others simply engaged in private fornication or adultery. If the offenders did not respond to other forms of chastisement, the courts were only too happy to order their departure from the community. Courts in some of the cities displayed an enthusiasm comparable to that of their lesser neighbors in prosecuting those people who violated accepted standards of behavior.⁸²

The role of the leet courts in enforcing order and decency is interesting in several respects. This overt manifestation of social control resulted from the growing gap between prosperous and poor local families as well as from the separation between established people and outsiders. The divergence was primarily the result of economic and demographic factors but was buttressed by access to education and local power. Jurors seem to have been more likely to report misbehavior by the shiftless poor and

by outsiders than by members of solid local families. Their attention was directed as much toward the person as toward the crime; they were thinking within a framework of "community law."⁸³ Yet there is no indication of a distinction between local and national legal bodies with respect to their views about order or the proper treatment of the undeserving poor.⁸⁴

The "puritanism" of the jurors' response is remarkable. Although some of the offences handled by leet courts in the later fifteenth century had traditionally been banned by the Church, the motivating concerns among local leaders seem to have been order and propriety, not morality *per se*. This probably explains why the tension seen in the later fifteenth century was subsequently replaced by a more relaxed attitude. Reports of gaming and sexual misconduct vanish from most courts about a generation after their first appearance.⁸⁵ While it is possible that the pace of change slackened temporarily around 1500, it is unlikely that human behavior improved so abruptly. More probably, the period of rather repressive supervision was a temporary reaction to problems which seemed new and threatening to the jurors. As the alternate kinds of behavior became more familiar and as fear dissipated, respectable families found that their own way of life could continue, that the community could function, even while unruly games were being played and sexual wantonness occurred. The evidence from the later fifteenth century makes it abundantly clear that similar efforts by local leaders between 1580 and 1660 to regulate the behavior of the poor should not be viewed either as novel or as the specific outcome of Calvinist doctrine.⁸⁶

The later fifteenth century thus witnessed a series of developments which modified medieval patterns in such a fashion as to create forms regarded by historians as characteristic of the early modern period. Many of the changes we have noted here are relevant to the debate recently waged in the pages of *Past and Present* over the transition from feudalism to capitalism.⁸⁷ The closing decades of the fifteenth century were critical to this process. Yet we must also emphasize the continuity between medieval and early modern features at the local level. This continuity has often been obscured by our use of 1485 as a convenient point of demarcation. Other developments of the Henrician and Elizabethan eras likewise bore a stronger resemblance to their late-medieval parents or grandparents than is sometimes acknowledged. Further, although the local changes of the later fifteenth

century appeared during a period of dramatic events around the crown, they were barely affected by the actions of the king or other great men. The economic and demographic shifts would have occurred regardless of which person sat on the throne: the accession of Henry VII was in itself of little consequence. Villages and towns had of course been largely untouched throughout the medieval years by what transpired at court or in parliament. Only taxation, conscription, and the actions of the king's justices forced local people to recognize the power of central bodies. But the gap between national affairs and local developments seems particularly marked in the decades after 1460, due both to poor communication between the central government and the lesser communities and to the compelling distractions of national politics.

These local conditions nevertheless provided a favorable foundation for a strong monarchy. The problem of order was uppermost in the minds of many village and town leaders in the later fifteenth century. They were indeed responding to the new challenges, sometimes effectively. Many parishes, villages, and towns were dealing adequately with poverty and were maintaining local security. Community control was limited, however, by the inability to use force. Churchwardens could not require that their wealthy but selfish neighbors give to the poor; leet court jurors and constables could not order whipping. Local leaders, recognizing the limitations of their authority, may thus have been particularly willing to accept the firm hand proffered by Henry Tudor. Their support was in turn to be rewarded by legislation which expanded their own powers of physical coercion and offered reinforcement by other local officials. During the reign of Henry's son, especially during the 1520s and 1530s, the kinds of problems we have noted in the later fifteenth century reappeared and worsened. A national rise in population when coupled with changes in the economy, social patterns, religion, and education intensified the challenges faced by local communities. Few of them could now maintain control without some recourse to outside authority. The gradual expansion of political and legal power at the national and county levels during the Tudor period was tolerated, perhaps even welcomed, by most local leaders. These men were willing to sacrifice some of the independence of their jurisdictions in order to preserve their own status and the stability of their communities.

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NOTES

1. My interest in the later fifteenth century grows out of work on the royal manor and Liberty of Havering-atte-Bower, 1200-1620, and on the responses to the poor in late medieval and Tudor England. The latter project has been supported by a Fellowship from the National Endowment for the Humanities in 1983-4 and by a Visiting Research Fellowship at Newnham College, Cambridge University, in the same year. This paper has profited greatly from comments by Lucy Adrian, Judith Bennett, Bruce Campbell, Christopher Dyer, DeLloyd Guth, John Hatcher, Maryanne Kowaleski, Tony Pollard, and Eleanor Searle.
2. For a sample of the range of opinions concerning the economy of the fifteenth century, see M. M. Postan, "Medieval Agrarian Society in its Prime: England," in *The Cambridge Economic History of Europe* (2nd ed., Cambridge, 1971), 1:548-632, and his *Medieval Economy and Society* (London, 1972); A. R. Bridbury, *Economic Growth: England in the Later Middle Ages* (2nd ed., Brighton, 1975); R. H. Hilton, *The Decline of Serfdom in Medieval England* (London, 1969); and Christopher Dyer, "A Redistribution of Incomes in Fifteenth-Century England?," in *Past and Present*, 39 (1968): 11-33.
3. John Hatcher, *Plague, Population and the English Economy, 1348-1530* (London, 1977), 63-64; A. G. Rosser, "Medieval Westminster: The Vill and Urban Community, 1200-1540" (London Univ. Ph.D. thesis, 1984), 183-186; *Bolton Priory Rentals and Ministers' Accounts, 1473-1539*, ed. Ian Kershaw (Yorkshire Archaeological Society, 1970), xv-xvi; Christopher Dyer, *Lords and Peasants in a Changing Society: The Estates of the Bishopric of Worcester, 680-1540* (Cambridge, 1980), 189-190 and 288-305; Andrew Jones, "Bedfordshire: Fifteenth Century," in *The Peasant Land Market in Medieval England*, ed. P. D. A. Harvey (Oxford, 1984), 179-251, esp. 199-200; and M. K. McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200-1500* (Cambridge Studies in Mediaeval Life and Thought, Cambridge, 1986), ch. 6.
4. A. R. H. Baker, "Changes in the Later Middle Ages," in *A New Historical Geography of England before 1600*, ed. H. C. Darby (Cambridge, 1976), 186-247, esp. 206; Cicely Howell, *Land, Family and Inheritance in Transition: Kibworth Harcourt, 1280-1700* (Cambridge, 1983), 59-60; *Bolton Priory*, ed. Kershaw, Table 3; Dyer, *Lords and Peasants*, 240-242; and McIntosh, *Autonomy and Community*, ch. 6.
5. Dyer, *Lords and Peasants*, 352-353; and R. H. Hilton, *The English Peasantry in the Later Middle Ages* (Oxford, 1975), 85-87.
6. Paul D. Glennie, "A Commercializing Agrarian Region: Late Medieval and Early Modern Hertfordshire" (Cambridge Univ. Ph.D. thesis, 1983); Douglas Moss, "The Economic Development of a Middlesex Village [Tottenham]," *Agricultural History Review*, 28 (1980): 104-114; McIntosh, *Autonomy and Community*, ch. 6; and Kevin McDonnell, *Medieval London Suburbs* (London, 1978); cf. Eleanor Searle, *Lordship and Community: Battle Abbey and Its Banlieu, 1066-1538* (Toronto, 1974), 365-366.
7. Paul M. Kendall, *The Yorkist Age* (1962; paperback, New York, 1970), 336-343; and McIntosh, *Autonomy and Community*, ch. 6.
8. E. F. Jacob, *The Fifteenth Century* (revised ed., Oxford, 1976), 369.
9. *The Domesday of Inclosures, 1517-1518*, ed. I. S. Leadam (2 vols., 1897; reissued London, 1971), esp. 2: 521 and 591; and Baker, "Changes in the Later Middle Ages," 207-215.

10. *Domesday of Inclosures*, 2: 538 and 608.
11. Ian Blanchard, "Population Change, Enclosure, and the Early Tudor Economy," *Economic History Review*, 2nd ser., 23 (1970): 427-445; and Christopher Dyer, "Deserted Medieval Villages in the West Midlands," *Economic History Review*, 2nd ser., 35 (1982): 19-34.
12. Baker, "Changes in the Later Middle Ages," 213.
13. Peter Ramsey, "Overseas Trade in the Reign of Henry VII: The Evidence of the Customs Accounts," *Economic History Review*, 2nd ser., 6 (1953): 173-182.
14. Baker, "Changes in the Later Middle Ages," 219-226; and J. R. Lander, *Conflict and Stability in Fifteenth-Century England* (3rd ed., London, 1977), 35-36.
15. Baker, "Changes in the Later Middle Ages," 222-223.
16. See McIntosh, *Autonomy and Community*, chs. 4 and 6, and references from other manor court rolls of this period. Cf. Maryanne Kowaleski, "The Hide and Leather Trade in Late Medieval England," paper delivered at the 20th International Medieval Conference, Kalamazoo, Mich., May 1985; and L. A. Clarkson, "The Organization of the English Leather Industry in the Late Sixteenth and Seventeenth Centuries," *Economic History Review*, 2nd ser., 13 (1960): 245-256.
17. Patricia Smith, "The Brewing Industry in Tudor England" (Concordia Univ. [Montreal] M.A. thesis, 1981); Peter Clark, *The English Alehouse* (London, 1983), 31-32 and 101; and Dyer, *Lords and Peasants*, 347-348.
18. Eleanor Searle has kindly drawn my attention to John Skelton's poem about Elynour Rummyng, her brewing methods and clientele, as a picture of an alewife catering to the unworthy poor (Skelton, *The Complete English Poems*, ed. John Scattergood [New Haven, Conn., 1983], 214-230).
19. Searle, *Lordship and Community*, 365; Dyer, *Lords and Peasants*, 349; Julian Cornwall, "English Country Towns in the Fifteen Twenties," *Economic History Review*, 2nd ser., 15 (1962): 54-69; and McIntosh, *Autonomy and Community*, ch. 6.
20. Kendall, *Yorkist Age*, 242-243.
21. Jacob, *Fifteenth Century*, 590-591.
22. This material was most generously furnished to the author by A. J. Pollard of Teesside Polytechnic, Cleveland, on the basis of his own research for a study of the economy and politics of the northeast in the fifteenth century. Pollard thinks that the northwest of England remained stagnant in economic and demographic terms during the later fifteenth century, but he has not worked in similar detail upon that region.
23. John Hatcher, *Rural Economy and Society in the Duchy of Cornwall, 1300-1500* (Cambridge, 1970), chs. 7 and 8; and R. B. Dobson, "Urban Decline in Late Medieval England," *Transactions of the Royal Historical Society*, 5th ser., 27 (1977): 1-22, esp. 8, note 28, and 17.
24. E.g., Blanchard, "Population Change, Enclosure, and the Early Tudor Economy"; and B. M. S. Campbell, "The Population of Early Tudor England," *Journal of Historical Geography*, 7 (1981): 145-154.

25. R. S. Gottfried, *Epidemic Disease in Fifteenth Century England* (Leicester, 1978), 187-206; and Dyer, *Lords and Peasants*, ch. 9. For a convenient summary, see Hatcher, *Plague, Population and the English Economy*, ch. 5.
26. E.g., Howell, *Land, Family and Inheritance*, Fig. 16 and Table 28; Bolton Priory, Table 3; and McIntosh, *Autonomy and Community*, ch. 6.
27. For this and below, see A. F. Butcher, "The Origins of Romney Freemen, 1433-1523," *Economic History Review*, 2nd ser., 27 (1974): 16-27; and McIntosh, *Autonomy and Community*, ch. 6. Names and descriptions of place of origin in manor court rolls support these observations but have not yet been systematically quantified.
28. The figure has been calculated by P. J. P. Goldberg from R. M. Smith, "Hypothèses sur la Nuptialité en Angleterre aux XIIIe-XIVe Siècles," *Annales: E. S. C.*, 38 (1983): table 3, p. 118; and see Goldberg's "Female Labour, Service and Marriage in the Late Medieval Urban North," *Northern History*, forthcoming in 1986.
29. P. J. P. Goldberg, "Female Labour," and unpublished information given to me by Mr. Goldberg from his forthcoming paper entitled "Some York Cause Paper Evidence for Service and Marriage in the Late Medieval Town."
30. In Havering, Essex, for example, the number of people described as servants in local records was six times higher in the 1470s than in preceding decades. Other manor court rolls show increases too. It is possible that some of this apparent change resulted from more precise terminology on the part of clerks.
31. Charles Phythian-Adams, *Desolation of a City: Coventry and the Urban Crisis of the Late Middle Ages* (Cambridge, 1979), ch. 20; M. K. McIntosh, "Servants and the Household Unit in an Elizabethan English Community," *Journal of Family History*, 9 (1984): 3-23; and Ann Kussmaul, *Servants in Husbandry in Early Modern England* (Cambridge, 1981).
32. Kendall, *Yorkist Age*, 446-449.
33. E.g., Saffron Walden (Essex Record Office D/DBY M8-10); Tottenham (Moss, "Economic Development"); Romford (McIntosh, *Autonomy and Community*, ch. 6); the Lea valley (Glennie, "Commercializing Region"); and Battle (Searle, *Lordship and Community*, 365-366). In Romney, Kent, however, prosperity and active immigration between 1450 and 1470 were followed by urban unemployment in the last quarter of the century (Butcher, "The Origins of Romney Freemen").
34. Good examples of the literature on urban decline are Dobson, "Urban Decline"; Charles Phythian-Adams, "Urban Decay in Late Medieval England," in *Towns in Societies*, ed. P. Abrams and E. A. Wrigley (Cambridge, 1978), 159-185; and Phythian-Adams, *Desolation of a City*, 33-50; see also Bridbury, *Economic Growth*, ch. 5. For the relation between the economies of the cities and lesser communities, cf. Alan Dyer, "Growth and Decay in English Towns, 1500-1700," in *Urban History Yearbook*, 1979 (Leicester, 1979), 60-72.
35. J. J. Scarisbrick, *The Reformation and the English People* (Oxford, 1984), esp. 165-166; and Dyer, *Lords and Peasants*, 362-365.
36. Alan Kreider, *English Chantries: The Road to Dissolution* (Cambridge, Mass., 1979), 87, resting upon his analysis of six counties.
37. Christopher Haigh, *Reformation and Resistance in Tudor Lancashire* (Cambridge, 1975), 71-72.

38. *English Gilds*, ed. Toulmin Smith and L. T. Smith, E.E.T.S. vol. 40 (London, 1870); H. F. Westlake, *The Parish Gilds of Medieval England* (London, 1919); Scarisbrick, *Reformation and the English People*, ch. 2; Barbara A. Hanawalt, "Keepers of the Lights: Late Medieval Parish Gilds," *Journal of Medieval and Renaissance Studies*, 14 (1984): 21-37; Susan Brigden, "Religion and Social Obligation in Early Sixteenth-Century London," *Past and Present*, 103 (1984): 67-112; and Rosser, "Medieval Westminster," ch. 7.
39. Scarisbrick, *Reformation and the English People*, ch. 2; Hanawalt, "Keepers of the Lights"; and McIntosh, *Autonomy and Community*, ch. 6.
40. M. K. McIntosh, "Responses to the Poor in Late Medieval and Tudor England," under review, Tables 1 and 3, for 1389 and 1545-9.
41. E.g., Saffron Walden (Essex Record Office T/A 104/2); Wisbech in the Isle of Ely (Wisbech Corp. Rec. 1, p. 69); Bury St. Edmunds (Margaret Statham, *Jankyn Smith and the Guildhall Feoffees* [Bury St. Edmunds, 1981], 6-7); and Louth, Lincolnshire (J. E. Swaby, *A History of Louth* [London, 1951], 71-75); see also Scarisbrick, *Reformation and the English People*, 21 and 30.
42. See, e.g., Hilton, *English Peasantry in the Later Middle Ages*, 91-93; and Rosser, "Medieval Westminster," 308 and 315-317. Continuity of role is particularly visible when the pre-Reformation fraternity became the town government in the later 1540s or 1550s, as in Wisbech, Saffron Walden, and Bury St. Edmunds.
43. Kreider, *English Chantries*, ch. 2.
44. For Cornborough and his chantry, see McIntosh, *Autonomy and Community*, ch. 6. His instructions to the chantry priest are in John Weever, *Ancient Funerall Monuments* (London, 1631), 648-649.
45. For the similarity between the pre-Reformation lay concern with preaching and later Puritan lectureships, see Scarisbrick, *Reformation and the English People*, 169-170.
46. Nicholas Orme, *Education in the West of England, 1066-1548* (Exeter, 1976), 1-22; and Jo Ann Hoepfner Moran, *The Growth of English Schooling, 1340-1548* (Princeton, New Jersey, 1985), ch. 2.
47. Moran, *Growth of English Schooling*, Tables 3-5 and Chart 1. For below, see *ibid.*, Tables 1 and 2.
48. Orme, *Education in the West of England*, 10-16. Orme does not provide the date of first mention of the song schools in the second half of the fifteenth century, but many of his examples come from the 1470s and 1480s.
49. In addition to the great collections (e.g., *The Cely Papers*, ed. H. E. Malden, Camden Society, [London, 1900], *Stoner Letters*, ed. C. L. Kingsford, Camden Society, 2 vols. [London, 1919], and *Paston Letters*, ed. James Gairdner, 6 vols. [London, 1904], local archives begin in the 1460s to include scattered personal letters in English (e.g., for Havering, New College, Oxford MSS 179 and 11197 and Essex Record Office D/DU 102/52 [bis]).
50. Kendall, *Yorkist Age*, 243.
51. For the relation between economic level and household size in a slightly later period, see Peter and Jennifer Clark, "The Social Economy of the Canterbury Suburbs: The Evidence of the Census of 1563," in *Studies in Modern Kentish History*, ed. A. Detsicas and N. Yates (Maidstone, 1983), 65-86; McIntosh, "Ser-

vants and the Household Unit," and Nigel Goose, "Household Size and Structure in Early Stuart Cambridge," *Social History*, 5 (1980): 347-385.

52. For defamation, see Richard M. Wunderli, *London Church Courts and Society on the Eve of the Reformation* (Cambridge, Mass., 1981), ch. 3.

53. This subject is discussed more fully in McIntosh, "Responses to the Poor." By the later Elizabethan years, a third category was recognized: those poor people unable to find sufficient employment to support themselves and their families.

54. 12 Richard II, cc. 3 and 7-9, and 11 Henry VII, c. 2. For the Tudor period, see John F. Pound, *Poverty and Vagrancy in Tudor England* (London, 1971); A. L. Beier, "Vagrants and the Social Order in Elizabethan England," *Past and Present*, 64 (1974): 3-29; and Paul Slack, "Vagrants and Vagrancy in England, 1598-1664," *Economic History Review*, 2nd ser., 27 (1974): 360-379.

55. For extra-legal forms of control, cf. J. A. Sharpe, "Enforcing the Law in the Seventeenth-Century English Village," in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, ed. V. A. C. Gatrell, B. Lenman, and G. Parker (London, 1980), 97-119.

56. McIntosh, "Responses to the Poor," Table 3; and Kreider, *English Chuntries*, 66-70.

57. In the 1540s, sixty-four London and Middlesex parishes gave about £70 annually to the poor; eighteen fraternities and chantries gave £73 (*London and Middlesex Chantry Certificates*, ed. C. J. Kitching [London Record Society, 1980], passim).

58. Felicity Heal, "The Archbishops of Canterbury and the Practice of Hospitality," *Journal of Ecclesiastical History*, 33 (1982): 544-563, and "The Idea of Hospitality in Early Modern England," *Past and Present*, 102 (1984): 66-93.

59. Figure calculated from A. L. Beier, *The Problem of the Poor in Tudor and Early Stuart England* (London, 1983), 19-20, assuming approximately nine thousand parishes in England.

60. McIntosh, "Responses to the Poor," Table 2 and Figure 1.

61. 11 Henry VII, c. 2, and 12 Richard II, c. 7. The only early Tudor royal proclamation dealing with the poor, from 1487, concerned the punishment of vagabonds (P. L. Hughes and J. F. Larkin, eds., *Tudor Royal Proclamations* [New Haven, Conn., 1964], 1: 17).

62. Searle, *Lordship and Community*, 393.

63. Public Record Office SC 2/203/71, and Joanna Mattingly, "Statutory Law and Criminal Activity in the Middle Thames Valley under the Early Tudors," unpublished seminar paper read at the Institute of Historical Research, London, stemming from her current research for the D.Phil. at the Univ. of London.

64. All recorded Havering general courts and views of frankpledge, 1450-1469, Essex Record Office D/DU 102/38-54, passim.

65. E.g., Hilton, *English Peasantry in the Later Middle Ages*, 91; his "Small Town Society in England before the Black Death," *Past and Present*, 105 (1984): 53-78; and Margaret Spufford, "Puritanism and Social Control?," in *Order and Disorder*, ed. A. J. Fletcher and J. Stevenson (forthcoming). For Elizabethan examples,

see K. C. Newton and M. K. McIntosh, "Leet Jurisdiction in Essex Manor Courts during the Elizabethan Period," *Essex Archaeology and History*, 13 (1981): 3-14.

66. E.g., Saffron Walden, Essex (Essex Record Office D/DBY M8-9); Bishop's Stortford, Herts. (Guildhall Library, London MS 10312, Roll 182); West Drayton and Tooting Bec, Middlesex (Greater London Record Office ACC 446, M1, and M95/BEC/10); Clare, Suffolk (Public Record Office SC 2/203/71); South Elmham, Suffolk (Suffolk Record Office, Ipswich, HA 12/C2/19); Battle, Sussex (Searle, *Lordship and Community*, 409-411); and some of the estates of the bishop of Worcester (Dyer, *Lords and Peasants*, 358-359).

67. In those few areas which experienced economic development earlier in the fifteenth century, worry about the behavior of the poor accompanied the change. In Castle Combe, Wilts., already thriving from clothmaking in the 1440s, local leaders attempted to limit gambling and alehouse use among the new "industrial proletariat." (E. M. Carus-Wilson, "Evidences of Industrial Growth on Some Fifteenth-Century Manors," in *Essays in Economic History*, ed. E. M. Carus-Wilson [3 vols., London, 1954-1962], 2: 151-167, esp. 165.)

68. Wunderli, *London Church Courts*, ch. 4.

69. Sumptuary legislation is 3 Edward IV, c. 5, and 22 Edward IV, c. 1; laws concerning swans and hunting are 22 Edward IV, c. 6, and 11 Henry VII, c. 17.

70. 17 Edward IV, c. 3, and 11 Henry VII, c. 2, heading 5.

71. 11 Henry VII, c. 2, headings 5 and 1.

72. F. J. C. Hearnshaw, *Leet Jurisdiction in England* (Southampton, 1908); and W. A. Morris, *The Frankpledge System* (New York, 1910).

73. For earlier use of bye-laws, see J. A. Raftis, *Tenure and Mobility: Studies in the Social History of the Mediaeval English Village* (Toronto, 1964), ch. 5. For this period, see Searle, *Lordship and Community*, 415-417; DeLloyd J. Guth, "Borough Law and Leets: The Contribution to Representative Government," unpublished paper read at the International Medieval Conference, Kalamazoo, Mich., May 1980; Dyer, *Lords and Peasants*, 358-359 and 368-369; and McIntosh, *Autonomy and Community*, ch. 6.

74. Other examples are, for obstruction, Searle, *Lordship and Community*, 416-417, and Public Record Office SC 2/172/37, mm. 5d and 20 (Havering); for hedge-breaking, Essex Record Office ERO D/DU 102/48, m. 1d, 102/49, m. 5, and 102/51, m. 1d, the first reports and bye-law from Havering. See also Suffolk Record Office, Ipswich, HA 12/C2/30 (South Elmham, Suffolk), Public Record Office SC 2/213/73 (Clare, Suffolk), and Guildhall Library, London MS 10312, Roll 182 (Bishop's Stortford, Herts.). Hedge-breaking had been reported occasionally in previous decades (e.g., in a group of Middlesex manors and in Framlingham, Suffolk, around 1420 [Public Record Office SC 2/188/69 and Pembroke College, Cambridge, Framlingham MSS, manor court roll D1]), and it became a heated issue in many manors during the Elizabethan period, in areas experiencing more poor people and more newcomers. See M. K. McIntosh, "Social Change and Tudor Manorial Leets," in *The Law and Social Change*, ed. Hugh Beale and J. A. Guy (London, 1984), 73-85.

75. For the various forms of punishment, see, for example, Essex Record Office D/DBY M10, mm. 8 and 12 (Saffron Walden); Searle, *Lordship and Community*, 409-414; and McIntosh, *Autonomy and Community*, ch. 6.

76. In addition to those listed in the previous note, see Cookham and Bray hundreds, Berks. (Mattingly, "Statutory Law and Criminal Activity"); Guildhall Library, London MS 10312, Roll 182 (Bishop's Stortford); and Dyer, *Lords and Peasants*, 359.

77. In Havering, for example, the average penalty imposed upon the initiator of a fight between 1430 and 1455 was just 9d., whereas between 1464 and 1499 the figure rose to 16d. (McIntosh, *Autonomy and Community*, Table 13).

78. 12 Richard II, c. 6, and 11 Henry IV, c. 4.

79. E.g., J. A. Raftis, *A Small Town in Late Medieval England* [Godmanchester] (Toronto, 1982), 440; Essex Record Office D/DBY M9-10 (Saffron Walden); Public Record Office SC 2/203/72 (Clare, Suffolk); Butcher, "Origins of Romney Free-men"; Mattingly, "Statutory Law and Criminal Activity" (the hundreds of Isleworth, Middlesex, and Cookham and Bray, Berks.); Searle, *Lordship and Community*, 415; and Dyer, *Lords and Peasants*, 358-359.

80. E.g., Public Record Office SC 2/203/72 (Clare, Suffolk); Searle, *Lordship and Community*, 409; and McIntosh, *Autonomy and Community*, ch. 6.

81. E.g., Public Record Office SC 2/172/35, m. 1d, and SC 2/172/38, m. 14 (Havering). See also Pembroke College, Cambridge, Framlingham MSS, manor court roll G, Essex Record Office D/DBY M10 (Saffron Walden); Searle, *Lordship and Community*, 409-415; and Mattingly, "Statutory Law and Criminal Activity" (Cookham and Bray hundreds, Berks.).

82. See, e.g., *The Coventry Leet Book, 1420-1555*, ed. Mary D. Harris (4 vols., Oxford, 1907-1913), 2: 271, 545, and 552, and 3: 651-652; A. F. Pollard has reported to the author that the Durham halmote rolls of the later fifteenth century show similar concerns. Since there was no population pressure in most of the cities in this period, the attitude toward order was not a simple consequence of demographic rise.

83. For community law vs. state justice, see Bruce Lenman and Geoffrey Parker, "The State, the Community and the Criminal Law in Early Modern Europe," in *Crime and the Law*, 11-48.

84. Keith Wrightson, "Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century England," in *An Ungovernable People*, ed. John Brewer and J. Styles (London, 1980), 21-46.

85. Although it is possible that other courts now began to deal with these issues, there is no sign of their appearance in surviving church court records; we know too little about the actual jurisdiction of the Justices of the Peace in this period to reach any conclusions about their role.

86. For the later period, see Keith Wrightson, "The Puritan Reformation of Manners, with Special Reference to the Counties of Lancashire and Essex, 1640-60" (Cambridge Univ. Ph.D. thesis, 1973); Wrightson and David Levine, *Poverty and Piety in an English Village: Terling, 1525-1700* (New York, 1979); and Wrightson's *English Society, 1580-1680* (London, 1982). Some problems with this approach are discussed in M. K. McIntosh, "Puritanism and Social Control in

the Later Fifteenth Century," unpublished paper delivered at the 20th International Medieval Conference, Kalamazoo, Mich., May 1985.

87. This debate, soon to be published as a separate volume in the *Past and Present* publication series, was triggered by the initial contribution of Robert Brenner, "Agrarian Class Structure and Economic Development in Pre-Industrial Europe," *Past and Present*, 70 (1976): 30-75. Later articles appeared in vols. 78-80, 85, and 97.